

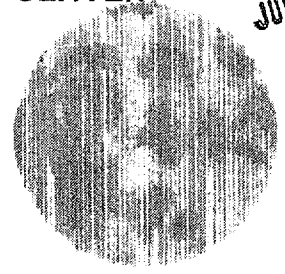
15101

W.P.

COASTAL ZONE
INFORMATION CENTER

Property of CSC Library

JUL 14 1997



QH
76.5
.S26
1976 Y

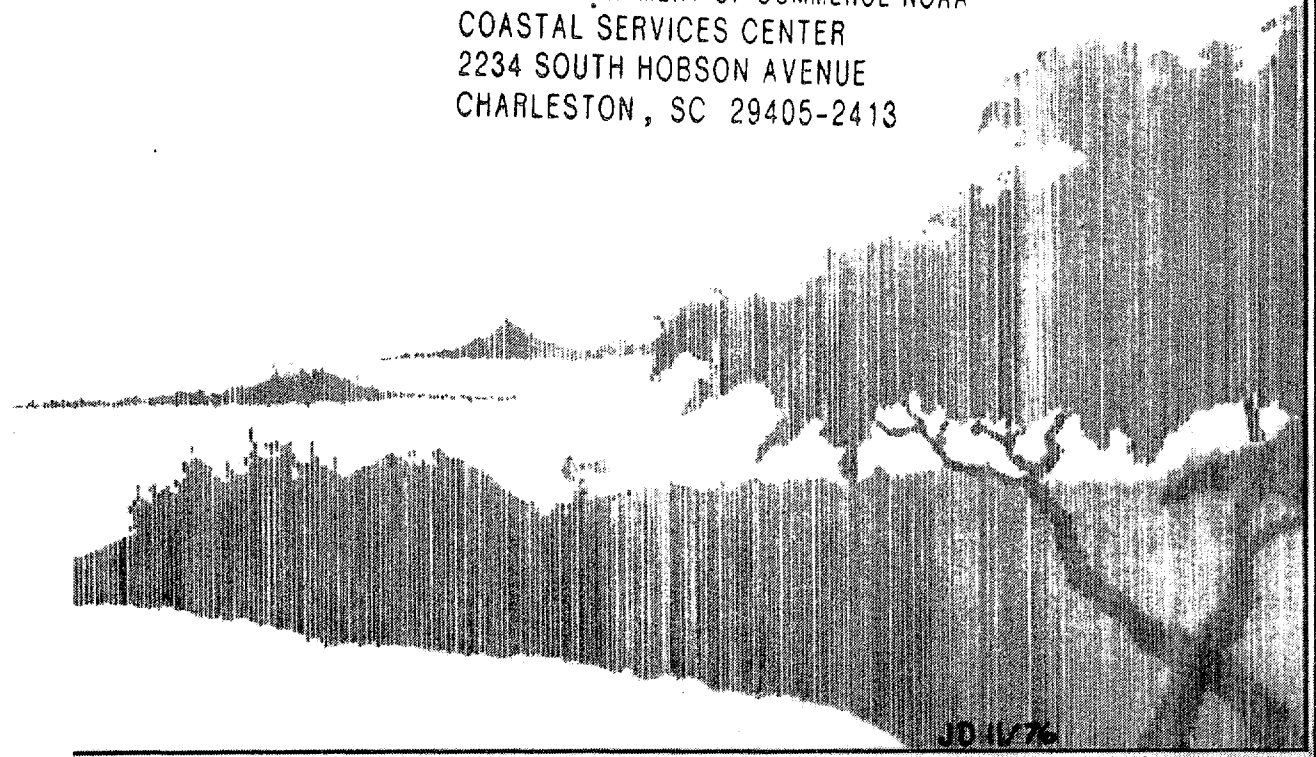
CZIC COLLECTION

SAN JUAN COUNTY SHORELINE MASTER PROGRAM October 1976

U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Washington State Dept. of Ecology

QH
76.5
.S26
1976



JD 11/76

The preparation of this document was aided by grants from the following sources: the Washington State Office of Community Development under the provisions of Section 701 of the Housing Act of 1954, as amended; the Washington State Department of Ecology under the provisions of Section 25 of the Shoreline Management Act of 1971 and Section 305 of the Coastal Zone Management Act of 1972.

Copies of this Master Program are available from the

San Juan County Planning Department
P.O. Box 947
Friday Harbor, WA 98250

COASTAL ZONE INFORMATION CENTER

ACKNOWLEDGMENTS

The Board of County Commissioners would like to extend sincere thanks to all of the members of the Shoreline Citizens Advisory Committee, without whom this Master Program could not have been developed. This seemingly tireless group of people invested hundreds of hours in bringing this program to completion. (A complete list of committee members names follows.) We would also like to thank the many other county residents and landowners, too numerous to mention, who also assisted in the preparation of this Master Program.

San Juan

Charles Nash, Chairman
Bill Brant
John Dustrude*
Terry Jackson
Woody Jepsen
G. O. Johnson*
Sue Lorentz
Louisa Norris
Al Sundstrom
Gloria Harris (alternate)

Shaw

Bob Waters, Chairman
Don Clark
Frank Fowler
Gus Gratzer
Charlotte Lamoreaux
Hazel Mills
Hap Smith
Judge Stan Soderland
Marlyn Hoffman (secretary)

Orcas

Betty Jo Hartung, Chairwoman*
Shirley Aggas, Chairwoman
Doug Brown*
Mrs. Lyle Bush*
Dave Church
Dorothy Hungar
George Paabody
Bob Schoen
Esther Sheehan

Waldron

Oliver Wilgress, Chairman
Lynn Coe
Phil Lovering
Lizanne Magraw
Edith Patten
Robin Sanderlin*
Robert Weaver

Lopez

Donna Kjargaard, Chairwoman*
Robert Scott, Chairman
Richard Alexander*
Lavinia Besola
Howard Cole
Tom Cowan
Pat Cunningham*
Helen Lewis*

CZIC COLLECTION

* resigned

Washington State Dept. of Ecology

INTRODUCTION

The Shoreline Management Act and the San Juan County Shoreline Master Program are based upon recognition of the fact that shorelines are a limited and valuable resource. San Juan County's approximately 375 miles of shoreline, and shorelines throughout the state, support a diverse range of activity. The fact that these shorelines, and the natural processes which occur on and around them, are limited and irreplaceable, combined with the fact that both the demand for shoreline sites and man's ability to disrupt shoreline natural processes have increased dramatically, makes some sort of consistent management program a necessity.

Recognition of this situation on a statewide basis led to the development of an initiative to the voters (Initiative 43) in 1971. The state legislature took exception to some of the provisions of Initiative 43 and drafted and enacted the Shoreline Management Act of 1971. It became effective on June 1, 1971. The legislature also directed the secretary of state to place the Act on the ballot as a referendum, along with Initiative 43, in the 1972 general election. The voters were asked to indicate, first, whether or not they favored the concept of a shoreline management act and, if so, whether they preferred the citizen proposal, Initiative 43, or the legislature's version, presented as Alternative Measure 43B.

Statewide, the voters endorsed the concept of regulating shoreline development and by more than a two-to-one margin opted for the legislature's version. In San Juan County the voters also approved the concept and, by a smaller margin, the legislature's proposal. The official vote was as shown below:

	<u>Yes</u>	<u>No</u>
<u>Shoreline Management</u>	1346	1172
<u>Initiative 43</u>	543	
<u>Alternative Measure 43B</u>	1433	

Under 43B, the Shoreline Management Act of 1971, the State Department of Ecology is directed to provide guidelines to local governments for the preparation of shoreline master programs. The DOE is also directed to review all local programs for compliance with the provisions of the Shoreline Management Act and the "Final Guidelines".

The Act requires cities and counties, with assistance from the state, to:

- inventory shoreline characteristics and resources;
- develop a permit system to regulate substantial development; and
- develop a shoreline master program in compliance with the Act and "Guidelines" but tailored to the needs and desires of the specific city or county.

San Juan County's inventory was completed in late 1972. In August of 1973, the county commissioners appointed a Citizens' Advisory Committee to develop goals and policies for the master program. In 1974, the county planning department drafted use regulations based on those goals and policies. The following year the Citizens' Advisory Committee reviewed and revised the use regulations and prepared recommended environment designations (urban, suburban, rural, etc.) for all of the county's shorelines. The entire package was submitted to the county commissioners in early 1976. They reviewed the proposed program in detail and then held six public hearings on the three major islands from August through October. On October 18, 1976, the commissioners officially adopted the shoreline master program and submitted it to the Department of Ecology where it was subsequently approved.

SUMMARY

Basically, the Master Program is composed of three sections - the goals and policies, the designated environments and the use regulations. The goals and policies are the foundation of the Master Program. They set the priorities and the tone for the whole document. San Juan County's goals and policies were formulated almost entirely by the Citizen's Advisory Committee and went through three public hearings with good support and little opposition.

The environments, which are a sort of classification of segments of the shorelines, were designated by each island's Committee and have been reviewed by each Committee in the light of the use regulations. The Shoreline Management Act established four environments - urban, rural, conservancy and natural. Some of the island Committees felt that these four weren't adequate and this Master Program includes two more - suburban and aquatic. Each environment is defined and criteria for its use have been developed.

The third part of the Master Program, the use regulations, is the part that implements the whole thing, that puts it into effect by means of specific standards and requirements. The "Final Guidelines" of the Shoreline Management Act specify twenty-one types of uses that must be addressed by the regulations section. This Master Program combines two of those categories and another is not applicable in this county so there are only nineteen separate sections contained in these use regulations.

The remainder of the Master Program consists primarily of the administrative sections that establish the procedures by which the program is to be used on a day to day basis. These are critical because they are the citizen's guarantee that all persons will be treated fairly and equitably whenever their actions become subject to the Shoreline Act.

WHAT DO THOSE DESIGNATIONS MEAN?

The Shoreline Management Act applies to all shorelines in the state (except federal lands) 200 feet landward from the line of ordinary high tide and also seaward of that line. The state law says all such shorelines are to be designated "Urban", "Rural", "Conservancy", or "Natural". San Juan County has added "Suburban" and "Aquatic". But what do those designations mean in terms of the restrictions they would impose upon a piece of shoreline property? To answer that in detail you would have to read the Shoreline Master Program for San Juan County. In very general terms they can be explained as follows.

The URBAN ENVIRONMENT is designed to provide for comparatively intense development and activity. No maximum density (number of residences or structures per acre) or minimum lot size is specified but there would be requirements for proper design and safe water supply and sewage disposal. Eastsound is a good example of an area that logically would be designated Urban.

The SUBURBAN ENVIRONMENT is intended primarily for residential development but many related forms of development also would be permitted, including marinas, restaurants, resorts and neighborhood commercial activities. The Suburban Environment should be used where roads, utilities and public services can be provided without great difficulty. Maximum allowable density is one residence per half-acre.

The RURAL ENVIRONMENT is designed to protect agricultural and timber lands from urban and suburban expansion and to maintain open spaces. Residential development would be permitted to a maximum allowable density of one residence per two acres. Development related to the commercial fishing industry or to agriculture would be permitted outright. Other forms of development which are not contrary to the purpose of the Rural Environment would be permitted under certain conditions.

The CONSERVANCY ENVIRONMENT is designed to protect valuable natural resources, wildlife, historical and scenic areas. This is not a "hands-off" designation. The intent is to permit human use, but in a manner which will not destroy the resource that exists in the area. The maximum allowable residential density would be one residence per acre.

The NATURAL ENVIRONMENT is designed to preserve unusual or valuable natural resource systems by regulating all potential uses which might degrade or alter the natural characteristics that make the area unusual or valuable. The owner would be permitted to construct a single family residence for his/her own use in a Natural area but subdividing would not be permitted.

The AQUATIC ENVIRONMENT is everything seaward of the line of ordinary high tide. It's purpose is to recognize the difference between the land and water environments. In most cases it simply recognizes whatever designation has been applied above high water but, in some cases, it imposes separate restrictions.

ENVIRONMENTS-USES COMPARISON DIAGRAM

USES	URBAN	SUBURBAN	RURAL	CONSERVANCY	NATURAL	AQUATIC
Agriculture	Y	Y	Y	Y	C*	*
Aquaculture	Y	Y*	Y	Y*	Y*	Y*
Archeological Areas & Historic Sites	*	*	*	*	*	*
Breakwaters	Y	Y	Y	Y*	N	Y*
Bulkheads	Y	Y	Y	Y*	N	Y*
Commercial Development	Y*	C*	C*	C*	N	Y*
Docks and Piers	Y	Y	Y	Y*	N	Y*
Dredging	Y	Y*	Y*	Y*	N	Y*
Forest Management	C	C	Y	Y	Y*	N
Jetties and Groins	Y*	Y*	Y*	N	N	Y*
Landfills and Solid Waste Disposal	Y*	Y*	Y*	Y*	N	Y*
Marinas	Y	Y	Y	C	N	Y*
Mineral Extraction	Y*	Y*	Y*	C	N	N*
Ports and Water Related Industry	Y	C	Y*C	N*	N	Y*
Recreation	Y	Y	Y	Y*	Y*	Y*
Residential Development	Y	Y*	Y*	Y*	N*	N
Signs, Billboards and Outdoor Advertising	Y	Y*	Y*	Y*	N*	N*
Transportation Facilities	Y	Y	Y	Y*	N*	Y*
Utilities	Y	Y	Y	Y*	N*	Y*

Y (yes) - Use permitted in the specified environment subject to the policies and regulations contained in this Master Program.

N (no) - Use prohibited in the specified environment.

C (maybe) - Use permitted as a Conditional Use in the specified environment.

* (special) - See use regulations for special circumstances.

NOTE: The preceeding pages are not a part of the official Master Program. They are merely a general summary.

TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE	1
SECTION 1 - GENERAL	1 - 2
SECTION 2 - APPLICABILITY	2 - 3
SECTION 3 - GOALS AND GENERAL SHORELINE USE AND DEVELOPMENT POLICIES	3 - 10
SECTION 4 - DESIGNATED SHORELINE ENVIRONMENTS	10
4.01 - General	10 - 11
4.02 - Urban Environment	11 - 12
4.03 - Suburban Environment	12 - 13
4.04 - Rural Environment	13 - 14
4.05 - Conservancy Environment	14 - 15
4.06 - Natural Environment	15 - 17
4.07 - Aquatic Environment	17 - 18
SECTION 5 - SHORELINE USE REGULATIONS	18
5.01 - General	18
5.02 - Agriculture	19 - 20
5.03 - Aquaculture	20 - 23
5.04 - Archeological Areas & Historic Sites	23 - 24
5.05 - Breakwaters	24 - 26
5.06 - Bulkheads	26 - 28
5.07 - Commercial Development	29 - 31
5.08 - Docks and Piers	31 - 34
5.09 - Dredging	34 - 36
5.10 - Forest Management	36 - 39
5.11 - Jetties and Groins	39 - 40
5.12 - Landfills and Solid Waste Disposal	40 - 42
5.13 - Marinas	42 - 45
5.14 - Mineral Extraction	45 - 47
5.15 - Ports and Water Related Industry	47 - 49
5.16 - Recreation	49 - 52
5.17 - Residential Development	52 - 55
5.18 - Signs, Billboards and Outdoor Recreation	55 - 57
5.19 - Transportation Facilities	57 - 60
5.20 - Utilities	60 - 62
5.21 - Shoreline Protection	62
SECTION 6 - SHORELINES OF STATEWIDE SIGNIFICANCE	62 - 63
SECTION 7 - ADMINISTRATION	63 - 65
SECTION 8 - VARIANCES	66 - 67
SECTION 9 - CONDITIONAL USES	67 - 68
SECTION 10 - APPEALS	68 - 69
SECTION 11 - AMENDMENTS	69

Table of Contents (cont'd)

	<u>Page</u>
SECTION 12 - ENFORCEMENT AND PENALTIES	69 - 70
SECTION 13 - DEFINITIONS	70 - 78
SECTION 14 - SEVERABILITY	79
SECTION 15 - EFFECTIVE DATE	79

SAN JUAN COUNTY SHORELINE MASTER PROGRAM

PREAMBLE

WHEREAS, the Shoreline Management Act of 1971 requires that cities, towns and counties incur certain duties, obligations and responsibilities in the process of complying with said Act, and

WHEREAS, San Juan County has accomplished the necessary prerequisites for the adoption of a Master Program, including the preparation of a shoreline inventory, the conducting of a public information and education program and the holding of numerous public meetings and hearings, and

WHEREAS, the adoption of this Master Program will protect and promote the public health, safety and general welfare by providing both guidelines and regulations for the future use and development of San Juan County's valuable shoreline resources, and will further the policies of RCW 90.58 and the goals developed by the citizens of San Juan County, now, therefore,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SAN JUAN COUNTY, WASHINGTON THAT:

SECTION 1 - GENERAL

1.01 Title

This document shall be known and may be cited as the Shoreline Master Program for San Juan County, Washington.

1.02 Short Title

This document may refer to itself internally as "this Master Program".

