

1 5. Proposals for new boating facilities docks, piers, floats, and ramps shall provide
2 documentation demonstrating that expansion of facilities existing at the time of application
3 is not feasible or would not be adequate to meet current demand; and

4 6. For new or expanded ramps:

5 a. Identification of the nearest public or commercial ramp existing at the time of
6 application;

7 b. Demonstration that planned expansion of existing facilities will not meet current
8 or future demand; and

9 c. Any other relevant factors related to the need for safe or efficient access to
10 public waters if that information supports justification for specific design elements.

11 **B.** At the discretion of the director, the following documents for new or expanded boating
12 facilities, docks, piers, floats and ramps may be requested:

13 1. A mitigation plan in accordance with Sections 19, 20, and 21 of this ordinance if the
14 project will result in unavoidable adverse impacts to shoreline ecological functions or
15 processes;

16 2. A biological assessment compliant with the ACOE and FEMA Region 10 floodplain
17 habitat assessment and mitigation guidance, and the demand analysis prepared in
18 accordance with Section 38(A) of this ordinance;

19 3. A slope bathymetry map;

20 4. An assessment of current water-dependent uses in the vicinity and documentation of
21 potential impacts to those uses and mitigating measures;

22 5. An assessment of pedestrian shoreline access or the infeasibility of providing public
23 access areas for public ramps;

24 6. Location of wetlands within three hundred (300) feet and FWHCAs within two
25 hundred (200) feet of the project area; and

26 7. Field location of the OHWM.

27 **NEW SECTION 39. A new section is added to Chapter 18.50 SJCC to read as follows:**

28
29 **Regulations by designation.**

30
31 Rural Residential and Rural Farm Forest. New marinas are prohibited. The expansion or
32 alteration of a marina legally established prior to the effective date of this ordinance may be
33 allowed subject to the regulations of this SMP.

1 **NEW SECTION 40. A new section is added to Chapter 18.50 SJCC to read as follows:**

2
3 **Breakwaters, jetties, and groins.**

4
5 **A. Regulations.**

- 6
7 1. Breakwaters, jetties and groins waterward of the OHWM are only allowed for water-
8 dependent uses, public access, restoration, and shoreline stabilization.
- 9 2. Breakwaters shall conform to all design requirements established by the WDFW and
10 the ACOE.
- 11 3. Breakwaters shall be designed and constructed to avoid adverse impacts on the
12 circulation of water, the movement of sand, sediment and other ecological functions. The
13 design shall minimize impediments to navigation. Visibility from the shoreline shall be
14 minimized.
- 15 4. Public breakwaters shall permit pedestrian use of their surfaces where safe and
16 feasible.
- 17 5. Jetties and groins require a conditional use permit except in conjunction with a
18 project to restore ecological functions.

19 **B. Regulations by designation.**

- 20 1. Conservancy. Floating breakwaters may be allowed in this designation if they can be
21 made visually compatible with their surroundings. Rigid breakwaters may be allowed only
22 as a shoreline conditional use. Jetties and groins are prohibited.
- 23 2. Natural. Breakwaters, jetties, and groins are prohibited in the natural designation.
- 24 3. Aquatic. Breakwaters are allowed in this designation subject to the regulations of the
25 most restrictive abutting shoreline designation. Where the proposed breakwater site abuts
26 more than one shoreline designation, the regulations of the most restrictive abutting
27 designation govern.
- 28 4. Breakwaters, jetties and groins are prohibited in the Eastsound subarea.
- 29 5. Jetties and groins required in a shoreline restoration project may be allowed in all
30 designations with a shoreline substantial development permit.

31 **NEW SECTION 41. A new section is added to Chapter 18.50 SJCC to read as follows:**

32
33 **Hard and soft structural shoreline stabilization measures - general regulations.**

34
35 Hard and soft structural shoreline stabilization measures must meet the following requirements:

36
37 **A.** Hard and soft structural shoreline stabilization measures are only allowed to protect the
38 following types of structures and infrastructure:

- 1 1. An existing primary structure;
- 2 2. An accessory dwelling unit;
- 3 3. Underground utilities and components of on site sewage disposal systems and wells
- 4 that cannot feasibly be relocated; and
- 5 4. A road or driveway that cannot be relocated and where there is no feasible alternative
- 6 means of access.

7 **B.** New, replaced, or enlarged hard structural shoreline stabilization measures may be allowed
8 when damage to them is expected within three (3) years.

9 **C.** New, replaced, or enlarged soft structural shoreline stabilization measures may be allowed
10 when there is a significant possibility that development will be damaged as a result of erosion
11 caused by waves and currents.

12 **D.** A certificate of exemption is required prior to undertaking the repair of shoreline
13 stabilization measures.

14 **E.** All structural shoreline stabilization measures must result in no net loss of ecological
15 functions.

16 **F.** If it can be demonstrated that nonstructural measures such as planting vegetation or the
17 installation of on site drainage improvements are not feasible or sufficient to address erosion
18 causes and impacts, new structural stabilization measures may be allowed to:

- 19 1. Restore shoreline ecological functions;
- 20 2. Remediate hazardous substances pursuant to Chapter 70.105D RCW; or
- 21 3. Protect sites with exposed and verified archaeological resources.

22 **NEW SECTION 42. A new section is added to Chapter 18.50 SJCC to read as follows:**

23
24 **Hard and soft structural shoreline stabilization measures order of preference.**

25
26 Applicants for new, enlarged, or replacement hard or soft structural shoreline stabilization
27 measures shall employ the first feasible alternative in the shoreline stabilization order of
28 preference provided below. Applicants shall document the infeasibility of using item (A) in
29 order to use item (B) and so on. The order of preference is:

30
31 **A.** Leaving the shoreline undisturbed and allowing natural processes to occur. No structural
32 stabilization measure is constructed. Nonstructural shoreline stabilization options shall be
33 considered including installing drainage controls, planting native vegetation, increasing building
34 setbacks, or relocating structures;

35 **B.** Using soft structural shoreline stabilization measures such as flexible defense works
36 constructed of natural materials such as bioengineering alternatives (those incorporating trees,
37 shrubs and other living components), beach nourishment, protective berms, and vegetative
38 stabilization; and

1 C. Using hard structural shoreline stabilization measures that form rigid structures constructed
2 of materials such as sandbags, wood retaining walls, rock or concrete.

3
4 **NEW SECTION 43. A new section is added to Chapter 18.50 SJCC to read as follows:**

5
6 **General design standards for hard and soft shoreline stabilization measures.**

7
8 **A.** Excavation and fill for new, enlarged or replacement hard and soft structural shoreline
9 stabilization measures must be located landward of the OHWM to the maximum extent feasible.

10
11 **B.** Hard and soft shoreline stabilization measures must minimize adverse impacts to shoreline
12 ecological functions resulting from short term construction activities consistent with Sections 18,
13 20 and 21 of this ordinance. Minimization techniques may include compliance with appropriate
14 timing restrictions, use of best management practices to prevent water quality impacts related to
15 land or in-water work, management of upland drainage, and stabilization of exposed soils
16 following construction.

17
18 **C.** Hard and soft shoreline stabilization measures must be designed to not interfere with
19 normal surface or subsurface drainage into the adjacent waterbody.

20
21 **D.** Hard and soft shoreline stabilization measures must be designed to not constitute a hazard
22 to navigation.

23
24 **E.** Private pedestrian pathways, stairways and ramps, or other pedestrian access features may
25 be incorporated into the structural shoreline stabilization measure (e.g., steps integrated into the
26 bulkhead in a coved area with shallow entry, etc.), but they must not extend waterward of the
27 face of the structural shoreline stabilization measure.

28 **F.** In accordance with Section 23 of this ordinance, publicly financed or subsidized shoreline
29 stabilization measures must provide public access to the shoreline except where such access is
30 infeasible due to the presence of incompatible uses, safety issues, security threats, or predictable
31 harm to shoreline ecological functions. When a hard or soft structural shoreline stabilization
32 measure is required at a public access site, provisions for safe access to the water and long term
33 multiple uses must be incorporated into the design (e.g., steps integrated into the bulkhead,
34 creation of a coved area with shallow entry, etc.).

35 **G.** Shoreline stabilization measures must not extend waterward more than the minimum
36 amount necessary to achieve effective stabilization, except for those elements that enhance
37 shoreline ecological functions and minimize impacts.

1 **NEW SECTION 44. A new section is added to Chapter 18.50 SJCC to read as follows:**

2
3 **Hard structural shoreline stabilization measures design standards.**

4
5 In addition to the general design requirements in Section 43 of this ordinance, the following
6 design standards must be incorporated into the design of hard structural stabilization measures:

7
8 **A.** All new, enlarged, or replacement hard structural shoreline stabilization measures must
9 avoid and minimize long term adverse impacts to shoreline ecological functions by incorporating
10 the following measures into the design:

11 1. Limiting the size of hard structural shoreline stabilization measures to the minimum
12 necessary, including length, height, depth, and mass;

13 2. Shifting the hard structural shoreline stabilization measure landward or sloping the
14 hard structural shoreline stabilization measure landward to provide some dissipation of
15 wave energy and increase the quality or quantity of nearshore shallow water habitat; and

16 **B.** Avoiding impacts to critical area functions and values where feasible, including significant
17 areas of natural erosion and accretion.

18 **C.** All applications for new and enlarged (See Sections 47 and 48 of this ordinance) shoreline
19 stabilization measures must include plans to minimize adverse impacts to shoreline ecological
20 functions by incorporating the following measures into the project as appropriate:

21 1. Mitigation of substrate conditions including the substrate and gradient waterward of
22 the OHWM. Near drainage or stream outlets, the material should be sized and placed to
23 remain stable during a two (2) year flood event, under typical currents, boat wakes, and
24 wind-driven waves including those occurring during storm events, and

25 2. Planting native, non-toxic, riparian vegetation along at least seventy-five percent
26 (75%) of the shoreline linear frontage affected by the new or enlarged structural
27 stabilization measure. The vegetated portion of the shoreline must average ten (10) feet in
28 depth landward from the OHWM. It may be a minimum of five (5) feet wide to allow for
29 variation in landscape bed shape and plant placement. Mitigation of native vegetation must
30 consist of a mixture of trees, shrubs, and vegetation and be designed to improve habitat
31 functions. Where appropriate, at least three (3) trees, three (3) feet or taller, per one
32 hundred (100) linear feet of proposed development must be included in the planting. Plant
33 materials must be native to the ecosystem of the project area.

34 **D.** In lieu of meeting the requirements in subsection C above, alternative measures that are
35 demonstrated to be functionally equivalent may be allowed.

36 **E.** When a hard structural shoreline stabilization measure is proposed on a site where legally
37 established hard structural shoreline measures do not exist on adjacent properties, the proposed
38 stabilization measure must tie in flush with the contours of the adjoining properties, as feasible,
39 so that the proposed stabilization measure will not cause erosion of the adjoining properties.

1 **F.** When a hard structural shoreline stabilization measure is proposed on a site where legally
2 established hard structural shoreline stabilization measures exist on adjacent properties, the
3 proposed stabilization must tie in flush with those stabilization measures. The new stabilization
4 measure shall not extend waterward of the OHWM, except when necessary to connect to the
5 adjoining stabilization measure. The length of the hard structural shoreline stabilization
6 transition area to adjacent properties shall be the shortest distance possible and shall not extend
7 onto adjacent property.

8 **G.** Any fill in excess of one (1) cubic yard per linear foot of stabilization structure is subject to
9 Section 16 of this ordinance and requires a shoreline substantial development permit or shoreline
10 conditional use permit.

11 **H.** New hard structural shoreline stabilization measures are prohibited adjacent to documented
12 forage fish spawning areas except replacements as defined in Section 47(A) of this ordinance.

13 **I.** The sizing and placement of all hard structural shoreline stabilization materials must be
14 selected to:

- 15 1. Protect upland structures from erosion over the long term;
- 16 2. Provide stability during a two (2)-year flood event under typical currents, boat wakes
17 and wind-driven waves including those occurring during storm events if the proposal is
18 near a stream or drainage outlet;
- 19 3. Allow safe passage and migration of fish and wildlife;
- 20 4. Minimize the creation of juvenile salmon predator habitat; and
- 21 5. Use gravel suitable as forage fish spawning substrate if a project is proposed on a
22 shoreline reach with documented spawning habitat for forage fish and sand lance.

23 **NEW SECTION 45. A new section is added to Chapter 18.50 SJCC to read as follows:**

24
25 **Soft structural shoreline stabilization design standards.**

26
27 In addition to the general design requirements of Section 43 of this ordinance, the following
28 design standards must be incorporated into the design of soft structural shoreline stabilization
29 measures:

30
31 **A.** The project must be designed to prevent increased erosion of adjacent properties. Soft
32 shoreline stabilization projects may include hard structural shoreline stabilization elements if
33 needed to tie in with hard structural shoreline stabilization measures on adjacent properties. The
34 need to use hard structural shoreline elements must be documented as required in Section 41 of
35 this ordinance. The length of the hard structural shoreline stabilization transition area to adjacent
36 properties shall be the shortest distance possible and not more than ten (10) linear feet. The hard
37 structural shoreline stabilization transition area must not extend waterward of the OHWM,
38 except as needed to connect to the adjoining stabilization structure. It must not extend onto
39 adjacent property.

1 **B.** The soft shoreline stabilization design must include an arrangement of various sizes of
2 gravels, cobbles, logs, and boulders to provide stability and dissipate wave and current energy
3 without presenting extended linear faces to oncoming waves or currents.

4 **C.** The sizing and placement of all materials must be selected to:

- 5 1. Protect upland structures from erosion over the long term;
- 6 2. Size and place materials so they will remain stable during a two (2)-year flood event
7 and under typical currents, boat wakes and wind-driven waves including those occurring
8 during storm events if the proposal is near a stream or drainage outlet;
- 9 3. Allow safe passage and migration of fish and wildlife;
- 10 4. Minimize the creation of juvenile salmon predator habitat; and
- 11 5. Use sand and gravel that is suitable as spawning substrate when a proposal is on a
12 shoreline reach with forage fish spawning habitat.

13 **D.** Soft shoreline stabilization measures may include fill placed waterward of the OHWM
14 to provide enhancement of shoreline ecological functions to improve the substrate condition or
15 gradient. Fill in flood hazard areas identified on the FIRMs is not allowed unless the director
16 finds that there is no feasible alternative.

17
18 **NEW SECTION 46. A new section is added to Chapter 18.50 SJCC to read as follows:**

19
20 **Regulations – enlargement of hard or soft structural shoreline stabilization measures.**

21
22 Enlargement of a hard or soft structural shoreline stabilization measure includes additions or
23 increases in size to existing shoreline stabilization measures. Enlarging structural shoreline
24 stabilization measures is allowed only if it will result in no net loss of shoreline ecological
25 functions. Proposals to enlarge a soft or hard structural shoreline stabilization measure are
26 regulated the same as entirely new structures and are subject to all shoreline permit requirements.
27

28 **NEW SECTION 47. A new section is added to Chapter 18.50 SJCC to read as follows:**

29
30 **Regulations – replacement, and repair and maintenance of hard or soft stabilization**
31 **measures.**

32
33 **A.** For purposes of this section, "replacement" means the construction of a new hard or soft
34 shoreline stabilization measure that will perform the function of one that no longer adequately
35 serves its purpose. The terms "maintenance" and "repair" include modifications or
36 improvements designed to ensure the continued function of a stabilization structure.
37

38 **B.** The reconstruction, renovation or repair of up to ninety-nine point nine-nine percent
39 (99.99%) of the volume (length, depth and height) of an existing, permitted structural shoreline
40 stabilization measure is considered repair and maintenance of the stabilization measure and
41 requires a certificate of exemption.

1
2 **C.** When the reconstruction or renovation of an existing hard or soft structural stabilization
3 measure is one hundred percent (100%) of its currently permitted volume (length, depth,
4 height), it is considered a replacement structure and is subject to the requirements for a new
5 hard or soft structural stabilization measure.

6
7 **D.** Nonfunctioning structures shall be removed where they have adverse impacts on
8 shoreline ecological functions associated with critical saltwater habitats.

9
10 **E.** A geotechnical analysis is not required for the replacement of soft structural shoreline
11 stabilization measures with other soft measures.

12
13 **NEW SECTION 48. A new section is added to Chapter 18.50 SJCC to read as follows:**

14
15 **Hard or soft shoreline stabilization measures - additional submittal requirements.**

16
17 **A.** Except as provided in Section 47(E) of this ordinance, a geotechnical report prepared by a
18 qualified professional must be submitted with applications to construct new, enlarged and
19 replacement structural shoreline stabilization measures. The report must demonstrate the need for
20 the proposed hard or soft stabilization measure and must include:

21
22 1. A determination that shoreline erosion is being caused by waves and currents and not
23 upland drainage issues. Normal sloughing, erosion of steep bluffs, or shoreline erosion
24 itself, without a scientific or geotechnical analysis, is not demonstration of need. The
25 geotechnical analysis should evaluate on site drainage issues. If erosion is being caused by
26 drainage from upland areas, the report should present options for controlling the erosion;

27 2. An assessment of the erosion rate and site specific conditions contributing to the
28 erosion such as water depth, orientation of the shoreline, and wave fetch and flow
29 velocities;

30 3. A geotechnical analysis for hard structural shoreline stabilization measures
31 documenting that without the proposal there is a significant possibility that development
32 will be damaged within three (3) years as a result of erosion caused by waves and currents,
33 or that postponing the work until the need is imminent (within three (3) years) will result in
34 the loss of opportunities to avoid greater impacts on shoreline ecological functions. New
35 and enlarged hard structural shoreline stabilization measures are allowed only when needed
36 to protect the types of upland structures and infrastructure identified in Section 41(A) of
37 this ordinance.

38 4. A geotechnical analysis for soft structural shoreline stabilization measures
39 documenting that without the proposal there is a significant possibility that development
40 will be damaged as a result of erosion caused by waves and currents. New and enlarged
41 soft structural shoreline stabilization measures are allowed only when needed to protect the
42 types of upland structures and infrastructure identified in Section 41(A) of this ordinance.

1 5. An assessment of alternatives to hard or soft structural shoreline stabilization
2 measures, such as:

- 3 a. Relocation of the structural measure farther inland. If the structural measure
4 does not meet current buffer or setback standards, the new location is not required to
5 meet these standards provided the magnitude of the nonconformity is not increased,
6 new nonconformities are not created, and there is no net loss of shoreline ecological
7 functions;
- 8 b. Correction of any groundwater or drainage issues that may be causing shoreline
9 erosion;
- 10 c. An assessment of the feasibility of using soft structural shoreline stabilization
11 measures in lieu of hard structural shoreline stabilization measures;
- 12 d. An assessment of the anticipated effects of the proposed stabilization measure
13 on ecosystem processes and functions such as effects on feeder bluffs, drift cells and
14 areas adjacent to and down drift of the site;
- 15 e. Design recommendations for minimizing adverse impacts of the soft or hard
16 structural shoreline stabilization measure; and
- 17 f. Design recommendations for minimizing the size, bulk or volume of structural
18 shoreline stabilization materials, including gravel and cobble beach substrates
19 necessary to dissipate wave energy, eliminate scour, and provide long term shoreline
20 stability.

21 **B.** Detailed construction plans shall be submitted for hard and soft structural shoreline
22 stabilization measure proposals that demonstrate compliance with the standards. Plans shall
23 include:

- 24 1. Existing and proposed cross section views showing topography and OHWM;
- 25 2. Construction sequence; and
- 26 3. Specifications for all materials, including gravels, cobbles, boulders, logs, and
27 vegetation.

28 **C.** The director may waive a demonstration of need when a hard structural shoreline
29 stabilization measure is proposed to be replaced with soft structural shoreline stabilization
30 measures and the replacement would result in restoration of shoreline ecological functions or
31 processes.

32
33 **NEW SECTION 49. A new section is added to Chapter 18.50 SJCC to read as follows:**

34
35 **Commercial developments and uses.**

36
37 **A. General regulations.**

- 38 1. Applications for commercial developments and uses shall include a detailed narrative

1 explaining the nature and intensity of the water-dependency or orientation of the proposed
2 activity, including at least the following information:

- 3 a. The nature of the commercial development or use;
- 4 b. The need for shoreline frontage;
- 5 c. Proposed measures to mitigate adverse impacts to shoreline ecological
6 functions; and
- 7 d. Proposed provisions to provide the public with visual or physical access to the
8 shoreline.

9 2. Commercial resorts and campgrounds shall provide access to water areas for their
10 patrons and on site recreation facilities. Commercial resorts and campgrounds cannot be
11 dependent on, or place undue burdens on, public recreational facilities.

12 3. Only water-dependent commercial development and uses such as boat fueling stations
13 are allowed to be located over the water.

14 4. Commercial developments and uses, such as ports and marinas that have the potential
15 to release toxic substances into the aquatic designation shall be equipped with spill
16 containment and cleanup kits.

17 5. Public access is required where a commercial development or use is proposed to be
18 located on land in public ownership.

19 6. A commercial developments or uses that result in a net loss of shoreline ecological
20 functions or adversely impacts other shoreline uses, resources and activities such as
21 navigation, recreation and public access, must be mitigated in compliance with Sections 19,
22 20, and 21 of this ordinance. Impacts to shoreline resources by commercial development
23 or uses must be mitigated by providing public access and ecological restoration unless such
24 improvements are demonstrated to be infeasible or inappropriate.

25 7. Nonwater-oriented commercial developments and uses are prohibited unless they
26 meet the following criteria:

- 27 a. The use provides a public benefit on sites with sever navigability limitations and
28 with respect to the objectives of the SMA such as providing public access and
29 ecological restoration; or
- 30 b. It is part of a mixed use project with water-dependent uses that provides a
31 significant public benefit and prevents significant adverse impacts to other shoreline
32 uses, resources and the objectives of the SMA such as navigation, recreation and
33 public access.

34 8. Structures used for the sale of aquacultural products are commercial development.

35 9. Accessory developments and uses such as warehousing, outdoor storage, waste
36 storage and treatment, storm water runoff control facilities, and utilities that do not require
37 a shoreline location must be located landward of OHWM.

1 10. In areas designated for commercial developments and uses, nonwater-oriented
2 commercial developments and uses may be allowed if the site is physically separated from
3 the shoreline by another property or public right-of-way.

4 11. All accessory parking and transportation facilities must comply with the provisions of
5 Section 61 (B) and (C) of this ordinance.

6 **B. Regulations by designation.**

7 1. Urban.

8 a. Commercial developments and uses shall be set back at least 50 (fifty) feet from
9 the OHWM unless an alternate setback is approved in a variance.

10 b. Commercial developments and uses are allowed in the urban designation.
11 Commercial structures, facilities and uses in Eastsound UGA shall adhere to the
12 setbacks and building envelopes identified in the adopted Eastsound Waterfront
13 Access Plan (Figure 130-6 of the Eastsound Subarea Plan).

14 2. Rural.

15 Commercial developments and uses that will not significantly alter the character of
16 the area may be allowed in the rural designation by conditional permit. In the
17 absence of critical areas, and their protective buffers all commercial structures,
18 facilities and uses shall be setback at least one hundred (100) feet from the OHWM.

19 3. Rural Residential and Rural Farm Forest. Commercial developments and uses are
20 prohibited in these designations, except for the alteration, modification, or expansion of
21 small resorts, camps or commercial facilities associated with a lawfully existing
22 commercial marina.

