

**ORDINANCE NO. 21 - 2018**

**AN ORDINANCE AMENDING SAN JUAN COUNTY ORDINANCE 1-2016;  
ORDINANCE 11-2017; AND SAN JUAN COUNTY CODE 18.20.190, 18.50.020,  
18.50.140, 18.50.350, 18.50.390, AND 18.50.420.**

**BACKGROUND**

- A.** San Juan County (County) first adopted a Shoreline Master Program (SMP) in 1976 and completed the last comprehensive SMP update in Ordinance 02-1998.
- B.** Revised Code of Washington (RCW) Chapter 90.58 is the Shoreline Management Act (SMA) and it set the deadline for completion of a comprehensive update of the County's SMP as December 1, 2012.
- C.** Washington Administrative Code (WAC) Chapter 173-26 is the State's guidelines for the development of local jurisdictions' SMPs.
- D.** After a long public process, the County adopted Ordinance 1-2016 that updated the SMP on April 5, 2016.
- E.** On April 5, 2017, the Washington State Department of Ecology (Ecology) conditionally approved the County's SMP update pending incorporation of specific changes recommended by Ecology.
- F.** On May 9, 2017, the County agreed to forty-two changes recommended by Ecology, proposed alternative language for 10 recommendations and declined six of the recommended changes.
- G.** On June 1, 2017, Ecology informally accepted the County's proposed changes to the SMP.
- H.** On July 25, 2017, the County Council was briefed on the proposed amendments to Ordinance 1-2016 as informally approved by Ecology.
- I.** On September 19, 2017, San Juan County Council held a public hearing and adopted Ordinance No. 11-2017 amending San Juan County Ordinance No 1-2016 updating the County's Comprehensive Plan Section B, Element 3, the SMP, and related shoreline regulations.
- J.** On October 4, 2017, the County sent Ordinance 11-2017 that adopted the revised SMP to Ecology.
- K.** On October 16, 2017, Ecology issued a final approval letter finding the County's revised SMP consistent with the purpose and intent of the changes originally proposed by Ecology,

RCW 90.58.020 and the applicable rules. The effective date was established fourteen days from the date of the approval letter.

**L.** Ecology published a legal ad that began the sixty-day appeal period.

**M.** Adoption of the SMP update by the County and Ecology was appealed to the Western Washington Region of the Growth Management Hearings Board (GMHB) by the Friends of the San Juans (Friends) on December 22, 2017 in Case No. 17-2-0009

**N.** On June 13, 2018, the GMHB issued its Final Decision and Order in Case No. 17-2-0009 upholding the SMP update as to four of the seven appealed issues and remanding the remaining three issues to San Juan County and the Department of Ecology to take further action to comply with the Board's Order.

**O.** On July 20, 2018, the San Juan County Council and Planning Commission were jointly briefed on the appeal issues and a draft of responses needed to obtain compliance.

**P.** On July 18, 2018, a 60-day notice of the County's intent to adopt new development regulations was sent to the Washington Department of Commerce (Commerce). Commerce forwarded the notice to State agencies and issued an acknowledgement letter on July 23, 2018

**Q.** On August 1, 2018, the County issued an Addendum to State Environmental Policy Act two Determination of Nonsignificance (DNS) issued on April 24, 2013 and June 26, 2013 and an Addendum to the June 26, 2013 DNS regarding San Juan County Ordinances 1-2016 and 11-2017.

**R.** A public hearing notice was published on August 1, 2018, in The Journal of the San Juan Islands and Islands Sounder.

**S.** On August 17, 2018, the County Council and Planning Commission held a duly advertised joint public hearing to take public comments on proposed amendments to Ordinances 1-2016 and 11-2017. The hearing was closed by the Planning Commission and Council with the right to re-open it at a later date.

**T.** On September 21, 2018, at a joint meeting, the Planning Commission and County Council re-opened the public hearing continued from August 17, 2018. Additional public testimony was taken. Planning Commission and Council closed their portions of the public hearing. Later in the meeting, Planning Commission considered public comments and deliberated on the draft ordinance, re-opening the hearing to ask questions of members of the Friends of San Juan Islands. The Planning Commission recommended that their proposed changes to the draft ordinance be forwarded to the County Council.

**U.** On September 21, 2018, the Planning Commission also recommended that County Council provide appropriate resources and direct the Department of Community Development to develop, as soon as reasonably feasible: (1) a plan for improving the quality of information available for the evaluation of the cumulative effects of authorized shoreline development

pursuant to SJCC 18.50.020(E), including data enhancements to the shoreline permit database maintained by the County and (2) a plan for conducting that analysis.

V. On October 8, 2018, the County Council deliberated on the proposed code amendments.

W. The San Juan County Council makes the following findings:

- I. The amendments to Ordinances 1-2016 and 11-2017 are consistent with the County's Comprehensive Plan.
- II. The amendments to Ordinances 1-2016 and 11-2017, are consistent with the SMA (Chapter 90.58 RCW) and implementation regulations Washington Administrative Code Chapter 173-96, and 173-97 WAC.
- III. The amendments address the concerns of the Growth Management Hearing Board's June 13, 2018 Final Decision and Order.

**NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan County, state of Washington, as follows:

**SECTION 1. SJCC 18.20.190 and Ord.11-2017 § 30 are each amended to read as follows:**

**18.20.190 "S" definitions.**

"Sale" means the transfer for consideration of legal or beneficial ownership.