1.03 Official Map

There is hereby made a part of this Master Program a map which shall be known officially as the "San Juan County Designated Shoreline Environments Map", but which, for the purposes of brevity, may be referred to as "the Map". Said Map shall show all those areas of San Juan County which fall under the jurisdiction of this Master Program and the official designated environments for all of the affected lands and waters.

There shall be only one official copy of the Map, which shall reside in the custody of the San Juan County Planning Department. Whenever any portion of the Map is legally amended the official copy shall be altered promptly to reflect said amendment.

At the time of adoption of this Master Program one copy of the official Map shall be filed with the San Juan County Auditor. In addition, at least once every twelve months following the filing of the initial Map with the Auditor, the Planning Department shall make an additional copy of the official map and file it, with the initial map, in the Auditor's office. If the official Map has not been amended during the twelve month period the Planning Department may file with the Auditor a notice to that effect, signed by the Planning Director, in lieu of a copy of the official Map. The purpose of these annual filings shall be to create an official record of the changes occurring over time in the designated shoreline environments. At no time shall the copies

of the Map filed with the Auditor be altered in any way.

Inasmuch as the Map is an inseparable part of this Master Program, no part of said Map may be altered or amended without the approval of the Washington State Department of Ecology, as provided in RCW 90.58.190.

Where questions arise regarding the precise boundaries of any designated environment, the Administrator shall make the final determination, subject to the provisions of Section 11, Appeals. Unofficial copies of the Map may be prepared for administrative purposes as needed.

SECTION 2 - APPLICABILITY

2.01 General Applicability

This Master Program shall apply to all of the lands and waters in San Juan County which fall under the jurisdiction of the Shoreline Management Act.

2.02 Applicability to Persons

This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases or administers lands, wetlands or waters which fall under the jurisdiction of the Shoreline Management Act.

2.03 Applicability to Federal Agencies

1. Federal agencies shall not be required to obtain permits for substantial developments undertaken by the federal government on lands owned in fee simple by the federal government except in those cases where the federal government grants or reserves to the State or local government substantial jurisdiction over activities on those lands; provided that, if and when the Washington State shoreline management program is approved under the Federal Coastal Zone Management Act (16 USC 1451, et. seq.), the federal government shall be subject to the State Shoreline Management Act, as provided by the Coastal Zone Management Act.
2. The substantial development permit system shall apply to nonfederal activities constituting substantial developments undertaken on lands subject to nonfederal ownership, lease or easement even though such land may fall within the external boundaries of federally owned lands.
3. The substantial development permit system shall apply to substantial development undertaken on lands not federally owned but under lease, easement, license, or other similar property right short of fee ownership, to the federal government.

2.04 Applicability to Development

This Master Program shall apply to all "development" as defined in Section 13 of this document.

2.05 Applicability to Substantial Development

This Master Program shall apply to all "substantial development" as defined in

Section 13 of this document.

No substantial development shall be undertaken unless a valid Shoreline Management Substantial Development Permit is first issued by the County and unless all work proceeds in compliance with the requirements of the Shoreline Management Act, this Master Program and other applicable State and local regulations.

2.06 Exemptions from Substantial Development Permit Requirements

The following shall not be considered substantial developments:

- a) activities undertaken prior to the effective date of the Shoreline Management Act, as provided in Washington Administrative Code 173-14-050;
- b) normal maintenance or repair of existing structures or developments, including damage by fire, accident or the elements;
- c) construction of the normal protective bulkheads common to single family residences, PROVIDED that said bulkheads are located at or landward of the line of ordinary high tide;
- d) emergency construction necessary to protect property from damage by the elements;
- e) construction of barns or similar agricultural structures on wetlands;
- f) construction or modification of navigational aids, such as channel markers and anchor buoys;
- g) construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the State agency or local government having jurisdiction thereof;
- h) construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the total cost of which does not exceed \$2,500.

Note: EXEMPTION FROM THE SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS UNDER SUBSECTION 2.06, ABOVE, DOES NOT CONSTITUTE AN EXEMPTION FROM THE POLICIES OF THE SHORELINE MANAGEMENT ACT, THE POLICIES AND REGULATIONS OF THIS MASTER PROGRAM OR OTHER APPLICABLE LOCAL, STATE OR FEDERAL PERMIT REQUIREMENTS.

SECTION 3 - GOALS AND GENERAL SHORELINE USE AND DEVELOPMENT POLICIES

3.01 General

The Shoreline Management Act establishes seven basic land and water use elements which must be incorporated into every master program. These elements are shoreline use, economic development, recreation, conservation, historic and cultural preservation, public access and circulation. These are the topics for which the Citizens Advisory Committee originally produced goals and policies.

Local governments are also encouraged to include in their master programs any other elements which, because of present uses or future needs, are deemed appropriate and necessary to implement the Shoreline Management Act. San Juan County has seen fit to add one additional element to this Master Program, an administration element.

The administration element was added because it was felt that effective and equitable implementation of the County's Master Program will be crucial to the ultimate success of the program and, thus, ought to be addressed specifically by goals and policies within the Master Program.

The following comprehensive set of shoreline goals and policies provides the foundation on which the entire Master Program rests.

3.02 Shoreline Use

Goal

To assure protection of the unique character of San Juan County with its many islands while providing for uses of the shorelines which do not needlessly diminish the quality of the shoreline environment, and to assure the optimum opportunity for participation by County residents in the decision making processes which may affect that unique character.

Policies

1. Uses which protect the potential long-term benefits to the public against compromise for reasons of short-term economic gain or convenience should be fostered.
2. Uses which are not shoreline dependent and which would adversely alter the shoreline, conflict with, or preempt shoreline dependent uses should be prohibited.
3. Continuing studies of the physical and economic aspects of shoreline systems should be encouraged in order to provide a continuously updated information base against which the impact of any proposed shoreline use can be measured.
4. Notices of applications for substantial development permits should be posted in established locations on the island where the proposed development is to occur.
5. Residents of the affected island should be permitted to review any application for a substantial development permit prior to the County's taking action on the application. Public meetings or hearings pertaining to applications involving major land use changes should be held in the district, and where practical, on the island where the proposed development is to occur.
6. All shoreline uses should conform to the applicable policies and regulations of this Master Program and to the policies and regulations of the overall Comprehensive Plan.

3.03 Economic Development

Goal

To acknowledge the critical importance of a balanced and diversified local economy for the long range well-being of the island community by evaluating proposals for economic development along the shorelines on the basis of the degree to which the physical and social qualities of island life would be enhanced by such development.

Policies

1. The grouping or clustering of commercial and industrial shoreline uses into already established commercial and industrial areas should be encouraged. The random scattering of such uses and the premature location of such uses in undeveloped areas should be prevented.
2. Commercial and industrial development on the shorelines should be restricted to activities which are compatible with the natural systems of the County and its surrounding water resources.
3. Anyone who seeks to establish a commercial or industrial activity within any shoreline area should bear the burden of demonstrating that the up-land areas are not feasible for the proposed use and that the proposed use will be compatible with the Master Program.
4. Major development or construction along the shorelines, other than single family residences, should not be permitted except where the sponsor thereof, public or private, can demonstrate overriding public necessity or public benefit.
5. All shoreline development and use activities, including construction, farming, forest management, commercial, industrial and recreational uses, should be required to use all available practical methods for minimizing erosion, siltation and interference with the natural shoreline geophysical processes.
6. Shoreline uses which generate sewage or other waste should have waste disposal facilities of approved design and sufficient capacity to prevent any adverse environmental impacts, particularly adverse effects on water quality.
7. The location, density, configuration, setback and other aspects of all shoreline developments should be appropriate to the site and vicinity and should conform to the physical limitations of the site.
8. As a means of assuring shoreline open space and view access to the water, cluster development should be encouraged by allowing appropriate bonuses.
9. Preservation of open space should be encouraged in all proposed uses of the shorelines.
10. Off-premise commercial signs should be regulated on shorelines and shoreline roads.

11. Aquaculture should be encouraged in appropriate areas with due regard for navigation, water quality and aesthetic considerations.
12. Upon completion of public service and/or utilities projects, shorelines shall be restored to pre-project configuration and replanted with native species. Locations should be chosen so as not to obstruct or destroy scenic views. Whenever possible, these facilities should be placed underground, or designed to do minimal damage to the scenic qualities of the area.
13. The use of any shoreline in San Juan County for a deep water port for the handling or processing of oil is totally incompatible with the environment and the ecosystems that make these islands unique and should be prohibited.
14. Development and use of public lands should conform to the same limitations and standards imposed on development and use of private lands.

3.04 Public Access

Goal

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

Policies

1. Public agencies should be encouraged to acquire or otherwise assure appropriate public access to public shorelines.
2. Green belts or buffer zones should be required on public access areas to protect adjacent private property.
3. The County government should be cognizant of the natural limitations and characteristics of each island and should consider resident preferences in determining public access routes and areas on each island.
4. Overland public access should be provided only to those public tidelands which abut publicly owned uplands, or where the public tidelands are separated from the private uplands by some natural barrier. Water access to public tidelands should be protected.
5. Public access to public shorelines should be appropriately marked.

3.05 Circulation

Goal

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

Policies

1. In providing boat moorage facilities the capacity of the shoreline sites to absorb the impact shall be considered. Private, common piers and docks shall be encouraged, while recognizing that good, natural moorage is a limited resource.
2. Pedestrian, bicycle and equestrian routes and access paths to and along public shorelines should be encouraged.
3. Motorized vehicles should be prohibited along the public shoreline except on roads and in specially designated areas.
4. Public agencies, where appropriate, should acquire parking areas, screen them from the beach area and equip them with public toilets.
5. Roads should be maintained at widths consistent with safety standards for limited speeds.
 - a. In building, improving, or maintaining roads, the ecological impact should be considered. Roads should follow the natural terrain as much as possible and still maintain reasonable levels of safety.
 - b. Where the land has been scarred or it is necessary to remove the natural cover, it should be relandscaped or replanted with native species.
 - c. Wherever practical, all new roads proposed near the shoreline should be set back at least 200 feet from the ordinary high water line.
6. The County should provide safe turnouts and viewpoint areas on shoreline roads as appropriate.
7. Through the establishment of "No Stopping or Standing" zones in ferry lines and by other methods the County should protect access to private driveways and business locations.
8. Airports and air transportation facilities should be located to maximize public access to publicly owned shorelines and to minimize adverse impacts on shoreline and upland areas.

3.06 Recreation

Goal

To encourage diverse, appropriate and adequate water related recreational opportunities, which are compatible with the environmental carrying capacities of the shorelines areas involved.

Policies

1. Recreational use of the shorelines must be recognized as only one of many potential uses and should be subject to the same constraints as other recognized shoreline uses.

2. Recreational uses of public shorelines should be encouraged for local residents and transients, consistent with environmental limitations.
3. Privately and publicly owned recreational facilities should be required to provide adequate water supply, fire protection and waste control, and to otherwise meet public health, safety and general welfare standards.
4. Privately owned, commercial recreational developments should be encouraged to provide well rounded recreation opportunities in order to relieve some of the pressures on publicly owned recreation facilities.
5. The County may review any proposed recreational activity or development, public or private, to determine the degree to which it is consistent with local policies and projected needs.
6. Non-water related recreational facilities may be required to locate outside of the shoreline area.
7. Recreational facilities and activities which are incompatible with shoreline locations should be prohibited within the shorelines.
8. Where the physical conditions are suitable, a portion of the shorelines within all subdivisions should be reserved for recreational use by the subdivision residents.
9. In recognition of the increased demands placed on public recreational facilities by subdivision activity, the County should reserve the right to require the dedication of public recreational sites and/or access corridors in all new subdivisions.
10. Agencies seeking to acquire additional public recreation lands may be discouraged until their existing public lands are properly developed and capable of being properly used for recreation.

3.07 Conservation

Goal

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

Policies

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

3. The natural, dynamic processes of shoreline formation and change should not be interfered with except for urgent reasons of public necessity or benefit.
4. Preservation of scenic views and vistas should be encouraged.
5. Where the need exists, County government should regulate the use of renewable resources at a level at which they will not be degraded.
6. Removal of flora and fauna from shorelines shall be in compliance with RCW 28.77.230, an act relating to the establishment of a marine biological preserve in San Juan County waters.
7. Standards for the protection of flora and fauna in the upland shoreline areas and controls regulating their removal should be adopted where necessary.
8. Fresh water along the shoreline should be considered a renewable resource of critical importance and its use should be controlled to prevent the intrusion or spread of salt water into vital aquifers or stream beds.
9. Removal of sand, gravel and minerals from all shoreline areas should be strictly regulated. Adequate protection against erosion, sedimentation, siltation and other physical impacts should be provided. The aesthetic impact of the activity also should be considered.
10. Commercial harvesting of any shoreline timber should be strictly regulated. Adequate protection against erosion, sedimentation and siltation should be provided. The aesthetic impact of the activity also should be considered.
11. County government should encourage and accept appropriate conservation easements.
12. Areas designated as "natural" or "conservancy" should be presumed eligible for open space taxation in accordance with the Open Space Act application by the owner.

3.08 Historic and Cultural Preservation

Goal

To protect and/or restore areas on the shoreline which have archeological, historical, cultural, educational or scientific value.

Policies

1. Areas of known archeological, historical, cultural, educational or scientific value should be protected from incompatible encroachment.
2. Areas of potentially significant archeological, historical, cultural, educational or scientific value uncovered during excavation should be protected until they can be examined by the appropriate authorities.
3. Special attention should be given to locating, identifying and preserving areas which will contribute to knowledge of the Indian history and culture

of the area.

3.09 Administration

Goal

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

Policies

1. To the extent legally possible, property tax assessment and other pertinent policies and regulations should fully reflect any impairment or enhancement of property values which results from the implementation of these goals and policies.
2. A comprehensive review of this Master Program shall be undertaken at least once every three years.
3. Whenever technically complex issues are involved in a substantial development permit application, advice and assistance from recognized experts at federal, state or local levels should be sought.

SECTION 4 - DESIGNATED SHORELINE ENVIRONMENTS

4.01 General

In order to implement more effectively the goals and policies of this Master Program, a system of categorizing shoreline areas, using environmental designations, has been developed. The system is designed to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. The environmental designations which have been assigned to each area, largely on the basis of the recommendations of the Citizens' Advisory Committee, are based primarily on the existing development patterns, the known biological and physical limitations of the area and the goals and desires of the public.

The system is based on the requirements of the Act and the recommendations contained in the "Final Guidelines" (WAC 173-16-040 (4)). It classifies the County's shorelines into six basic environments - Urban, Suburban, Rural, Conservancy, Natural and Aquatic. It is designed to encourage uses in each environment which will enhance the character of that environment but, at the same time, place reasonable restrictions on development so that the character of the environment will not be seriously degraded or destroyed.

Each environment category includes:

a statement of purpose which clarifies the intent and function of the particular environment;

designation criteria which identify the key factors to be considered in designating the particular environment, and;

management policies designed to regulate use and development consistent with the particular environment.

4.02 Urban Environment

Statement of Purpose

The purpose of the Urban Environment is to ensure optimum use of shorelines within urbanized areas by permitting intensive use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

Designation Criteria

The urban environment is an area of comparatively intense land use. This environment does not necessarily include all shorelines within an incorporated town but it is particularly suitable to those areas presently subjected to extremely intensive use pressure. Shoreline areas to be designated "urban" should meet one or more of the following criteria:

- a. areas of comparatively intense land use, including recreational, residential, commercial, industrial and/or public facilities development, and intensive port activities;
- b. areas designated for the expansion of urban uses in the adopted plans of public agencies;
- c. areas which do not fall under a. or b., above, but which do not present major biological or physical limitations for urban development and which can provide the necessary framework of public services, utilities and access required to accomodate such development.

Management Policies

1. Because shorelines are a finite resource, and because urban uses tend to preclude other shoreline uses, emphasis should be given to directing new development into already developed areas.
2. Commercial and industrial uses which are water dependent should be given preference over those which are not.
3. Public physical and visual access to the shoreline should be planned for and provided wherever possible.
4. Where practical, public access points should be linked by nonmotorized transportation routes, such as hiking and bicycle paths.
5. In order to make maximum use of the available shoreline resource and to accomodate future water dependent uses, the redevelopment and renewal of substandard or obsolete urban shoreline areas should be encouraged.
6. The character and appearance of urban shoreline developments should be regulated by means of sign control ordinances, planned unit development standards and similar regulations.
7. All urban shoreline development should be regulated in a manner designed to minimize adverse impacts on adjacent shoreline and upland areas.

8. Development in the Urban Environment should be designed to minimize adverse impacts on adjacent shoreline and upland areas.

4.03 Suburban Environment

Statement of Purpose

The purpose of the Suburban Environment is to protect and enhance existing medium density shoreline residential areas, to provide for additional areas of this type and to provide for non-residential uses which are or can be made compatible with residential areas, in a manner which will protect the shore process corridor and its operating systems.

Designation Criteria

The Suburban Environment is an area capable of accomodating considerable medium density residential development, but which is not suitable or desirable for a more restrictive designation. Shoreline areas to be designated Suburban should meet one or more of the following criteria:

- a. areas presently containing considerable medium density residential development;
- b. areas designated for the expansion of medium density residential uses in the adopted plans of public agencies;
- c. areas which do not fall under a. or b., above, but which do not present major biological or physical limitations for medium density residential development and which can provide the necessary framework of public services, utilities and access required to accomodate such development;
- d. areas which are suitable for non-residential uses or that can be made compatible with residential areas;
- e. areas which would make desirable transition zones between Urban and Rural or Urban and Conservancy Environments.