23 4. Conservancy.

24 a. Low intensity recreational commercial developments and uses that will not
25 significantly alter the character of the area are allowed in the conservancy
26 designation. Low intensity developments that will not significantly alter the character
27 of the area such as birdwatching and hiking are those:

- 28 i. That do not require new services,
- 29 ii. Include minimal land disturbance,
- 30 iii. That provide sustained resource use; and
- 31 iv. That are located where shoreline conditions support the use.

32 Other low intensity commercial uses require conditional use permits.

33 b. With the exception of water-dependent structures, commercial structures and
34 facilities shall be set back at least one hundred (100) feet from the OHWM.

35 5. Ports, Marinas and Marine Transportation. New commercial developments and uses
36 must be water-dependent, water-related or water-enjoyment uses. Nonwater-dependent

1 commercial structures and uses shall be set back at least 50 (fifty) feet from the OHWM
2 unless an alternate setback is approved in a shoreline variance. Commercial developments
3 and uses must provide public access to the shoreline in accordance with Section 23 of this
4 ordinance.

5 6. Aquatic. Water-dependent commercial developments and uses are allowed in this
6 designation subject to the regulations of the most restrictive abutting shoreline designation.
7 Where a proposed commercial development site abuts more than one shoreline designation
8 the regulations of the most restrictive abutting designation governs.

9 **NEW SECTION 50. A new section is added to Chapter 18.50 SJCC to read as follows:**

10 **Dredging and dredge material disposal.**

11 **A. Regulations.**

12
13
14
15 1. Dredging and dredge material disposal must be done in a manner that avoids or
16 minimizes adverse ecological impacts. Unavoidable impacts must be mitigated in
17 conformance with Sections 19, 20, and 21 of this ordinance.

18 2. New development must be sited and designed to avoid or to minimize the need for
19 new and maintenance dredging.

20 3. Dredging is allowed for the following purposes and where other alternatives are not
21 feasible:

22 a. To improve water quality or aquatic habitat;

23 b. To establish, expand, relocate, reconfigure or maintain navigation channels to
24 assure safe and efficient accommodation of lawfully existing navigational uses.
25 Maintenance dredging of established navigation channels and basins is restricted to
26 maintaining previously dredged or existing locations and shall not exceed previously
27 authorized depths and widths;

28 c. To mitigate conditions that could endanger public safety; or

29 d. To create or improve public recreational opportunities.

30 4. Dredging for the primary purpose of obtaining fill material is prohibited, except when
31 the material is necessary for the restoration of ecological functions. Placement of fill shall
32 be waterward of the OHWM. The project must be either associated with a Model Toxics
33 Control Act or Comprehensive Environmental Response, Compensation and Liability Act
34 habitat restoration project, or any other significant habitat project that is approved through
35 a shoreline conditional use permit.

36 5. All dredge spoils shall be deposited at spoils deposit sites.

37 6. In addition to any other required application materials, applications for a shoreline
38 substantial development permit or exemption for dredging shall include at least the
39 following information:

- 1 a. A site plan outlining the perimeter of the area proposed to be dredged, the spoil
2 disposal site, and the bathymetry existing on the date of application with data points
3 at a minimum of two (2) foot depth increments;
- 4 b. The purpose of the proposed dredging and an analysis of compliance with the
5 SMP regulations.
- 6 c. The physical characteristics, shoreline geomorphology, and biological resources
7 in the area proposed to be dredged, including:
 - 8 i. Location and size of the proposed dredging site;
 - 9 ii. A habitat survey conducted according to the most recent WDFW
10 eelgrass/macroalgae survey guidelines, if applicable;
 - 11 iii. Analysis of the stability of bedlands adjacent to the proposed dredging
12 site; and
 - 13 iv. Tidal fluctuation, current speed and direction.
- 14 d. A detailed description of the physical, chemical and biological characteristics of
15 the dredge materials to be removed, including:
 - 16 i. Physical analysis of material to be dredged (material composition and
17 amount, grain size, organic materials present, source of material, etc.);
 - 18 ii. Chemical analysis of material to be dredged (volatile solids, chemical
19 oxygen demand, grease and oil content, mercury, lead and zinc content, etc.);
20 and
 - 21 iii. Biological analysis of material to be dredged.
- 22 e. A description of the anticipated dredging operations including the:
 - 23 i. Total spoils volume;
 - 24 ii. Location, size, capacity and physical characteristics of the proposed spoils
25 disposal area;
 - 26 iii. Frequency and volume of anticipated maintenance dredging;
 - 27 iv. Method of dredging, including facilities for settlement and movement of
28 materials;
 - 29 v. Project timeline; and
 - 30 vi. A plan for disposal of maintenance spoils for the life of the project or a
31 period of twenty-five (25) years, whichever is shorter.

32 **B. Regulations by designation.**

- 33 1. Rural, Rural Residential, and Rural Farm Forest. Dredging is allowed in these
34 designations. Spoil disposal sites are allowed only if it can be shown that the disposal site
35 will ultimately be used for an activity allowed in the affected designation.

1 2. Conservancy. Dredging in this designation is limited to maintenance of existing
2 navigation channels and facilities. Spoil disposal sites are limited to existing sites
3 designated by the WDNR.

4 3. Aquatic. Dredging is allowed in this designation subject to the regulations of the
5 most restrictive abutting shoreline designation. Where the proposed site abuts more than
6 one shoreline designation, the policies and regulations of the most restrictive abutting
7 designation govern. Spoil disposal sites are prohibited in the aquatic designation.

8 **NEW SECTION 51. A new section is added to Chapter 18.50 SJCC to read as follows:**

9
10 **Forest practices.**

11
12 **A. General regulations.**

13
14 1. In any ten (10) year period, no more than thirty percent (30%) of marketable trees
15 may be harvested on a parcel located within the shoreline jurisdiction in accordance with
16 WAC 222-30-110. Other timber harvesting may be allowed in limited instances where the
17 topography, soil conditions or silviculture practices necessary for regeneration render
18 selective logging ecologically detrimental.

19 2. The cutting of timber solely incidental to the preparation of land for other uses
20 authorized by this Chapter is allowed.

21 3. If there is a likelihood of conversion to nonforest uses, forest practice conversions and
22 other Class IV General forest practices shall:

23 a. Result in no net loss of shoreline ecological functions;

24 b. Maintain the ecological quality of the watershed's hydrologic system; and

25 c. Prevent significant adverse impacts to other shoreline uses, resources, and
26 values and provide a benefit with respect to the objectives of the SMA as navigation,
27 recreation and public access.

28 **B. Activities covered under the Washington State Forest Practices Act, Chapter 76.09 RCW**
29 **except for conversion to other uses, are exempt from the vegetation management standards in**
30 **this section.**

31 **C. Regulations by designation.**

32 Natural. Forest management practices are allowed in this designation only if no other
33 means of control will work to control a fire, halt the spread of disease or damaging insects,
34 or to clean up and restore an area devastated by a natural disaster such as fire, storm,
35 disease, or insect attack. No roads may be constructed except those necessary to cope with
36 the emergency situation.

1 **NEW SECTION 52. A new section is added to Chapter 18.50 SJCC to read as follows:**
2

3 **Industrial developments and uses.**
4

5 **A. General regulations.**
6

7 1. Only water-dependent and water-related industrial developments and uses are
8 allowed. They must be consistent with or compatible with existing uses on adjacent
9 shoreline parcels.

10 2. Accessory developments and uses such as warehousing, outdoor storage, waste
11 storage and treatment, storm water runoff control facilities, and utilities that do not require
12 a shoreline location must be located landward of the OHWM.

13 3. Existing industrial development and uses on shorelines that are neither water-
14 dependent nor water-related may be allowed to expand inland from existing structures,
15 subject to a shoreline conditional use permit. Waterward or lateral expansion of nonwater-
16 oriented industrial development is prohibited.

17 4. Water-dependent industrial development and uses must be located and designed,
18 where feasible, to eliminate the need for initial or continual dredging, filling, dredge
19 material disposal, and other harbor and channel maintenance activities.

20 5. Storage or disposal of industrial waste is prohibited.

21 6. At new or expanded industrial developments and uses, source control and treatment
22 standards and best management practices required by SJCC 18.60.070 must be employed
23 for the safe handling of fuels and toxic or hazardous materials to prevent them from
24 entering the water.

25 7. The processing of oil and natural gas and their products is prohibited. The installation
26 of underwater oil and natural gas pipelines are prohibited.

27 8. The installation of over-water facilities for the refining of oil and natural gas is
28 prohibited.

29 9. Industrial developments and uses in shoreline jurisdictions must be located, designed,
30 constructed, and managed in a manner that will result in no net loss of shoreline ecological
31 functions.

32 10. Any industrial development and use having the potential for the release of toxic
33 substances into marine waters must have adequate response equipment on site.

34 11. Public access to the waterfront must be provided where an industrial development or
35 use is proposed on public lands.

36 12. Solid waste disposal and liquid waste treatment facilities are prohibited. Solid and
37 liquid wastes, biosolids, and untreated effluents discharges are prohibited.

38 13. New solid waste disposal and liquid waste treatment facilities with treatment

1 capacities exceeding five thousand (5,000) gallons per day are prohibited unless there is no
2 feasible alternative.

3 14. All accessory parking and transportation facilities must comply with the provisions of
4 Section 61 (B) and (C) of this ordinance.

5 **B. Regulations by designation.**

6 1. Rural Farm Forest. Industrial developments and uses that are nonwater-oriented uses
7 directly related to the commercial fishing industry are prohibited in this designation.

8 2. Aquatic. Industrial developments and uses are prohibited in this designation except
9 for water-dependent uses subject to the regulations of the most restrictive abutting
10 shoreline designation. Where the proposed development would abut more than one
11 shoreline designation, the regulations of the most restrictive abutting designation govern.

12 3. Ports, Marinas and Marine Transportation Designation. Marine service, repair,
13 fueling and sewage pump out facilities are allowed in this designation. All other industrial
14 developments and uses are prohibited.

15
16 **NEW SECTION 53. A new section is added to Chapter 18.50 SJCC to read as follows:**

17
18 **Institutional developments and uses.**

19
20 **A. General regulations.**

21
22 1. Only water-dependent and water-related institutional development and uses are
23 allowed within shoreline jurisdiction.

24 2. Accessory developments and uses such as storage, waste storage and treatment,
25 stormwater runoff control facilities and utilities that does not require a shoreline location
26 must be located landward of the water-dependent and water-related development.

27 3. Institutional developments and uses on shorelines that are neither water-dependent
28 nor water-related may be allowed as a shoreline conditional use to expand inland from
29 structures existing at the time of application. Waterward or lateral expansion of existing
30 nonwater-dependent institutions is prohibited.

31 4. Applications for institutional developments and uses must include a detailed narrative
32 explaining the nature and intensity of the water dependency or orientation of the proposed
33 activity. The narrative shall include at least the following information:

34 a. The nature of the institutional activity;

35 b. The need for shoreline frontage;

36 c. Proposed measures to mitigate potential adverse impacts in a manner that will
37 result in no net loss of shoreline ecological functions; and

38 d. Proposed provisions for public visual or physical access to the shoreline.

1 5. All accessory parking and transportation facilities must comply with the provisions of
2 Section 61 (B) and (C) of this ordinance.

3 **B. Regulations by designation.**

4 Aquatic. Institutional developments and uses are prohibited in this designation unless the
5 use is water-dependent.

6 **NEW SECTION 54. A new section is added to Chapter 18.50 SJCC to read as follows:**

7
8 **Log transfer sites, facilities and storage.**

9
10 **A. Regulations.**

11
12 1. Land log storage is preferred over-water log storage unless the applicant demonstrates
13 that water log storage will be less detrimental to the shoreline ecological functions or the
14 public interest.

15 2. Unpaved areas that have seasonal high water tables (less than three (3) feet below
16 ground surface) or poor surface drainage shall not be used for log storage during the wet
17 season unless specifically authorized by the director.

18 3. Log storage is prohibited in public waters where such storage would constitute a
19 significant hindrance to other water uses such as small craft navigation.

20 4. Easy-let-down devices are preferred over the free-fall dumping of logs into the water
21 in conformance with WDNR established policy ("Special Provisions for Booming and
22 Rafting Leases," 17-2-72). The free-fall dumping of logs in a manner that would do
23 avoidable damage to the shoreline ecological functions is prohibited.

24 5. Bark and wood debris controls, collection and disposal methods must be employed at
25 log storage and raft construction areas for both floating and sinking particles.

26 6. Drainage and surface runoff from log storage areas shall be controlled so that
27 pollutants such as bark and other wood debris are not carried into water bodies.

28 7. Logs must be secured in bundles before being placed in the water where water depths
29 permit the floating of bundled logs. Bundles shall not be broken again except on land or at
30 mill sites.

31 8. Log transfer facilities will not be approved until the applicant demonstrates:

32 a. There is no feasible alternative; and

33 b. There is a demand for a multiple-user facility.

34 9. The development of a log transfer facility, or the use of an unimproved shoreline area
35 for a log transfer site, may be allowed as a shoreline conditional use permit.

36 10. On non-ferry served islands, proposals for timber harvest must identify all sites on
37 that island that are proposed for the transfer of logs. A shoreline conditional use permit is

1 required for each log transfer site.

2 **B. Regulations by designation.**

- 3 1. Rural and Rural Residential. Log transfer sites, facilities and storage are allowed if
4 the site will serve multiple users.
- 5 2. Conservancy. Log transfer sites, facilities and storage may be allowed in this
6 designation with a conditional use permit on nonferry-served islands if the site will serve
7 multiple users. The applicant must demonstrate that these activities will result in no net loss
8 of shoreline ecological functions.
- 9 3. Aquatic. Wet storage and log transfer sites and facilities are allowed in this
10 designation subject to the regulations of the most restrictive abutting shoreline designation.

11 **NEW SECTION 55. A new section is added to Chapter 18.50 SJCC to read as follows:**

12
13 **Mineral extraction.**

14
15 **A. General regulations.**

- 16
17 1. Mineral extraction projects are subject to the provisions in Section 16, 17, and 18 of
18 this ordinance. If a project cannot meet the critical area regulations, the applicant must
19 complete the mitigation sequencing analysis established in Section 19, 20, and 21 of this
20 ordinance.
- 21 2. Applications for substantial development permits for mineral extraction must be
22 accompanied by a report prepared by a qualified professional and must include at least the
23 following information:
- 24 a. Types of materials present on the site;
- 25 b. Quantity and quality of each material;
- 26 c. Lateral extent of mineral deposit(s);
- 27 d. Depth of mineral deposit(s); and
- 28 e. Depth of overburden.
- 29 3. All mineral extraction and reclamation must be performed in full compliance with the
30 Washington State Surface Mining Act (Chapter 78.44 RCW).
- 31 4. The extraction of minerals from any marine beach or feeder bluff, or any lake beach
32 for any commercial or industrial purpose is prohibited.
- 33 5. The extraction of minerals from any marine or lake beach for noncommercial,
34 nonindustrial purposes is prohibited to protect natural shoreline ecological functions,
35 resources or systems.
- 36 6. Topsoil or other overburden having value for agriculture or other beneficial uses must
37 not be removed or disposed of in a manner that will reduce its value or prevent its future

1 use.

2 7. All mineral extraction operations must employ buffer zones, erosion and
3 sedimentation control measures, and other suitable precautionary measures to protect the
4 shoreline from adverse impacts resulting from the operations.

5 8. Each application for a substantial development permit for mineral extraction must be
6 accompanied by a detailed reclamation plan. The plan must indicate the approximate dates
7 that the reclamation effort is to be initiated and completed. It must identify the allowed use
8 that will be established after reclamation. The plan must indicate the mitigation efforts to
9 be undertaken so that the project results in no net loss of shoreline ecological functions.
10 The reclamation program must be initiated within sixty (60) days following the completion
11 of the extraction operations.

12 9. The extraction of minerals in or under County waters shall be undertaken only where
13 there will be no adverse impact on sediment transport and only with the approval of the
14 appropriate state and federal regulatory agencies and, where applicable, only in compliance
15 with this SMP.

16 **B. Regulations by designation.**

17 Rural. Mineral extraction is allowed in this designation. A one hundred and ten (110) foot
18 buffer of undisturbed soil and vegetation must be maintained between the extraction site
19 (including all accessory developments) and adjacent properties, water bodies, and wetlands.

20 **NEW SECTION 56. A new section is added to Chapter 18.50 SJCC to read as follows:**

21
22 **Private pedestrian pathways, stairways and ramps - general regulations.**

23
24 **A.** Private pedestrian pathways, stairways and ramps used to provide pedestrian access to the
25 OHWM from a single family residence are normal residential appurtenances.

26
27 **B.** Private pedestrian pathways, stairways and ramps must not include roofs or roof covering
28 materials such as awnings. They are exempt under Section 11 of this ordinance if the following
29 standards are met:

30 1. All materials must be finished in subdued natural earth colors;

31 2. No construction or placement seaward or below the OHWM is allowed unless the
32 private pedestrian pathway, stairway or ramp is physically connected to an exempt or
33 permitted dock;

34 3. The maximum vertical height of the structure is fifteen (15) feet and the maximum
35 width of the structure is five (5) feet. One intermediate landing or platform with a
36 maximum size of five (5) feet by five (5) feet is allowed. Stairways may not be located on
37 rock faces or bluffs that exceed a sixty (60) degree angle; and

38 4. The project complies with bank stability requirements of SJCC 18.35.055 through
39 18.35.070.

1 C. Every application, whether exempt or nonexempt, for private pedestrian pathways,
2 stairways and ramps, will be evaluated on the basis of:

- 3 1. Bank stability;
- 4 2. Bank geology;
- 5 3. Vegetation removal in Tree Protection Zone 1 and other requirements of Chapter
6 18.35 SJCC;
- 7 4. Potential for revegetation;
- 8 5. Structural stability;
- 9 6. Adverse impacts on shoreline ecological functions; and
- 10 7. Aesthetic impacts.

11 D. Private pedestrian pathways, stairways and ramps that are likely to interfere with the
12 erosion-accretion process associated with feeder bluffs are prohibited.

13 E. Where adverse impacts to shoreline ecological functions are expected, private pedestrian
14 pathways, stairways and ramps are subject to the mitigation provisions of Sections 19, 20, and 21
15 of this ordinance.

16 F. Public pedestrian trails identified in County planning documents are allowed in the
17 shoreline and are regulated by Section 61 of this ordinance.

18 **NEW SECTION 57. A new section is added to Chapter 18.50 SJCC to read as follows:**

19
20 **Ports.**

21
22 **A. General regulations.**

- 23 1. All proposed port development activities must take place within the jurisdiction of a
24 port district and be consistent with an adopted comprehensive district improvement plan.
- 25 2. Industrial enterprises that are not water-dependent are not allowed to locate within
26 any marine port area. Expansion of nonwater-related industrial enterprises within marine
27 port areas is prohibited.
- 28 3. Opportunities for public visual or physical access to port areas must be included as
29 part of each development project to the maximum extent feasible unless it is shown to be
30 incompatible due to reasons of safety, security, or impact to the shoreline ecological
31 functions.
- 32

33 **B. Regulations by designation.**

- 34 1. Rural. Ports and water-dependent or water-related port facilities directly related to
35 the commercial fishing industry are allowed in this designation. Other water-dependent or
36 water-related port facilities may be permitted as a conditional use.

1 2. Rural Farm Forest. Ports and water-dependent or water-related port facilities directly
2 related to the commercial fishing industry are allowed in this designation. Other port uses
3 are prohibited.

4 3. Aquatic. Ports and water-dependent or water-related port facilities are allowed in this
5 designation subject to the regulations of the most restrictive abutting shoreline designation.
6 Where the proposed port or water-dependent or water-related facility would abut more than
7 one (1) shoreline designation, the regulations of the most restrictive abutting designation
8 govern.

9 **NEW SECTION 58. A new section is added to Chapter 18.50 SJCC to read as follows:**

10
11 **Recreation.**

12
13 **A. General regulations.**

14
15 1. Recreational areas must be designed to take advantage of the natural character of the
16 shoreline area.

17 2. Recreational uses and facilities must include features that relate to access, enjoyment
18 and use of the water and shorelines of the state. Accessory uses, such as restrooms and
19 commercial services must be located according to the following preferences:

20 a. Outside of shoreline jurisdiction, where feasible; or

21 b. Landward of water-oriented uses unless it can be shown that such facilities are
22 shoreline dependent.

23 3. Motorized vehicles are prohibited on beaches, dunes, or fragile shoreline areas except
24 for necessary maintenance activities, public health or safety protection, or boat launching at
25 allowed marine railways and boat launches.

26 4. Intensive recreational development such as overnight camping areas and recreational
27 vehicle or trailer parks, are allowed only where water supply, sewage, and solid waste
28 disposal can be provided consistent with public health regulations without adversely
29 affecting the natural resources and features of the area.

30 5. Recreational facilities that require the use of large quantities of chemical fertilizers
31 and herbicides such as golf courses and playing fields shall not be located on shoreline
32 areas unless adequate provisions can be made for the protection of water areas from
33 drainage and surface runoff consistent with SJCC 18.60.070.

34 6. Recreational structures shall be set back behind the tops of feeder bluffs to avoid the
35 need for future stabilization for the life of the structure (seventy-five (75) years) as
36 determined by a qualified professional.

37 7. All recreational development in shoreline jurisdiction must be located, designed,
38 constructed, and managed in a manner that will result in no net loss of shoreline ecological
39 functions.

1 8. All accessory parking and transportation facilities must comply with the provisions of
2 New Section 61(B) and (C) of this ordinance.

3 **B. Regulations by designation.**

4 1. Rural Residential and Rural Farm Forest. Recreational uses are allowed in these
5 designations if the use is designed to serve a residential land division or multifamily
6 development.

7 2. Natural. Noncommercial recreational uses of a nature and intensity consistent with
8 the objectives of the natural designation are allowed. Such uses might include viewpoints
9 and public pedestrian trails. New roads, camping areas, parking lots, restrooms, and
10 similar facilities may be located within the SMP jurisdiction only when all other locations
11 are not feasible. Golf courses, playing fields, and similar high intensity uses are
12 prohibited. The use of chemical fertilizers, pesticides, and herbicides are prohibited.
13 Landscaping shall consist of native vegetation.

14 3. Aquatic. Recreational uses are allowed in this designation subject to the regulations
15 of the most restrictive abutting shoreline designation. Where the proposed recreational use
16 would abut more than one shoreline designation, the regulations of the most restrictive
17 abutting designation governs.

18 **NEW SECTION 59. A new section is added to Chapter 18.50 SJCC to read as follows:**

19
20 **Shoreline land divisions.**

21
22 In addition to the requirements of Chapter 18.70 SJCC all land divisions in the shoreline shall be
23 consistent with the following requirements:

24 **A.** All applications shall include a site plan demonstrating that new lots are developable,
25 (with the exception of common areas). The site plan will not be binding on future development.
26

27 **B.** The site plan shall show the following, where applicable:
28

- 29 1. Lot boundaries;
- 30 2. Topography;
- 31 3. Existing land cover;
- 32 4. Existing trees;
- 33 5. Trees proposed to be removed as part of the development;
- 34 6. At least one (1) potential location for primary and appurtenant structures;
- 35 7. Potential location of parking and other impervious areas;
- 36 8. Potential graded areas;
- 37 9. Potential lawns, gardens, etc.;
- 38 10. Potential location of joint use dock;
- 39 11. Critical areas;
- 40 12. Setbacks;
- 41 13. Tree protection zones;

- 1 14. Habitat buffers;
- 2 15. Water quality buffers;
- 3 16. Easements or common areas;
- 4 17. Potential on site sewage system and their buffers;
- 5 18. Potential stormwater treatment and infiltration areas;
- 6 19. Potential well sites and their buffers;
- 7 20. Potential location of utility lines including water, sewer, power and phone;
- 8 21. All streams, ditches, drainage ways, seeps, ponds, and wetlands;
- 9 22. Areas with slumps, landslides or ongoing soil erosion;
- 10 23. Areas of unfractured bedrock; and
- 11 24. Rocky balds, meadows, fields with wildflowers, native grasses or Garry Oaks.

12 **C.** In all new land divisions creating five (5) or more lots, one of the following public and
13 community access standards shall be met:

- 14 1. An easement shall be established to provide all lots usable physical access to the
15 OHWM; or
- 16 2. A common area of seventy-five (75) feet deep measured landward from the
17 OHWM shall be established along the entire waterfront of the property that is being
18 divided. A minimum of one and one-quarter (1¼) acres within shoreline jurisdiction
19 shall be provided for each residential unit proposed to be located within the shoreline
20 jurisdiction. This is not a minimum lot size and does not preclude the clustering of units
21 within the shoreline jurisdiction; or
- 22 3. A common area of at least twenty percent (20%) of the area of the property being
23 divided that is within the shoreline jurisdiction shall be established. A minimum of two
24 (2) acres within the shoreline jurisdiction shall be provided for each residential unit to be
25 located within the shoreline jurisdiction. This is not a minimum lot size and does not
26 preclude the clustering of units within the shoreline jurisdiction.

27 **D.** Land division applications including non-bedrock lots must include a geotechnical
28 evaluation, prepared by a qualified professional identifying setbacks or other conditions needed
29 to allow for natural erosive processes to occur over the life of the proposed development
30 (minimum seventy-five (75) years) without requiring structural shoreline stabilization measures.
31

32 **E.** Land divisions creating four (4) or fewer lots are not required to provide public access to
33 the shoreline.

34 **F.** In land divisions creating five (5) or more lots, community or public access easements or
35 common areas, consistent with Section 23 of this ordinance are required. These and other plat
36 conditions must be noted on the deed or on the face of the plat.

37 **G.** If docks are proposed, shoreline land divisions are required to provide community docks
38 rather than individual private docks.
39

40 **H.** Common area tracts do not contribute to density calculations.

41 **I.** Division of parcels in the natural designation is prohibited.

1 **J.** Land division that would exceed maximum density established on the Comprehensive Plan
2 Map may be allowed by a shoreline conditional use permit if the following circumstances are
3 demonstrated by the owners:

- 4 1. The property is not located within the natural designation;
- 5 2. The property is occupied by individually owned single-family dwelling units that
6 exceed the currently allowable maximum residential density standards and all units are
7 documented to have existed on the property before May 28, 1976;
- 8 3. All dwelling units have been maintained on the site consistent with the
9 nonconforming use standards in Section 14 of this ordinance and have not been abandoned
10 since May 28, 1976; and
- 11 4. There is a potable water source and sewage disposal method for each unit approved in
12 writing by the County Department of Health and Community Services.

13 **K.** A shoreline conditional use permit granted under the provisions in subsection (J) of this
14 section will include the following conditions:

- 15 1. Conditional use permit approval does not constitute a legal division of the land. The
16 property owners must legally divide the entire property simultaneously. Such division
17 must be initiated with the submittal to the department of a complete land division
18 application within two (2) years of the effective date of the conditional use permit;
- 19 2. Residential density on the property may not be increased; and
- 20 3. Residential use and development is restricted to single-family dwelling units and
21 normal residential appurtenances. Accessory dwelling units are prohibited.

22 **NEW SECTION 60. A new section is added to Chapter 18.50 SJCC to read as follows:**

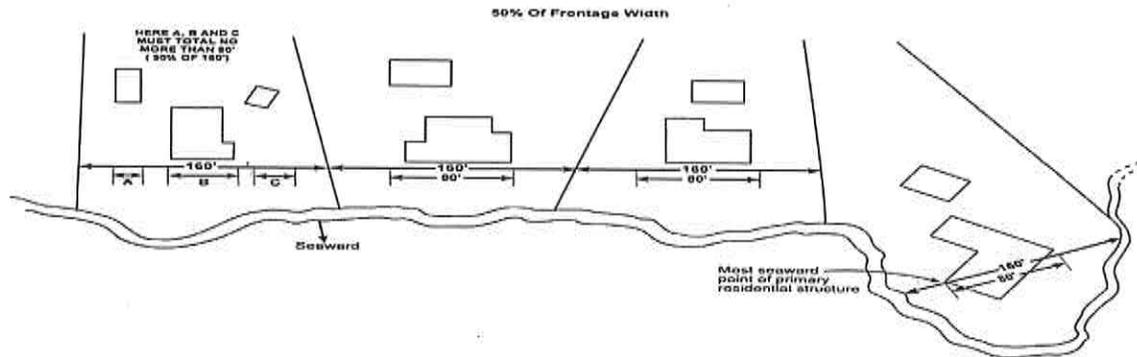
23
24 **Residential development.**

25
26 **A. Regulations – location and design.**

- 27
28 1. Residential development is only allowed landward of the OHWM, except as
29 specifically allowed for live aboard vessels in subsection (F) below.
- 30
31 2. Developments on waterfront lots may not cover more than fifty percent (50%) of the
32 width of the lot as measured by the shortest straight line distance from lot line to lot line
33 through the most seaward point of the primary residential structure. Developments with
34 multiple structures shall ensure that the combined width of all the structures does not
35 exceed fifty percent (50%) of the width of the single lot. However, on lots less than eighty
36 (80) feet wide at the most seaward point of the proposed residential structure, the structure
37 may cover an area up to forty (40) feet wide as long as a minimum setback of ten (10) feet
38 from side property boundaries is maintained. With the exception of patios, pedestrian
39 pathways, stairways and ramps, all appurtenant structures must be placed landward of the
primary residential structure. See Figure X below.

1
2

Figure X.



3

4 3. The maximum allowed height for residential structures is thirty-five (35) feet above
5 average grade level. An exception to allow residential structures to exceed the thirty-five
6 (35) feet height limitation may be allowed with a shoreline conditional use permit. In order
7 for the height exception to be approved, the applicant must demonstrate that:

8
9

- a. The structure will not result in significant adverse visual impacts;
- b. The structure will not interfere with normal public and visual access to the water; and
- c. There are compensating factors that make a taller structure desirable from the standpoint of the public interest.

10
11
12
13

14 4. Developments on circular lots in the Decatur Northwest subdivision must comply
15 with the setback and development standards approved in that land division and are not
16 required to meet the shoreline setbacks.

17 **B. Prohibited uses and activities.**

18 Except as provided in the live aboard provisions in subsection (F) of this section, new
19 residential structures and their normal residential appurtenant structures are prohibited
20 over-water or floating on the water.

21 **C. Regulations – buffers and setback standards.**

22 1. On all non-bedrock shorelines, coastal geologic buffers consistent with SJCC
23 18.35.130 are required. The required geotechnical report must demonstrate that the
24 proposed buffer will be sufficient to avoid the need for new protective structural shoreline
25 stabilization measures for the life of the structure (seventy-five (75) years).

2. Development may also be subject to critical buffers and restrictions in Chapter 18.35 SJCC.
3. If a lot has screening vegetation within fifty (50) feet of the OHWM the aesthetic setback is fifty (50) feet from the top of the bank. In all other cases, the aesthetic setback is one hundred (100) feet from the top of the bank.
4. Where there is no clear top of the bank, structures shall be set back from the OHWM.
5. Trees stocking levels must be maintained consistent with SJCC 18.35.130(B).
6. If existing houses on waterfront lots adjoining the project site are closer to the top of bank or OHWM than any specified minimum setback or buffer and may potentially block the view of the proposed residential structure, a lesser setback or buffer may be authorized for a residential structure by the director if:
 - a. Adverse impacts to shoreline critical areas, are identified by a qualified professional;
 - b. Adverse impacts are mitigated in conformance with Sections 19, 20 and 21 of this ordinance; and
 - c. The proposed setback or buffer is the greater of:
 - i. The waterward side of a line between the most waterward points of the houses on the adjoining lots, and
 - ii. The average of the distances from the OHWM to the most waterward points of the houses on adjoining lots.

D. Regulations – Normal residential appurtenances.

1. With the exception of private pedestrian pathways, stairways, ramps, patios, decks attached to the primary structure, and boathouses served by marine railways, normal residential appurtenances that are not water-dependent are not allowed seaward of the most landward extent of the residence. The director may authorize an alternative location without requiring a shoreline variance by issuing a written administrative determination. To be approved, the director must find that:
 - a. Application of this regulation would result in greater adverse impacts on shoreline ecological functions; or
 - b. The restriction conflicts with other applicable regulations of this SMP.
2. Accessory dwelling units must comply with SJCC 18.40.240.
3. Normal residential appurtenances that are not identified in the definition in SJCC 18.20.140 are allowed with a conditional use permit.

E. Live aboard vessels.

1. Live aboard vessels are only allowed within marinas.

- 1 2. Marinas located on state tidelands must provide facilities in the upland for disposal of
2 sewage, oil, grey water, and solid waste consistent with federal, state and local laws and
3 follow best management practices. Twenty-five percent (25%) of the total number of slips
4 may be used for live aboard vessels.
- 5 3. Marinas located outside of state owned tidelands that do not provide facilities for the
6 upland disposal of sewage, oil, grey water, and solid wastes consistent with local, state and
7 federal laws and do not follow best management practices are allowed to use ten percent
8 (10%) of the total number of slips for live aboard vessels.
9
- 10 4. All applicants proposing live aboard vessel moorage must demonstrate:
11
 - 12 a. The specific locations of the live aboard vessel slips will not result in a net loss
13 of shoreline ecological functions, and
 - 14 b. Residents will have access to an on site restroom and an on site potable water
15 system.
- 16 5. Applicants providing no more than ten percent (10%) of the total number of slips in a
17 marina for live aboard vessels must demonstrate that a sewage pump out facility is located
18 within one day of travel on the water.

19 **F. Regulations by designation.**

20 Natural. Residential development is prohibited in this designation, except that the owner of
21 an existing parcel of record may construct one (1) single-family residence and appurtenant
22 structures. Vacation rental of a single-family residence or accessory dwelling unit is
23 prohibited. Alteration of natural topography and vegetation is restricted to the minimum
24 square footage necessary for the construction of the structures and their access. Shoreline
25 modification is prohibited.

26 **NEW SECTION 61. A new section is added to Chapter 18.50 SJCC to read as follows:**

27
28 **Transportation facilities and parking.**

29
30 **A. Regulations - general.**

- 31
32 1. Transportation facilities and parking must be planned, located, designed, constructed
33 and managed to have the least possible impact on shoreline ecological functions and result
34 in no net loss of shoreline ecological functions.
- 35 2. Transportation facility and parking applications must include documentation to
36 demonstrate that the proposal will not adversely impact existing or planned water-
37 dependent uses.
- 38 3. Provisions for pedestrian access to or along the water shall be included in the plans
39 for all new public transportation facilities and parking.
- 40 4. Commercial watercraft and seaplane operations at public access points require a

1 conditional use permit.

2 **B. Regulations - roads (public and private).**

3 1. Construction of major collector roads is prohibited in shoreline areas where an
4 alternative alignment landward of the shoreline jurisdiction is feasible.

5 2. Major collector roads that must be constructed through the shoreline jurisdiction shall
6 follow the shortest, most direct route possible, consistent with protection of the shoreline
7 ecological functions, and the shore process corridor and its operating systems.

8 3. Public road alignments shall be designed to fit the topography to minimize alterations
9 to natural site conditions.

10 4. Access roads must be located according to the following preferences:

11 a. Outside of shoreline jurisdiction, or

12 b. Landward of water-oriented uses unless it can be shown that such facilities are
13 shoreline dependent.

14 5. Roadside vegetation shall be controlled.

15 6. Roads shall not be constructed on or seaward of a beach berm.

16 7. Roads shall be set back behind the tops of feeder bluffs to avoid the need for
17 shoreline stabilization for a minimum of seventy five (75) years. The setback shall be
18 determined by a qualified professional.

19 **C. Regulations - parking.**

20 1. A parking lot may be located within shoreline jurisdiction if the applicant can
21 demonstrate that it:

22 a. Is an essential accessory to an allowed use;

23 b. Could not feasibly be located outside of the shoreline jurisdiction; and

24 c. Can be constructed, used and maintained in a manner that will result in no net
25 loss of shoreline ecological functions.

26 2. Parking and holding lots serving ferry terminals, marinas, community docks, and port
27 facilities may be allowed within the shoreline jurisdiction with a shoreline conditional use
28 permit. Parking lots and their accessory use, such as restrooms, commercial services, and
29 access roads must be located according to the following preferences:

30 a. Outside of the shoreline jurisdiction, or

31 b. Landward of water-oriented uses unless it can be shown that such facilities are
32 shoreline dependent.

33 3. Parking areas for shoreline access use are allowed.

34 4. Parking over-water is prohibited.

1 5. Parking lots for shoreline uses must provide access to the shoreline and safe and
2 convenient pedestrian circulation within the parking lot.

3 6. Where feasible, shared parking is preferred for all types of shoreline development.

4 **D. Regulations - airports, airfields, airstrips and runways.**

5 1. New airports, airfields, airstrips, and runways are prohibited except airstrips on non-
6 ferry served islands may be allowed on private property with a conditional use permit.

7 2. Existing airports, airfields, airstrips and runways may be repaired, maintained or
8 expanded consistent with the provisions of Section 14 of this ordinance.

9 **E. Regulations - ferry terminals.**

10 Ferry terminals and their related parking lots shall be located, designed, and constructed to
11 result in no net loss of shoreline ecological functions.

12 **F. Regulations - County docks.**

13 1. Overnight moorage is prohibited at County docks.

14 2. County docks must be designed and located to increase public access and result in no
15 net loss of shoreline ecological functions.

16 **G. Regulations - float plane facilities.**

17 1. Use of docks for scheduled commercial float plane service, meaning five (5) or more
18 round trips per week according to a published schedule, are only allowed in public or
19 private marinas, or established port areas, with a shoreline conditional use permit.

20 2. Regular use of docks for float plane access or moorage is allowed only at public or
21 private marinas, port areas, or private and community docks with a shoreline conditional
22 use permit.

23 3. Use of docks and marinas for irregularly scheduled float plane service is allowed.

24 4. Shoreline conditional use permit applications for float plane use will include the
25 following conditions:

26 a. Taxiing patterns must minimize noise impacts on area residents and wildlife,
27 and interference with navigation and moorage;

28 b. Fuel and oil spill clean-up plans and materials, and fire-fighting equipment are
29 required on site. Spill response equipment must be commensurate with the size of the
30 facility and float plane use; and

31 c. Specific hours of the day in which float plane access is allowed.

32 5. Float plane access is prohibited at County road ends and parks, and freshwater
33 shorelines where public shoreline access exists.

34

1 **H. Regulations - barge landing sites and facilities.**

2 1. Temporary barge landing sites require a certificate of exemption but are exempt from
3 a shoreline substantial development permit. These sites shall not exceed twelve (12)
4 landings in any twenty-four (24) month period and must be operated in a manner that will
5 result in no net loss of shoreline ecological functions.

6 2. New permanent barge landing sites and facilities require a shoreline conditional use
7 permit. The shoreline conditional use permit will not be approved unless the applicant can
8 demonstrate that:

9 a. The use of barge landing sites and facilities existing on the date of application is
10 not feasible;

11 b. An alternative access is not feasible; and

12 c. The proposed barge landing schedule will minimize negative off-site impacts.

13 3. All barge landing sites and facilities shall be located, designed, constructed, and
14 maintained in a manner that results in no net loss of shoreline ecological functions and
15 maximizes the opportunity to serve multiple users on an island.

16 4. The use of an unimproved beach as an emergency landing site is allowed. The
17 shoreline exemption required by Section 11 of this ordinance may be processed after the
18 landing activity. Within seven (7) days of the emergency, the agency or person who
19 undertook the landing(s) shall report to the director the extent of the emergency actions and
20 any adverse impacts to shoreline ecological functions caused by the actions. The agency or
21 person who undertook the action is required to mitigate adverse impacts in accordance with
22 the requirements of Sections 16, 17, 18, 19, 20 and 21 of this ordinance.

23 **I. Regulations - public pedestrian trails.**

24 1. Public pedestrian trails shall be aligned to avoid or minimize adverse impacts on
25 shoreline ecological functions.

26 2. Public pedestrian trails shall be constructed consistent with local, state and federal
27 standards.

28 **J. Regulations by designation.**

29 1. Rural Residential. Roads are allowed where no feasible alternative exists. Permanent
30 barge landing sites and facilities are prohibited unless a need has been established by
31 monitoring the use of temporary barge landing sites and a conditional use permit is
32 obtained.

33 2. Conservancy and Rural Farm Forest.

34 a. Public pedestrian trails are allowed in these designations.

35 b. Roads and parking lots serving allowed uses may be allowed if no feasible
36 alternative exists with a shoreline substantial development permit.

1 c. Ferry terminals and scheduled commercial or regular use float planes may be
2 allowed as a conditional use if it can be shown that no feasible alternative exists and
3 that the public interest would be better served by construction of the facility.

4 d. Barge landing sites and facilities may be allowed in the conservancy designation
5 if the site will serve multiple users on the island affected, and the applicant
6 demonstrates that conservancy shoreline resources will not be materially harmed.
7 Permanent barge landing sites require a shoreline conditional use permit and
8 temporary barge landing sites require a certificate of exemption.

9 e. Other transportation facilities are prohibited.

10 3. Natural. With the exception of public pedestrian trails, transportation facilities are
11 prohibited in this designation. Parking lots are prohibited unless there is no feasible
12 alternative and a conditional use permit is obtained.

13 4. Aquatic. Transportation facilities in this designation are limited to facilities serving
14 waterborne traffic such as ferries, boats, kayaks, barges, and float planes.

15 **NEW SECTION 62. A new section is added to Chapter 18.50 SJCC to read as follows:**

16 **Utilities.**

17 **A. Regulations – general.**

18
19
20
21 1. Utility transmission and distribution lines, pipelines, cables, stations, plants, and other
22 apparatus including utility infrastructure for sewer, water, stormwater, power, solid waste,
23 telecommunications, plants, stations and processing operations shall not be installed in the
24 shoreline jurisdiction unless there is no feasible alternative.

25 2. Land based utility transmission and distribution lines, pipelines, and cables must be
26 placed underground unless demonstrated to be infeasible. Such lines must utilize existing
27 easements, rights-of-way and trails existing on the date of the application whenever
28 feasible. Applications for new utility corridors in shoreline jurisdiction that include water
29 crossings must demonstrate that use of corridors existing on the date of the application is
30 infeasible.

31 3. Utility developers must coordinate with government agencies to allow multiple uses
32 of utility sites and rights-of-way. Multiple uses of utility sites might include shoreline
33 access points, public pedestrian trails, and other forms of recreation and transportation
34 systems if such uses will not unduly interfere with utility operations or endanger public
35 health and safety.

36 4. Where installation of utility transmission and distribution lines, pipelines, cables,
37 stations, plants, or other apparatus including utility infrastructure for sewer, water,
38 stormwater, power, solid waste, telecommunications, plants, stations and processing
39 operations is approved, clearing is limited to that needed to permit the installation and to
40 prevent interference by vegetation once the system is in operation.

1 5. Where utility transmission and distribution lines, pipelines, cables, or other apparatus
2 including utility infrastructure for sewer, water, stormwater, power, solid waste,
3 telecommunications, plants, stations and processing operations must cross shoreline areas,
4 the route selected must cause the least damage to shoreline aesthetics and shoreline
5 ecological functions.

6 6. Drainage and surface runoff from utility installation areas shall be controlled to
7 prevent pollutants from being carried into water bodies.

8 7. Applications for outfalls and underwater pipelines that transport substances harmful
9 or potentially harmful to aquatic life or water quality will not be approved unless the
10 applicant has demonstrated that it will result in no net loss of shoreline ecological
11 functions.

12 8. All utilities shall be located, designed, constructed and managed in a manner that will
13 result in no net loss of shoreline ecological functions.

14 9. New outfalls of a domestic or industrial sewage treatment facility are allowed
15 to be constructed within one-half (0.5) mile of a marina with a conditional use
16 permit.

17 **B. Regulations – desalination.**

18 1. Desalination systems are allowed as the primary water supply for new and existing
19 land divisions or other development projects within the shoreline. Such facilities may be
20 allowed for the purpose of supplying water for an established community water system.

21 2. Desalination lines must be connected to existing docks, ramps, stairways, or other
22 structures where feasible.

23 3. Desalination systems on shorelines must be designed to result in no net loss of
24 shoreline ecological functions.

25 4. All desalination systems must be located and designed to blend in with the natural
26 surroundings to the extent feasible to reduce visual impacts. Existing vegetation and
27 terrain features existing at the time of the application must be used for screening.

28 5. Desalination systems must not impede public access to public tidelands or interfere
29 with normal public use of waters of the state.

30 6. Desalination systems with an intake of greater than one hundred thousand (100,000)
31 gallons per day are prohibited unless a detailed assessment of the conditions of the site and
32 a mitigation analysis, consistent with Sections 19, 20, and 21 of this ordinance
33 demonstrates that the project will result in no net loss of shoreline ecological functions.

34 7. Desalination system installations shall comply with the following regulations:

35 a. Intake and discharge lines must be trenched, run, or located together except
36 where necessary to provide adequate separation between intake and discharged water;

37 b. Intake and discharge lines must not interfere with normal public use of waters of

1 the state.

2 c. The intake point shall not float on the surface;

3 d. Intake and discharge lines must not be placed through or over any known or
4 discovered archaeological resources, unless the location is approved by DAHP;

5 e. The use of wells with salt water contamination or intrusion as the intake source
6 for desalination or reverse osmosis systems is prohibited unless specifically
7 authorized by the County Department of Health and Community Services; and

8 f. When feasible, all cleaning of desalination systems and equipment must take
9 place off-site and ensure that cleaning chemicals are not inadvertently introduced into
10 marine waters.

11 **C. Regulation by designation.**

12 1. Conservancy. Utility transmission, distribution, or collection facilities are allowed in
13 this designation provided that the applicant demonstrates that no feasible alternative exists.

14 2. Natural. Utility facilities are prohibited in this designation; except that facilities that
15 must cross the shoreline in order to cross a water body may be installed underground if no
16 feasible alternative location exists. Desalination systems are allowed in this designation for
17 a single-family residence or to serve another use allowed in the natural designation.

18 3. Aquatic. Utility transmission and collection facilities are allowed in this designation
19 if no feasible alternative exists.