Management Policies

1. The residential character of Suburban Environments should be protected and enhanced by careful regulation of the type, location, scale and timing of new shoreline development.
2. Suburban Environments should be restricted to compatible residential, recreational, home occupational and non-residential uses.
3. Public, physical and visual access to the shoreline should be planned for and provided wherever possible.
4. Where possible, public access points should be linked by nonmotorized transportation routes, such as hiking and bicycle paths.
5. The character and appearance of Suburban shoreline developments, problems of view obstruction and other visual and scenic considerations should be regulated by means of setback controls, sign control ordinances, planned

unit development standards and similar regulations.

6. Development in the Suburban Environment should be designated to protect the shore process corridor and its operating systems.

4.04 Rural Environment

Statement of Purpose

The purpose of the Rural Environment is to protect agricultural and timber lands from urban and suburban expansion, to restrict intensive development along undeveloped shorelines and to maintain open spaces and opportunities for recreational and other uses compatible with agricultural activities.

Designation Criteria

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

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

Management Policies

1. Areas possessing a high capability to support agricultural or forestry uses should be maintained.
2. The designation of Rural Environments should be used as one means of protecting agricultural and forestry areas from the pressures of urban and suburban development.
3. New developments in a Rural Environment should reflect the character of the surrounding areas by limiting residential density, by providing permanent open space and by maintaining adequate building setbacks from the water to prevent shoreline resources from being destroyed for other rural types of uses.
4. Public and private recreational facilities which can be located and designed so as to create minimal conflicts with agriculture and forestry should be encouraged.

5. Agricultural and forestry practices which will prevent or minimize erosion, sedimentation and the flow of waste material into water courses should be encouraged.
6. Development which is not agriculture or forestry related but which is not contrary to the intent of the Rural Environment should be permitted.
7. Development in the Rural Environment should be designed to protect the shore process corridor and its operating systems.

4.05 Conservancy Environment

Statement of Purpose

The objective in designating an area Conservancy is to protect, conserve and manage existing natural resources and systems and/or valuable historic, educational or scientific research areas without precluding compatible human uses.

Designation Criteria

The Conservancy Environment is designed for areas which are largely free of intensive development. It is the most suitable designation for shoreline areas which possess a specific resource or value which can be protected without excluding or severely restricting all other uses and for areas where primarily non-consumptive uses of the physical and biological resources are preferred. It should be applied to those areas which would most benefit the public if their existing character were maintained, but which are also able to tolerate limited or carefully planned development or resource use. It differs from the Rural Environment in that it is intended primarily to protect and conserve something more specific than simply "open space". However the Conservancy Environment may be used to protect areas of high scenic value when it is felt that the Rural Environment would not provide the proper type or degree of protection. Areas to be designated Conservancy should meet one or more of the following criteria:

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

Management Policies

1. Activities and uses which would substantially degrade or permanently deplete the physical or biological resources of the area should be prohibited.
2. New development should be restricted to that which will be compatible with the natural and biological limitations of the land and water and will not require extensive alteration of the land-water interface.
3. Development in the Conservancy Environment should be designed to protect the shore process corridor and its operating systems.
4. Activities or uses which would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation or adversely affect aquatic life shall be prohibited.
5. Residential development should be restricted to a density which will not endanger the resource which is the basis for the Conservancy designation.
6. Recreational activities which will not be detrimental to the shoreline character or to the forces which created and maintain the shoreline area, and compatible aquacultural and agricultural uses should be encouraged.

4.06 Natural Environment

Statement of Purpose

The purpose of the Natural Environment is to preserve unusual and/or valuable natural resource systems and to regulate all potential activities or uses which might degrade or alter the natural characteristics which make these areas unusual and/or valuable.

Designation Criteria

The primary determinant for designating an area as a Natural Environment is the presence of some unusual natural resource considered valuable in its natural or original condition and which is relatively intolerant of human use. Areas to be designated Natural should meet one or more of the following criteria:

- a. general
 - i) areas where human influence and development are minimal;
 - ii) areas which have been degraded but which are capable of easily being restored to a natural condition or are capable of natural regeneration if left undisturbed;
 - iii) areas having a high scenic value in their natural states;
 - iv) areas having a high value in their natural states for low intensity recreational use;
 - v) Class I accretion beaches;

- vi) salt marshes, bogs and swamps;
- b. wildlife habitats
 - i) areas used by rare, diminishing or endangered species* from which they obtain food, water, cover and/or protection;

(* As identified in the federal/state list of rare and endangered species.)
 - ii) areas providing a seasonal haven for concentrations of aquatic or terrestrial animals, such as migration routes, breeding or spawning sites, etc.;
 - iii) unusual and/or residual wildlife habitats remaining within developed (i.e., Urban, Suburban) areas;
- c. areas of scientific value
 - i) areas regarded as representing the County's basic ecosystem or geologic types;
 - ii) areas which deviate from the ecological or geological norms, but which are of particular scientific interest;
 - iii) areas which best represent undisturbed natural conditions;
 - iv) established scientific research and/or collection areas, or areas having a long history of such use, or areas identified by the Director of the University of Washington Friday Harbor Laboratories;
 - v) areas which contain unusual and/or scientifically important features;
- d. areas which serve to maintain ecological balances
 - i) areas which play an important part in maintaining the ecological balance of the region's basic natural systems;
 - ii) areas rich in quality, quantity and variety of life forms;
 - iii) areas important to the maintenance of the natural quality and flow of the water.

Management Policies

1. Natural areas should be kept free of all development which would adversely affect their character and value.
2. Only those alterations which would not be detrimental to the forces which created and now maintain a Natural area should be permitted.
3. Limited access to Natural areas should be permitted for scientific, historical, educational and low intensity recreational purposes, provided that no significant, adverse impact on the area will result.
4. Uses which are consumptive of physical and biological resources should be

prohibited in Natural areas.

5. Uses and activities permitted in locations adjacent to Natural areas should be compatible with such areas to ensure that the integrity of the Natural Environment will not be compromised.

4.07 Aquatic Environment

Statement of Purpose

The purpose of the Aquatic Environment is to protect the quality and quantity of the water, to preserve the water surfaces and foreshores for shoreline dependent uses, such as navigation, aquatic habitats and recreation, and to preserve and ensure the wise use of the Aquatic area's natural features and resources, which are substantially different in character from those of the adjoining uplands and backshores.

Designation Criteria

The Aquatic Environment consists of all water bodies under the jurisdiction of the Shoreline Management Act of 1971 and within the boundaries of San Juan County and includes the water surface together with the underlying lands and the water column, including but not limited to bays, straits, harbors, coves, estuaries, tidelands, shorelands and lakes. Areas to be designated Aquatic shall be as follows:

- a. all marine waters, including estuarine channels and wetlands, seaward of the line of ordinary high tide;
- b. all lakes subject to this Master Program, below the ordinary high water mark;
- c. all significant swamps, marshes and bogs abutting waters described in a. and b., above.

Management Policies

1. Developments within the Aquatic Environment should be compatible with the adjoining upland environment.
2. The natural circulation and volume of water should be maintained to the greatest extent possible.
3. Structures which are not shoreline dependent should be prohibited.
4. Activities and uses of a permanent nature which will substantially degrade the existing character of the area should be prohibited, except in those cases where the public interest clearly will be better served by approval of the proposed activity or use.
5. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts and to allow for the safe, unhindered passage of fish and animals, particularly those whose life cycles are dependent on such migration.

6. In appropriate areas, fishing and recreational uses of the water should be protected against competing uses that would interfere with those activities.
7. The joint use of structures which intrude into Aquatic areas, such as docks, piers, jetties, breakwaters, bulkheads, etc., should be encouraged.
8. Motorized travel in land-based vehicles should not be permitted in Aquatic areas, provided that such travel should be permitted by official emergency vehicles and for purposes of undertaking authorized construction and/or repairs and for boat launchings.

SECTION 5 - SHORELINE USE REGULATIONS

5.01 General

The "Final Guidelines" of the Shoreline Management Act set out twenty-one categories of use activities which must be addressed in local shoreline master programs. These categories of activities consist of specific uses or groups of similar uses which are characteristic of the shoreline corridor. They have been designed to serve as the implementing tools to assist local governments in carrying out the intent and purpose of the Shoreline Management Act and the local master programs. The policies and regulations developed for each use activity are to serve as the basic criteria for evaluating proposed developments in and alterations of the shoreline area. They are also to be used in evaluating all applications for substantial development permits.

Shoreline uses not specifically identified in this Master Program and for which policies and regulations have not been developed will be evaluated on a case by case basis and will be required to satisfy the policies of the Shoreline Management Act and the goals and general policies of this Master Program and to be consistent with the character and management policies of the designated shoreline environment in which they are proposed to be located.

A matrix, or comparison diagram, has been developed to show graphically, in very general terms, the relationships between the various uses and the designated shoreline environments (see page iii). The diagram reflects the attempt of the use regulations to permit all reasonable and appropriate uses of the shorelines while imposing the controls necessary to ensure the protection of the designated environments and the integrity of the natural systems contained therein.

The use regulations which follow provide legal assurance of what will be required of any development located within a shoreline area. These regulations are directly supportive of the adopted policies for each designated environment and use. In the development of the regulations, the special character of each environment has been recognized; the regulations seek to reflect and preserve that character wherever appropriate. To this end, each of the use categories is composed of seven regulation sections. In each case, the first section contains regulations of general applicability in all environments where the use is allowed. The succeeding sections contain additional regulations required for the conduct of an activity in a specific environment.

5.02 Agriculture

Introduction

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in fragile shoreline areas. Also, when proper land management techniques are not observed, large quantities of mineral and organic sediments enter water bodies through surface erosion.

Policies

1. Agricultural lands should be protected from incompatible and preemptive patterns of development.
2. Only those developments and/or structures that are required to develop, maintain or enhance viable agricultural enterprises should be permitted on agricultural lands.
3. Filling, development or construction which will have an adverse environmental impact on nearby agricultural lands should not be permitted.
4. The Board of County Commissioners should pursue and exploit every opportunity to protect the county's remaining agricultural industry and to promote its growth.
5. Erosion control measures consistent with or conforming to standards established by the Soil Conservation Service, U.S. Department of Agriculture, should be encouraged by the County.

General Regulations

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

Regulations by Environment

Urban

Agricultural activities shall be permitted in the Urban Environment subject to

the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Same as Urban.

Natural

Agricultural activities may be permitted in the Natural Environment as a conditional use, provided that the resource which is to be protected by the Natural designation will not be degraded.

Aquatic

Agricultural activities proposed for the Aquatic Environment are considered to be aquacultural activities and the policies and regulations of Section 5.03, Aquaculture, shall govern.

5.03 Aquaculture

Introduction

Aquaculture (popularly known as fish farming) is the culture or farming of food fish, shellfish or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted because of specific requirements for water quality, temperature, oxygen content, flow and, in marine waters, salinity. The technology associated with present-day aquaculture is still experimental and in its formative stages. Therefore the policies and regulations for aquaculture recognize both the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems.

Policies

1. Aquaculture enterprises should be located in areas where the navigational access of upland owners and commercial traffic are not significantly restricted.
2. Consideration should be given to the possible detrimental impact aquacultural development might have on other potential uses of the same shoreline area, the visual access of upland owners and the general scenic quality of the shoreline area.
3. Aquaculture structures should not substantially interfere with navigation or substantially degrade the scenic quality of the county's shorelines.
4. In areas which have been identified as possessing a high, natural

potential for aquaculture, development which would preclude aquacultural enterprises should not be permitted.

5. In areas possessing a high, natural potential for aquaculture, preference should be given to those aquacultural enterprises which are capable of coexisting with other aquacultural enterprises.
6. Prior to the granting of a substantial development permit for any aquacultural enterprise, the capability of the recipient water body to absorb potential wastes, the availability of native planktonic or other food for the cultured species and the impact of the operation on other biological life should be considered.

General Regulations

1. No aquacultural structure or device which would interfere with the natural, dynamic processes of shoreline formation and change shall be approved or constructed.
2. Land based structures and/or devices related to aquaculture shall be located behind the berm on Class I beaches.
3. Mechanical devices for seeding, harvesting, and similar or related operations shall not be used unless there is significant evidence to demonstrate that any such device will not seriously damage the shoreline or marine life, provided that projects may be permitted in order to evaluate devices for which there is insufficient evidence available.
- 4a. No non-native or non-resident species of marine life shall be introduced into San Juan County salt waters without the express, written consent of the Director of the University of Washington Friday Harbor Laboratories and the Director of the State Department of Fisheries/Game.
 - b. The introduction of any non-native or non-resident species into fresh water bodies shall be in compliance with appropriate state statutes and regulations.
5. Aquacultural activities shall be conducted in a manner which will ensure that applicable state and local water quality and waste disposal standards are not violated.
6. The processing of aquacultural crops, other than on a tending boat or barge, shall be governed by the policies and regulations of Section 5.15, Ports and Water-Related Industries.
7. Existing, legal aquacultural enterprises shall be protected from incompatible uses which may seek to locate on adjacent shorelines. A showing beyond a reasonable doubt that such an adjacent use would result in irreparable damage to or destruction of an existing aquacultural enterprise shall be grounds for the denial of that use.
8. Abandoned or unsafe aquacultural structures shall be removed or repaired promptly by the owner. Where any such structure constitutes a potential hazard to the public, the county may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time and may

impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

9. Because all shorelines within the county seaward of the line of extreme low tide have been designated "shorelines of state-wide significance", aquacultural activities proposed in that area shall be subject to, first the regulations contained in Section 6, Shorelines of Statewide Significance and, secondly, to the policies and regulations contained in this section.
10. The following aquacultural activities (but not limited to the following) do require the issuance of a Substantial Development Permit:
 - a. construction of facilities;
 - b. disposal of solid or liquid wastes, such as may result from confined rearing operations for salmon or other marine life;
 - c. construction of dikes or dredging of bottom materials;
 - d. introduction of non-native species;
 - e. aquacultural practices which materially interfere with the normal public use of the water.
11. The following aquacultural activities (but not limited to the following) do not require a Substantial Development Permit:
 - a. disposal of shells for the purpose of maintaining existing beds;
 - b. maintenance activities.
12. The following additional information shall be provided in every application for a substantial development permit for an aquacultural activity:
 - a. net direction of current and littoral transport, if any (marine shores only);
 - b. compass direction and median velocity of prevailing storm winds;
 - c. approximate locations and elevations of lines of ordinary high tide and mean lower low tide;
 - d. proposed methods of waste disposal, if applicable;
 - e. anticipated use, if any, of pesticides or other toxic substances and their predicted impacts.
13. In those instances where a proposed aquacultural project appears to warrant the granting of a substantial development permit but there is insufficient evidence or knowledge of the proposed location to anticipate the potential impacts of the project, the project shall be approved for operation only at a level and for a period of time which is virtually certain to produce tolerable impacts. Continuation or expansion of the project shall be permitted only if the limited operation has demonstrated that the continuation or expansion of the operation would be environmen-

tally sound. Such approval by stages may be repeated as many times as is deemed necessary by the Board.

Regulation by Environment

Urban

Aquacultural activities shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Aquacultural activities shall be permitted in the Suburban Environment subject to the policies and regulations contained in this Master Program, provided that the required structures will not have a significance adverse impact on the scenic qualities of the surrounding area.

Rural

Same as Urban.

Conservancy

Aquacultural activities shall be permitted in the Conservancy Environment subject to the policies and regulations contained in this Master Program, provided that the natural resources and systems of the environment will not be significantly altered and provided further that the required structures, both terrestrial and marine, will not have a significant adverse impact on the scenic qualities of the surrounding area.

Natural

Aquacultural activities which do not require structures or mechanized harvest practices and which will not result in the alteration of natural systems or features shall be permitted in the Natural Environment subject to the policies and regulations contained in this Master Program.

Aquatic

Aquacultural activities shall be permitted in the Aquatic Environment subject to the policies and regulations applicable to the abutting shoreline environment. Where the proposed aquacultural site abuts more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may substitute the policies and regulations of a less restrictive abutting environment if in his/her opinion the public interest would not be compromised by so doing.

5.04 Archeological Areas and Historic Sites

Introduction

Archeological areas, including military encampments, old settlers' homes, ancient villages, middens and trails, were often located on shorelines because of the availability of food resources and because water provided an important means of transportation. These sites are non-renewable resources and many are in danger of being lost as a result of rapidly changing land

uses. Because they provide a valuable, educational link to the past and because they are becoming increasingly rare, these sites should be protected for study and, in many cases, preserved for future generations.

Policies

1. The county should consult with professional archeologists to identify areas containing potentially valuable archeological data and to establish procedures for salvaging the data.
2. Where possible, sites with a high value for scientific study and/or public observation should be preserved.