20 **NEW SECTION 63. A new section is added to Chapter 18.50 SJCC to read as follows:**

21
22 **Shoreline essential public facilities.**

23
24 **A. Applicability.**

25
26 This section regulates the designation, construction and expansion of the following:

27 1. Facilities serving the public identified in Element 3 of the Comprehensive Plan as
28 shoreline essential public facilities (EPFs).

29 2. New or existing water-dependent facilities serving the public that are not identified in
30 the Comprehensive Plan as a shoreline EPF but are designated as a shoreline EPF
31 following the completion of the process in subsection (B) below.

32 **B. Shoreline EPF designation process.**

33 1. If proposed water-dependent facilities cannot meet the development regulations, the
34 County Council may designate the facility as a shoreline EPF.

35 2. To obtain a shoreline EPF designation, the applicant must submit a written request to
36 the department. Shoreline EPF requests must include the following:

37 a. A conceptual description of the facility;

- b. A conceptual site plan;
- c. Identification of potential sites;
- d. An explanation of how and why the facility is water-dependent;
- e. An analysis of the demand for the facility;
- f. An analysis showing why the existing facilities are inadequate to meet expected demand; and
- g. A preliminary development schedule.

3. After a shoreline EPF designation request is received, the County Council will hold a public meeting to review the request. Where potential sites are identified, notices will be mailed to all property owners within one thousand (1,000) feet of the sites' parcel boundaries.

4. Following the public meeting, the County Council may adopt a resolution designating the facility a shoreline EPF if it is consistent with the Comprehensive Plan.

5. Designated shoreline EPFs may be developed or expanded with a conditional use permit.

NEW SECTION 64. A new section is added to Chapter 18.50 SJCC to read as follows:

Shoreline modification regulations - general shoreline modification activities.

A. Prior to undertaking any shoreline modification project, a shoreline substantial development permit, a shoreline variance, a shoreline conditional use permit, must be obtained. See the permit requirements for the specific type of shoreline modification in Table X in Section 66 of this ordinance and specific requirements by designation. Shoreline modifications including structural shoreline stabilization measures are allowed subject to the procedures and requirements in subsection (B) below.

B. General standards.

1. If inventories of critical saltwater habitats are found to be incomplete, an inventory and assessment of the site and adjacent beach sections is required to identify these habitats and their functions. The methods and extent of the inventory shall be consistent with accepted research methodology in consultation with the WDOE's technical assistance materials.

2. Shoreline modifications must be the minimum size necessary to achieve the intended purpose.

3. Shoreline modification applications must include adequate information demonstrating that the project meets all applicable requirements. At a minimum, the required information must include:

- 1 a. Construction materials (e.g., type, dimensions, design);
 - 2 b. Method of construction and erosion control;
 - 3 c. Location of project on lot;
 - 4 d. Ordinary, mean low, and mean high water elevations;
 - 5 e. The OHWM subject to verification by WDOE;
 - 6 f. Net direction of littoral, drift and tidal currents (if any);
 - 7 g. General direction and speed of prevailing winds and fetch when applicable;
 - 8 h. Profile rendition of project including beach and building site landward of the
 - 9 OHWM;
 - 10 i. Beach type, slope, and material;
 - 11 j. Land type, slope, and material;
 - 12 k. Soil types (NRCS);
 - 13 l. Assessment of site stability before and after the project; and
 - 14 m. Potential impacts upon shore processes and nearby properties.
- 15 4. Erosion must be controlled during the construction of shoreline modification projects
- 16 and disturbed areas must be promptly revegetated after the project is completed.

17 **NEW SECTION 65. A new section is added to Chapter 18.50 SJCC to read as follows:**

18

19 **Shoreline modification regulations - shoreline habitat and natural systems enhancement**

20 **projects.**

21

22 **A. Regulations.**

- 23
- 24 1. Shoreline habitat and natural systems enhancement projects must:
- 25 a. Establish, restore or enhance shoreline habitat;
- 26 b. Be consistent with the objectives and policies of the County's Restoration Plan;
- 27 c. Be designed using the best available scientific and technical information, and
- 28 implemented using best management practices;
- 29 d. Not adversely affect shoreline ecological functions and processes;
- 30 e. Not significantly interfere with public use of the navigable waters of the State
- 31 without appropriate mitigation or must demonstrate that interference with the public
- 32 use of the navigable waters of the State will be mitigated; and
- 33 f. Demonstrate that changes in littoral drift will not adversely affect adjacent
- 34 properties or habitats.

- 1 2. Shoreline habitat and natural systems enhancement applications will not be approved
2 unless the applicant demonstrates that the project will:
 - 3 a. Occur at a time of year that will not impact spawning, nesting, or breeding,
4 shoreline habitat, and
 - 5 b. Increase ecological functions that have been identified as degraded at the project
6 site.
- 7 3. Shoreline habitat and natural systems enhancement projects are prohibited where
8 littoral drift of the project materials might adversely affect adjacent spawning grounds
9 or other areas of biological significance.

10 **B. Natural beach enhancement projects.**

- 11 1. Design alternatives for natural beach enhancement projects shall include appropriate
12 best management practices and available technology such as:
 - 13 a. Gravel berms, drift sills, beach nourishment, and beach enhancement; and
 - 14 b. Plantings of non-toxic native vegetation suited to the habitat characteristics of
15 the site.
- 16 2. Natural beach enhancement shall not:
 - 17 a. Detrimentially interrupt littoral drift or redirect waves, current, or sediments to
18 other shorelines;
 - 19 b. Result in any exposed groin-like structures except small drift sill groins may be
20 used as a means of stabilizing restored sediment if they are part of a beach restoration
21 program;
 - 22 c. Extend waterward more than the minimum amount necessary to implement the
23 enhancement plan;
 - 24 d. Result in contours sufficiently steep to impede pedestrian passage or trap
25 drifting sediments;
 - 26 e. Create additional dry land mass that could be developed; or
 - 27 f. Permanently disturb shallow water forage fish or wildlife habitat, unless the
28 habitat is immediately replaced by a new enhanced habitat.
- 29 3. Natural beach enhancement projects must comply with the following construction
30 standards:
 - 31 a. The size or mix of new materials to be added to a beach shall be as similar as
32 possible to the natural beach sediment, but large enough to resist normal current,
33 wake or wave action at the site; and
 - 34 b. The enhanced beach shall approximate the natural beach profile (width, height,
35 and bulk).

1 **C. Regulations by designation.**

2 1. Conservancy. Shoreline restoration and beach enhancement is allowed in this
3 designation if shoreline values and functions are protected or enhanced.

4 2. Natural. Shoreline restoration and beach enhancement is prohibited in this
5 designation unless the proposal is to restore natural conditions.

6 3. Aquatic. Shoreline restoration and beach enhancement is allowed in this designation
7 subject to the regulations of the most restrictive abutting shoreline designation. Where the
8 proposed site abuts more than one (1) shoreline designation, the regulations of the most
9 restrictive abutting designation governs.

10
11 **NEW SECTION 66. A new section is added to Chapter 18.50 SJCC to read as follows:**
12

13 **Shoreline developments, uses, structures and activities by designation.**

14 **A.** In addition to the general and specific standards established in Article III of this Chapter,
15 for development, uses, structures and activities, Table X indicates if a development, use,
16 structure or activity:

- 17
- 18 1. Is allowed;
 - 19
 - 20 2. Is prohibited;
 - 21
 - 22 3. Requires a shoreline substantial development permit;
 - 23
 - 24 4. Requires a shoreline conditional use permit; or
 - 25
 - 26 5. Is subject to other certificates or conditions.

27

28 **B.** Certain shoreline developments, uses, structures and activities in some shoreline
29 designations are subject to additional regulations. They are marked with an asterisk in Table X.
30 A use not named or contemplated in this Chapter may be allowed subject to a conditional use
31 permit.

32

33 **C. Legend for Table X Shoreline development, uses, structures and activities by designation:**
34

- 35 SD = Subject to shoreline substantial development permit unless exempt per C above.
- 36 CUP = Conditional use permit.
- 37 No = Prohibited; the use is not eligible for a variance or conditional use permit.
- 38 NA = Not applicable.
- 39 * = See the specific regulations for the shoreline designation in Article III of this
40 Chapter.

Table X Shoreline development, uses, structures and activities by designation

	Natural	Conservancy	Rural	Rural Farm-Forest	Rural Residential	Urban	Port, Marina and Marine Transportation	Aquatic
Agriculture	CUP*	SD	SD	SD	SD	SD	No	NA
Aquaculture								
General aquaculture	SD *	SD *	SD	SD	SD *	SD	No	SD *
Small scale shellfish aquaculture	SD *	SD *	SD *	SD *	SD	CUP	No	SD *
Noncommercial freshwater hatcheries	SD*	SD*	SD*	SD*	No	SD *	No	NA
Finfish net pens	No	No	No	No	No	No	No	No
Commercial geoduck aquaculture	CUP	CUP	CUP	CUP	CUP	CUP	No	CUP
Over-water Structures¹ including Boating Facilities								
Ports and water-related port facilities	No	No	No*	No*	No	CUP	SD	SD*
Marina	No	No	SD	No*	No	SD	SD	SD
Boating facilities	No	CUP	SD	SD	SD	SD	SD	SD
Single family, noncommercial and community use docks, moorage floats and recreation floats	No	SD	SD	SD	SD	SD	SD	SD
Ramps and marine railway and associated boat houses	No	CUP	SD	CUP	CUP	SD	SD	SD
Mooring buoy	NA	NA	NA	NA	NA	NA	NA	SD

Table X Shoreline development, uses, structures and activities by designation

	Natural	Conservancy	Rural	Rural Farm-Forest	Rural Residential	Urban	Port, Marina and Marine Transportation	Aquatic
Breakwaters, Jetties and Groins¹								
Breakwater (lakes)	No	SD	SD	SD	SD	SD	SD	NA
Breakwater (marine)	No	CUP*	SD	SD	SD	SD	SD	SD
Jetties and groins	No*	No*	CUP	CUP	CUP	CUP	CUP	CUP
Jetties and groins for shoreline restoration projects	SD	SD	SD	SD	SD	SD	SD	SD
Commercial Development								
Water-dependent uses	No	SD*/CUP*	CUP*	No*	No*	SD*	SD*	SD*
Water-related uses	No	SD*/CUP*	CUP*	No*	No*	SD*	SD*	SD*
Water-enjoyment uses	No	SD*/CUP*	CUP*	No*	No*	SD*	SD*	SD*
Nonwater-oriented uses*	No	No	No*/CUP*	No*	No*	SD*	No	CUP
Mixed use commercial	No	SD/CUP*	CUP*	No*	No*	SD*	SD*	SD*
Mixed use residential	No	SD	CUP	No	No	SD*	CUP	NA
Dredging and Dredge Material Disposal								
Dredging	No	SD*	SD*	SD*	SD*	SD	SD	SD
Dredge material disposal, in-water	No	No*	SD*	SD*	SD*	SD	SD	No
Dredge material disposal, upland	No	No	SD*	SD*	SD*	SD	SD	NA
Dredging or dredge material disposal associated with restoration	No	No	SD*	SD*	SD*	SD	SD	SD*

Table X Shoreline development, uses, structures and activities by designation

	Natural	Conservancy	Rural	Rural Farm-Forest	Rural Residential	Urban	Port, Marina and Marine Transportation	Aquatic
Clearing, Grading, Fill, and Excavation								
Clearing	SD*	SD*	SD	SD*	SD*	SD*	SD*	NA
Grading	SD*	SD*	SD*	SD*	SD*	SD*	SD*	NA
Fill	No	No	SD*	SD*	SD*	SD*	SD	CUP
Excavation	No	SD	SD	SD	SD	SD	SD	CUP
Essential Public Facilities								
Essential public facilities	No	CUP	CUP	CUP	CUP	CUP	SD	CUP
Flood Hazard Reduction								
Dikes, levees, revetments, floodwalls and channel realignments	CUP	CUP	CUP	CUP	CUP	CUP	CUP	NA
Forest Practices								
Commercial forestry ^{1,3}	SD*	SD	SD*	SD	CUP	CUP	No	No
Log transfer sites, facilities and storage ^{1,3}	No	CUP*	SD*	SD*	CUP*	CUP	CUP	CUP*
Industrial Development¹								
Water-dependent uses	No	No	CUP*	No*	No	SD	SD*	SD*
Water-related uses	No	No	CUP ¹	No*	No	SD	No	No
Processing aquacultural products	No	CUP	CUP	CUP	CUP	No	CUP	NA

Table X Shoreline development, uses, structures and activities by designation

	Natural	Conservancy	Rural	Rural Farm-Forest	Rural Residential	Urban	Port, Marina and Marine Transportation	Aquatic
Nonwater-oriented uses	No	No	No	No	No	No	No	No
Institutional Development^{1,2}								
Water-Dependent	No	CUP	SD	No	No	SD	SD	SD*
Nonwater-oriented	No	No	CUP	No	No	No	No	No
Mineral Extraction¹								
Mineral extraction	No	No	SD*	No	No	SD	No	No
Recreational Development^{1,2}								
Water-oriented	SD*	SD/CUP*	SD/ CUP if Commercial	SD*	SD*	SD	SD	SD*
Public park without camping facilities	SD	SD	SD	SD	SD	SD	SD	SD
Public park with camping facilities	SD	SD*	SD	No	No	SD	SD	SD
Private campground	SD*	SD/CUP*	SD	No	No	SD	SD	No
Residential Development²								
Single family	No*	SD	SD	SD	SD	SD	SD	No*
Multi-family	No	SD	SD	SD	SD	SD	SD	No
Over-water live aboard vessels	No	No	No	No	No	No	SD	No
Vacation rentals ^{2,6}	No*	No	CUP*	SD	SD	SD	SD	No

Table X Shoreline development, uses, structures and activities by designation

	Natural	Conservancy	Rural	Rural Farm-Forest	Rural Residential	Urban	Port, Marina and Marine Transportation	Aquatic
Private Pedestrian Pathways, Stairways and Ramps								
Private pedestrian pathways, stairways and ramps	No	SD	SD	SD	SD	SD	SD	No
Shoreline Habitat and Natural Systems Enhancement Projects⁴								
Shoreline habitat and natural systems enhancement projects	SD*	SD	SD	SD	SD	SD	SD	SD
Structural Shoreline Stabilization⁵								
New hard structural shoreline stabilization	No	SD*	SD*	SD*	SD*	SD*	SD*	SD*
New soft structural shoreline stabilization	No	SD*	SD*	SD*	SD*	SD*	SD*	SD*
Signs								
Signs	No*	SD*	SD*	SD	SD*	SD	SD	No*
Transportation and Parking								
Airports	No	No	No	No	No	No	No	No
Barge landing sites, permanent	No	CUP*	CUP	CUP*	CUP	CUP	CUP	NA
Barge landing sites, temporary ⁶	No	See footnote 6	See footnote 6	See footnote 6	See footnote 6	See footnote 6	See footnote 6	See footnote 6
Ferry terminals	No	CUP*	CUP	CUP*	CUP	CUP	SD	CUP*

Table X Shoreline development, uses, structures and activities by designation								
	Natural	Conservancy	Rural	Rural Farm-Forest	Rural Residential	Urban	Port, Marina and Marine Transportation	Aquatic
Float planes, commercial or regular use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Parking lots	No*	SD*	SD	SD*	SD*	SD	SD	No
Parking areas	No	SD	SD	SD	SD	SD	SD	NA
Roads	No	SD	SD	SD	SD	SD	SD	NA
Shoreline access points	SD	SD	SD	SD	SD	SD	SD	Yes
Public pedestrian trails	SD	SD	SD	SD	SD	SD	SD	NA
Other transportation facilities	SD	NO	SD	NO	SD	SD	SD	NA
Utilities⁷								
Utility transmission and distribution lines, pipelines, cables, stations, plants, and other apparatus including utility infrastructure for sewer, water, stormwater, power, solid waste, telecommunications, plants, stations and processing operations	No*	SD*	SD	SD	SD	SD	SD	SD
Desalination systems	SD*	SD	SD	SD	SD	SD	SD	SD

1

2 **Table X Notes:**

- 3 1. Eastsound subarea plan prohibits:
- 4 a. New boating facilities, joint use and private docks;
- 5 b. Breakwaters, jetties and groins;

- c. Log transfer sites and log storage areas;
- d. Industrial development outside of the marina;
- e. Mineral extraction;
- f. Institutional uses;
- g. Recreational development with commercial facilities for overnight camping; and
- h. Fill in the conservancy shoreline designation.

2. Shaw Island subarea plan prohibits:

- a. Recreational development with commercial facilities for overnight camping;
- b. Residential vacation rentals by themselves or in combination with any commercial use;
- c. Institutional uses; and
- d. New commercial uses.

3. Subject to the general provisions of Sections 51 and 54 of this ordinance forest management activities including log handling and storage facilities are allowed in all shoreline designations on Shaw Island.

4. Shoreline habitat and natural systems enhancement projects are a shoreline conditional use within Eastsound subarea plan and are only allowed for public facility or public safety projects.

5. The replacement or expansion of structural shoreline stabilization measures is allowed but is reviewed and permitted as a new structural shoreline stabilization measure.

6. Requires a certificate of exemption.

7. New outfalls of a domestic or industrial sewage treatment facility within one-half (0.5) mile of a marina may be allowed as a conditional use.

SECTION 67. SJCC 18.20.010 (“A” Definitions) and Ord. 21-2015 § 27 are each amended to read as follows:

“Abandon” means to terminate or remove a structure by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction.

“Abutting” means adjoining as defined herein, but will often have the added component of joining end to end, or sharing an end border.

Accessory Apartment, Accessory Dwelling Unit. See “Internal ADU.”

“Accessory dwelling unit (ADU)” means a living area that is accessory to the principal residence, located on the same lot, and that provides for sleeping quarters, kitchen, and sanitation facilities. An ADU may be internal, attached or detached.

“Accessory structure” means a structure detached from a principal building located on the same lot and which is incidental and secondary to the principal building.

“Accessory use” means use of land or of a building or portion thereof incidental and subordinate to the principal use or building and located on the same lot with the principal use.

1 “Acoustical engineer” means a professional engineer, licensed in Washington, with a degree in
2 mechanical engineering and membership in the Acoustical Society of America; or a professional
3 engineer with demonstrated education, accreditation and experience to perform and certify noise
4 measurements, as determined by the director.

5
6 ~~“Accretion shoreform” means shoreline with a backshore which has been produced by the long
7 term deposition of sand or gravel by littoral drift from a feeder bluff or other source. Such
8 shoreforms include barrier beaches, points, spits, hooks, and tombolos.~~

9
10 ~~“Acre” means a unit of measure of land area which consists of 43,560 square feet.~~

11
12 “Activity centers” in San Juan County include villages, hamlets, residential activity centers,
13 island centers, and master planned resorts.

14
15 “Adaptive management” means a style of management which relies upon the best available
16 information to make decisions, but implements decisions with a strategy to obtain additional
17 information. The decisions, or their implementation, are then adapted, if necessary, based on the
18 new information.

19
20 “Adequate” means acceptable but not excessive.

21
22 “Adequate capacity (adequate capital facilities)” means capital facilities and services that have
23 the capacity available to serve development at the time of occupancy or use without decreasing
24 levels of service (LOS) below the standards set forth in the Comprehensive Plan. “Adequate
25 capacity” also includes a financial commitment that is in place to complete the improvements, or
26 noncapital strategies, necessary to provide a specific level of service within six (6) years. (See
27 also “available capacity,” “concurrency,” “levels of service,” and “noncapital alternative
28 strategies.”)

29
30 ~~“Adjacent” means either (1) adjoining as defined herein, or (2) being near or in close proximity,
31 implying two objects that are not widely separated, though they may not actually touch. If a
32 conflict arises over the meaning of the term “adjacent” as used in the UDC, the meaning shall be
33 as interpreted by the director.~~

34
35 ~~“Adjacent lands, shoreline” means lands adjacent to the shorelines of the state (outside of
36 shoreline jurisdiction). See RCW 90.58.340.~~

37
38 “Adjoining” means being in physical contact, touching at some point or along a line, having a
39 common point or border, sharing a common boundary, being so joined or united to each other
40 that no third object intervenes.

41
42 “Administrator,” “planning director,” and “director” each mean the San Juan County community
43 development and planning department director or a designated representative.

44
45 “Adverse” means contrary to one’s interest or welfare; harmful or unfavorable circumstances.

1 “Adverse impacts” means a condition that creates, imposes, aggravates, or leads to inadequate,
2 impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site
3 property or facilities.

4
5 “Affordable housing” means housing where the occupants pay no more than 30 percent (30%) of
6 gross monthly income for total housing costs, including the cost of property taxes and insurance
7 for homeowners and monthly utilities for owners and renters.

8
9 ~~“Agriculture” means the science, art, and business of cultivating land and producing crops or~~
10 ~~raising livestock primarily for commercial sale or use; farming.~~

11
12 “Agricultural activities” means agricultural uses and practices defined in RCW 90.58.065.

13
14 “Agricultural commodity” means sheep, cattle, horses, goats, pigs, llamas, alpacas, or any other
15 animal or any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable,
16 or animal product, such as including, ~~but not limited to~~, products qualifying as organic food
17 products under Chapter 15.86 RCW and private sector cultured aquatic products as defined in
18 RCW 19.85.020 and other fish and fish products, either in their natural or processed state,
19 including bees and honey and Christmas trees but not including timber or timber products.

20
21 “Agricultural composting” means composting of agricultural waste as an integral component of a
22 system designed to improve soil health and recycling agricultural wastes. Agricultural
23 composting is conducted on lands used for farming and is an agricultural activity. Agricultural
24 composting can include the collection of off-site yard, landscape, agricultural waste and other
25 compostable materials to be processed into compost, including sales or delivery of finished
26 composted product. Such operation shall be accessory to the primary agricultural activities of
27 the farm operation and shall not generate traffic or noise uncommon to a farm operation.

28
29 "Agricultural equipment and facilities" means equipment and facilities defined in RCW
30 90.58.065(2).

31
32 “Agricultural processing, retail, and visitor-serving facilities for products” means the commercial
33 processing (preparing for market, packing, and sales) of agricultural commodities, and the on site
34 facilities for retail display and sale of such agricultural commodity products.

35
36 "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural,
37 vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage
38 for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and
39 harvested within twenty years of planting; and livestock including both the animals themselves
40 and animal products, such as including ~~but not limited to~~ meat, upland finfish, poultry and
41 poultry products, and dairy products (see RCW 90.58.065 (2)).

42
43 “Agricultural resource lands” means lands that are primarily devoted to the commercial
44 production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products

1 or of berries, grain, hay, straw, turf, seed, livestock, or Christmas trees not subject to the excise
2 tax imposed by RCW 84.33.100 through 84.33.140, and have long term commercial significance
3 for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands is also a land use
4 designation (AG) in the Comprehensive Plan.

5
6 “Agricultural sales” means the sales of agricultural products grown, raised or harvested in San
7 Juan County, including processed products whose defining ingredients are produced or harvested
8 in the eCounty. Agricultural sales can include the sale of agricultural promotional materials
9 which shall be accessory to the sale of the primary agricultural products.

10
11 “Agricultural soils” means lands with USDA-San Juan County Soil Survey Class II, III, and IV
12 soils or other soil classes where the land is suitable for a particular agricultural use.

13
14 “Agricultural wastes” means wastes on farms resulting from the raising or growing of plants and
15 animals ~~such as including, but not limited to,~~ crop residue, manure and animal bedding, and
16 carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

17
18 ~~“Agriculture” means the science, art, and business of cultivating land and producing crops or~~
19 ~~raising livestock primarily for commercial sale or use; farming.~~

20
21 “Agriculture, existing and ongoing” means any agricultural activity conducted on lands defined
22 in RCW 84.34.020(2); agricultural use ceases when the area on which it is conducted is
23 converted to a nonagricultural use.

24
25 “Agritourism” means recreational, educational or agricultural-related activities that are accessory
26 to the agricultural activities of the farm operation.

27
28 “Aid to navigation” means any visual or electronic device airborne or on the surface which
29 provides point-to-point guidance information or position data to aircraft in flight.

30
31 “Aircraft accident safety zone” means an area of land that is designated in order to meet the land
32 use compatibility direction in RCW 36.70A.510 and 36.70.547 for general aviation airports and
33 to implement the health and safety and land use purposes of an airport overlay district, and is
34 shown on the official maps of the overlay district. Guidance for the delineation of these safety
35 zones is provided by the Washington State Department of Transportation, which can be modified
36 in order to address local circumstances as part of the adoption of individual airport overlay
37 districts.

- 38 1. “Safety zone 1: Runway protection zone” is an area that has the same dimensions as the
39 FAA runway protection zone. It is a trapezoidally shaped area that extends from the outer
40 boundaries of the primary surface along the extended runway centerline. Where only a
41 portion of the runway is declared as usable (the remainder of the pavement being part of a
42 paved “stopway”), as is the case at Orcas Island airport, the measurements for the zone
43 begin at the threshold line on the pavement which marks the end of the declared usable
44 runway surface.

- 1 2. "Safety zone 2: Inner safety zone" is an area that underlies the main departure/approach
2 path. It begins at the end of the runway protection zone (zone 1) and extends out along the
3 extension of the runway centerline.
- 4 3. "Safety zone 3: Inner turning zone" is an area where aircraft turn into the direct approach
5 path, or turn out of the departure path. The zone begins at the primary surface and extends
6 out at 30 degrees from both sides of the runway centerline. It connects to the centerline of
7 the inner safety zone (zone 2) with sweeping arcs.
- 8 4. "Safety zone 4: Outer safety zone" is an area that underlies the main departure/approach
9 path, after the inner turning zone (zone 3). It extends out from both sides of the extended
10 runway centerline, beginning at the outer edge of the inner turning zone (zone 3) and
11 extending to the outer boundary of zone 6 (or to outer boundary of the horizontal zone if
12 zone 6 is not designated).
- 13 5. "Safety zone 5: Sideline safety zone/airport development zone" is an area that is
14 immediately adjacent to the airport and runway area. The standard zone begins at the
15 primary surface, extending out from the extended runway centerline and connecting at its
16 ends to the inner turning zone (zone 3).
- 17 6. "Safety zone 6: Traffic pattern zone" is an area that encircles the other five safety zones.
18 The standard area consists of a long oval that is centered longitudinally on the runway, and
19 which envelops the other safety zones. The perimeter is constructed by swinging arcs from
20 a point along the extended runway centerline that is 500 feet from the edge of the primary
21 surface. The arcs are connected by line segments that are extended from the edge of safety
22 zone 5. Zone 6 may or may not be designated for a given airport overlay district.

23
24 "Airfield" means a privately owned area of land open to general or limited public use for aircraft
25 operations. An airfield may include related noncommercial services, aircraft maintenance, or
26 fueling facilities.

27
28 "Airport" means an area of land or facility publicly owned and open to general public use for
29 aircraft operations, except any airfield or airstrip as defined herein. An airport may include
30 related services and facilities.

31
32 "Airport overlay district" means an overlay district which governs use of land in the vicinity and
33 environs of an airport and protects public safety in the area.

34
35 "Airstrip" means a privately owned area of land, closed to the public, and restricted to use by the
36 owner for noncommercial aircraft operations and, on an occasional basis, invited guests of the
37 owner.

38
39 "Aliquot part" means a parcel of unplatted land which is described by record legal description as
40 a fractional portion of a section, excluding government lots.

41
42 "Allowable uses" means the land uses that are allowed under SJCC Title 18, divided into five
43 categories, as identified in SJCC 18.30.050 and Tables 3.1 and 3.2 in SJCC 18.30.030 and
44 18.30.040. These are uses allowed outright ("Yes"), provisional ("Prov" or "P"), "P/C" (formerly
45 referred to as discretionary) ("D"), conditional ("C"), and plan amendment ("P.A.") uses.

1 “Allowed outright use (“Yes” use)” means a use that is allowed outright within a land use
2 designation, and which does not require a project permit, is identified in Tables 3.1 and 3.2 in
3 SJCC 18.30.030 and 18.30.040 by the symbol “Yes.” All “Yes” uses are subject to and must
4 comply with all applicable development standards of SJCC Title 18 (see Chapter 18.60 SJCC
5 and SJCC 18.80.070).
6

7 “Alteration, nonconforming structures” means any change or rearrangement in the supporting
8 members of existing buildings, such as bearing walls, columns, beams, girders, or interior
9 partitions, as well as any changes in doors, windows, means of egress or ingress or any
10 enlargement to or diminution of a building or structure, horizontally or vertically, or the moving
11 of a building from one location to another. This definition excludes normal repair and
12 maintenance, such as painting or roof replacement, but includes more substantial changes.
13

14 “Alteration, nonconforming use” means the expansion, modification or intensification of a use
15 that does not conform to the land use regulations of the UDC.
16

17 ~~“Angle of repose” means the slope at which a land mass normally will remain stable without~~
18 ~~artificial means of support. The specific angle is largely dependent on the type(s) of material(s)~~
19 ~~present in the land mass.~~
20

21 “Animal shelter (kennel)” means a commercial or nonprofit establishment in which animals
22 other than livestock are temporarily housed or boarded, groomed, bred, trained, treated, or sold.
23

24 “Antenna” means any apparatus designed for transmitting and/or receiving electromagnetic
25 waves by converting those waves from and to electrical current.
26

27 “Antenna array” means one (1) or more antennas and their associated mounting hardware, feed
28 lines, or other appurtenances which share a common attachment device, such as a mounting
29 frame or support structure.
30

31 “Appeal, closed-record” means an administrative appeal on the record to the board of County
32 commissioners, following an open-record hearing on a project permit application. A closed-
33 record appeal is on the record made before the decision-maker with no or limited new evidence
34 or information allowed to be submitted and only appeal argument allowed (RCW 36.70B.020).
35

36 “Appeal, open-record” means a hearing, conducted by the hearing examiner, that creates the
37 County’s record through testimony and submittal of evidence and information, under procedures
38 prescribed by the County by ordinance or resolution when a timely appeal of the director’s
39 decision on a project permit application or a timely appeal of an administrative determination is
40 filed.
41

42 “Applicant” means any person who files a permit application with the County and who is either
43 the owner, beneficial owner, contract purchaser, or authorized agent of such owner of the land on
44 which the proposed activity would be located.
45

1 “Approach surface” means the FAA imaginary surface that is the lower boundary of an airspace
2 which begins at the ends of the primary surface and extends upward and outward along the
3 extended runway centerline. The initial width of the surface coincides with the width of the
4 primary surface, and expands outward uniformly from the primary surface.
5

6 “Approach, transitional, horizontal, and conical surfaces” means the imaginary surfaces that
7 relate to an airport or airfield runway as defined in Federal Aviation Administration (FAA)
8 regulations, 14 CFR, Part 77, “Objects Affecting Navigable Airspace,” as amended, and as
9 shown on the approach and clear zone plan for an airport or airfield. They are so-called
10 “imaginary” surfaces because, with the exception of the runway, they cannot be seen.
11

12 “Approach, transitional, horizontal, and conical zones” means the zones which apply to the
13 ground areas immediately under a runway approach; transitional, horizontal, and conical surfaces
14 as projected along a vertical axis.
15

16 ~~“Aquacultural activities” means use of the land and water for aquacultural purposes such as~~
17 ~~including, but not limited to: producing, breeding, or increasing products; rotating and changing~~
18 ~~products; processing, packing, storing and selling products; composting organic materials; and~~
19 ~~construction, maintenance and repair of structures and facilities associated with the operation.~~

20 "Aquacultural equipment and facilities" includes, but is not limited to: (1) The following used in
21 aquacultural operations: equipment; machinery; constructed shelters, buildings, and ponds; water
22 storage facilities; water diversion, withdrawal, conveyance, and use equipment and facilities such
23 as pumps, pipes, canals, ditches, and drains; (2) farm residences and associated equipment, lands,
24 and facilities; and (3) roadside stands and on-farm markets for products (see RCW 90.58.065
25 (2)).
26

27 "Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals.
28 ~~the science or art of cultivating fish, shellfish, or other aquatic animals or plants.~~ Aquaculture
29 does not include the harvest of wild geoduck associated with the state managed wildstock
30 geoduck fishery (see WAC 173-26-020(6)).

31 “Aquaculture, noncommercial” means harvesting fish, shellfish or other aquatic animals and
32 plants for subsistence, recreational and personal consumption, scientific research or restoration
33 activities.

34 “Aquaculture processing” means the commercial preparation of fish, shellfish, or other aquatic
35 animals and plants for market including packaging and transportation.
36

37 "Aquacultural products" includes fish, shellfish, or other aquatic animals or plants.
38

39 “Aquatic designation environment” means all water bodies under the jurisdiction of the
40 Shoreline Management Act of 1971 and within the boundaries of San Juan County, including the
41 water surface together with the underlying lands and the water column, such as including but not
42 ~~limited to~~ bays, straits, harbors, coves, estuaries, tidelands, shorelands, and lakes.

1 “Aquifer” means a body of permeable saturated rock material or soil capable of conducting
2 ground water.

3
4 “Aquifer recharge areas” means lands through which precipitation and surface water infiltrate the
5 soil and are transmitted through rocks and soil to create ground water storage.

6
7 “Archaeological” means having to do with the scientific study of material remains of past human
8 life and activities.

9
10 “Archaeological site” means an area of ancestral human use such as middens, burial grounds,
11 and earthworks.

12
13 “Area” means the size of a parcel of land, as expressed in square feet or acres to two decimal
14 places. When a public road right-of-way lies within a tract of land otherwise in contiguous
15 ownership, area within the right-of-way may be included in gross area for the purpose of
16 calculating maximum allowable density. When public road right-of-way abuts a tract of land,
17 area to the centerline may be included in the gross area of the parcel for this purpose.

18
19 “Area, nominal” means the approximate area of a parcel of land, such as the aliquot part or the
20 land area in the assessor’s records.

21
22 “Area of more intensive rural development (AMIRD)” means a class of rural lands that includes
23 village and hamlet activity centers, residential activity centers, and island centers. AMIRDs were
24 identified and delineated according to the criteria in RCW 36.70A.070(5)(d). They consist of
25 commercial, industrial, residential, or mixed use areas in which the kinds, intensities, or densities
26 of use, or the capital facilities and services available, exceed the levels normally associated with
27 rural development. Thus, these areas recognize and provide for existing compact rural
28 development and uses, and allow for infill in the areas to the level of existing patterns.

29
30 “Area of natural terrain obstruction” means an area where the natural land surface penetrates the
31 FAA imaginary surface.

32
33 “Area of special flood hazard” means the land in the floodplain within a community subject to a
34 one percent (1%) or greater chance of flooding in any given year, as indicated on the flood
35 insurance rate maps (FIRMs).

36
37 “Artisan” means a skilled manual worker or artist who may use tools and/or machinery to pursue
38 a particular art or profession, such as traditional occupations such as wheelwrights, bakers,
39 grillers, brewers, upholsterers, cabinet makers, carpenters, journeymen, potters, distillers,
40 engravers, weavers, sculptors, masons, painters, photographers, fabricators, glasswrights,
41 jewelers, goldsmiths, silversmiths, coppersmiths, tailors, vintners and taxidermists.

42 “Artisan activities” means the creation and sales of artisan products.

1 “Artisanal product” means an item or product created through the work of an artisan that is
2 generally produced on a nonindustrial, small scale, or small batch basis, and is commonly hand-
3 made using traditional methods or skills.
4

5 “Assembly facility” means a facility designed and used for the gathering of people, or in which
6 they may come together in a body, such as a meeting hall, community club or center, church, etc.
7 (See also “community club or facility” and “religious assembly facility.”)
8

9 “Assessor’s parcel number” means a geocoding number assigned by the assessor’s office for
10 property tax assessment purposes only.
11

12 “Associated Wetland” means those wetlands that are in proximity to and either influence or are
13 influenced by tidal waters or a lake or stream that is subject to the Shoreline Management Act.

14 “At grade” means at ground level.
15

16 “Attached accessory dwelling unit (AADU)” means an ADU which is internal to or attached to
17 the principal residence by (1) a common wall, or (2) a continuous roof and exterior wall
18 enclosures, or (3) a continuous roof no less than six (6) feet in width, the area of which is
19 included in the living area of the ADU.
20

21 “Automotive fuel station” means any building, land area, or other premises used for the retail
22 dispensing or sales of vehicular fuels, but at which there is no servicing or repair of automobiles.
23

24 “Automotive repair station” means any building, land area, or other premises used for the retail
25 servicing or repair of automobiles, but at which there is no dispensing or sales of vehicular fuels.
26

27 “Automotive service station” means any building, land area, or other premises used for the retail
28 dispensing or sales of vehicular fuels and the servicing or repair of automobiles.
29

30 “Automobile wrecking and junk (or salvage) yards” means an outdoor area used for the
31 wrecking, storage, and recycling/salvage of wrecked or abandoned vehicles for scrap metal
32 and/or parts. (See “junk yard or salvage facility.”)
33

34 “Available capital facilities (available capacity)” means capital facilities or services that are in
35 place (“existing capacity”), or for which a financial commitment is in place to provide the
36 facilities or services within a specified time (“planned capacity”). “Available capacity” consists
37 of existing plus planned capacity. (See also “adequate capacity,” “concurrency,” and “levels of
38 service.”)
39

40 “Average grade level” means the average of the natural or existing topography of the portion of
41 the lot, parcel, or tract of real property which will be directly under the proposed building or
42 structure. Calculation of the average grade level is made by averaging the ground elevations at
43 the midpoint of all exterior walls of the proposed building or structure. In the case of structures
44 to be built over-water, average grade level is the elevation of the ordinary high water mark.

1 “Average tree height” means the mean height of existing trees within a 150-foot radius of the
2 facility site.

3
4 “Average vehicular trips” means the average number of all vehicles entering or leaving a site
5 during a defined period.

6
7 **SECTION 68. SJCC 18.20.020 and Ord. 26-2012 § 3 are each amended to read as follows:**

8 ~~“Backshore” means a berm, together with associated marshes or meadows on marine shores
9 landward of the ordinary high water mark that has been gradually built up by accretion.~~

10 “Barge landing site, permanent” means any location established for the purpose of landing a
11 barge (including powered landing craft) for more than a single temporary use. (See also “log
12 storage or transfer site.”)

13 “Barge landing site, temporary” means a location where a limited number of landings are
14 allowed that will not result in permanent disturbance of the earth or permanent adverse impacts
15 on shoreline ecological functions.

16 “Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in
17 any given year; also known as the “100-year flood,” as shown on the FIRM maps.

18 “Base flood elevation” means the elevation for which there is a one percent chance in any given
19 year that flood levels will equal or exceed it.

20 “Beach enhancement/restoration” means a process of restoring a beach to a state more closely
21 resembling a natural beach using beach feeding, vegetation, drift sills, and other nonintrusive
22 means.

23 ~~“Beach feeding” means a process of replenishing a beach by delivery of materials dredged or
24 excavated elsewhere.~~

25 “Bed and breakfast inn” means a hospitality commercial use containing three to five lodging
26 units without cooking facilities, which provides overnight accommodation and breakfast meals in
27 a proprietor- or owner-occupied existing single family residence and additional legal structures
28 or up to ten (10) lodging units in an existing historic structure.

29 “Bed and breakfast residence” means a hospitality commercial use containing one to two lodging
30 units without cooking facilities, which provides overnight accommodation and breakfast meals in
31 an owner-occupied existing single-family residence.

32 “Beneficial owner” means an individual who is a member of a family corporation, trust, or a
33 partnership, and who is related by blood, adoption, marriage, or domestic partnership, to all other
34 members of the corporation, trust or partnership.

35 “Best available science” means current scientific information used in the process of designating,
36 protecting, or restoring critical area functions and values, that is derived from a valid scientific
37 process as described in WAC 365-195-900 through 365-195-925.

- 1 “Best management practices (BMPs)” means systems of practices, schedules of activities,
2 prohibitions, maintenance procedures, and structural or management measures that prevent or
3 minimize the release of pollutants or other adverse impacts to the environment.
- 4 “Binding site plan” is a method of division of land intended primarily for projects such as
5 condominiums, residential clusters or planned unit developments, industrial parks and shopping
6 centers, which are developed as a whole rather than for sale of individual lots for development.
- 7 “Biodiesel” means biodiesel as defined by RCW 19.112.010.
- 8 “Biofiltration system” means a water filtration system using biological processes.
- 9 ~~“Bluff backed beach” means a beach adjacent to and below a coastal bluff.~~
- 10 ~~“Board (BOCC)” means the San Juan County council.~~
- 11 “Boat launch, ramp or retrieval system” means an area, structure, or equipment used to launch or
12 retrieve boats.
- 13 “Boathouse” means an enclosed structure designed and used for the storage of boats and boat
14 equipment.
- 15 “Boating facilities” means marinas, covered moorages, boathouses, boat launches, marine
16 railways, mooring buoys, docks, and floats development and uses that support access to shoreline
17 waters for purposes of boating such as marinas, covered moorages, boathouses, boat launches
18 ramps, marine railways, mooring buoys, piers, docks and floats serving five (5) or more single
19 family residences, or multi-family units.
- 20 “Bonus-density residential district” means a district in which a density bonus is permitted for
21 affordable housing. The official maps indicate both the base density permitted without a density
22 bonus and the maximum density permitted with a density bonus for affordable housing.
- 23 “Boundary line adjustment” means a change in the location of the boundary or boundaries
24 between parcels of land to correct errors.
- 25 “Boundary line modification” means a change in the location of the boundary or boundaries
26 between parcels of land; provided, that no additional parcels are created, except that a change in
27 a land description to correct errors shall is not be considered a boundary line modification.
- 28 “Breakwater” means protective structures that are normally built offshore to protect beaches,
29 bluffs, dunes, or harbor areas from wave action.
- 30 “Buffer zone, strip, or area” means either an area designed to separate incompatible uses or
31 activities, or a contiguous area that helps moderate adverse impacts associated with adjacent land
32 uses and that is necessary for the continued maintenance, function, and structural stability of the
33 protected area. Different types of buffers perform different functions.
- 34 “Building envelope” means:
- 35 1. A three-dimensional space in which a building or structure may be built;

1 2. A plat restriction for the purpose of defining lot coverage areas for individual lots, or for
2 describing shoreline building setbacks.

3 “Bulk fuel storage plant or terminal” means an area where flammable or combustible liquids are
4 received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for
5 the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable
6 tank, or container (see International Fire Code).

7 “Bulk fuel storage (retail)” means the storage of fuel in structures or tanks for subsequent retail
8 sale.

9 “Bulk fuel storage (wholesale)” means the storage of fuel in structures or tanks for subsequent
10 wholesale distribution.

11 “Bulkheads or seawalls” means structures erected parallel to and near the high water mark for
12 the purpose of protecting the adjacent bank or uplands from the action of waves or currents.

13 **SECTION 69. SJCC 18.20.030 and Ord. 21-2015 § 28 are each amended to read as follows:**

14 ~~“Calendar decade” means a (10)-year period beginning January 1st of any year evenly divisible~~
15 ~~by (10).~~

16 “Campground and camping facilities” means a facility in which sites are offered for less than 30
17 days for persons using tents or other personal, portable overnight shelters.

18 “Camping” means to reside for less than 30 days in a tent or other personal, portable overnight
19 shelters.

20 “Capital facilities” means physical structures or facilities owned or operated by a government
21 entity which provides or supports a public service.

22 “Capital improvements” means improvements to land, structures, initial furnishings, and selected
23 equipment.

24 “Carrier” means a provider of telecommunications services.

25 “Channel” means an open conduit for water either naturally or artificially created, but does not
26 include artificially created irrigation, return flow, or stock watering channels. (See WAC 173-14-
27 030 (8)(b); see also “stream.”)

28 “Civic and cultural facilities” means structures and related activity areas used by organizations
29 providing educational, social, religious or recreational services to the community; including
30 performance halls, government service offices, facilities for religious assembly, colleges,
31 primary and secondary schools, museums, and libraries.

32 “Class I beach” means a beach ~~or shore having dependable, geologically fully developed, and~~
33 ~~normally dry backshore~~ that encompasses stable, infrequently wetted backshore berms, dunes or
34 marshes.

35 “Class II beach” means a beach or shore having only marginally, geologically partially
36 developed and not dependably dry backshore.

- 1 “Class III beach” means a beach or shore having no dry backshore.
- 2 “Clearing” means the destruction or removal, by hand or with mechanical means, of ~~vegetative~~
3 ~~ground cover~~ vegetation or trees such as including, but not limited to, root material or topsoil
4 material.
- 5 “Cluster development” means the massing of development on one or more parts of a property.
- 6 “Co-applicant” means all persons ~~and~~/or entities joining with an applicant in an application for a
7 project or development permit, including the owners of the subject property and any tenants
8 proposing to conduct a development or activity subject to a permit.
- 9 “Coastal high hazard areas” means the areas within any areas of special flood hazard that are
10 subject to high velocity waters, such as including but not limited to storm surge or tsunamis.
- 11 “Co-location” means the shared use of a building, tower or telecommunication mount ~~and~~/or site
12 by more than one licensed carrier. Additionally, to satisfy the definition of “co-location” on a
13 wireless tower, the mounting of a new proposed antenna must not: (1) increase the approved
14 height of the wireless tower by more than the minimal amount required by Section 6409 of the
15 Middle Class Tax Relief Act (2012) by more than ten ~~(40)~~ percent; or (2) involve the installation
16 of more than four new equipment cabinets or one new equipment shelter to serve the wireless
17 tower; or (3) involve adding an appurtenance to the body of the wireless tower that would
18 protrude from the edge of the wireless tower more than 20 feet; or (4) involve excavation outside
19 the current wireless tower site, defined as the current boundaries of the leased or owned property
20 surrounding the wireless tower and any access or utility easements currently related to the site; or
21 (5) interfere with the camouflage or disguise of the wireless tower.
- 22 “Commercial ~~C~~ommunication ~~F~~acilities” means a facility for the broadcast of signals for
23 television, HDTV, and commercial radio stations and refers to the lease area and easements, all
24 towers, antennas, mounts, transmission cables, equipment shelters or cabinets and any other
25 installation to facilitate the broadcast of radio and television. Personal wireless service facilities
26 and joint use wireless facilities are not “commercial communication facilities.”
- 27 ~~“Commercial mobile radio services” or “CMRS” means any of several technologies using radio~~
28 ~~signals at various frequencies to send and receive voice, data and video.~~
- 29 “Commercial composting” means the collection of off-site ~~and~~/or public drop-off of yard,
30 landscape, agricultural wastes and other compostable materials to be processed into compost,
31 including sales, pick-up ~~and~~/or delivery of finished composted products.
- 32 “Commercial mobile radio services” or “CMRS” means any of several technologies using radio
33 signals at various frequencies to send and receive voice, data and video.
- 34 “Commercial recreational facility” means a place designed and equipped for the conduct of
35 sports and leisure-time activities which is operated as a business and open to the public for a fee
36 (see “indoor recreational facilities and outdoor recreational facilities”).
- 37 “Commercial sign” means any object, device, display or structure that is used for attracting
38 attention to any commercial use, product, service, or activity.