General Regulations

1. When an application for a substantial development permit is received for an area known to be archeologically significant, the Board shall not take action on the application and the applicant shall not initiate any excavation or development activity until the site has been inspected by a qualified archeologist. No application shall be delayed more than ten working days for such an inspection. If the application is approved by the Board, conditions shall be attached reflecting the recommendations of the archeologist regarding protection and/or preservation of the site.
2. All substantial development permits shall contain a special provision advising the permit holder that if, during excavation or development of the site, an area of potential archeological significance is uncovered, all activity in the immediate vicinity of the find shall be halted immediately and the Administrator shall be notified at once. Activities authorized by the permit shall not be delayed more than five working days, following the Administrator's receipt of notification, for inspection and disposition of the archeological find unless the permit holder agrees to an extension of that time period.
3. All development proposed for location adjacent to sites which are included in the state or national registers of historic places shall be located and designed so as to complement the historic site, if possible. Development which degrades or destroys the historic character of such sites shall not be permitted.

Regulations by Environment

The policies and general regulations of this section shall apply to all environments.

5.05 Breakwaters

Introduction

Breakwaters are protective structures which are normally built offshore to protect beaches, bluffs, dunes or harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be of either rigid or floating construction. The rigid breakwaters, which usually are constructed of riprap

or rock, have both beneficial and detrimental effects on the shoreline. All breakwaters reduce or eliminate wave action and thus protect the shore immediately behind them. Rigid structures also obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters generally do not have the same negative effect on sand movement, but, with present construction techniques, cannot withstand extreme wave action and thus are of limited usefulness in some locations.

Policies

1. Breakwaters should be constructed only where shoreline dependent uses are located seaward of the existing shoreline or where protection from strong wave action is essential.
2. Preference should be given to proposals for floating breakwaters, as opposed to the rigid types, because of their lesser impacts on the circulation of water, sand movement and aquatic life.
3. Rigid breakwaters should be permitted only where design modifications can eliminate the significant detrimental effects on water circulation, sand movement and aquatic life.
4. Restrictions on the public use of the water surface resulting from the construction of breakwaters should be minimized.
5. The multiple use of breakwaters should be encouraged in order to increase public access to and enjoyment of the shorelines.

General Regulations

1. Breakwaters shall conform to all design requirements established by the State Department of Fisheries and the U.S. Army Corps of Engineers except where, in the county's opinion, such design would be incompatible with protection of the shore process corridor and its operating systems.
2. Breakwaters shall be designed and constructed in a manner which will prevent detrimental impacts on the circulation of water, the movement of sand and on aquatic life. The design shall also be such that impediments to navigation and to visual access from the shoreline shall be minimized.
3. Public breakwaters shall be designed to permit pedestrian use of their surfaces, where safe and feasible.
4. Applications for breakwater permits shall include at least the following information:
 - a. purpose of breakwater;
 - b. direction of net longshore drift, when appropriate;
 - c. direction of prevailing winds and strongest tidal current;
 - d. proposed construction materials;
 - e. proposed method of construction.

Regulations by Environment

Urban

Breakwaters shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Floating breakwaters shall be permitted in the Conservancy Environment if they can be made visually compatible with their surroundings. Rigid breakwaters shall be permitted only as conditional uses.

Natural

Breakwaters shall not be permitted in the Natural Environment.

Aquatic

Breakwaters shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed breakwater site abuts more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the discretion authorized under "Aquatic" in Section 5.03, page 23.

5.06 Bulkheads

Introduction

Bulkheads, or seawalls, are structures erected parallel to and near the high-water mark for the purpose of protecting the adjacent uplands from the action of waves or currents. Bulkheads normally are constructed of steel, timber or concrete piling and may be of either solid or open piling construction. Bulkheads do not provide permanent protection on salt water shorelines because, as the waves continue to eat away the foreshore, the bulkhead is undermined and/or subjected to larger, more powerful waves and eventually a more substantial barrier is required. Each time a bulkhead is replaced or strengthened the process begins anew.

However, while bulkheads may provide temporary protection to the adjacent uplands they do not protect the adjacent beaches and, in many cases, actually contribute to their destruction by accelerating natural erosion.

To be effective bulkheads must be located, designed and constructed with an understanding of how they affect and are affected by wave action.

Policies

1. Bulkheads should be located, designed and constructed in a manner which will not result in adverse effects on nearby beaches or the shore process corridor and its operating systems and which will minimize alterations of the natural shoreline.
2. Bulkheads should be located, designed and constructed in a manner which will minimize damage to fish and shellfish habitats.
3. Bulkheads should be designed and constructed so as to minimize their impact on the scenic qualities of the shorelines.
4. The impact of a proposed bulkhead on public access to publicly owned shorelines should be carefully considered.

General Regulations

1. Because the Shoreline Management Act exempts from the substantial development permit requirement construction of normal protective bulkheads common to single family residences, (90.58.030,3,e,ii) but at the same time states that all development on the shorelines shall be consistent with the policies of the Act and the local master program (90.58.140,1), but also recognizing that many waterfront property owners are inclined to construct bulkheads without being aware of the many factors involved in proper location and design, no bulkhead shall be constructed until the county has reviewed the proposed construction and determined that the project is or is not exempt from the shoreline permit requirements and is consistent with the policies of the Act and this Master Program.
2. Non-exempt bulkheads shall be permitted only when it can be shown that one or more of the following conditions exists:
 - a. serious erosion is threatening an established use on the adjacent uplands;
 - b. a bulkhead is needed and is the most reasonable method for stabilizing an existing beach condition;
 - c. there is a demonstrated need for a bulkhead in connection with water dependent or water related commerce or industry in an appropriate environment;
 - d. a bulkhead is the most desirable method for stabilizing a landfill permitted under this Master Program.
3. Bulkheads shall not be permitted in conjunction with new projects or development when practical alternatives are available.
4. Bulkheads shall be permitted on marine feeder bluffs only where a clear and significant danger to established development exists; provided that there is reasonable cause to believe that the bulkhead will in fact arrest the bluff recession and will not seriously disrupt the feeder action or the driftway.

5. Bulkheads constructed on Class I marine beaches shall be located behind the berm.
6. All bulkheads shall conform to the design requirements of the State Department of Fisheries except where, in the county's opinion, such design would be incompatible with protection of the shore process corridor and its operating systems.
7. Applications for bulkhead permits shall include at least the following information:
 - a. purpose of proposed bulkhead;
 - b. low, normal and high water elevations, when appropriate;
 - c. direction of net longshore drift, when appropriate;
 - d. type of construction proposed;
 - e. elevation of the toe and crest of the proposed bulkhead with respect to water levels.

Regulations by Environment

Urban

Bulkheads shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Bulkheads shall be permitted in the Conservancy Environment on marine shorelines subject to the policies and regulations contained in this Master Program but shall not be permitted on fresh water shorelines.

Natural

Bulkheads shall not be permitted in the Natural Environment.

Aquatic

Bulkheads shall be permitted in the Aquatic Environment offshore of Urban, Suburban, Rural or Conservancy Environments and subject to the policies and regulations contained in this Master Program, provided that a location landward of the line of ordinary high tide is not feasible.

5.07 Commercial Development

Introduction

Commercial developments are those involving wholesale and retail trade, services or other business activities. Commercial developments tend to be intensive users of space because of the extensive floor areas they normally require and because of the supporting facilities, such as parking, necessary to serve them.

Policies

1. Commercial development on the shorelines should consist of uses which are water dependent and/or uses which will provide an opportunity for substantial numbers of people to enjoy the shorelines.
2. New commercial developments should be encouraged to locate in those areas where commercial uses already exist.
3. An assessment should be made of the effect any proposed commercial activity and/or structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
4. Parking facilities should be placed inland, away from the water's edge and recreational beaches, and, where necessary, should be screened to minimize their visual impact on the shorelines and should include devices to control surface runoff and prevent pollution of nearby water bodies.
5. Commercial developments that abut the water's edge should provide visual and/or physical access to the shoreline for the public.
6. All commercial developments should respect the natural resources and systems of the shoreline environment.

General Regulations

1. Applications for commercial development shall include a detailed statement explaining the nature and intensity of the water dependency or orientation of the proposed activity. Such statement shall include at least the following:
 - a. nature of the commercial activity;
 - b. need for shoreline frontage;
 - c. proposed measures to enhance the relationship of the activity to the shoreline;
 - d. proposed provisions for public visual and/or physical access to the shoreline.
2. Commercial resorts and campgrounds shall provide adequate access to water areas for their patrons and adequate on-site recreation facilities so that such resorts and campgrounds will not be dependent on nor place undue burdens on public recreational facilities.

3. The draining or filling of water bodies or natural wetlands for commercial development shall not be permitted except as a conditional use.
4. Only those commercial uses which are shoreline dependent, such as boat fueling stations, shall be permitted to locate over the water.
5. All structures shall be set back a safe distance behind the tops of feeder bluffs.
6. Parking areas associated with commercial developments shall be subject to the policies and regulations of Section 5.19, Transportation Facilities.
7. Ports and marinas shall be equipped to contain and clean up oil, gasoline and other polluting spills.
8. Drainage and surface runoff from commercial areas shall be controlled so that pollutants will not be carried into water bodies.
9. Signs associated with commercial developments shall comply with the policies and general regulations of Section 5.18, Signs, Billboards and Outdoor Advertising.
10. The processing of agricultural and aquacultural products for sale shall constitute commercial or industrial development, as determined by the Administrator; provisions for the sale of such products shall constitute commercial development.

Regulations by Environment

Urban

Commercial development shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program, provided that, except as provided for in General Regulation No. 4, in this section, commercial structures and facilities shall be set back at least fifty feet from the line of ordinary high tide unless otherwise provided for by conditional use.

Suburban

Commercial development shall be permitted in the Suburban Environment only by conditional use, provided that marinas, restaurants, resorts and neighborhood oriented commercial activities may be permitted subject to the policies and regulations contained in this Master Program. Except as provided for in General Regulation No. 4 of this section, all commercial structures and facilities shall be set back at least fifty feet from the line of ordinary high tide unless otherwise provided for by conditional use.

Rural

Commercial development which will not significantly alter the character of the area shall be permitted in the Rural Environment subject to the policies and regulations contained in this Master Program. Such development would include but not necessarily be limited to farm produce sales, activities directly related to the commercial fishing industry, small campgrounds, and other low intensity recreational facilities. All other commercial development shall be

permitted by conditional use only. Except as provided for in General Regulation No. 4 of this section, all commercial structures and facilities shall be set back at least 100 feet from the line or ordinary high tide unless otherwise provided for by conditional use.

Conservancy

Commercial development which is of a low intensity, recreational nature and which will not significantly alter the character of the area shall be permitted in the Conservancy Environment subject to the policies and regulations contained in this Master Program. Other low intensity commercial uses may be permitted as conditional uses.

Any commercial structure permitted in a Conservancy Environment shall be set back at least 100 feet from the line of ordinary high tide, provided that structures which are shoreline dependent may be exempted from this provision.

Natural

Commercial development shall not be permitted in the Natural Environment.

Aquatic

Commercial development of a shoreline dependent nature shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program and to the regulations by environment applicable to the abutting upland area. Where the proposed commercial development site abuts more than one upland environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23.

5.08 Docks and Piers

Introduction

A dock or pier is a platform structure extending from the shore and built to sit over or float upon the water. It is used as a landing place for commercial and pleasure craft of many sorts. Floating docks generally have less visual impact than piers (fixed platforms, built above the high water line) but they can also alter beach sand patterns in areas where tides and littoral drift are significant. Both types create impediments to boat traffic. On lakes and in small bays and harbors, a proliferation of docks or piers along the shore can have the effect of substantially reducing the usable water surface.

The dock problem could be eased considerably if more pleasure boaters were willing to use mooring buoys. On the East Coast, where nearly all of the good dock and marina locations were used up long ago, most pleasure boaters have come to accept as a normal part of boating the need to use a dinghy or skiff in getting to and from their larger craft.

Policies

1. The use of mooring buoys should be encouraged in preference to either piers or floating docks.

2. The use of floating docks should be encouraged in those areas where scenic values are high and where serious conflicts with recreational boaters and fishermen will not be created.
3. Piers should be encouraged where there is significant littoral drift and where scenic values will not be impaired.
4. In many cases, a combination of fixed and floating structures in the same dock may be the most desirable solution and should be considered.
5. The county should attempt to identify those shorelines where littoral drift is a significant factor and where, consequently, fixed piers probably would be preferable to floating docks.
6. To spare San Juan County from the so-called "porcupine effect" created by dozens of individual private docks and piers on the same shoreline, preference should be given to the use of private community structures in all new waterfront subdivisions. In general, preference should be given to the joint use of a single structure by several boat owners, as opposed to the construction of several individual structures.
7. The capacity of the shoreline site to absorb the impacts of waste discharges from boats and gas and oil spills should be considered in evaluating every proposed dock or pier.

General Regulations

1. Mooring buoys shall be preferred over docks or piers on all marine shorelines except in the cases of port, commercial or industrial development in the Urban Environment.
2. Every application for a substantial development permit for dock or pier construction shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential impacts on littoral drift, sand movement, water circulation and quality, fish and wildlife, navigation, scenic values and public access to the shoreline.
3. Docks or piers which can reasonably be expected to interfere with the normal erosion-accretion process associated with feeder bluffs shall not be permitted.
4. All floating docks shall include stops which will serve to keep the floats off the tidelands at low tide.
5. All waterfront subdivisions approved after the adoption of this Master Program shall include a single, joint-use moorage facility to serve all lots in the subdivision or shall provide for construction of such a facility by the lot owners, at their option, in a designated, reserved area of the waterfront; provided that subdivisions located in areas where it would be physically impossible to construct such a facility may be exempted from this provision. Individual private docks and piers shall be prohibited; provided that the county may authorize more than one moorage facility if a single facility would be inappropriate or undesirable, given the specific site and marine conditions.

6. All hotels, motels, multi-family residences and similar structures proposing to provide moorage facilities shall be required to construct single, joint-use facilities, provided that the county may authorize more than one joint-use moorage facility if a single facility would be inappropriate or undesirable.
7. Applications for substantial development permits for non-exempt docks and piers associated with single family residences shall not be approved until the possibility of a multiple-owner or multiple-user facility has been thoroughly investigated. Where a permit exemption is granted, the applicant shall be encouraged to explore the possibilities of sharing a moorage facility with his/her neighbors or friends.
8. Substantial development permits for docks or piers serving single commercial or industrial enterprises shall not be granted until nearby commercial and/or industrial enterprises have been contacted regarding their water access needs and plans. Where more than one enterprise needs and could realistically make use of a single moorage facility, permits for individual facilities shall not be granted.
9. Commercial and industrial moorage facilities and other docks and piers consisting of more than twenty moorage spaces shall be subject also to the applicable policies and regulations of Section 5.13, Marinas.
10. Abandoned or unsafe docks and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the county may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

Regulations by Environment

Urban

Docks and piers shall be permitted in the Urban Environment subject to the policies and general regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Docks and piers shall be permitted in the Conservancy Environment, subject to the policies and regulations contained in this Master Program, only where no feasible alternative site is available.

Natural

Docks and piers shall not be permitted in the Natural Environment.

Aquatic

Docks and piers shall be permitted in the Aquatic Environment subject to the policies and regulations contained herein and to the regulations by environment applicable to the abutting shoreline area. Where the proposed structure abuts more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23.

5.09 Dredging

Introduction

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

Policies

1. Dredging should be controlled in order to minimize damage to the natural resources and systems of both the area to be dredged and the area to receive the dredged materials.
2. The depositing of dredge spoils in water areas should be permitted only for habitat improvement, to correct problems of materials distribution adversely affecting fish and shellfish resources, or where significant adverse impacts will not result.
3. In identifying spoils disposal sites in water areas the county should seek the assistance of the State Departments of Fisheries, Game and Natural Resources and the University of Washington Friday Harbor Laboratories.
4. Dredging of bottom materials for the sole purpose of obtaining fill material should be discouraged.

General Regulations

1. Dredging may be permitted only for the following purposes and only where other alternatives are impractical:
 - a. to improve water quality or aquatic habitat;
 - b. to maintain or improve navigability or water flow;
 - c. to mitigate conditions which could endanger public safety;
 - d. to create or improve public recreational opportunities.

2. All dredge spoils shall be deposited at spoils despoit sites which are consistent with the policies and regulations of this Master Program.
3. Applications for substantial development permits for dredging shall include at least the following information:
 - a. location, size and physical characteristics of proposed dredging site;
 - b. information regarding stability of bedlands adjacent to proposed dredging site;
 - c. total initial spoils volume;
 - d. location, size, capacity and physical characteristics of proposed spoils disposal area;
 - e. frequency and volume of anticipated maintenance dredging;
 - f. plan for disposal of maintenance spoils for life of project or period of twenty-five years, whichever is shorter.

Regulations by Environment

Urban

Dredging and spoils disposal shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Dredging shall be permitted in the Suburban Environment subject to the policies and regulations contained in this Master Program. Spoils disposal sites shall be permitted only if it can be shown that the disposal site will ultimately be used for an activity permitted within the Suburban Environment.

Rural

Same as Suburban.