- 1 “Commercial use” means activity involving the sale of goods or services.
- 2 “Common area” means any area contained within the boundaries of a proposed land division or
3 within a multifamily residential development and owned by the lot owners as tenants-in-
4 common, joint tenancy, or through an association or nonprofit association, and provided
5 specifically for the common use of the residents.
- 6 “Community club or facility” means a not-for-profit use that provides social, health, recreational,
7 cultural, or educational facilities to a community.
- 8 ~~“Community development and planning department” means the San Juan County community
9 development and planning department, the former San Juan County permit center and the former
10 San Juan County planning department.~~
- 11 ~~“Community dock,” for purposes of SJCC 18.50.190(C)(8) and 18.50.340(G), means a dock
12 serving three or more residential waterfront properties.~~
- 13 “Community structure” means a structure which is intended for the common use of the residents
14 of a particular subdivision or community.
- 15 “Composting” means the biological degradation and transformation of organic solid waste under
16 controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid
17 waste under uncontrolled conditions is not composting.
- 18 “Comprehensive Plan” means the San Juan County Comprehensive Plan and all of its goals,
19 objectives, policies, documents, and maps.
- 20 “Concurrency” means a condition in which an adequate capacity of capital and transportation
21 facilities and services is available to support development at the time that the impacts of
22 development occur. (See also “adequate capacity,” “available capacity,” and “levels of service.”)
- 23 “Concurrency facilities” means the public facilities and services for which concurrency is
24 required in accordance with the policies of the Comprehensive Plan. They include transportation
25 facilities (ferry service and parking areas, Types 1 and 2 public docks, intersections in activity
26 centers or urban growth areas, and collector public roads), and “Category A” capital facilities
27 (County solid waste and recycling facilities); community water systems that serve urban growth
28 areas, AMIRDs (village, hamlet, and residential activity centers and island centers), or master
29 planned resort activity centers; and community sewage treatment facilities that serve village and
30 master planned resort activity centers.
- 31 “Concurrency test” means the comparison of a project’s impact on concurrency facilities to the
32 available capacity, including existing and planned capacity, of the concurrency facilities.
- 33 “Conditional use” means a use that is identified in Tables 3.1 and 3.2 in SJCC 18.30.030 and
34 18.30.040 by the symbol “C” and which requires a conditional use permit.
- 35 “Conditional use permit” means a permit issued by San Juan County stating that the land uses
36 and activities meet all criteria set forth in local ordinances, and all conditions of approval in
37 accordance with the procedural requirements of SJCC 18.80.100.

- 1 “Conditional use, shoreline” means a use, development, or substantial development which is
2 classified as a conditional use in the Shoreline Master Program (SMP; see Element 3 of the Plan
3 and Chapter 18.50 SJCC), or which is not classified within the SMP.
- 4 “Condominium” means the division of a building or land pursuant to the Horizontal Property
5 Regimes Act, Chapter 64.32 RCW, or to the Condominium Act, Chapter 64.34 RCW.
- 6 “Conical surface” means the FAA imaginary surface that is the lower boundary of an airspace
7 which extends outward and upward from the periphery of the horizontal surface.
- 8 “Conservancy designation” means the land use designation of the Comprehensive Plan designed
9 to protect valuable natural resources, wildlife, historical, and scenic areas.
- 10 “Conservancy ~~environment~~, shoreline designation” means an ~~environment~~ shoreline designation
11 that is applied to areas which are largely free of intensive development.
- 12 “Consolidated formation” means any geologic formation in which the earth materials have
13 become firm and coherent through natural rock-forming processes.
- 14 “Construction contractor yards and offices” means service establishments primarily engaged in
15 general contracting or subcontracting in the building construction trades. These include
16 administrative offices, workshops and the indoor or outdoor storage of tools, equipment,
17 materials, and vehicles.
- 18 “Contiguous” means adjoining as defined herein, but will often have the added component of
19 sharing the common boundary for a considerable distance, along the whole or most of one side
20 or border.
- 21 ~~Contract Purchaser.~~ See “applicant.”
- 22 “Correctional facility” means any facility operated by or under contract to a public agency for
23 the confinement of individuals accused or convicted of criminal or delinquent activity.
- 24 “Cottage enterprise” means a commercial or manufacturing activity conducted in whole or in
25 part in either the resident’s single-family dwelling unit or in an accessory building, but is of a
26 scale larger than a home occupation.
- 27 “County” means San Juan County, Washington, its board, commissions, and departments.
- 28 “Covered moorage” means a pier ~~and~~/or float or system of floats covered by a roof.
- 29 “Critical areas” means geologically hazardous areas, frequently flooded areas, critical aquifer
30 recharge areas, wetlands, and fish and wildlife conservation areas, all as defined in this Chapter
31 and regulated in SJCC 18.30.110 through 18.30.160.
- 32 “Critical area functions and values” means the beneficial roles served by critical areas and the
33 values people derive from these roles including, water quality protection and enhancement; fish
34 and wildlife habitat; food chain support; flood storage, conveyance, and attenuation; ground
35 water recharge and discharge; erosion control; wave attenuation; protection from hazards; water
36 infiltration; fine sediment control; shade/microclimate; large woody debris; litterfall/organic
37 matter; maintenance of hydrologic function; slope stability; aesthetics; property value; economic

1 development; recreation; carbon sequestration; and within shoreline jurisdiction, shoreline
2 ecological functions and processes.

3 “Critical water resource areas” means selected watersheds and critical aquifers where resources
4 are potentially threatened by salt water intrusion or primary contaminants or limited due to poor
5 recharge.

6 “Cul-de-sac” means a road closed at one end by an area of sufficient size for turning vehicles
7 around.

8 **SECTION 70. SJCC 18.20.060 and Ord. 26-2012 § 6 are each amended to read as follows:**

9 “Facility and service provider” means the department, district, agency or private entity
10 responsible for providing a specific concurrency facility.

11 “Fair market value, shorelines” means the open-market bid price for conducting the work, using
12 the equipment and facilities, and purchasing the goods, services, and materials necessary to
13 accomplish the development. This would normally equate to the cost of hiring a contractor to
14 undertake the development from start to finish, including the cost of labor, equipment and
15 facility usage, transportation, and contractor overhead and profit (WAC 173-27-030).

16 “Fall zone” means the area on the ground within which there is a potential hazard from falling
17 debris or a collapsing structure (e.g., a tower).

18 “Family” means individuals related by genetics, adoption, or marriage or a group of not more
19 than eight unrelated individuals who share a single dwelling unit.

20 “Farm stay accommodation” means a hospitality commercial use associated with agriculture.

21 “Farm worker accommodation” means a residential use associated with agricultural labor.

22 “Feasible alternative” means an alternative that:

- 23 1. Meets the requirements of federal, state, and local laws and regulations;
- 24 2. Attains most or all of the basic objectives of the project;
- 25 3. Is technically and technologically possible;
- 26 4. Can be accomplished at a reasonable cost;
- 27 5. Can be accomplished in a reasonable amount of time; and
- 28 6. Adverse environmental, health, and safety effects are no greater than those of the
29 original proposal.

30 A determination of what is reasonable or feasible is made by the decision making body on a
31 case-by-case basis, taking into account the:

- 32 1. Probable intensity, severity, and cumulative impacts of the original proposal and
33 alternative approaches, and opportunity for the avoidance or reduction in the number,
34 intensity, or severity of significant impacts, or of the aggregate adverse impact;

- 1 2. Risk of “upset conditions” (i.e., the risk that the control and mitigation measures will
2 fail, be overwhelmed, or exceed allowed limits), and the potential severity of the impact
3 should control or mitigation measures be ineffective or fail;
- 4 3. Capital and operating costs;
- 5 4. Period of time to accomplish, costs of additional time or delay, and time constraints
6 for completion; and
- 7 5. Location and site specific factors, such as seasonal or topographic constraints, critical
8 areas, site accessibility, and local community concerns. (For areas within shoreline
9 jurisdiction, see definition of “feasible” in WAC 173-26-020.)

10 “Feeder bluff” means any shoreline land mass subject to periodic erosion from waves, or sliding
11 and slumping, and from which the eroded sand or gravel is naturally transported via a driftway to
12 an accretion shoreform.

13 “Feedlot” means a confined area or structures, pen, or corral, used to fatten livestock prior to
14 final shipment.

15 “Feedlot (commercial)” means a dry-feed yard where heavy portions of concentrated feed are fed
16 to cattle to put a finish on the animals either consigned or sold to the feedlot.

17 “Filing.” See “recording.”

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

21 “Filling” means deposition of earth materials by any purposive means.

22 “Final plat” means the final plat (drawing) of a subdivision and dedication prepared for recording
23 with the County auditor by a licensed surveyor and containing all elements and requirements set
24 forth in Chapter 18.70 SJCC and Chapter 58.17 RCW.

25 “Finding of concurrency” means the finding by the director that a transportation system or other
26 concurrency facility has adequate unused or uncommitted capacity, or will have adequate
27 capacity, to accommodate the demand for the facility or service generated by a proposed
28 development, without causing levels of service to decline below the level-of-service (LOS)
29 standards set forth in the Comprehensive Plan.

30 ~~Float (Moorage). See “mooring buoy.”~~

31 “Float plane” means an aircraft on floats, including float planes, seaplanes, and amphibious
32 aircraft.

33 ~~“Float (recreational)” means an off-shore platform used for water dependent activities, such as~~
34 ~~swimming and diving.~~

35 “Floating dock” means a dock designed to float on the water surface, secured to the shore by
36 means other than a fixed, elevated pier structure.

1 “Flood hazard reduction” means structural and nonstructural methods of reducing flood damage
2 and hazards to uses and people. Nonstructural reduction methods may include setbacks, land use
3 controls, wetland restoration, dike removal, use or structure relocation including raising
4 structures above the base flood elevation, biotechnical measures, and storm water management.
5 Structural reduction methods may include dikes, levees, revetments, floodwalls, channel
6 realignment and elevation of structures consistent with the National Flood Insurance Program.

7 “Flood Insurance Rate Map (FIRM)” means the official map issued by the Federal Emergency
8 Management Agency that delineates both the special hazard areas and the risk premium zones
9 applicable to San Juan County.

10 “Flood or flooding” means the temporary inundation of normally dry land areas from the
11 overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of
12 surface waters.

13 “Floor area ratio (FAR)” means the gross floor area of all buildings and structures on a site or lot
14 divided by the total area of the site or lot for which the ratio is being calculated.

15 “Food service facility” means a commercial use that sells or serves food products for
16 consumption on site or for carry-out.

17 “Forest management” means forest practices pertaining to protecting, producing, and harvesting
18 timber for economic use.

19 “Forest practice” means any activity conducted on or directly pertaining to forest land and
20 relating to growing or harvesting of timber, or the processing of timber on a harvest site for less
21 than 30 days per calendar year, ~~such as including but not limited to~~, road and trail construction
22 and maintenance; harvest, final and intermediate; precommercial thinning; reforestation;
23 fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush
24 control. Forest practices are regulated under Chapter 76.09 RCW, the Washington State Forest
25 Practices Act, its implementing regulations at WAC Title 222, and other applicable regulations.

26 “Forest practice, conversion” means the conversion of land to an active use incompatible with
27 timber growing and where future nonforest uses will be located on currently forested land. Under
28 the rules of the Forest Practices Act, WAC Title 222, this requires a Class IV general forest
29 practices permit or COHP with Class III permit.

30 “Forest practice, conversion option harvest plan (COHP)” means a voluntary plan developed by
31 the landowner and approved by the County that indicates the limits and types of harvest areas,
32 road locations, and open space. This jointly agreed plan is submitted to the ~~Washington~~
33 ~~Department of Natural Resources (WDNR)~~ as part of a Class II, III, or IV special forest practice
34 permit application, and is attached to and becomes part of the conditions of the permit approved
35 by the WDNR.

36 “Forest resource lands” means lands primarily devoted to growing trees for long term
37 commercial production on land that can be economically and practically managed for such
38 production (RCW 36.70A.030(8)).

1 “Frequently flooded areas” means lands subject to a one percent (1%) or greater chance of
2 flooding in any given year.

3 Functions and V_y values. See “critical area functions and values.”;

4 **SECTION 71. SJCC 18.20.060 and Ord. 21-2015 § 30 are each amended to read as follows:**

5 “Habitat” means the place or type of site where a plant or animal naturally or normally lives and
6 grows.

7 “Hamlet” means an activity center with high-density residential areas and a small commercial
8 center that provides goods and services to surrounding rural residential, rural, and resource uses.

9 “Hangars” means covered areas and enclosed structures for housing and/or repairing aircraft.

10 “Hard structural shoreline stabilization measures” means shore erosion control structures and
11 measures composed of hard surfaces, arranged with primarily linear and vertical or near-vertical
12 faces that armor the shoreline and prevent erosion. These measures include bulkheads, rip-rap,
13 groins, retaining walls and similar structures composed of materials such as boulders, gabions,
14 dimensional lumber, and concrete.

15 “Hazard tree” means a tree that a certified arborist has determined has: (1) a high probability of
16 falling due to a debilitating disease or a structural defect; and (2) potential for significant
17 property damage or personal injury if it falls.

18 “Heavy equipment rental” means a site for the storage and retrieval of large pieces of machinery
19 or large vehicles usually associated with construction available for the public’s use, which may
20 include additional and complementary retail activities.

21 “Heavy industrial use” means a use engaged in the basic processing and manufacturing of
22 materials or products predominately from extracted or raw materials; a use engaged in storage of,
23 or manufacturing processes using flammable, hazardous or explosive materials.

24 “Height” means the vertical distance measured from the average existing grade beneath a
25 structure or object along a plumb line to the highest point of a structure or object.

26 “Height of building” means the vertical distance above a reference datum measured to the
27 highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average
28 height of the highest gable of a pitched or hip roof. The reference datum shall be selected by
29 either of the following, whichever yields a greater height of building:

30 1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot
31 horizontal distance of the exterior wall of the building when such sidewalk or ground
32 surface is not more than 10 feet above lowest grade; or

33 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface
34 described in subsection (1) of this definition is more than 10 feet above lowest grade.

35 The height of a stepped or terraced building is the maximum height of any segment of the
36 building (cf. ~~Uniform Building Code~~).

1 “Height, shoreline” means the height of shoreline structures, measured from average grade level
2 to the highest point of a structure; provided, that television antennas, chimneys, and similar
3 appurtenances shall are not be used in calculating height, except where they obstruct the view of
4 the shoreline of a substantial number of residences on areas adjoining such shorelines, excluding
5 temporary construction equipment (WAC 173-27-030).

6 “Helipads” means areas for the landing and take-off of rotary-wing aircraft, but not adequate for
7 fixed-wing aircraft.

8 “Herbaceous balds and bluffs” means native plant areas located on shallow soils over bedrock,
9 often on steep, exposed slopes with few trees, which support grasses, herbaceous plants, dwarf
10 shrubs, brittle prickly pear cactus, mosses and lichens adapted for survival on shallow soils amid
11 seasonally dry conditions. Trees that may be present include Douglas fir, Pacific madrone, and
12 Garry oak.

13 “Herbaceous vegetation” means non-woody vascular plants.

14 “Historic camps” means, for the purposes of determining allowable uses, nonprofit recreational
15 and educational camping facilities owned by a nonprofit entity and in continuous operation since
16 October 2, 1979.

17 “Historic educational and scientific facilities” means, for the purposes of determining allowable
18 uses, educational and scientific facilities in continuous operation since October 2, 1979.

19 “Historic resort” means, for the purposes of determining allowable uses, a resort established
20 prior to and in continuous operation since October 2, 1979.

21 “Historic site, structure or landmark” means a site, structure or building of outstanding
22 archaeological, historical or cultural significance. This is shown by its designation as such by the
23 National or Washington State Register of Historic Places or an adopted San Juan County Historic
24 Preservation Plan, designation as an historic landmark, or any such structure or feature for which
25 the State Historic Preservation Officer has made a determination of significance pursuant to
26 Section 106 of the National Historic Preservation Act.

27 “Home occupation” means any commercial activity carried out by a resident of a single-family
28 residence and conducted as an incidental and accessory use of the residence.

29 “Horizontal surface” means the FAA imaginary surface that is the lower boundary of a
30 horizontal airspace that is located above the airport and forms and elongated oval above the
31 runway.

32 “Hospitality commercial use” means restaurants and ~~transient lodging~~ vacation rental
33 establishments and associated guest facilities available for short term accommodation for a
34 period not to exceed 30 days.

35 “Hotel” means a hospitality commercial use containing three or more individually rented lodging
36 units (in one or more buildings), which provides sleeping accommodations, with or without
37 meals or the facilities for preparing meals, for travelers and transient guests, and which does not
38 meet the definitions of “bed and breakfast inn,” “bed and breakfast residence,” or “vacation
39 rentals of a residence or an ADU.”

1 ~~“Houseboat” means a building constructed on a float and used wholly or in part for human~~
2 ~~habitation, which does not have the following characteristics of a vessel: a seaworthy hull design~~
3 ~~which meets U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical and~~
4 ~~ventilation systems; capability for travel in open water and for use for water transportation in~~
5 ~~general; permanent equipment for water travel including a method for steering and propulsion;~~
6 ~~deck fittings, navigational equipment and marine hardware; and registration as a vessel with~~
7 ~~federal, state, and local agencies.~~

8 “Household” means one or more related or unrelated persons occupying a dwelling unit.

9 “Hydric soil” means soil that is saturated, flooded, or ponded long enough during the growing
10 season to develop anaerobic conditions in the upper part, as determined by following the
11 methods described in the currently accepted Federal Manual for Identifying and Delineating
12 Jurisdictional Wetlands. San Juan County soil map units that are dominantly comprised of hydric
13 soils as identified in the Soil Survey of San Juan County, Washington (USDA, 2009), are:
14 Coveland loam, zero to five percent slopes; Coupeville loam, zero to five percent slopes;
15 Limepoint-Sholander complex, zero to eight percent slopes; Shalcar muck, zero to two percent
16 slopes; Semiahmoo muck, zero to two percent slopes; Coveland-Mitchellbay complex, two to 15
17 percent slopes; Bazal-Mitchellbay complex, zero to five percent slopes; Orcas peat, zero to two
18 percent slopes; and Dugualla muck, zero to two percent slopes. Other soils not classified as
19 hydric by the Soil Conservation Service may still meet the hydric soil criteria.

20 “Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is
21 at least periodically deficient in oxygen as a result of excessive water content, as determined by
22 following the methods described in the currently accepted Federal Manual for Identifying and
23 Delineating Jurisdictional Wetlands.

24 **SECTION 72. SJCC 18.20.120 and Ord. 26-2012 § 11 are each amended to read as follows:**

25 Land Division. See “division of land.”

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

29 “Landslide hazard areas” means areas potentially subject to risk of mass movement due to a
30 combination of geologic, topographic, and hydrologic factors.

31 “Landward” means to or toward the land.

32 ~~“Lawn” means an area consisting predominantly of grass that is maintained at a height of 6~~
33 ~~inches or less.~~

34 “Level of service (LOS)” means the number of units of capacity per unit of demand (e.g., trips,
35 population, school-age residents) or other appropriate measure of need sufficient to meet the
36 standards for adequate service set forth in the Comprehensive Plan. (See also “adequate
37 capacity,” “available capacity,” and “concurrency.”)

38 “Licensed carrier” means a carrier authorized by the FCC.

1 “Light industrial” means a use involving (1) basic processing and manufacturing of materials or
2 products predominantly from previously prepared materials; or (2) finished products or parts,
3 including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and
4 distribution of such products, but excluding basic processing of raw materials except food
5 products.

6 “Limited area of more intensive rural development (LAMIRD)” means a class of rural lands that
7 includes village and hamlet activity centers, residential activity centers, and island centers.
8 LAMIRDS were identified and delineated according to the criteria in RCW 36.70A.070(5)(d).
9 They consist of commercial, industrial, residential, or mixed use areas in which the kinds,
10 intensities, or densities of use, or the capital facilities and services available, exceed the levels
11 normally associated with rural development. Thus, these areas recognize and provide for existing
12 compact rural development and uses, and allow for infill in the areas to the level of existing
13 patterns.

14 “Littoral drift” means the natural movement of sediment, particularly sand and gravel, along
15 marine or lake shorelines as a result of wave and wind action.

16 “Live aboard vessel” means a vessel having a current safety registration with federal, state and
17 local agencies that is used primarily as a place of residence, vacation rental, or a place of
18 business. A live aboard vessel has a seaworthy hull design that meets the U.S. Coast Guard
19 standards for floatation, safety equipment, fuel, and electrical and ventilation systems. It is
20 capable of travel in open water and waterborne movement in general. It has permanent
21 equipment for water travel, including a method for steering and propulsion, deck fittings,
22 navigational equipment, and marine hardware.

23 “Livestock” means cattle, bison, sheep, goats, swine, horses, mules, llamas, ostriches and other
24 poultry, and other like animals.

25 “Living area” means the internal space measured from the interior of the exterior walls,
26 excluding decks, overhangs, unenclosed porches or unheated enclosed porches, and the stairwell
27 on one level of a two-story structure.

28 “Logging” means the harvesting of timber.

29 “Log storage or transfer site” means any location established for the purpose of storing logs or
30 holding logs for transfer to another location. (See also “barge landing site.”)

31 “Long-term commercial significance” means lands with the growing capacity, productivity, soil
32 composition, and economic viability for long term agricultural or silvicultural production.

33 Lot. See “parcel.”

34 “Lot coverage” means the surface area of a lot or lots within a single development which is
35 occupied by buildings, excluding roof overhangs and covered porches not used for sales, storage,
36 or service.

37 “Lumber mill, portable” means portable equipment to mill, split, or otherwise process forest
38 products.

1 “Lumber mill, stationary” means a permanently located facility or equipment used to process
2 forest products.

3 **SECTION 73. SJCC 18.20.130 and Ord. 26-2012 § 12 are each amended to read as follows:**

4 “Maintenance agreement” means a written agreement between parties to physically maintain a
5 facility for common use in a manner which conforms to standards of adequacy specified in such
6 an agreement.

7 Maintenance and Repair, Normal.

8 1. “Normal maintenance” includes those acts to prevent a decline, lapse, or cessation from
9 a lawfully established condition.

10 2. “Normal repair” means to restore a development to a state comparable to its original
11 condition within a reasonable period after decay or partial destruction.

12 Normal maintenance and repair do not include maintenance and repair that causes substantial
13 adverse effects to shoreline resources or environment (WAC 173-27-040).

14 “Manufacturing” means the mechanical or chemical transformation of materials or substances
15 into new products, including the assembling of component parts, the creation of products, and
16 the blending of materials, such as lubricating oils, plastics, resins, or liquors.

17 “Marina” means a facility that provides wet moorage or dry storage, supplies, and services for
18 pleasure craft and some types of commercial craft. Boat-launching facilities may also be
19 provided at a marina.

20 “Marine railway” means a set of rails running from the upland area into the water upon which a
21 boat can be launched.

22 “Market value” means value of land or structures as assessed by the San Juan County assessor’s
23 office.

24 “Marsh” means a soft, wet area periodically or continuously flooded to a shallow depth, usually
25 characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.

26 “Master planned resort” means a self-contained and fully integrated planned unit development in
27 a setting of significant natural amenities, with primary focus on destination resort facilities
28 consisting of short term visitor accommodations associated with a range of on site indoor or
29 outdoor recreational facilities.

30 “Material change” means a measurable change that has significance for existing or proposed
31 development or for the existing environment.

32 ~~“Maximum net benefit” means the total of all benefits less the total of all costs including~~
33 ~~opportunities lost, as defined in the Water Resource Act of 1971 (Chapter 90.54 RCW).~~

34 “Mean higher high water” or “MHHW” means the tidal elevation obtained by averaging each
35 day’s highest tide at a particular location over a period of nineteen (19) years. It is measured
36 from the MLLW equals 0.0 tidal elevation.

- 1 “Mean lower low water” or “MLLW” means the 0.0 tidal flat elevation. It is determined by
2 averaging each day’s lowest tide at a particular location over a period of nineteen (19) years. It
3 is the tidal datum for vertical tidal references in the saltwater area.
- 4 “Midden” means an area of ancestral human use that consists of an ancient refuse heap.
- 5 “Mine hazard” means an area of potential danger to persons or property due to past or present
6 mineral extraction operations.
- 7 “Mineral extraction” means the removal of naturally occurring materials from the earth for
8 economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal,
9 and various types of stone.
- 10 “Mineral resource lands” means those lands from which the commercial extraction of minerals
11 (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to
12 have long term commercial significance.
- 13 “Mini-storage” means a structure or structures containing separate, individual, and private
14 storage spaces of varying sizes leased or rented individually for varying periods of time.
- 15 “Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or
16 compensate for adverse impacts.
- 17 “Mobile home” means a structure that is (1) designed to be transportable in one or more sections;
18 (2) built on a permanent chassis; (3) designed to be used as a dwelling unit, with or without
19 permanent foundation; and (4) connected to the required utilities, including plumbing, heating,
20 septic, and electrical systems (RCW 43.22.340).
- 21 “Mobile home park” means a development with two or more improved pads or spaces with
22 required improvements and utilities designed to accommodate mobile homes, according to RCW
23 59.20.030 (4).
- 24 ~~“Monitoring network” means a set of locations, stations, or points used for collecting samples or~~
25 ~~taking measurements over time.~~
- 26 “Monopole” means the type of antenna mount that is self-supporting with a single shaft,
27 typically of wood, steel or concrete, and is self-supporting without guy wires.
- 28 “Moorage” means any over-water facility for securing boats, including docks, piers, and mooring
29 buoys, but excluding anchorage and dry boat storage.
- 30 “Mooring Bbuoy” means a buoy used for vessel moorage that meets federal and state standards,
31 is located waterward of the OHWM, and is permanently anchored to the sea or lake bed a-buoy
32 secured to the bottom by permanent moorings and provided with means for mooring a vessel by
33 use of its anchor chain or mooring lines.
- 34 “Mooring float” means a stand-alone float used for vessel moorage that meets federal and state
35 standards, is located waterward of the OHWM, and is permanently secured to the sea or lake
36 bed.
- 37 Motel. See “hotel.”

1 “Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered
2 to provide facilities for human habitation, which include lodging, cooking, and sewage disposal,
3 and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit
4 constructed separately and affixed to a motor vehicle (RCW 46.04.305).

5 **SECTION 74. SJCC 18.20.140 and Ord. 21-2015 § 31 are each amended to read as follows:**

6 ~~“National Pollutant Discharge Elimination System (NPDES)” means a joint federal and state~~
7 ~~permitting system for the control, monitoring, and reduction of point sources of pollution,~~
8 ~~established under the Federal Water Pollution Control Act (Clean Water Act) (Public Law 92-~~
9 ~~500).~~

10
11 “National Register of Historic Places” means the official federal list, established by the National
12 Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the
13 nation’s history and prehistory, or whose artistic or architectural value is unique.

14 “Native vegetation” means plant species which are indigenous to San Juan County.

15
16 “Natural designation” means the land use designation of the Comprehensive Plan that is
17 designed to preserve unusual or valuable natural resource systems by the regulation of all
18 activities or uses which might degrade or alter the natural characteristics which make these areas
19 unusual or valuable.

20
21 “Natural designation environment (shoreline)” means the Shoreline Master Program designation
22 designed to preserve unusual or valuable natural resource systems by regulating all potential uses
23 which might degrade or alter the natural characteristics that make the area unusual or valuable.

24
25 “Natural or existing topography” means the topography of the lot, parcel, or tract of real property
26 immediately prior to any site preparation or grading, including excavation or filling.

27
28 “Natural system (shoreline)” means a group of related objects or forces existing in nature: for
29 example, a shore process corridor.

30
31 “Net use area” means the area used to calculate the required number of parking spaces for
32 developments in Eastsound as specified in Table 22. Net use area is the gross floor area
33 excluding the following:

34 1. Circulation areas such as entries and weather vestibules, lobbies, hallways and
35 corridors, stairways, elevators and similar areas which do not have customer/patron
36 uses other than for circulation of people; and

37 2. Mechanical, custodial and storage areas such as mechanical rooms and
38 chases/shafts, electrical/utility rooms and vaults, toilets, custodial rooms, and areas
39 used solely for storage.
40
41

1 ~~“New and expanding aquacultural activities” means aquacultural activities that expand beyond~~
2 ~~the current geographic footprint existing on the effective date of the ordinance codified in this~~
3 ~~section (see “aquacultural activities”).~~

4
5 “No net loss” means the requirement that development and vegetation removal not result in net
6 harm in the aggregate to the existing functions and values of the ecosystem that includes the
7 adversely impacted or lost critical areas. The no net loss standard in WAC 365-196-830 requires
8 that where development regulations allow harm to critical area functions and values, they must
9 require compensatory mitigation of the harm unless alternative means of protecting critical areas
10 exist such as best management practices or a combination of regulatory and nonregulatory
11 programs.

12
13 “Noise” means any sound not occurring in the natural environment which causes or tends to
14 cause an adverse psychological or physiological effect on humans.

15
16 “Noise exposure forecast level” means the level of predicted noise exposure or areas within the
17 vicinity of an airport due to aircraft operations at some future date based on noise levels and
18 duration at the time of prediction.

19
20 “Noncapital alternative strategies” means programs, strategies, or methods that contribute to
21 achieving and maintaining adequate levels of service (as set forth in the Comprehensive Plan) for
22 concurrency facilities by means other than by constructing structural improvements. These
23 strategies include but are not limited to reduction of need or demand for a facility or service (as
24 by education efforts or increased efficiency of use), provision of a noncapital substitute, and use
25 of alternative methods to provide capacity. (See also “adequate capacity,” “available capacity,”
26 “concurrency,” and “level of service.”)

27
28 “Nonconforming” means an existing use, structure, site, or lot that conformed to the applicable
29 codes in effect on the date of its creation but that no longer complies because of changes in code
30 requirements. Nonconformity is different than and not to be confused with illegality (see “illegal
31 use”). Legal nonconforming lots, structures, and uses are commonly referred to as
32 “grandfathered.”

33 “Nonconforming lot” means an existing lot that does not conform to the area, width, depth, or
34 street frontage regulations of the land use designation where it is located.

35
36 “Nonconforming structure” means an existing structure that does not conform to the dimensional
37 regulations, ~~such as including but not limited to~~ setback, height, lot coverage, density, and
38 building configuration regulations of the land use designation where it is located due to changes
39 in code requirements. (See also “alteration, nonconforming structures.”)

40
41 “Nonconforming use” means an existing use of a structure or of land that does not conform to
42 the regulations of the land use designation where use exists due to changes in code requirements.
43 (See also “alteration, nonconforming use.”)

1 ~~“Nonconsumptive use” means a use which does not permanently deplete, degrade, or destroy the~~
2 ~~resource involved.~~

3
4 “Nonpoint source” means the release of waste or other flows which occurs over a broad or
5 undefined area. Releases which can be described as confined to a small area, such as discharges
6 from a pipe or conduit, are referred to as “point-source discharges.” (See also “point-source
7 discharge.”)

8
9 “Normal residential appurtenance, shoreline” means a structure or development that is
10 necessarily connected to the use and enjoyment of a single-family residence and which is
11 expressly defined in WAC 173-27-040 and in Chapter 18.50 SJCC, for purposes of exemption
12 from shoreline substantial development permit requirements in accordance with WAC 173-27-
13 040(g). Structures and activities considered normal residential appurtenances include accessory
14 dwelling units or other detached residential structures, garages, sheds, decks attached to primary
15 structures, private pedestrian pathways, stairways to access shorelines, ramps, patios, fences,
16 driveways, utilities, on site sewage disposal systems, antennas, solar arrays, wind power
17 generators serving a single structure, satellite dishes, boat houses landward of the primary
18 residential structure served by marine railways that requires a substantial development permit,
19 official registered historic structures, and grading which does not exceed two hundred fifty (250)
20 cubic yards and which does not involve placement of fill in any wetland or waterward of the
21 OHWM.

22
23 “Nursery” means lands or greenhouses used to raise flowers, shrubs, and plants for commercial
24 purposes.

25
26 “Nursing home (long-term health care facility)” means a facility or residence that provides health
27 or long term care services to residents, including nursing or other supportive or restorative health
28 services on a 24-hour basis (RCW 43.190.020).

29
30 **SECTION 75. SJCC 18.20.160 and Ord. 26-2012 § 14 are each amended to read as follows:**

31
32 “Parcel” means a lot or plot of land proposed or created in accordance with this code or prior
33 subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or
34 future, of transfer of ownership. The external boundaries existing as of October 2, 1979, ~~shall be~~
35 is used to establish what is a parcel for the purposes of this code. For parcels which have not
36 been conveyed since that date, the legal description used in the conveyance closest to that date
37 ~~shall~~ controls. The term “parcel” is synonymous with the terms “lot” and “tract.”

38
39 “Park” means a tract of land that is specifically designated as a “park” and is used by the public
for recreation.

40
41 “Parking area” means a space where vehicles are left temporarily such as a road end. These
42 areas are typically noncommercial and unpaved areas that may be in the County right-of-way and
may provide visual or physical access to the shoreline.

- 1 “Parking lot” means an off-street, ground level open area, usually improved, for the temporary
2 storage of motor vehicles.
- 3 “Parking structure” means a building or structure consisting of more than one level and used to
4 store motor vehicles. Underground parking is considered a parking structure.
- 5 “Party of record” means all persons, agencies, or organizations who have submitted written
6 comments or notified San Juan County of their desire to receive a copy of the final decision on a
7 permit. (WAC 173-27-030).
- 8 “Peak demand” means the highest demand associated with a particular interval, such as peak day
9 or peak hour.
- 10 “Performance standard” means a set of criteria or limits relating to certain characteristics that a
11 particular use or process may not exceed.
- 12 “Permanent moorage facility” means a facility which provides wet moorage or dry storage for
13 pleasure craft or commercial craft for a fee for periods of six (6) months or more.
- 14 “Permanently affordable housing” means affordable housing, the affordability of which is
15 assured for at least 99 years.
- 16 Permit Center. See “department.”
- 17 “Permit review” means the process of reviewing applications for project permits for consistency
18 with the requirements of this code.
- 19 “Permittee” means the entity to whom a permit is granted.
- 20 “Person” means any individual, owner, contractor, tenant, partnership, corporation, association,
21 organization, cooperative, public or municipal corporation, agency of a state or local
22 governmental unit however designated, public or private institution, or an employee or agent of
23 any of the foregoing entities.
- 24 “Personal wireless service facility or PWSF” means a facility for the provision of personal
25 wireless services, as defined by and includes the property lease area and all towers, antennas,
26 mounts, transmission cables, equipment shelters or cabinets, and any other installations for the
27 operation of a personal wireless facility. Amateur radio towers and antennas are not PWSFs and
28 are exempt from height requirements in accordance with SJCC 18.60.050.
- 29 “Personal and professional services” means, for the purposes of this code, establishments
30 primarily engaged in providing assistance, as opposed to products, to individuals, business,
31 industry, government, and other enterprises, not listed specifically in this code as a distinct use
32 for regulatory purposes, such as laundry and dry cleaning services; barber shops and beauty
33 salons; legal, engineering, architectural, design and accounting services, and the like.
- 34 ~~“Personal wireless service facility or PWSF” means a facility for the provision of personal~~
35 ~~wireless services, as defined by and includes the property lease area and all towers, antennas,~~
36 ~~mounts, transmission cables, equipment shelters or cabinets, and any other installations for the~~
37 ~~operation of a personal wireless facility. Amateur radio towers and antennas are not PWSFs and~~
38 ~~are exempt from height requirements in accordance with SJCC 18.60.050.~~

- 1 “Personal wireless services” means any Federal Communications Commission (FCC) licensed
2 commercial wireless telecommunications service defined in Section 704 of the Federal
3 Telecommunications Act of 1996, including cellular, personal communications services (PCS),
4 commercial mobile radio services, unlicensed wireless services, and common carrier wireless
5 exchange access services. Personal wireless services does not include the operation of amateur
6 radio.
- 7 “Pervious surface” means a surface that absorbs water.
- 8 “Pier” means a structure that abuts the shoreline and is generally used as a landing or moorage
9 place for commercial and pleasure craft. A pier is a fixed platform above the water.
- 10 “Planned unit development” means a development characterized by a unified site design,
11 clustered residential units or commercial units, and areas of common open space.
- 12 “Planning department,” “permit center,” and “building department” all mean the San Juan
13 County community development and planning department.
- 14 Planning Director. See “Director.”
- 15 “Plat” means a map or representation of a subdivision or short subdivision of land showing the
16 division of a parcel of land into lots, roads, dedications, common areas, restrictions and
17 easements, as regulated by Chapter 58.17 RCW and this code.
- 18 Plat Alteration. See “subdivision, alteration of.”
- 19 Plat, Long. See “subdivision (long).”
- 20 Plat, Short. See “subdivision, short.”
- 21 Plat Vacation. See “subdivision, vacation of.”
- 22 “Playing field” means a land area designed and used for outdoor games, such as baseball,
23 football, soccer, track events and tennis. It includes public outdoor swimming pools.
- 24 “Pocket beach” means a Class II or Class III beach which does not depend on littoral drift
25 accretion. It depends on the erosion of immediately adjacent sources.
- 26 “Point” means a low profile shoreline promontory of more or less triangular shape, the tip of
27 which extends seaward.
- 28 “Point-of-use demand management” means a set of policies, procedures, and facilities that
29 provide for the maximum efficiency where they are actually used, as distinguished from
30 efficiency practices in supply, transmission, and distribution systems.
- 31 “Point-source discharge” means the release of waste or other flows which can be described as
32 confined to a small area, such as discharges from a pipe or conduit. Releases occurring over a
33 broad or undefined area are referred to as “nonpoint sources.” (See also “nonpoint-source.”)
- 34 “Ports and water-related port facilities” means shoreline modifications such as breakwaters,
35 jetties, groins and over-water structures that are located within the jurisdiction of a port district.

1 “Ports, marinas, and marine transportation designation” means the Shoreline Master Program
2 designation intended to protect, maintain, and enhance port, marina and marine transportation
3 uses and areas within the County’s shoreline. This designation is characterized by infrastructure
4 for launching, docking, mooring, maintaining, repairing, and storing a variety of marine craft.

5 “Potential critical aquifer recharge areas” means areas identified as significant due to their
6 potential value in supplying groundwater and vulnerability to contamination. They are identified
7 based upon the relative ability of the soil to accept water and allow it to flow to become
8 groundwater.

9 “Predecision hearing, open-record” means a hearing, conducted by the hearing examiner, that
10 creates the County’s record through testimony and submittal of evidence and information, under
11 procedures prescribed by the County by ordinance or resolution. (RCW 36.70B.020).1

12 “Preliminary plat” means a neat and approximate drawing of a proposed subdivision or short
13 subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a
14 subdivision consistent with the requirements of this code and Chapter 58.17 RCW.

15 “Primary association” in the context of critical area regulations refers to those areas that provide
16 fish and wildlife habitat, including physical and biological features, that are necessary for a
17 species to survive over the long term. Examples include areas that are necessary for essential life
18 cycle functions including areas used for feeding, nesting, breeding, and rearing.

19 “Primary surface” means the FAA imaginary surface that is longitudinally centered on and
20 encloses an aircraft runway.

21 “Primary use” means the principal use of a property.

22 “Project permit” refers to a land use permit or license required from San Juan County for a
23 project, ~~such as including but not limited to~~ land divisions, boundary line modifications, binding
24 site plans, planned unit developments, conditional use permits, variances, shoreline substantial
25 development permits (shoreline conditional use permits, shoreline variances), provisional use
26 permits and temporary use permits. Concurrency findings, determinations of completeness, and
27 other such administrative approvals are reviewed as part of the underlying project permit and are
28 not project permits. SEPA threshold determinations are not project permits. Building, driveway,
29 and other construction-type development permits and approvals are not project permits for this
30 UDC (RCW 36.70B.020(4) and 36.70B.140). (See “development permit.”)

31 “Proprietor-occupied” means the residential occupancy by the owner of a building or property.

32 “Provision” means any written language contained in this code, including without limitation, any
33 definition, policy, goal, regulation, requirement, standard, authorization, or prohibition.

34 “Public access areas” means ways or means of approach to provide the general public with a
35 physical entrance to a property.

36 “Public facilities” means facilities which serve the general public including streets, roads, ferries,
37 sidewalks, street and road lighting systems, traffic signals, community water systems,
38 community sewage treatment systems, storm sewer systems, parks and recreational facilities, and
39 public schools.

1 “Public schools” means a building (and grounds) or part thereof designed, constructed, or used
2 for publicly operated education ~~and~~/or instruction.

3 “Public services” means services available to and used by the general public. They may be, but
4 are not necessarily, provided by a public agency for fire protection and suppression, law
5 enforcement, public health, education, recreation, environmental protection, and other
6 governmental services (RCW 36.70A.030(13)). Some public services are essential public
7 facilities.

8 “Public transportation systems” means public facilities for air, water, or land transportation.

9 **SECTION 76. SJCC 18.20.180 and Ord. 21-2015 § 33 are each amended to read as follows:**

10 “Radio-frequency (RF) engineer” means a person qualified by education, training, or experience
11 to certify audio frequency measurements.

12 “RCW” means the Revised Code of Washington.

13 “Recording” means the filing of a document(s) for recordation with the County auditor.

14 “Recreational development” means parks and facilities for camping, indoor and outdoor sports,
15 and similar developments.

16 “Recreational float” means a float used for recreational swimming and diving, not vessel
17 moorage, that meets federal and state standards, is not connected to the land above the OHWM,
18 and is permanently secured to the sea or lake bed.

19 “Recreational vehicle park” means a commercially developed tract of land in which two or more
20 recreational vehicle sites are established as the principal use of the land.

21 “Recreational vehicle (RV)” means a vehicle designed primarily for recreational camping or
22 travel use that has its own motive power or is mounted on or towed by another vehicle, including
23 travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes
24 (RCW 43.22.335).

25 “Recycling” means the process of segregating solid waste for sale, processing, and beneficial
26 use. Materials which can be removed through recycling include but are not limited to newsprint,
27 cardboard, aluminum, glass, plastics, and ferrous metal. Recycling does not include combustion
28 of solid waste or preparation of a fuel from solid waste.

29 “Recycling center” means an area, with or without buildings, upon which used materials are
30 separated and processed for shipment.

31 “Recycling collection point” means public drop-off and temporary storage of recyclables.
32 Sorting and processing of recyclables occurs off the site.

33 “Recycling collection ~~and~~/or processing” means public drop-off of recyclables with sorting
34 ~~and~~/or processing on the site.

35 “Regular use,” for the purposes of Section 61(G) of this ordinance, means a pattern of use that is
36 intensive and sustained such as daily commuter use.

- 1 “Related use” means a use in the Eastsound service light industrial and service park districts for
2 retail purposes that is connected logically, causally or by shared characteristics to another
3 allowable use.
- 4 “Religious assembly facility” means a facility designed and used primarily for ceremonies,
5 rituals, and education pertaining to a particular system of spiritual beliefs.
- 6 “Residential activity center” means an area of more intensive rural development (AMIRD)
7 characterized by existing residential areas that have existing development patterns at nonrural
8 densities (see RCW 36.70A.070(5)(d)).
- 9 “Residential care facility” means a facility that provides care for at least five, but not more than
10 15, functionally disabled persons that is not licensed pursuant to Chapter 70.128 RCW.
- 11 “Residential development” means development of land with dwelling units for nontransient
12 occupancy. For the purposes of this code, accessory dwelling units, garages, and other similar
13 structures accessory to a dwelling unit ~~shall~~ are also be considered residential development
14 unless regulated otherwise by this code or subarea plans. (See also “dwelling unit” and
15 “accessory dwelling unit (ADU).”)
- 16 “Resort” means a land area devoted to providing commercial recreational facilities and related
17 lodgings, sales, and personal services primarily serving vacationers, which may or may not
18 include residential uses. (See also “master planned resort.”)
- 19 “Resource-based activities” means activities related to the harvesting, processing, manufacture,
20 storage, and sale of agricultural, forestry or mineral products, such as including, but not limited
21 ~~to,~~ wineries, cideries, breweries, distilleries, nurseries, lumber mills, and gravel-processing
22 plants.
- 23 “Resource lands” means agricultural, forest, and mineral lands that have long term commercial
24 significance.
- 25 “Restoration” means to return to an original or like condition.
- 26 “Restriction” means a limitation placed upon the use of parcel(s) of land.
- 27 “Revetment” means structures of materials such as stone or concrete built to protect a scarp,
28 embankment, or shore structure against erosion by waves or currents.
- 29 “Right to farm provisions” means provisions intended to enhance and encourage agricultural
30 operations by recognizing agricultural activities as essential rural activities that do not constitute
31 a nuisance.
- 32 “Right to forestry provisions” means provisions intended to enhance and encourage sustainable
33 forestry operations by recognizing forestry activities as essential rural activities that do not
34 constitute a nuisance.
- 35 “Riprap” means a layer, facing, or protecting mound of stones placed to prevent erosion, scour,
36 or sloughing of a structure or embankment.

1 “Road” means an improved and maintained public or private right-of-way which provides
2 vehicular access to abutting properties, and which may also include provision for public utilities,
3 pedestrian access, cut and fill slopes, and drainage.

4 “Road end” means:

- 5 1. A road closed at one end which may be designed for future road extensions; or
- 6 2. The point at which a public road meets the tidelands.

7 “Road, local access” means a road that functions solely to provide access to two or more
8 properties.

9 “Road, major collector” means:

- 10 1. Roads designated as major collector roads in the transportation element of the
11 Comprehensive Plan.
- 12 2. A road whose principal function is to collect and distribute traffic from minor collector
13 and local access roads.