Conservancy

Dredging within the Conservancy Environment shall be limited to maintenance of existing navigation channels and facilities. Spoils disposal shall be limited to existing, designated Department of Natural Resources sites.

Natural

Dredging and spoils disposal shall be prohibited in the Natural Environment.

Aquatic

Dredging shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed dredging site abuts more than one shoreline environment the policies and

regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23. Spoils disposal shall be permitted only at sites approved by the State Department of Fisheries, Game and Natural Resources and the University of Washington Friday Harbor Laboratories.

5.10 Forest Management

Introduction

Forest management practices are those methods used for the protection, production and harvesting of timber. Poor logging practices on shorelines result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water.

Policies

1. All forest management practices in shoreline areas should be conducted in a manner which will cause the least possible adverse impacts on the land and water environments, should respect the natural character of the shoreline and should make every effort to preserve wildlife, aquatic life and their respective habitats.
2. Timber harvesting practices, including the construction of roads and trails and the disposal of debris should be conducted so that erosion will be prevented or held to an absolute minimum and so that the scenic qualities of the shoreline are not degraded.
3. Timber harvesting in fragile or unusual areas should be strictly regulated.
4. Thinning and harvesting operations should be conducted in a manner which will prevent the accumulation of slash and other debris in waterways or shorelines of the county.
5. All roads, bridges and other structures should be located, designed, constructed and maintained to prevent adverse impacts on shoreline resources.

General Regulations

1. The Washington State Forest Practice Act, as amended (1975), presently provides that the forest practice regulations adopted pursuant to that Act "shall be the sole rules applicable to the performance of forest practices, and enforcement thereof shall be solely as provided in Chapter 76.09 RCW." Therefore the Forest Practice Act and related regulations shall constitute the general regulations of this section of this Master Program; provided that the following regulations also shall apply to those situations where their application would not be in conflict with the Forest Practice Act, such as in the construction of roads.
2. As provided in the Forest Practice Act (RCW 76.09.240,4b), no shoreline permit shall be required for the construction of up to 500 feet of one and only one logging road or segment of a logging road provided that the road does not enter the shoreline more than once.

3. All roads and trails shall be fitted to the existing topography so that the need to alter natural features will be minimized. Steep and/or unstable areas, marshes and natural drainage ways shall be avoided.
4. All road surfaces shall be constructed to the minimum width required to accomodate the anticipated use.
5. Unnecessary road construction and drainage way crossings shall be minimized by making use of existing roads, where possible. Where roads pass through land in another ownership, but would otherwise adequately serve the proposed operation, the applicant shall attempt to secure the right to use the existing road before proposing the construction of a new road.
6. Road cuts and fills shall be balanced, or waste/borrow areas shall be located where erosion will not present a problem. Cuts and fills shall be constructed at or below the normal angle of repose for the material being cut or used for fill. Fill slopes shall not obstruct drainage ways and shall be properly compacted.
7. Where culverts must be installed they shall be adequate in size and design to carry the anticipated peak flow and shall be kept free of obstructions.
8. Road drainage, regardless of the method of collection, shall be directed onto the forest or woodlot floor in a manner which will permit the accumulated sediment to settle and be deposited before the water reaches any marine or freshwater body.
9. Drainage ways shall be cleared of all debris generated during road construction and/or maintenance which might interfere with normal drainage or adversely affect water quality.
10. Road construction shall be undertaken during that portion of the year when soil erosion does not pose a serious problem; when this is not practical, acceptable measures for the prevention of erosion shall be taken.
11. Roads shall be maintained sufficiently to ensure the proper functioning of the drainage system throughout the active use of the road. When active use is to be discontinued the road shall be left in a condition which will provide for adequate drainage and soil stability without continuous active maintenance.
12. Within study areas one through twelve of the San Juan County Inventory of Natural Areas, Forest Practices not exempted from the Shoreline Management Act under Chapter 76.09 RCW may be permitted only as conditional uses.
13. Soil stabilization and water quality maintenance along seasonal waterways and other significant drainage ways shall be provided for by leaving buffer strips of ground vegetation and non-merchantable timber along such watercourses; where insufficient non-merchantable timber exists to maintain an effective buffer zone, an adequate fringe of merchantable timber shall be left undisturbed; where it is impractical to leave buffer strips of either merchantable or non-merchantable timber along watercourses, a plan to reestablish adequate cover must be submitted to and approved by the county.
14. Logging and log dumping shall not be permitted on or immediately above

feeder bluffs.

15. Trees shall be felled, bucked and limbed so that no part of any tree shall be deposited into or across any watercourse; if any timber or debris should enter the watercourse as a result of the logging activity it shall be removed immediately in a manner which will disturb the watercourse as little as possible.
16. Tractor skid trails shall be located carefully and drained adequately so that sediment will be kept out of watercourses and water bodies. Tractor yarding shall be prohibited on unstable slopes and on slopes in excess of thirty percent. Cable yarding through watercourses shall be prohibited.
17. Timber harvesting shall be prohibited on slopes of such grade that significant erosion and sedimentation would be precipitated unless a plan for adequate and prompt erosion control and restoration is submitted to and approved by the county.
18. All non-organic waste materials resulting from the logging operations, such as grease and oil containers, machine parts, etc., shall be disposed of in a proper off-site location immediately following termination of the harvesting operations; at no time shall such waste materials be disposed of in watercourses or water bodies.
19. There shall be no logging within a 300 foot radius of an active eagle or osprey nest. Within an additional 300 foot radius (between 300 feet and 600 feet from the nest) there shall be no logging from February 1, through August 1. Selective logging in the latter area shall be permitted during the remainder of the year, however, the dominant old growth and broken-top trees shall be preserved along with a portion of the taller snags.

Regulations by Environment

Urban

Forest management practices shall be permitted in the Urban Environment only as a conditional use.

Suburban

Same as Urban.

Rural

Forest management practices shall be permitted in the Rural Environment subject to the policies and regulations contained in this Master Program.

Conservancy

Same as Rural.

Natural

Forest management practices shall be permitted in the Natural Environment only when necessary to control a fire or halt the spread of disease or damaging

insects when no other means of control will work, or to clean up and restore an area devastated by a natural disaster such as fire, storm, disease or insect attack. No roads shall be constructed except those which are absolutely necessary to cope with the emergency situation.

Aquatic

Forest management practices shall be prohibited in the Aquatic Environment.

5.11 Jetties and Groins

Introduction

Jetties and groins are structures designed to modify or control sand movement. Jetties are generally employed at inlets for the purpose of improving navigation. When sand being transported along the shoreline by waves and currents arrives at an inlet it flows inward on the flood tide to form an inner bar and outward on the ebb tide to form an outer bar. Both formations are detrimental to navigation through the inlet.

A jetty is usually constructed of steel, concrete or rock, depending on foundation conditions and wave, climatic and economic considerations. To be of maximum aid in maintaining navigation channels, a jetty must be high enough to completely obstruct the sand stream. Unfortunately, in the process of protecting the inlet, the jetty impounds the sand which would otherwise supply the downdrift shores. This results not only in the starvation of the downdrift beaches but also in erosion of those beaches.

Groins are barrier type structures extending from the backshore seaward across the beach. The basic purpose of a groin is to interrupt the sand movement along a shore.

A groin can be constructed in many ways using timber, steel, concrete or rock and can be classified into basic physical categories such as "high" or "low", "long" or "short" and "permeable" or "impermeable".

The trapping of sand by a groin is done at the expense of the adjacent downdrift shore, unless the groin system is filled with sand to its entrapment capacity.

Policies

1. Careful consideration should be given to the effect of proposed jetties and groins on sand movement and on the scenic qualities of the shoreline.
2. Special attention should be paid to the effects jetties and groins will have on fish and wildlife propagation and movement.

General Regulations

1. Jetties and groins may be permitted only as conditional uses.
2. Applications for substantial development permits for jetties and groins shall include at least the following information:
 - a. purpose of proposed project;

- b. proposed type of construction;
- c. proposed method of construction;
- d. direction of net longshore drift (jetties only);
- e. source and normal destination of material to be trapped (groins only);
- f. proposed beach feeding procedures (where appropriate);
- g. source and composition of material to be used for feeding (where appropriate).

Regulations by Environment

Urban

Jetties and groins may be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Jetties and groins shall not be permitted in the Conservancy Environment.

Natural

Jetties and groins shall not be permitted in the Natural Environment.

Aquatic

Jetties shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed jetty location abuts more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23. Groins are not normally constructed below the high water mark and shall not be permitted in the Aquatic Environment.

5.12 Landfills and Solid Waste Disposal

Introduction

A landfill is a dry, upland area created by the filling or depositing of sand, soil and/or gravel into a wetland area. Landfills are also created to replace shoreline areas removed by wave action or other normal erosive processes of nature. However, most shoreline and wetland landfills destroy the natural

character of the land, create unnatural, heavy erosion and siltation problems and diminish the existing water surface.

Solid waste is normally a potential source of nuisance. Rapid, safe and nuisance-free storage, collection, transportation and disposal of solid waste are of great concern to all communities. If the disposal of solid waste material is not carefully planned and regulated it can become not only a nuisance but a very real threat to the health and safety of human beings, livestock, wildlife and other life forms.

Because landfill and solid waste disposal are so closely related and because solid waste is frequently used as a landfill material the two are treated simultaneously in this section.

Policies

1. Landfills should not be permitted when any feasible alternative exists and, where permitted, should be tightly controlled.
2. Priority should be given to landfills for water dependent uses and for public uses. In evaluating fill proposals and in designating areas appropriate for fill, factors to be considered should include the total water surface reduction, impacts on water flow, circulation and quality, impacts on natural resources and systems, potential destruction of habitats, potential erosion problems and potential restriction of navigation.

General Regulations

1. Landfills may be permitted only as conditional uses.
2. The perimeters of all landfills shall be provided with some means to control erosion and contain sediment, such as vegetation or retaining walls.
3. Shoreline areas shall not be considered for sanitary landfills or for the disposal of solid waste.
4. Applications for substantial development permits which include landfilling shall include at least the following information:
 - a. source of landfill material;
 - b. physical characteristics of landfill material;
 - c. proposed methods of placement and compaction;
 - d. proposed surfacing material;
 - e. proposed method(s) of perimeter erosion control;
 - f. proposed use of filled area.

Regulations by Environment

Urban

Landfills shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program, provided that landfills shall not be permitted below the line of ordinary high tide and provided, further, that landfills shall not be permitted for the sole purpose of creating additional land area.

Suburban

Same as Urban.

Rural

Same as Suburban.

Conservancy

Same as Suburban; provided that landfills shall not be permitted on natural (as opposed to man-made, privately owned) lakes and provided further, that retaining walls shall not be used as an erosion control device on permitted landfills in the Conservancy Environment.

Natural

Landfills shall not be permitted in the Natural Environment.

Aquatic

Landfills shall be permitted in the Aquatic Environment subject to the policies and regulations contained herein and to the regulations by environment applicable to the abutting shoreline area. Where the proposed landfill site abuts more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23.

5.13 Marinas

Introduction

Marinas are facilities which provide wet moorage and/or dry storage supplies and services for pleasure craft and some types of commercial craft. Boat launching facilities also may be provided. Marinas are located over the intertidal and subtidal areas and may also extend landward from the line of ordinary high tide. Since it is impossible to build a facility in the foreshore or intertidal area that does not disrupt, to some degree, wave action or act as a driftway barrier, marinas should be located at the ends of driftways, between separate driftways or on self-contained pocket beaches. There are a number of design alternatives available to adapt a marina to its site in order to minimize its adverse impacts.

Policies

1. The location, design, construction and operation of marinas should all be directed toward minimizing potential adverse effects on marine life, the shore process corridor and its operating systems, and adjacent areas and activities.

2. The county should seek to identify desirable marina locations based on environmental and population proximity considerations.
3. Multiple use and, where practical, public access should be provided for in the design of every marina.
4. Boat storage should be designed to optimize the trade-offs between the number of boats served and the impacts on the natural and visual environments.

General Regulations

1. Marinas shall be designed to minimize their adverse impacts on marine life and the shore process corridor and its operating systems.
2. Marinas shall be designed to make use of the natural site configuration to the greatest possible degree.
3. All marinas shall comply with the design criteria established by the State Department of Fisheries relative to disruption of currents, restrictions of tidal prisms, flushing characteristics and fish passage to the extent that, in the county's opinion, those criteria are consistent with protection of the shore process corridor and its operating systems.
4. Areas with poor flushing action shall not be considered for overnight and long term moorage facilities.
5. Marinas and boat launching facilities shall not be permitted on Class I beaches or where their presence would interrupt driftways feeding Class I beaches.
6. Where landfill is permitted it shall be only for the necessary water dependent portions of the facility and shall conform to the policies and regulations of Section 5.12 of this Master Program. Landfill shall not be permitted for the creation of parking area unless no feasible alternative exists and the creation of such parking area would be consistent with the policies of this Master Program and with the public interest.
7. Parking areas associated with marinas shall be subject to the policies and regulations of Section 5.19, Transportation Facilities.
8. Marinas involving fill of wetland areas shall be located in conjunction with approved dredging spoils disposal areas. Wetlands shall not be filled for the sole purpose of constructing a marina.
9. No marina shall be approved for construction within one-half mile of any outfall of primary treated domestic or industrial sewage except as a conditional use.
10. All service facilities within or associated with a marina shall include provisions to prevent pollutants from entering the water.
11. Covered moorages shall not be permitted except where construction or repair work is to be the primary activity, provided that other covered moorages may be permitted as conditional uses in those areas where covered moorages already exist or where considerable commercial and/or industrial develop-

ment already exists. They should not be permitted on relatively undeveloped shorelines or in areas where they will degrade the scenic qualities of the shorelines.

12. Covered moorages shall not be permitted except where construction or repair work is to be the primary activity, provided that other covered moorages may be permitted as conditional uses.
13. Marina related structures which are not in and of themselves shoreline dependent shall not be located over water.
14. The Washington State Department of Social and Health Services' "Environmental Health Guidelines for Marina Development and Operation" shall be observed in all marina design proposals.
15. Marinas may include specific areas restricted for security reasons. The incorporation of reasonable public use facilities into the design shall be required.
16. Marinas shall be designed to minimize their adverse effects on the scenic qualities of the shorelines.
17. Drainage and surface runoff from marina areas shall be controlled so that pollutants will not be carried into water bodies.

Regulations by Environment

Urban

Marinas shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Marinas shall be permitted in the Conservancy Environment as conditional uses only.

Natural

Marinas shall not be permitted in the Natural Environment.

Aquatic

Marina facilities which are shoreline dependent shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed marina abuts more than one shoreline environment the policies and regulations of the most restrictive abutting

environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23.

5.14 Mineral Extraction

Introduction

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

Policies

1. The county should encourage the development of mineral extraction operations in non-shoreline areas before considering their location in shoreline areas.
2. Mineral extraction operations which would adversely affect agricultural activities or remove agricultural lands from production should not be permitted when feasible alternatives exist.
3. Mineral extraction operations should be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities and the scenic qualities of the shorelines.
4. No mineral extraction operation should be permitted in the absence of a detailed plan for site reclamation.

General Regulations

1. Applications for substantial development permits for mineral extraction shall be accompanied by a report prepared by a competent, professional geologist which shall include at least the following information:
 - a. types of materials present on the site;
 - b. quantity and quality of each material;
 - c. lateral extent of mineral deposit(s);
 - d. depth of mineral deposit(s);
 - e. depth of overburden.
2. All mineral extraction shall be performed in full compliance with the Washington State Surface Mining Act (RCW 78.44), except where such compliance would, in the county's opinion, result in adverse impacts on the shore process corridor and its operating systems.
3. The extraction of minerals from any marine beach or feeder bluff or any

- lake beach for any commercial or industrial purpose shall not be permitted.
4. The extraction of minerals from any marine or lake beach for non-commercial, non-industrial purposes shall be strongly discouraged and shall be prohibited if necessary to protect natural resources or systems.
 5. Topsoil or other overburden having value for agriculture or other beneficial uses shall not be removed or disposed of in a manner which will reduce its value or prevent its future use.
 6. All mineral extraction operations shall employ buffer zones, erosion and sedimentation control measures and/or other suitable precautionary measures to protect the shoreline from adverse impacts resulting from the operations.
 7. Each application for a substantial development permit for mineral extraction shall be accompanied by a detailed reclamation plan. The plan shall indicate the approximate dates on which the reclamation effort is to be initiated and completed and shall show that the site is to be reclaimed for a use which is permitted by this Master Program on the subject site. In all cases the reclamation program shall be initiated within sixty days following the completion of the extraction operations.
 8. The extraction of minerals in or under San Juan County waters shall be undertaken only with the approval of the appropriate state regulatory agencies and, where applicable, only in compliance with the provisions of this Master Program.

Regulations by Environment

Urban

Mineral extraction shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program, provided that it can be shown that potential adverse impacts on the human environment will be adequately controlled or mitigated.

Suburban

Same as Urban.

Rural

Mineral extraction shall be permitted in the Rural Environment subject to the policies and regulations contained herein, provided that a fifty foot buffer of undisturbed soil and vegetation shall be maintained between the extraction site, including all accessory developments, and adjacent properties, water bodies and wetlands.

Conservancy

Mineral extraction of the open pit variety shall not be permitted in the Conservancy Environment. Other types of extraction may be permitted as conditional uses.

Natural

Mineral extraction shall not be permitted in the Natural Environment.

Aquatic

Mineral extraction shall not be permitted in the Aquatic Environment except as approved by the appropriate state regulatory agencies.

5.15 Ports and Water Related Industry

Introduction

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

In some cases, including some in San Juan County, port districts include airports which may or may not be located in the shorelines. However the discussion in this section pertains only to water ports. Airports are addressed in Section 5.19, Transportation Facilities.

Policies

1. Piecemeal, uncoordinated development of port areas should not be permitted.
2. Port docks and facilities should be designed to minimize their potential adverse impacts on other shoreline dependent uses and on shoreline resources.
3. Port development decisions should be based on a county-wide perspective.
4. Non-water-dependent industries should not be permitted to occupy valuable waterfront sites.
5. The cooperative, multiple use of docking, cargo handling, storage and parking facilities in port areas should be encouraged.
6. Port facilities should be designed to include public facilities and to increase public access to the shoreline to the greatest degree feasible.
7. Log storage shall be undertaken in a manner which will minimize its adverse impacts.
8. Development which will enhance the commercial fishing industry in the county should be encouraged.

General Regulations

1. All proposed port development activities shall be consistent with an

adopted comprehensive port development plan.

2. Seaplane bases shall be located in a manner that will minimize their adverse impacts on the human and natural environments.
3. Industrial enterprises which are not water dependent shall not be permitted to locate within any port area. Industrial enterprises which are not water related shall not be permitted to locate within 200 feet of any shoreline.
4. Utilities, roads, parking areas, docks and other facilities which are installed or constructed to serve ports shall be subject to the appropriate sections of this Master Program.
5. Opportunities for public visual and/or physical access to port areas shall be maximized, provided that such access will not significantly interfere with port operations or endanger public health or safety.
6. Dry land log storage shall be preferred over water storage.
7. Unpaved areas which have seasonal high water tables (less than three feet below ground surface) or poor surface drainage shall not be used for log storage during the wet season unless specifically authorized by the Administrator following investigation of the site.
8. Log storage shall not be permitted in public waters where state and federal water quality standards cannot be met at all times, nor where such storage would constitute a significant hindrance to other legitimate water uses such as small craft navigation.
9. In conformance with the Department of Natural Resources' established policy, log rafting and storage areas on leased public tidelands shall be used cooperatively and jointly by loggers and not exclusively by the leaseholder.
10. In conformance with the Department of Natural Resources' established policy, ("Special Provisions for Booming and Rafting Leases" - 12-72) easy-let-down devices shall be preferred over the free dumping of logs into the water. However, in no event shall the free-fall dumping of logs be permitted in a manner which would do unnecessary damage to the shoreline or to shoreline life forms.
11. Effective bark and wood debris controls and collection and disposal methods shall be employed at log storage and raft construction areas for both floating and sinking particles.
12. Drainage and surface runoff from ports and log storage areas shall be controlled so that pollutants, including bark and other wood debris, will not be carried into water bodies.
13. Logs shall not be dumped, stored or rafted where grounding will occur.
14. Where water depths will permit the floating of bundled logs this method of storage shall be required. The logs shall be bundled on land and shall not be broken until they are removed from the water.

15. The use of county shorelines for the processing of oil or for the handling of oil and oil products for other than local consumption shall not be permitted.

Regulations by Environment

Urban

Ports and water dependent/water related industries shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Ports and water dependent/water related industries may be permitted in the Suburban Environment subject to the policies and regulations contained in this Master Program, as conditional uses.

Rural

Ports and water dependent/water related industry directly related to the commercial fishing industry shall be permitted in the Rural Environment subject to the policies and regulations contained in this Master Program. Other water dependent/water related industry may be permitted as a conditional use.

Conservancy

Ports and water dependent/water related industries shall not be permitted in the Conservancy Environment, provided that log handling, dry storage and wet storage facilities may be permitted as conditional uses.

Natural

Ports and water dependent/water related industry shall not be permitted in the Natural Environment.

Aquatic

Ports and water dependent/water related industry shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed port or water dependent/water related industry would abut more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23.

5.16 Recreation

Introduction

Recreation is the refreshment of mind and body through forms of play, amusement or relaxation. Water related recreation accounts for a very high proportion of all recreational activity in San Juan County and in the Pacific Northwest. Activities include active experiences, such as boating, fishing

and swimming, as well as passive experiences, such as enjoying the natural beauty of a saltwater shoreline or a freshwater lake.

Policies

1. Preference should be given to developments which provide for recreational activities and improvements facilitating public access to the shoreline.
2. The supply and diversity of recreational areas should be related to reasonable demands from nearby population centers as well as from county residents.
3. In providing access to recreational areas the concentration of use pressures at a few points should be avoided wherever possible by combining area and linear access systems, such as parking areas and pathway easements.
4. The impact a proposed recreational site would have on the natural resources and environmental quality of the area should be carefully considered.
5. Guidelines for the preservation and/or enhancement of scenic views and vistas should be developed by the county.
6. The county's limited supply of shoreline areas suitable for recreational use should be protected from inappropriate and wasteful uses, such as parking areas. Roadside view areas should be permitted in suitable locations, however.
7. The use of motorized vehicles on shorelines should be strictly controlled.
8. Intensive recreational developments should be permitted only where the public health can be protected without undesirable alteration of the site.
9. Drainage and surface runoff from recreational areas should be controlled.

General Regulations

1. Recreational areas shall be designed to take optimum advantage of and to enhance the natural character of the shoreline area.
2. In attempting to meet the recreational demands imposed on the county by tourists and other non-residents, the county shall seek to protect the rights and property of residents against adverse impacts.
3. Parking areas associated with shoreline recreational areas shall be located inland away from the water and beaches and shall be designed to control surface runoff and prevent the pollution of water bodies and shall be subject to the provisions of Section 5.19, Transportation Facilities. Safe access from parking areas to recreational areas shall be provided by means of walkways or other suitable facilities.
4. Motorized vehicles shall not be permitted on beaches, dunes or fragile shoreline areas except as necessary for official maintenance activities or for the protection of the public health or safety.

5. Intensive recreational development, including but not limited to overnight camping areas and recreational vehicle/trailer parks, shall be permitted only where water supply, sewage and solid waste disposal can be provided to meet public health regulations without adversely affecting the natural resources and features of the area.
6. Drainage and surface runoff from recreational areas shall be controlled so that pollutants will not be carried into water bodies.
7. Recreational facilities which normally require the use of large quantities of chemical fertilizers and herbicides, such as golf courses and playing fields, shall not be located in shoreline areas unless adequate provisions can be made for the protection of water areas from drainage and surface runoff.
8. Structures shall be set back a safe distance behind the tops of feeder bluffs.

Regulations by Environment

Urban

Recreational uses shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Recreational uses of a nature and intensity consistent with the objectives of the Conservancy Environment shall be permitted in that environment subject to the policies and regulations contained in this Master Program.

Natural

Recreational uses of a nature and intensity consistent with the objectives of the Natural Environment shall be permitted in that environment subject to the policies and regulations contained in this Master Program (such uses might include viewpoints and pedestrian trails); provided that: roads, parking areas, restrooms and similar facilities shall not be located within the shoreline; golf courses, playing fields and similar large area uses shall not be permitted; the use of chemical fertilizers, pesticides and herbicides shall be prohibited; landscaping where permitted, shall consist solely of native vegetation.

Aquatic

Recreational uses shall be permitted in the Aquatic Environment subject to the policies and regulations of this Master Program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed

recreational use would abut more than one shoreline environment the policies and regulations of the most restrictive abutting environment shall govern, provided that the Administrator may exercise the same discretion authorized under "Aquatic" in Section 5.03, page 23.

5.17 Residential Development

Introduction

All residential development on the shoreline is subject to the Shoreline Management Act and the local master program. However, the Act specifically exempts from the shoreline permit requirements (not from the entire Act) the construction of a single family residence by an owner, contract purchaser or lessee for his or her own use or the use of his or her family. Residential subdivisions and other types of residential structures are subject to the shoreline permit requirements. The policies and regulations in this section are designed to deal with all forms of residential development.

Policies

1. Residential development is not a shoreline dependent use and should not be permitted over water.
2. The scenic qualities of the shorelines should be considered in every application for residential development.
3. To protect the scenic qualities of the shorelines, all structures should be located where they will blend into their surroundings as much as possible. On wooded shorelines this can often best be accomplished by locating structures at or behind the tree line.
4. Residential development should not be permitted on shorelines where it would require bulkheading or other shoreline fortification, at the time of construction or in the foreseeable future, in order to protect the development.
5. Fresh water along the shorelines is a renewable resource of critical importance and its use should be controlled to prevent the intrusion or spread of salt water into aquifers or stream beds.
6. Planned unit developments, sometimes called cluster developments, should be encouraged in those shoreline locations where they would be preferable to traditional subdivisions.
7. Planned unit developments and subdivisions should be designed for a density and occupancy level which will be compatible with the physical capabilities and scenic characteristics of the shoreline and water body.

General Regulations

1. Residential construction shall not be permitted seaward of the line of extreme high tide.
2. All structures shall be set back from water bodies and associated wetlands sufficiently to protect natural resources and systems from unnecessary degradation.

3. All structures shall be set back a safe distance behind the tops of feeder bluffs.
4. Every residential structure built at a beach site shall be located landward of the berm, bank or bluff, as dictated by the topography. (The intent here is not to offer an arbitrary choice but, rather, to indicate that the decision is to be based on securing optimum protection for the beach site.)
5. No residential structure which exceeds a height of thirty-five feet above average grade level shall be constructed on any shoreline unless it can be shown that the structure will not interfere with normal, public, visual access to the water, provided that where there are compensating factors which make a taller structure desirable from the standpoint of the public interest, the Administrator may authorize a taller structure. (For example, such a situation might occur where the visual impact of a single multi-family structure exceeding thirty-five feet in height would be preferable to several single-family structures of lesser height in the same location.)
6. Where there is evidence that a shoreline area proposed for residential development may be unstable, the applicant may be required to submit a plan for stabilizing the area and/or for controlling erosion during and following construction activities.
7. Planned unit developments, subdivisions and non-exempt residential structures which will require bulkheads or other shoreline fortifications, at the time of construction or in the foreseeable future, shall not be approved. Substantial evidence that such fortifications will be necessary to protect all or part of the development shall be grounds for denial of all or part of the proposed development, respectively.
8. Planned unit developments, subdivisions and non-exempt residential structures which will exceed the physical capabilities of the proposed site to absorb the resulting impacts and/or which will significantly and unnecessarily degrade the scenic qualities of the site shall not be approved.
9. In all planned unit developments and subdivisions the area landward from the line of ordinary high tide to the back of the berm, the top of the bank or bluff, or a distance of at least thirty feet, as dictated by the topography of the site, shall be designated as a common area in which the property owners in the development shall hold an undivided interest. In locations where, as a result of topography, the application of this provision would be infeasible or would create a potentially hazardous situation, the Administrator may authorize the designation of a non-water-front common area; provided that no planned unit development or subdivision shall be approved which does not contain a useable common area of reasonable size for the number of dwellings to be contained in the development.
10. Mobile home, travel trailer and/or recreational vehicle camps, courts, parks and subdivisions shall not be permitted on shorelines unless all structures can be thoroughly screened from view from both the water and the land by means of natural cover (trees, shrubs, etc.).

11. The creation of landfills in water bodies or their associated wetlands for the purpose of residential development shall not be permitted.
12. Utility lines installed within planned unit developments and subdivisions shall be placed underground. Utility lines serving structures not located within a planned unit development or subdivision shall be installed underground.
13. Drainage and surface runoff from residential areas shall be controlled so that pollutants will not be carried into water bodies.
14. Any parcel which constituted a legal building site prior to the adoption of this Master Program shall continue to constitute a legal building site regardless of the density requirements imposed by this Master Program; provided that all parcels shall be subject to all other applicable state and county regulations (sewage disposal, etc.).

Regulations by Environment

Urban

Residential development shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Residential development shall be permitted in the Suburban Environment subject to the policies and regulations contained in this Master Program. No residential subdivision, short subdivision, planned unit development or other form of residential development shall be approved unless the average density is no greater than one dwelling unit per 20,000 square feet; provided that density bonuses may be granted in conformance with an adopted PUD ordinance. This shall constitute a maximum density, not a guaranteed density. The approved density shall be determined on a case-by-case basis and shall be based on considerations of topography, protection of natural resources and systems and the intent and policies of the Act and this Master Program.

Rural

Residential development shall be permitted in the Rural Environment subject to the policies and regulations contained in this Master Program, provided that multi-family dwellings shall be permitted only when they constitute part of a planned unit development approved pursuant to an adopted PUD ordinance or a cluster subdivision approved under the appropriate sections of the county's subdivision ordinance, as amended. No residential subdivision, short subdivision, planned unit development or other form of residential development shall be approved unless the average density is no greater than one dwelling unit per two acres; provided that density bonuses may be granted in conformance with an adopted PUD ordinance. This shall constitute a maximum density not a guaranteed density. The approved density shall be determined on a case-by-case basis and shall be based on considerations of topography, protection of natural resources and systems and the intent and policies of the Act and this Master Program.

Conservancy

Residential development shall be permitted in the Conservancy Environment subject to the policies and regulations contained in this Master Program, provided that multi-family dwellings shall be subject to the regulations specified under Rural, above. No residential subdivision, short subdivision, planned unit development or other form of residential development shall be approved unless the average density is no greater than one dwelling unit per one acre; provided that density bonuses may be granted in conformance with an adopted PUD ordinance. This shall constitute a maximum density, not a guaranteed density. The approved density shall be determined on a case-by-case basis and shall be based on considerations of topography, protection of natural resources and systems and the intent and policies of the Act and this Master Program.

All residential structures shall be set back behind the berm, the top of the bank or bluff, at the tree line or a distance of at least fifty feet from the line of ordinary high tide, as dictated by the topography of the site. (The intent here is not to offer an arbitrary choice but, rather, to indicate that the decision is to be based on securing optimum protection of the site and related resources.) The removal of vegetation and/or alteration of topography shall be held to a minimum. Where such removal or alteration is proposed, the reasons for doing so shall be clearly stated in the application for substantial development permit.

Natural

Residential development shall not be permitted in the Natural Environment, provided that the owner of the property may construct a single-family residence and accessory structures for his/her own use. Alteration of the natural topography and vegetation shall be restricted to that which is absolutely necessary for the construction of the structure(s) and access to them.

Alteration of the land-water interface shall not be permitted.

The provisions for setback, as stated under Conservancy, above, shall also apply to the Natural Environment.

Aquatic

Residential development shall not be permitted in the Aquatic Environment.

5.18 Signs, Billboards and Outdoor Advertising

Introduction

Outdoor signs, billboards and advertisements are publicly displayed messages designed to provide information, direction or advertising and may be pleasing or distracting depending on their design, number and location. The proliferation of signs in any area generally reduces the effectiveness of individual signs and makes traffic control signs and signals less visible. The uncontrolled use of signs can be detrimental to surrounding property values and may seriously detract from the natural beauty of the shoreline. The character and scenic qualities of the county's shorelines should be protected from the adverse impacts of outdoor advertising.

Policies

1. Shorelines should be kept free of all unnecessary signs.
2. The county should establish size, density and lighting limitations for all outdoor advertising signs.
3. Scenic views should not be degraded by the careless placement of signs.
4. Wherever feasible, signs should be constructed against or painted on existing buildings in order to minimize visual obstructions of the shoreline and water bodies.

General Regulations

1. Off-premise, outdoor advertising signs shall not be permitted in any area subject to this Master Program.
2. Signs which move, flash or are otherwise animated shall not be permitted in any area subject to this Master Program.
3. Existing, non-conforming signs shall be removed when their useful life has ended or within five years from the date of adoption of this Master Program, whichever comes first.
4. Freestanding signs shall not be approved or installed where it is feasible and practical to mount or paint the proposed sign on a building.
5. Freestanding advertising or directional signs shall not be approved or installed where they would degrade or obstruct visual access to or from the water.
6. Signs mounted flush to the wall of a building shall not extend above the highest point on the wall to which they are mounted. Signs mounted at right angles to the wall of a building and freestanding signs shall not be more than fifteen feet above grade, measured from the top of the sign.
7. Signs required by law and traffic signs and signals shall be exempt from the provisions of this section.

Regulations by Environment

Urban

Signs, billboards and other outdoor advertising shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban, provided that freestanding signs shall not be more than five feet above grade, measured from the top of the sign.

Rural

Same as Suburban.

Conservancy

Signs shall be permitted in the Conservancy Environment subject to the policies and regulations contained in this Master Program, provided that outdoor advertising signs shall be permitted only if they are mounted flush to the wall of an approved structure and relate directly to that structure or use.

Natural

Signs, other than traffic signs, official warning signs, signs identifying public facilities and other signs required by law, shall not be permitted in the Natural Environment.