14 “Road, minor collector” means:

- 15 1. Roads designated as minor collector roads in the transportation element of the
16 Comprehensive Plan.
- 17 2. A road whose principal function is to collect and distribute traffic from local access
18 roads.

19 “Road, primary” means any existing or proposed road designated as an arterial or collector road
20 in the transportation element of the Comprehensive Plan or so designated by the San Juan
21 County engineer.

22 “Rockfall hazard areas” means slopes which are subject to rockfall, particularly those areas
23 which have existing evidence of rockfalls, such as piles of talus at the base of cliffs, a lack of
24 vegetation on a slope, or scarps.

25 “Runoff” means water that is not absorbed into the soil but rather flows along the ground surface
26 following the topography.

27 “Runway” means the defined area at an airport, airfield, or airstrip indicated for landing and
28 takeoff of aircraft along its length.

29 “Rural character” means a quality of the landscape dominated by pastoral, agricultural, forested,
30 and natural areas interspersed with single-family homes and farm structures. Rural character
31 refers to the patterns of land use and development established by the Comprehensive Plan:

- 32 1. In which open space, the natural landscape, and vegetation predominate over the built
33 environment;
- 34 2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both
35 live and work in rural areas;

- 1 3. That provide visual landscapes that are traditionally found in rural areas and
2 communities;
- 3 4. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- 4 5. That reduce the inappropriate conversion of undeveloped land into sprawling, low-
5 density development;
- 6 6. That generally do not require the extension of urban governmental services; and
- 7 7. That are consistent with the protection of natural surface water flows and ground water
8 and surface water recharge and discharge areas.

9 “Rural commercial designation” means the land use designation of the Comprehensive Plan
10 designed to provide opportunities for some commercial uses to be located in rural areas.

11 “Rural commercial uses” means the use of land or the use or construction of structures or
12 facilities involving the retail sale of goods or services which is either unsuitable for an activity
13 center or is better suited to rural lands and that does not require urban governmental services.

14 “Rural shoreline designation environment” means the Shoreline Master Program designation that
15 is designed to protect, maintain, and enhance the rural character of the County’s shoreline. The
16 Rural shoreline designation environments is intended to retain the pastoral, forested, and natural
17 landscape qualities of the islands while providing protection from expansion of urban and
18 suburban forms of land uses.

19 “Rural farm-forest designation” means the land use designation of the Comprehensive Plan
20 designed to protect rural, agriculture and timber areas from urban and suburban forms of
21 development.

22 “Rural farm-forest shoreline designation” means the Shoreline Master Program designation that
23 is designed to protect rural, agriculture, and timber areas from urban and suburban forms of
24 development.

25 “Rural general use designation” means the land use designation of the Comprehensive Plan
26 designed to provide flexibility for a variety of small-scale, low-impact uses to locate on rural
27 lands.

28 “Rural governmental services” means those public services provided to rural areas at a scale
29 consistent with the rural character of the area.

30 “Rural industrial designation” means the land use designation of the Comprehensive Plan
31 designed to provide opportunities for some industrial uses to be located in rural areas.

32 “Rural industrial use” means the use of land or the use or construction of structures or facilities
33 related to the processing, manufacture or storage of finished or partially finished goods which are
34 either unsuitable for an activity center or are better suited to rural lands, and which do not require
35 urban governmental services.

36 “Rural lands” means the class of land use designations which are intended to preserve the rural
37 character of the islands. Rural land designations include the following: rural general use, rural

1 farm-forest, rural residential, rural industrial, and rural commercial, together with the resource
2 lands and special land use designations (conservancy and natural).

3 “Rural residential cluster” means a small cluster of residences and related structures that is
4 intended to provide opportunities for affordable housing in rural areas, while remaining
5 compatible with the rural, agricultural and natural character of rural lands and not requiring
6 urban-level services.

7 “Rural residential designation” means the land use designation in the Comprehensive Plan
8 designed to recognize existing residential development patterns of the rural landscape and
9 provide for a variety of residential living opportunities at densities which maintain the primarily
10 rural residential character of an area.

11 “Rural residential ~~environment~~ (shoreline) designation” ~~means the Shoreline Master Program~~
12 designation that is designed ~~rural shoreline designation intended~~ to protect and enhance existing
13 medium density residential areas on the shoreline and provide for additional areas of this type.

14 **SECTION 77. SJCC 18.20.190 and Ord. 21-2015 § 34 are each amended to read as follows:**

15 “Sale” means the transfer for consideration of legal or beneficial ownership.

16 “Salt water intrusion” means the underground flow of salt water into wells and aquifers.

17 ~~“Sanctuaries” means places of habitation and refuge for plants and animals.~~

18 “Screening” means a method of visually shielding or obscuring a structure or use from view by
19 fencing, walls, trees, or densely planted vegetation.

20 ~~Seawall. See “bulkhead.”~~

21 “Seaward” means to or toward the sea.

22 “Secondary use” is secondary, or subordinate, to the primary use of the property (e.g.,
23 commercial, residential, utilities, etc.)

24 “Security barrier” means a locked, impenetrable wall or fence that completely seals an area from
25 unauthorized entry or trespass.

26 “Sedimentation” means the process by which material is transported and deposited by water or
27 wind.

28 “Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake-
29 induced ground shaking, slope failure, settlement, or soil liquefaction.

30 “Septage” means the mixture of solid, semi-solid, and liquid wastes, scum, and sludge that is
31 pumped from within septic tanks, pump chambers, holding tanks, and other septic system
32 components.

33 “Service area” means an area identified by a public water system that includes existing and
34 future service.

35 “Setback” means the distance a structure is placed behind a specified line or topographic feature.

1 “Sewerage treatment facilities” means the management, storage, collection, transportation,
2 treatment, utilization, and processing of sewage from a municipal or community sewage
3 treatment plant, not including community drain fields.

4 “Shooting range” means a facility specifically designed and used for safe shooting practice with
5 firearms and/or for archery practice, with individual or group firing positions for specific
6 weaponry.

7 “Shore process corridor” means the land-water zone within which certain geological, biological,
8 and hydraulic actions and interchanges critical to the integrity of the shoreline take place, for
9 example, a feeder bluff-driftway-accretion shoreform system.

10 “Shorelands” means lands extending landward for 200 feet in all directions as measured on a
11 horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas
12 landward 200 feet from such floodways; and all wetlands and river deltas associated with the
13 streams, lakes, and tidal waters which are subject to the provisions of Chapter 90.58 RCW, the
14 same to be designated as to location by the Department of Ecology.

15 “Shoreline access point” means a road end or other area that provides physical or visual access to
16 the tidelands and waterfront to the public. Shoreline access points may include one or more of
17 the following:

- 18 1. Signposts;
- 19 2. Benches and tables;
- 20 3. Parking areas;
- 21 4. Paths;
- 22 5. Public pedestrian trails;
- 23 6. Boat ramps without lifts;
- 24 7. Gates;
- 25 8. Staircases; or
- 26 9. Other shoreline access features.

27 ~~“Shoreline berm” means one or several linear mounds of sand and gravel generally paralleling~~
28 ~~the shore at or landward of the ordinary high water mark that are normally stable because of~~
29 ~~material size or vegetation.~~

30 “Shoreline development” means a use consisting of the construction or exterior alteration of
31 structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals;
32 bulkheading; driving of piling; placing of obstructions; or any project of permanent or temporary
33 nature which interferes with the normal public use of the surface of the waters overlying lands
34 subject to Chapter 90.58 RCW at any stage of water level (RCW 90.58.030; WAC 173-27-030).

35 “Shoreline jurisdiction (shorelands or shoreland areas)” means the proper term describing all of
36 the geographic areas covered by the Shoreline Management Act, related rules, and the applicable

1 master program. Those lands extending landward for 200 feet in all directions, as measured on a
2 horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas
3 landward 200 feet from such floodways; and all wetlands and river deltas associated with the
4 streams, lakes, and tidal waters subject to the SMA. (RCW 90.58.030).

5 ~~“Shoreline Management Act” means the Shoreline Management Act of 1971 (Chapter 90.58~~
6 ~~RCW), as amended.~~

7 ~~“Shoreline Master Program (SMP)” means the San Juan County Shoreline Master Program,~~
8 ~~being Element 3 of the Comprehensive Plan, and Chapter 18.50 SJCC.~~

9 “Shoreline modifications” means those human actions that modify the physical configuration or
10 qualities of the shoreline area, usually through the construction of a physical element such as a
11 dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can
12 include other actions, such as clearing, grading, or application of chemicals.

13 “Shoreline permit” means a substantial development, shoreline conditional use, or shoreline
14 variance permit.

15 “Shoreline substantial development permit exemption” means certain developments that meet
16 the precise terms of listed exemptions and are granted exemption from the requirements of the
17 substantial development permit process of the Shoreline Management Act (SMA). An activity
18 that is exempt from the substantial development provisions of the SMA must still be carried out
19 in compliance with policies and standards of the Act and the Master Program (Element 3 of the
20 Plan and Chapter 18.50 SJCC). Shoreline conditional use or variance permits may also still be
21 required even though the activity does not need a substantial development permit (Cf. RCW
22 90.58.030(3)(e); WAC 173-27-030(7) and 173-27-040).

23 “Shorelines” means all of the water areas in the state, including reservoirs, and their associated
24 shorelands, together with the lands underlying them, except:

- 25 1. Shorelines of statewide significance;
- 26 2. Shorelines on segments of streams upstream of a point where the mean annual flow is 20
27 cubic feet per second or less, and the wetlands associated with such upstream segments;
28 and
- 29 3. Shorelines on lakes less than 20 acres in size and wetlands associated with such small
30 lakes (RCW 90.58.030).

31 ~~“Shorelines hearings board” means the board established by the Shoreline Management Act.~~

32 “Shorelines of statewide significance” means, in San Juan County, those areas of Puget Sound
33 and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying
34 seaward from the line of extreme low tide (RCW 90.58.030).

35 “Sign” means any object, device, display or structure, or part thereof, situated outdoors or
36 indoors, which is used to advertise, identify, display, direct or attract attention to an object,
37 person, institution, organization, business, product, service, event or location by any means,
38 including words, letters, figures, design, symbols, fixtures, colors, illumination or projected

1 images. Excluded from this definition are signs required by law and the flags of national and
2 state governments.

3 “Sign, commercial” means a sign that directs attention to a business or profession, to a
4 commodity or service sold, offered, or manufactured, or to an entertainment offered on the
5 premises where the sign is located.

6 “Sign, freestanding” means a sign not attached to a structure.

7 “Sign, off-site outdoor advertising” means an outdoor, off-site sign that calls attention to a
8 business, activity, profession, commodity, product, service or entertainment constructed in the
9 form of a freestanding “A” with no more than two faces, each no larger than six square feet.

10 “Sign, temporary” means a sign that will become obsolete after the occurrence of an event or
11 series of discrete events such as for sale or lease signs, and garage sale signs that are consistent
12 with the provisions for special event signs in SJCC 18.40.400.

13 “Simple land division” means a division of property meeting the criteria in SJCC 18.70.040.

14 “Single-family residence” means a dwelling unit designed for and occupied by no more than one
15 family.

16 “Siting” means the method and form of placement of a use or development on a specific area of a
17 subject property.

18 “Slaughterhouses, small-scale” means places where animals are butchered and:

- 19 1. There is a fee charged for the entire carcass to be returned to the animal owner; or
20 2. There is a group of residents who butcher their animals in a common area and there is no
21 fee for slaughtering services.

22 “Small scale” means of a size or intensity which has minimal impacts on the surrounding area
23 and which makes minimal demands on the existing infrastructure.

24 “Soil test hole log” means the excavation and written record of soil septic suitability as per health
25 department written guidelines and requirements.

26 “Soft shoreline stabilization measures” means shore erosion control structures and measures
27 composed of primarily natural and semi-rigid or flexible materials, logs and vegetation,
28 organized in a nonlinear, sloping arrangement, that dissipate wave energy and minimize erosion
29 in a way that is similar to natural shoreline processes.

30 ~~“Soil test hole log” means the excavation and written record of soil septic suitability as per health~~
31 ~~department written guidelines and requirements.~~

32 “Solid waste” means all putrescible and nonputrescible solid and semi-solid wastes, except
33 wastes identified in WAC 173-304-015, ~~such as including but not limited to~~ junk vehicles,
34 garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned
35 vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop
36 residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid

- 1 materials which are not the primary products of public, private, industrial, commercial, mining
2 and agricultural operations. Solid waste includes but is not limited to sludge from waste water
3 treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem
4 wastes. Unrecovered residues from recycling operations ~~shall be~~ are considered solid waste.
- 5 “Solid waste disposal” means the act or process of disposing of rubbish and garbage.
- 6 “Solid waste transfer station” means a fixed, supplemental collection and transportation facility,
7 used by persons and route collection vehicles to deposit collected solid waste from off-site into a
8 larger transfer vehicle for transport to a permanent disposal site. Solid waste transfer stations
9 include recycling centers. (See “recycling center.”)2
- 10 “Sound” means an oscillation in pressure, particle displacement, particle velocity, or other
11 physical parameter in a medium with internal forces that causes compression and rarefaction of
12 that medium, including any characteristics of sound, such as, duration, intensity, and frequency.
- 13 “Source of contamination” means a facility or disposal or storage site for material that impairs
14 the quality of ground water to a degree that creates a potential hazard to the environment, public
15 health, or interferes with a beneficial use.
- 16 “Special flood hazard” means land in the floodplain subject to a one percent (1%) or greater
17 chance of flooding in any given year.
- 18 ~~“Special report” means a technical report or study containing certain site analyses or project
19 evaluations or a plan describing mitigation or monitoring recommendations.~~
- 20 ~~“Spit” means an accretion shoreform which extends seaward from and parallel to the shoreline.~~
- 21 “Static level” means the stable equilibrium level of the water in a well which rises in the well
22 column, without being influenced by pumping.
- 23 “Stocking level” means a quantitative measure of the area occupied by trees. Also referred to as
24 stand density.
- 25 “Storage yard” means an outdoor area used for the storage of equipment, vehicles and materials.
- 26 “Stream” means a watercourse with a defined bed and banks, not including manmade ditches,
27 canals, or other entirely artificial watercourses, except where they exist in a natural watercourse
28 (see WAC 220-110-020). Streams are classified in WAC 222-16-030 and 222-16-031.
- 29 “Street frontage” means the length along a street which a structure, business, or lot abuts or
30 fronts.
- 31 “Structure” means a permanent or temporary edifice or building or any piece of work artificially
32 built up or composed of parts joined together in some definite manner, whether installed on,
33 above, or below the surface of the ground or water, except for vessels (WAC 173-27-030).
- 34 “Subarea plan” means a detailed plan consistent with but more specific than this code or the
35 Comprehensive Plan. It may be a detailed land use plan for a specific geographic area, or a
36 functional long-range plan for a land use or resource issue of County-wide concern.

1 “Subdivision, alteration of” means the alteration of lots or changes in dedications or restrictions
2 or easements shown on the face of a plat of a subdivision or short subdivision; except as
3 provided by RCW 58.17.040(6) for boundary line adjustments.

4 “Subdivision (long)” means a division or redivision of land, normally into five or more parcels,
5 but under special circumstances for subdivision into two or more parcels, as provided by this
6 code and Chapter 58.17 RCW.

7 “Subdivision, short” means subdivision of land into no more than four (4) parcels, as provided
8 by this code and Chapter 58.17 RCW.

9 “Subdivision, vacation of” means the removal of lots, boundaries, roads, dedications,
10 restrictions, or easements of a recorded subdivision or short subdivision.

11 “Substantial alteration” means any alteration, where the total cost of all alterations (such as
12 ~~including but not limited to~~ electrical, mechanical, plumbing, and structural changes) for a
13 building or facility within any 12-month period or single development permit application
14 amounts to 50 percent (50%) or more of the value of the building or facility. In determining the
15 current value of the building or facility, the assessor’s fair market value, or a current appraisal
16 acceptable to the County, may be used.

17 “Substantial development” means any development of which the total cost, or fair market value,
18 exceeds the dollar threshold established by the Washington State office of financial management
19 ~~\$2,500 or any development which materially interferes with normal public use of the water or~~
20 ~~shorelines of the state (RCW 90.58.030(3)(e)); except for that developments meeting the precise~~
21 ~~terms of the exemptions specified in WAC 173-27-040, and Chapter 18.50 SJCC (Shoreline~~
22 ~~Master Program), or any development which materially interferes with the normal public use of~~
23 ~~the water or shorelines of the state shall not be considered substantial developments.~~

24 “Substantial improvement” means any maintenance, repair, structural modification, addition or
25 other improvement of a structure, the cost of which equals or exceeds fifty 50 percent (50%) of
26 the market value of the structure either before the maintenance, repair, modification, or addition
27 is started or before the damage occurred, if the structure had been damaged and is being restored.

28 “Substantial storage space” means a development in the service and light industrial and service
29 park land use districts in which the ratio of covered and uncovered storage space to retail space is
30 greater than two.

31 ~~“Subtidal” means the area seaward of the line of extreme low tide.~~

32 “Sustainable” means actions or activities which preserve and enhance resources for future
33 generations.

34 “Swale” means a depressed, vegetated, often wet area of land, or an open drainageway.

35 ~~“Swamp” means a depressed area flooded most of the year to a depth greater than that of a marsh~~
36 ~~and characterized by areas of open water amid soft, wetland masses vegetated with trees and~~
37 ~~shrubs.~~

1 **SECTION 78. SJCC 18.20.200 and Ord. 26-2012 § 18 are each amended to read as follows:**

2 “Tank farm” means an area used for the commercial bulk storage of fuel in tanks.

3 “Threshold determination” means the decision by the responsible official under the State
4 Environmental Policy Act (SEPA) regarding the likelihood that a project or other “action”
5 (WAC 197-11-704) will have a probable significant adverse impact on an element of the
6 environment.

7 “Tidelands” means land on the shore of marine water bodies between the line of ordinary high
8 tide and the line of extreme low tide.

9 “Timber land” means land supporting or capable of supporting a stand of merchantable timber
10 and which is not being developed or used for an activity which is incompatible with timber
11 production.

12 ~~“Tombolo” means a causeway-like accretion spit which connects an offshore rock or island with
13 the main shore. Tombolos normally develop from bars (submarine berms) and an active
14 driftway.~~

15 “Trailer” means a structure standing on wheels, towed or hauled by another vehicle, and used
16 for short term human occupancy, carrying of materials, goods, or objects, or as a temporary
17 office.

18 “Transfer of development rights (TDR)” means the transfer of the right to develop or build,
19 expressed in dwelling units per acre, from land in one land use designation to land in another
20 designation or from one property owner to another, where such a transfer is permitted.

21 “Transfer station” means a facility for the collection of solid waste from off-site into a larger
22 transfer container or vehicle for transfer to a permanent disposal site. (See “solid waste transfer
23 station.”)

24 “Transient accommodations” means a commercial or residential use involving the rental of any
25 structure or portion thereof for the purpose of providing lodging for periods less than 30 days.

26 “Transitional surface” means the FAA imaginary surface that is the lower boundary of an
27 airspace which begins on either side of the primary surface and which slopes outward and
28 upward to meet the horizontal surface above the airport. This surface is also connected to the
29 approach surface at both ends of the runway.

30 “Transportation facilities” means roads, public pedestrian and bicycle trails, airports, airfields,
31 public docks, ferries and related terminals, and parking areas.

32 “Tree line” means the line created by existing trees, at the trunk line, growing in a generally
33 continuous line, as opposed to a line drawn between a few isolated trees.

34 “Tree protection zone” means a protective area established around a tree or cluster of trees. With
35 regard to streams, lakes, ponds, and shorelines, this includes the area between the water and the
36 tree or cluster of trees.

37 ~~“Turbid (turbidity)” means thick or opaque with rolled sediment; muddy.~~

1 “Turion” means a shoot of eelgrass emanating from the rhizome.

2 **SECTION 79. Savings Clause:**

3 This ordinance does not affect any pending suit or proceeding; or any rights acquired; or liability
4 or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding
5 instituted under those sections. All rights and obligations existing prior to adoption of this
6 ordinance shall continue in full force and effect.

7 **SECTION 80. Severability:**

8 If any provision of this ordinance or its application to any person is held invalid, the remainder of
9 this ordinance and the application to other persons or circumstances shall not be affected.
10 Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the
11 ordinance prior to removal of the portions declared invalid.

12 **SECTION 81. Effective Date:** This ordinance shall take effect fourteen days from the
13 date of written approval by WDOE pursuant to RCW 90.58.090.

14
15 **SECTION 82. Publication of Notice of Adoption:** A notice of adoption of this
16 ordinance will be published pursuant to RCW 36.70A.290(7) promptly after its approval by
17 WDOE.

18
19 **SECTION 83. Codification:** Sections 4 through 78 shall be codified as noted in Section
20 84 below after the effective date of this ordinance.

21
22 **SECTION 84. Notes to the Codifier:**

23
24 **A.** Section 4, sub-section F, numbers 4 and 5 are to be codified by changing the numbers and
25 moving number 5 into the position of 4.

26 **B.** Section 4, sub-section I, move 18.80.110 (I)(3)(c-e) to be a sub-section of
27 18.80.110(I)(1).

28 **C.** Section 5, sub-section B, move the second sentence that reads, “Nonconforming uses or
29 structures may be relocated ~~on the same site on the same parcel.~~” to a new sub-section C and re-
30 letter the rest of the Section accordingly.

31 **D.** Section 39 shall be codified in Section 33 as item Q.

32 **E.** Section 64 shall be codified as section 12.

33 **F.** The definitions in Sections 67 through 78 are to be alphabetized.

34 **G.** Throughout text, where the phrase ‘effective date of this ordinance’ appears, replace it
35 with the effective date indicated in Section 81 above.

36 **H.** Sections 7 through 12 are to be codified as Article I General Provisions of Chapter 18.50
37 SJCC.

1 I. Sections 13 through 25 are to be codified as Article II General Regulations of Chapter
2 18.50 SJCC.

3 J. Sections 26 through 66 are to be codified as Article III Regulations for Specific
4 Developments, Uses, Structures and Activities of Chapter 18.50 SJCC.

5 K. All tables and figures shall be numbered consistent with existing code.

6
7 ADOPTED this 5TH day of APRIL, 2016.

8
9 ATTEST: Clerk of the Council

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

10
11 Ingrid Gabriel 4/11/2016
12 Ingrid Gabriel, Clerk Date

Jamie Stephens
13 Jamie Stephens, Chair
14 District 3

15
16
17 REVIEWED BY COUNTY MANAGER

18
19 Michael J. Thomas 4/8/16
20 Michael J. Thomas Date

Rick Hughes
21 Rick Hughes, Vice-Chair
22 District 2

23
24 RANDALL K. GAYLORD
25 APPROVED AS TO FORM ONLY

26
27 By: Ray K. Apr 16, 2016
28 Date

Bob Jarman
29 Bob Jarman, Member
30 District 1

31
32
33
34
35 **Exhibit A:** San Juan County Comprehensive Plan Section B, Element 3, Shoreline Master
36 Program

37 **Exhibit B:** San Juan County Comprehensive Plan Land Use and Shoreline Master Program Map

38
39 **Exhibit C:** San Juan County Shoreline Restoration Plan

40
41 **Exhibit D:** Table of Map Designations That Do Not Follow Parcel Lines