Aquatic

Same as Natural, provided that outdoor advertising signs shall be permitted in conjunction with approved water dependent uses. Such signs shall be permitted only if they are of the flush, wall-mounted variety and only if they could not as effectively be located on land.

5.19 Transportation Facilities

Introduction

Transportation facilities include roads, trails, airports, ferries and related terminals and parking areas. Generally such facilities account for a very small percentage of total shoreline uses, but their impact is substantial. In many areas, existing facilities were constructed with little thought of future demands or impacts on shoreline resources, public access to the water and adjacent properties. New transportation facilities within the shoreline area must be planned for much more carefully, with considerable thought being given to their relationship to other shoreline uses and their various primary and secondary impacts.

Policies

1. Transportation facilities should not be located in shoreline areas if they could feasibly and practically be located elsewhere.
2. When transportation facilities are located in shoreline areas they should be designed and constructed to minimize their impacts on shoreline resources and natural systems.
3. Old roads, rights-of-way and other facilities which afford scenic views or access to the water should be retained in public ownership and kept open whenever possible.
4. Transportation and utilities facilities should be installed in the same rights-of-way when the effect will be to reduce the adverse impacts on the shorelines.
5. Inter-island transportation should be confined to air and waterborne craft.

General Regulations

A. Roads (Public and Private)

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

B. Parking Areas

1. Parking areas shall not be located on shorelines unless it can be shown that the parking area is an essential accessory to a permitted use and that it could not feasibly be located on an upland site; provided that parking areas designed to serve ferry terminals shall be permitted on the shorelines.
2. Upland parking areas serving shoreline uses shall be linked to said uses by safe, pedestrian accesses.
3. Parking areas permitted on shorelines shall be located landward of the uses they are designed to serve, unless an alternative orientation would reduce the adverse impacts; they shall be no larger than is absolutely necessary and, where appropriate, shall be screened from view.
4. Regulation #8, under "Roads", above, also shall apply to parking areas.

C. Airports

1. Where no damage will be done to the shore process corridor and its operating systems and where public use of the waterfront can be incorporated into the design, public airports may be located on shoreline sites.

2. Where private airports meet the criteria established in No. 1, above, they may be permitted to locate within shoreline areas, provided that the proliferation of private airports in the shorelines shall not be permitted, provided further that the burden shall be on the applicant to demonstrate beyond a reasonable doubt the need for the proposed airport.

3. Regulation #8, under "Roads", above, also shall apply to airports.

D. Ferry Terminals

1. Ferry terminals and their related parking areas shall be located, designed and constructed to minimize their adverse impacts on shoreline natural resources and systems.

2. Regulation #8, under "Roads", above, also shall apply to ferry terminals.

E. General

1. Transportation facilities located in shoreline areas should be designed and maintained to prevent erosion and to permit the natural movement of surface water.

2. The filling of wetlands for the construction of transportation facilities shall not be permitted unless it can be clearly shown that no feasible alternative exists.

3. All overburden, debris and other waste material resulting from the construction of transportation facilities shall be disposed of in a fashion which will prevent their entry into any water body.

4. Excess construction materials shall be removed from the shoreline immediately following completion of the construction project.

5. Where appropriate, provisions for pedestrian access to and/or along the water shall be included in the plans for all new public transportation facilities.

Regulations by Environment

Urban

Transportation facilities shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Pedestrian trails shall be permitted in the Conservancy Environment; roads shall be permitted where no feasible alternative exists; ferry terminals may be permitted as conditional uses where it can be shown that no feasible alternative exists and that the public interest clearly would be better served by construction of the facility; airports, parking lots and other transportation facilities shall not be permitted.

Natural

Transportation facilities shall not be permitted in the Natural Environment, provided that pedestrian and/or fire trails may be permitted if they would not significantly degrade the values which warrant the designation of the area as Natural.

Aquatic

Transportation facilities in the Aquatic Environment shall be limited to terminals serving waterborne traffic and to essential crossings of shorelines by land based facilities.

5.20 Utilities

Introduction

Utilities are public and private entities which provide a service that, in most cases, is distributed through pipes or wires. The term "utilities" is also used to refer to the service itself and the hardware which is used to move it about. This latter meaning is the one that will be used here. Utilities include, but are not limited to, electric power, water, sewers and communications. The installation of utilities apparatus necessarily disturbs the environment but the adverse physical and visual impacts can be reduced by thoughtful planning.

Policies

1. Utilities and transportation facilities should be installed in the same rights-of-way when the effect will be to reduce the adverse impacts on the shorelines.
2. Disturbances of the shorelines resulting from the installation and/or maintenance of utilities should be minimized.
3. The planning of new utilities installations should be coordinated with county planning efforts so that growth can be encouraged in those areas where it is most desirable.

General Regulations

1. Immediately following the completion of utilities installation or maintenance projects on shorelines, disturbed areas shall be restored to pre-project configurations, replanted with local vegetation and the vegetation maintained until it is firmly established.

2. Utility lines, pipes, stations, plants and other apparatus shall not be installed in shoreline areas unless there is no feasible alternative.
3. Utility lines shall be installed underground.
4. Underwater cables which must cross shorelines shall be installed underground from the water line to the tree line, unless otherwise authorized by the county. The county shall authorize variances from this regulation only for good cause.
5. Where installation of utility lines, pipes or other apparatus in shoreline areas is approved, clearing shall be confined to that which is absolutely necessary to permit the installation and to prevent interference by vegetation once the system is in operation.
6. Where utility lines, pipes or other apparatus must cross shoreline areas they shall do so by the route which will cause the least damage to the shoreline, both physically and visually.
7. Drainage and surface runoff from utility installation areas shall be controlled so that pollutants will not be carried into water bodies.

Regulations by Environment

Urban

Utility facilities shall be permitted in the Urban Environment subject to the policies and regulations contained in this Master Program.

Suburban

Same as Urban.

Rural

Same as Urban.

Conservancy

Utility transmission, distribution and/or collection facilities shall be permitted in the Conservancy Environment subject to the policies and regulations contained in this Master Program, provided that the applicant can demonstrate that no feasible alternative exists, provided further that the utility line shall follow a route which will minimize the adverse impacts on the physical and visual resources of the area.

Natural

Utility facilities shall not be permitted in the Natural Environment, provided that facilities which must cross the shoreline in order to cross a water body may be installed, subject to the policies and regulations contained in this Master Program, if no feasible alternative location exists and if the facility is installed underground

Aquatic

Utility transmission and/or collection facilities shall be permitted in the Aquatic Environment subject to the policies and regulations contained in this Master Program, provided that no feasible alternative exists.

5.21 Shoreline Protection

This use category is intended to address flood protection, streamway modifications and related concerns. However, the Shoreline Management Act applies only to streams with a mean annual flow greater than twenty cubic feet per second. According to the best data currently available San Juan County has no streams which attain such a flow. Consequently, policies and regulations have not been prepared for this use category.

SECTION 6 - SHORELINES OF STATEWIDE SIGNIFICANCE

6.01 General

The Shoreline Management Act designates certain shorelines as "shorelines of statewide significance". Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, local master programs must give preference to uses of such shorelines which favor public and long range goals.

6.02 Designation of Shorelines of Statewide Significance

The legislature has designated all salt waters surrounding the islands of San Juan County, seaward from the line of extreme low tide, as shorelines of statewide significance (RCW 90.58.030, 2-e).

6.03 Policies Governing the Use of Shorelines of Statewide Significance

The Final Guidelines of the Shoreline Management Act establish a number of policies which are to govern the use of shorelines of statewide significance (WAC 173-16-040(5)). Uses which are consistent with the following policies, cited in the order of preference, shall be given preference. Conversely, uses which are not generally consistent with these policies should not be permitted on such shorelines.

1. The statewide interest should be recognized and protected over the local interest on shorelines of statewide significance.
2. The natural character of shorelines of statewide significance should be preserved.
3. Shorelines of statewide significance should be used in ways which will produce long term benefits as opposed to short term benefits or conveniences.
 - a. Actions that would commit resources to irreversible uses or would detrimentally alter natural conditions characteristic of such shorelines should be severely limited.
 - b. The short term economic gain or convenience associated with a proposed development should be evaluated in relationship to long term and

potentially costly impairments to the natural environment.

- c. The visual impact of every proposed project should be thoroughly evaluated and adverse impacts should be minimized.
4. The natural resources and systems of shorelines of statewide significance should be protected. Areas containing unusual or fragile natural resources or systems should be left undeveloped.
5. Public access to publicly owned areas of shorelines of statewide significance should be increased.
6. Recreational opportunities for the public on shorelines of statewide significance should be increased.

SECTION 7 - ADMINISTRATION

7.01 General

The purposes of this section are to establish a system which will ensure that the provisions of this Master Program are implemented and enforced and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

7.02 Administrator

1. The County Planning Director, or his/her designee, shall be the Administrator of this Master Program and shall be vested with:
 - a. the overall administrative responsibility for this Master Program;
 - b. the authority to issue or deny statements of exemption.
2. The responsibilities of the Administrator shall include:
 - a. establishing the procedures and preparing the forms deemed essential for the administration of this Master Program;
 - b. advising applicants for permits and other interested persons of the policies, regulations and procedures established by this Master Program and the Act;
 - c. making administrative interpretations of this Master Program, as necessary;
 - d. collecting required fees for the County Treasurer;
 - e. determining that applications are proper and complete prior to review;
 - f. making field inspections;
 - g. submitting permit applications to the appropriate sub-committee (by road district) of the Planning Commission for review and comment and transmitting said comment, or recommendation, to the Board.

- h. making written recommendations to the Board regarding permit applications;
- i. providing technical and administrative assistance to the Planning Commission and/or the Board as required for effective and equitable implementation of this Master Program;
- j. seeking compliance with the provisions of this Master Program or the Act, or of conditions attached to a shoreline permit issued by the county, and;
- k. developing and proposing to the Planning Commission and the Board amendments to this Master Program designed to more effectively and equitably achieve its purposes and goals.

7.03 Planning Commission

The San Juan County Planning Commission in concert with the Planning Department, shall be vested with the responsibility for reviewing this Master Program at least once every three years, from the date of adoption, provided that the initial review shall be commenced within twelve months of the date of adoption of this Master Program. The Planning Commission may subsequently recommend to the Board amendments designed to more effectively and equitably achieve this Master Program's purposes and goals.

The Planning Commission shall also review all applications for variances and conditional uses and all appeals. It shall do so according to the "Guidelines for Planning Agency Review of Shoreline Substantial Development Permits, Subdivisions, Preliminary and Final", adopted by the Planning Commission on November 4, 1974, or as amended.

7.04 Board of County Commissioners

The Board shall be vested with the authority to:

- a. issue or deny shoreline permit applications, following its receipt of the recommendation of the Administrator and, where appropriate, the Planning Commission;
- b. approve or deny variances and conditional uses;
- c. hear and decide appeals from decisions of the Administrator, provided that such decisions by the Board may be appealed to the State Shoreline Hearings Board, as provided for in the Act.
- d. amend this Master Program, as provided for in the Act.

7.05 Building Inspector

The San Juan County Building Inspector shall review all applications for building permits on the shorelines for their consistency with the provisions of this Master Program and may attach conditions to his approval of said permits as he deems necessary to make them consistent with this Master Program; provided that the Building Inspector shall consult with the Administrator prior to issuing any building permit requiring interpretation of the policies or regulations contained in this Program.

7.06 Permit Procedures, Local Review

All applications for shoreline substantial development permits shall be processed, reviewed and acted upon in conformance with the procedures and regulations established in the San Juan County Resolution No. 162-1976, or as amended, which resolution shall constitute a part of this Master Program; provided that:

- a. notices of applications for shoreline permits shall be posted in established locations on the island where the proposed development is to occur; the Shoreline Citizens' Advisory Committee shall designate at least one such location on Lopez, Orcas, San Juan, Shaw and Waldron and such locations subsequently may be changed as necessary on the advice of the Planning Commission or residents of the particular island; on those smaller islands where no reasonable posting place is available the applicant shall be required to notify by certified mail the owners of all property abutting the proposed project site.
- b. residents of the affected island shall be permitted to review any application for a shoreline permit prior to the Board's taking action on the application; public meetings and/or hearings pertaining to applications involving major land use changes shall be held within the road district and, where practical, on the island where the proposed development is to occur.
- c. legal notice of the application shall be published in a county newspaper of general circulation in accordance with the provisions of Chapter 173-14 WAC.

7.07 Conflicts with Other Policies and Regulations

The Act and this Master Program comprise the basic state and local law regulating the use of shorelines in the county. In the event that provisions of this Master Program conflict with other applicable state or local policies or regulations, the policies and regulations of this Master Program shall prevail.

7.08 Liberal Construction

As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and this Master Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives and policies for which the Act and this program were enacted and adopted, respectively.

7.09 Effects on Property Values

1. As provided for in RCW 90.58.290, the restrictions imposed upon the use of real property through the implementation of the policies and regulations of the Act and this Master Program shall be duly considered by the County Assessor and the County Board of Equalization in establishing the fair market value of such properties.
2. Designation of private property as a Natural or Conservancy shoreline area, pursuant to the provisions of Section 4 of this Master Program, fulfills the "open space land" definitional requirements of the Open Space Taxation Act of 1970, as amended (RCW 84.34.020(1)).

SECTION 8 - VARIANCES

8.01 General

Variance deals with the specific requirements of this Master Program and its objective is to grant relief when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Master Program. The applicant for a variance must show that if he complies with these regulations he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of this Master Program is not sufficient reason for granting a variance.

8.02 Authority

1. The Board may authorize variances from the provisions of this Master Program for activities which require a shoreline permit.
2. The Administrator may authorize a simple variance from the provisions of this Master Program for activities which do not require a shoreline permit.

8.03 Grounds

Variances from the provisions of this Master Program may be granted when all of the following conditions are met; the burden of proof shall be on the applicant.

1. The normal application of the provisions of this Master Program would prevent the property owner from making any reasonable use of his property, owing to its particular physical features, or would impose on him an unnecessary hardship.
2. The loss of reasonable use or imposition of unnecessary hardship would result primarily from the application of this Program's provisions and not from private restrictions or covenants, previous actions by the owner, or other factors not directly related to this Master Program.
3. The variance, if granted, would be in harmony with the general purposes and intent of the Act and this Master Program.
4. The public health, safety and general welfare will be protected. If more harm would be done to shoreline resources and processes and/or adjacent legitimate uses by granting the variance than would be done to the applicant's interests by denying the variance, the variance shall be denied.

8.04 Procedure

Variances shall be applied for in writing in a form prescribed by the Administrator.

1. If a variance request is directly related to an application for a shoreline permit, the two shall be treated as one application and all notices shall identify the nature of the variance requested. Notice and review procedures for such permit-variance application shall be identical to those required for a standard shoreline permit application.

2. If a variance is desired for a development which is subject to the provisions of this Master Program but which does not require a shoreline permit, a "simple variance" shall be applied for, in a form prescribed by the Administrator.

8.05 Notification of Final Action

As required by state law (RCW 90.58.140,11), variances issued pursuant to this section shall be subject to review by the Department of Ecology. Upon approval or denial of said variances by the Board or Administrator, a copy of the final order and application shall be mailed to the Department of Ecology within five days of such action. For shoreline permit variances development may not commence until thirty days after DOE's receipt of the proper materials. For simple variances the time limit shall be fifteen days after DOE's receipt of the materials.

8.06 Other Local Regulations

Variances or exemptions granted from the provisions of other local regulations shall not be construed to constitute variances from the provisions of this Master Program.

SECTION 9 - CONDITIONAL USES

9.01 General

The objective of the conditional use provision is to provide greater flexibility in the implementation of this Master Program. By providing for the control of undesirable impacts through the application of special conditions, the scope of uses within each of the six environments can be expanded to include many additional uses. Activities classified as conditional uses shall be permitted only where the applicant can demonstrate that the proposed use will meet standards and criteria that will ensure that the proposed conditional use will be compatible with the permitted uses within the same area.

9.02 Authority

1. The Board may approve conditional use applications in connection with shoreline permit applications for:
 - a. uses which are permitted under the provisions of this Master Program only as conditional uses;
 - b. the expansion of non-conforming uses, and;
 - c. uses which are unnamed and/or not contemplated in this Master Program.
2. In approving conditional use applications the Board is authorized, on a case by case basis, to impose any reasonable conditions and/or standards which, in the Board's opinion, are necessary to enable a proposed conditional use to satisfy the criteria established in Section 9.03 following.

9.03 Criteria

Conditional uses shall be approved only when all of the following, applicable criteria are met; the burden of proof shall be on the applicant.

- a. The proposed use will not cause significant adverse impacts on shoreline features, the shore process corridor and its operating systems, environmental quality or uses permitted in the area.
- b. The proposed use will not interfere with lawful public use of publicly owned shorelines.
- c. The design and visual appearance of the proposed use will be compatible with the surroundings and with the provisions of this Master Program.
- d. The proposed use will not be contrary to the general intent of this Master Program.

9.04 Procedure

Conditional use applications shall be submitted, in writing, in a form prescribed by the Administrator, at the same time that the related shoreline permit application is submitted. The two shall be treated as one application and all notices shall indicate that a conditional use is being proposed as part of the substantial development. Notice and review procedures for such shoreline permit-conditional use applications shall be identical to those required for a standard shoreline permit application.

9.05 Notification of Final Action

The provisions of Section 8.05 of this Master Program, regarding variances (not simple variances), shall also apply to conditional use applications, as required by state law (RCW 90.58.140,11).

9.06 Other Local Regulations

Conditional use approvals granted under other local regulations shall not be construed to constitute approval of a shoreline conditional use, as provided for in this section.

SECTION 10 - APPEALS

10.01 Administrative Appeals

1. Any person who deems himself/herself aggrieved by any interpretation, decision or action of the Administrator may request a review of that interpretation, decision or action by the Board of County Commissioners. Such request must be made in writing to the Administrator within fourteen days of the final public notice of the Administrator's interpretation, decision or action. If public notice is not required by law and is not given, such request must be made within sixty days of the date of the interpretation, decision or action. Said written request shall state clearly the basis for the appeal.
2. Within seven working days of the Administrator's receipt of such a request, the Administrator shall forward to the Board the request for review, all pertinent documents, any comments or recommendations provided

by the Planning Commission and his own written analysis of the issues involved in the appeal. The Administrator also shall send one copy of his/her analysis to the appellant and one copy to the applicant.

10.02 Board's Action

Within thirty days of its receipt of the required materials for an appeal (Section 10.01) the Board shall take one of the following actions at a regularly scheduled meeting:

- a. grant the appeal with or without conditions;
- b. deny the appeal, stating the reasons for the denial;
- c. request whatever additional information it deems necessary and set a date, within thirty days, for further consideration.

SECTION 11 - AMENDMENTS

11.01 Master Program

1. It is recognized that changing public opinion, community needs and standards, new information or technology and other changing conditions will necessitate review and amendment of this Master Program. However to ensure that such amendments are not arbitrary or oriented to individual advantage, all proposed amendments to this Master Program shall be treated as amendments to a comprehensive plan and official controls and shall be handled according to the procedures established in Chapter 36.70 RCW. Compliance with this process will ensure formal public notice and public hearing(s), evaluation and recommendation from the Planning Department's professional, technical perspective and from the Planning Commission's knowledgeable lay perspective. Final action will be reserved for the Board of County Commissioners, subject to certification by the Department of Ecology, as required by the Act (RCW 90.58.190).
2. This Master Program shall be reviewed and amended as necessary at least once every three years following the date of adoption, provided that the initial review should be commenced within twelve months of the date of adoption of this Master Program.

11.02 Shoreline Inventory

The county's shoreline inventory shall be updated as appropriate.

SECTION 12 - ENFORCEMENT AND PENALTIES

12.01 Civil Actions

The Attorney General or the Attorney for San Juan County shall bring such injunctive, declaratory or other actions as are necessary to ensure that no uses are made of the shorelines of the state in conflict with the provisions of the Act or of this Master Program and to otherwise enforce the provisions of both.

12.02 General Penalty

1. In addition to incurring civil liability under Section 12.01 and RCW 90.58.210, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the Act or of this Master Program, or rules and regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment; provided, that the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars.
2. Any person who willfully violates any court order or injunction issued pursuant to this Master Program shall be subject to a fine of not more than five thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

12.03 Violator's Liability for Damages

Any person subject to the regulatory provisions of the Act or of this Master Program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The Attorney for San Juan County shall bring suit for damages under this section on behalf of the county. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

12.04 Development and Building Permits

No building permit, septic tank permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program or of local land division regulations. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers or transferees of property shall comply with provisions of this ordinance and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling, transferring or leasing land in violation of this ordinance. including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this ordinance as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee or lessor may, as an alternative to conforming his property to these requirements, rescind the sale, transfer or lease and recover cost of investigation, suit, and reasonable attorney's fees occasioned thereby.

SECTION 13 - DEFINITIONS

13.01 General

As used in this document, the following words shall have the following mean-

ings.

1. Accretion shoreform means a shoreline with a backshore which has been produced by the long term deposition of sand and/or gravel by littoral drift from a feeder bluff or other source. Such shoreforms include barrier beaches, points, spits, hooks and tombolos. They are a scarce resource, constituting only some five percent of the total shorelines of the Puget Sound area and less than three percent of the shorelines of San Juan County.
2. Act means the Shoreline Management Act of 1971 (Chapter 90.58 RCW), as amended.
3. Administrator means the San Juan County Planning Director, or his designated representative.
4. Agricultural land means all land classified by the U.S. Department of Agriculture, Soil Conservation Service in capability groups I, II, III and IV and which has not been developed for urban, suburban or other types of uses generally incompatible with agriculture.
5. Agriculture means the science or art of cultivating the soil, producing crops and/or raising livestock and, to a limited degree, the preparation of these products for human use.
6. Aquaculture means the science or art of cultivating fish, shellfish and/or other aquatic animals or plants and, to a limited degree, the preparation of these products for human use.
7. Aquatic Environment (see page 17).
8. Aquifer means a waterbearing stratum of permeable rock, sand or gravel.
9. Angle of repose means the slope at which a land mass normally will remain stable without artificial means of support. The specific angle is largely dependent on the type(s) of material(s) present in the land mass.
10. Archeological means having to do with the scientific study of material remains of past human life and activities.
11. Average grade level means the average elevation of a building site between the uphill and downhill building lines.
12. Backshore means the accretion or erosion zone, located landward of the line of ordinary high tide, which is normally wetted only by storm tides. It may take the form of a more or less narrow storm berm (ridge of wave-heaped sand and/or gravel) under a bluff or it may constitute a broader complex of berms, marshes, meadows or dunes landward of the line of ordinary high tide. It is part of the littoral drift process along its seaward boundary.
13. Barrier beach means an accretional shoreform of sand and/or gravel that has been deposited, like a storm barrier, in front of a bluff, bay, marsh or estuary by means of littoral drift. It is characterized by a storm-tide berm above the line of ordinary high tide.

14. Berm means a linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line or ordinary high tide.
15. Billboard means a large panel designed to carry outdoor advertising.
16. Board means the San Juan County Board of Commissioners.
17. Bog means a wet, spongy, poorly drained area which is usually rich in plant residues and frequently surrounds a body of open water. A bog represents the final stage of the natural process by which lakes and other bodies of water are very slowly transformed into land areas.
18. Bonus means something given in addition to what is usual or strictly due. In subdivisions this generally refers to the approval of densities greater than those which would normally be permitted in exchange for amenities which are deemed by the county to be in the public interest and to promote the general welfare.
19. Breakwater (see page 24).
20. Bulkhead (see page 26).
21. Buffer zone (or strip) means an area designed to separate incompatible uses or activities.
22. Class I beach means a beach having a more or less permanent backshore composed of a storm-tide berm of sand, gravel and/or driftwood that is wetted only under extreme tide and wave conditions. A Class I beach is almost always an accretion shoreform.
23. Class II beach means a beach on which the backshore consists of a shallow berm just landward of the line of ordinary high tide which remains dry at ordinary high tide but is wetted by all higher tides and by breaker action. The narrow, unstable backshore of a Class II beach is nearly always involved in beach feeding and longshore drift operations and is therefore an erosional shoreform.
24. Class III beach means a beach which has no backshore and is therefore completely inundated by ordinary high tide. The wet intertidal area constitutes the beach at low tide.
25. Cluster development means a group of buildings, especially houses, built closer together on a tract of land than is usual in order to preserve open spaces larger than the individual yard.
26. Commercial development (see page 29).
27. Community structure means a building, dock or other structure which is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.
28. Conditional use means a form of substantial development which may be permitted subject to specific conditions. Those activities identified as conditional uses in this Master Program must be treated according to

the criteria and procedures established in Section 10 of this document.

29. Conservancy Environment (see page 14).
30. County means San Juan County, Washington.
31. Dedicate means to set aside a piece of real property, a structure or a facility for public use and/or ownership.
32. Degrade means to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.
33. Density means the quantity per unit area, especially the number of dwelling units per acre.
34. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.
35. Dock (see page 31).
36. Dredge spoil means the material removed by dredging.
37. Dredging (see page 34).
38. Driftway means that portion of the shore process corridor, primarily the lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.
39. Dune means a hill or ridge of sand piled up by wind and/or wave action.
40. Dwelling unit means one or more rooms designed for or occupied by one family for living and/or sleeping purposes and containing kitchen facilities for use solely by one family.
41. Ebb tide means the receding or outgoing tide.
42. Environmental carrying capacity means the level of human activity that an area can sustain at an acceptable "quality-of-life" level in perpetuity. It normally implies an attempt to relate the demand for and supply of resources on a sustained yield basis. It is a variable which is largely socially determined within the constraints of the community's economic, social and environmental values.
43. Estuary means the zone in which fresh and saltwaters mingle and affect the total land and water habitat. They are often referred to as "flats", "mud bays", "marshes" or "saltchucks".
44. Extreme low tide means the lowest line on the land reached by a receding tide.

45. Feeder bluff means any shoreline land mass which is subject to periodic erosion from waves, or sliding and slumping, and from which the eroded sand/gravel is naturally transported via a driftway to an accretion shoreform. These natural sources of beach material are both limited and vital to the long term stability of accretion shoreforms.
46. Flood tide means the rising or incoming tide.
47. Forest management (see page 36).
48. Groin (see page 39).
49. Guidelines means those standards adopted to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the Washington State Department of Ecology in developing master programs.
50. Habitat means the place or type of site where a plant or animal naturally or normally lives and grows.
51. Home occupation means a commercial or light industrial use which is commonly conducted within a residence or related outbuildings, which does not require the construction of any new structures and which does not generate significant vehicular traffic.
52. Hook means a curved spit.
53. Industrial development means facilities for the processing, manufacture and/or storage of finished or partially finished goods.
54. Intense (intensive) means highly concentrated, very large or considerable, in terms of San Juan County standards and experience.
55. Intertidal, or foreshore, means the area between the line of extreme low tide and the line of ordinary high tide.
56. Jetty (see page 39).
57. Landfill (see page 40).
58. Landward means to or toward the land.
59. Line of ordinary high tide (see #76), "ordinary high water mark").
60. Littoral drift means the natural movement of sediment, particularly sand and gravel, along marine or lake shorelines as a result of wave and wind action.
61. Low density, with respect to residential development, means an average density of no more than one dwelling unit per two acres.
62. Low intensity means sparsely developed, scattered, very small or inconsiderable, in terms of San Juan County standards and experience.

63. Major land use change means any change which constitutes a significant departure from the uses presently located on the applicant's property and in the surrounding area. It does not necessarily involve a change of designation.
64. Marina (see page 42).
65. Marine means of or relating to the sea.
66. Marsh means a soft, wet area periodically or continuously flooded to a shallow depth, usually characterized by a particular subclass (monocotyledons) of grasses, cattails and other low plants.
67. Master Program means the comprehensive use plan for a described area, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, including a statement of desired goals and policies developed in accordance with the policies of Section 2 of the Act.
68. Mean means something intermediate, a middle point between extremes.
69. Medium density, with respect to residential development, means an average density of no more than one dwelling unit per 20,000 square feet.
70. Midden means an ancient refuse heap. Since much of what archeologists have discovered about the past is based on what man has lost or discarded as no longer useful, middens are a very valuable source of material.
71. Mineral extraction (see page 45).
72. Multi-family dwelling (or residence) means a building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.
73. Natural Environment (see page 15).
74. Natural system means a group of related objects and/or forces existing in nature, e.g., a shore process corridor.
75. Non-consumptive use means a use which does not permanently deplete, degrade or destroy the resource involved.
76. Ordinary high water mark means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of the Act, or as it may naturally change thereafter; provided that in any area where the ordinary high-water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.
77. Overburden means material overlying a deposit of useful geological materials.

78. Pier (see page 31).
79. Planning commission means the San Juan County Planning Commission.
80. Planning department means the San Juan County Planning Department.
81. Planned unit development means any land development project undertaken pursuant to the San Juan County Planned Unit Development Ordinance.
82. Pocket beach means a Class II or III beach which does not depend on littoral drift accretion. It depends instead on the erosion of immediately adjacent sources. In rare instances a pocket beach may be a berm beach.
83. Point means a low profile shoreline promontory of more or less triangular shape, the tip of which extends seaward. A point may be the wave-cut shelf remnant of a headland bluff or a purely accretional deposit which began as a hooked spit and became a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh or meadow, depending on the point's stage of development.
84. Port means any harbor area under the jurisdiction of a legally constituted port district, as prescribed under Washington State law, or any harbor area which is largely devoted to shipping and cargo handling.
85. Primary road means any arterial or collector road, as officially defined and designated by the San Juan County Engineer.
86. Recreation (see page 49).
87. Residential development means development which is primarily devoted to dwelling units or designed for the construction of dwelling units.
88. Rural Environment (see page 13).
89. Seaward means to or toward the sea.
90. Sedimentation means the process by which material is transported and deposited by water or wind.
91. Setback means the distance a structure is placed behind a specified line or topographic feature.
92. Shoreline Hearings Board means the board established by the Act.
93. Shoreline permit means a substantial development permit (see #102).
94. Shorelines means all of the water areas the state, including reservoirs, and their associated wetlands, together with the lands underlying them, except:
 - (a) shorelines of state-wide significance;
 - (b) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands

associated with such upstream segments; and

(c) shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

95. Shorelines of statewide significance means the following shorelines:
- (a) those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwaters north to the Canadian line and lying seaward from the line of extreme low tide; and
 - (b) those additional areas specified in the Act (RCW 90.58.030, 2e).
96. Shore process corridor means that land-water zone within which certain geological, biological and hydraulic actions and interchanges critical to the integrity of the shoreline take place, e.g., a feeder bluff-driftway-accretion shoreform system. The shore process corridor may be narrow, as in the case of a driftway along a marine feeder bluff, or wide, as in the case of a backshore marsh,
97. Sign means a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.
98. Slash means the organic debris which is produced by logging operations.
99. Solid waste disposal means the act or process of disposing of rubbish and garbage.
100. Spit means an accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping, muddy or marshy shore on the leeward side. A curved spit is normally called a hook.
101. Swamp means a depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.
102. Substantial development means any development of which the total cost, or fair market value, exceeds \$1,000, or any development which materially interferes with normal public use of the water or shorelines of the state except that the following shall not be considered substantial developments:
- (a) normal maintenance or repair of existing structures or developments, including damage by fire, accident or elements;
 - (b) construction of the normal protective bulkhead, common to single-family residence;
 - (c) emergency construction necessary to protect property from damage by the elements;
 - (d) construction of a barn or similar agricultural structure on wetlands;

- (e) construction or modification of navigational aids, such as channel markers and anchor buoys;
- (f) construction on wetlands by an owner, lessee, or contract purchaser, of a single-family residence, for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof.

- 103. Subtidal means the area seaward of the line of extreme low tide.
- 104. Suburban Environment (see page 12).
- 105. Terrestrial means of or relating to land as distinct from air or water.
- 106. Tidal marsh means a saltwater marsh (see #66).
- 107. Tidelands means land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.
- 108. Timber land means land supporting or capable of supporting a stand of merchantable timber and which is not being developed or used for an activity which is incompatible with timber production.
- 109. Tombolo means a causeway-like accretion spit which connects an offshore rock or island with the main shore. Tombolos normally develop from bars (submarine berms) that build up as a result of sedimentation in the low energy zone between the wave barrier (rock or island) and an active driftway. At maturity a tombolo constitutes an accretion terminal for each part of the drift sector it has divided.
- 110. Transportation facility (see page 57).
- 111. Turbid (turbidity) means thick or opaque with roiled sediment; muddy.
- 112. Urban Environment (see page 11).
- 113. Uplands means the area landward of the backshore.
- 114. Utilities (see page 60).
- 115. Variance means the authorization to do something which is contrary to the regulations of this Master Program. A variance is legitimately granted only to bring the privileges of a given property to parity with other properties similarly located and designated. The variance is not intended to be used to grant special priveleges to a specific property.

Simple Variance means the authorization to do something which is contrary to the policies of this Master Program, where a shoreline permit is not required.
- 116. Water dependent use (or activity) means any reasonable use which requires a shoreline or over-the-water location because of its intrinsic nature. Such uses would include but not be limited to aquaculture, docks, marinas, boat fueling stations and marine research installations.

SECTION 14 - SEVERABILITY

If any provision of this Master Program, or its application to any person, legal entity or circumstances is held invalid, the remainder of the Program and the application of said provision to any person, legal entity or circumstances shall not be affected.

SECTION 15 - EFFECTIVE DATE

This Master Program shall be effective immediately upon final approval and adoption by the Department of Ecology, as provided in RCW 90.58.090.

Adopted in regular session this 18th day of October, 1976.

BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY, WASHINGTON

Donald G. Whitmill Chairman

Victor C. Bartig Commissioner

Linda J. Henry Commissioner

ATTEST:
HENRY R. BYERS

County Auditor and Clerk of the
Board of County Commissioners

APPROVED AS TO FORM:
JOHN B. NASON

Special Legal Counsel to the Board
of County Commissioners