"Salt water intrusion" means the underground flow of salt water into wells and aquifers.

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

"Seaward" means to or toward the sea.

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

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

"Sedimentation" means the process by which material is transported and deposited by water or wind.

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

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

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

“Service range” means the area within eight driving miles measured from the property boundary on ferry-served islands and existing facilities on each non-ferry-served island.

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

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

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

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

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

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

1. Signposts;
2. Benches and tables;
3. Parking areas;
4. Paths;
5. Public pedestrian trails;
6. Boat ramps without lifts;
7. Gates;
8. Staircases; or
9. Other shoreline access features.

“Shoreline 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 permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90.58 RCW at any stage of water level (RCW 90.58.030; WAC 173-27-030). “Shoreline jurisdiction (shorelands or shoreland areas)” means the proper term describing all of the geographic areas covered by the Shoreline Management Act, related rules, and the applicable master program. Those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA (RCW 90.58.030).

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

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

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

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

1. Shorelines of statewide significance;
2. 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
3. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes (RCW 90.58.030).

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

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

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

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

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

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

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

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

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

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

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

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

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

“Soft shoreline stabilization ~~measures~~” means shore erosion control structures and measures that maintain or enhance ecological functions composed of primarily natural and semi-rigid or flexible materials, logs, bio-engineering tailored to site-specific natural conditions, and vegetation, organized in a nonlinear, sloping arrangement, that dissipate wave energy and minimize erosion in a way that is similar to natural shoreline processes.

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

“Solid waste” means all putrescible and nonputrescible solid and semi-solid wastes, except wastes identified in WAC 173-304-015, such as junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and

discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations are considered solid waste.

“Solid waste disposal” means the act or process of disposing of rubbish and garbage.

“Solid waste transfer station” means a fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off site into a larger transfer vehicle for transport to a permanent disposal site. Solid waste transfer stations include recycling centers. (See “recycling center.”)

“Sound” means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium, including any characteristics of sound, such as duration, intensity, and frequency.

“Source of contamination” means a facility or disposal or storage site for material that impairs the quality of groundwater to a degree that creates a potential hazard to the environment, public health, or interferes with a beneficial use.

“Special flood hazard” means land in the floodplain subject to a one percent or greater chance of flooding in any given year.

“Static level” means the stable equilibrium level of the water in a well which rises in the well column, without being influenced by pumping.

“Stocking level” means a quantitative measure of the area occupied by trees. Also referred to as stand density.

“Storage yard” means an outdoor area used for the storage of equipment, vehicles and materials.

“Stream” means a watercourse with a defined bed and banks, not including manmade ditches, canals, or other entirely artificial watercourses, except where they exist in a natural watercourse (see WAC 220-110-020). Streams are classified in WAC 222-16-030 and 222-16-031.

“Street frontage” means the length along a street which a structure, business, or lot abuts or fronts.

“Structure” means a permanent or temporary edifice or building or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030).

“Subarea plan” means a detailed plan consistent with but more specific than this code or the Comprehensive Plan. It may be a detailed land use plan for a specific geographic area, or a functional long-range plan for a land use or resource issue of Countywide concern.

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

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

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

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

“Substantial alteration” means any alteration, where the total cost of all alterations such as electrical, mechanical, plumbing, and structural changes for a building or facility within any 12-month period or single development permit application amounts to 50 percent or more of the value of the building or facility. In determining the current value of the building or facility, the assessor’s fair market value, or a current appraisal acceptable to the County, may be used.

“Substantial development” means any development of which the total cost, or fair market value, exceeds the dollar threshold established by the Washington State Office of Financial Management (RCW 90.58.030(3)(e)); except for the exemptions specified in WAC 173-27-040, Chapter 18.50 SJCC, or any development which materially interferes with the normal public use of the water or shorelines of the state.

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

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

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

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



**SECTION 2. SJCC 18.50.020 and Ord.11-2017 § 3 are each amended to read as follows:**

**18.50.20 General.**

**A. Title.**

This chapter of the San Juan County Unified Development Code (UDC), together with Element 3 of the Comprehensive Plan, the official maps and common descriptions of shoreline designation boundaries that do not follow property lines (Ordinance 1-2016, Exhibit D), Section 2(B) Figures 130-7, 130-6 of the Eastsound Subarea Plan, SJCC 18.30.480, the Eastsound Waterfront Access Plan, and SJCC 18.80.110, is the Shoreline Master Program (SMP) for San Juan County, Washington.

**B. Short Title.**

The short title of this chapter and Element 3 of the Comprehensive Plan is the “SMP.”

**C. Authority.**

1. The provisions of this chapter are adopted pursuant to RCW 90.58.140(1) through (3) and 90.58.200, the SMA, Chapters 173-26 and 173-27 WAC, and Element 3 of the Comprehensive Plan. Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the SMA, and this SMP.

2. As provided in RCW 90.58.900, the SMA is exempt from the rule of strict construction. The SMA and the SMP are liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and this SMP were enacted and adopted.

3. The SMA and the SMP comprise the basic state and local law regulating the use of shorelines in the County. Unless specifically provided otherwise, if the provisions of the SMP conflict with other applicable state or local policies, subarea plans, or other regulations, the most restrictive regulation controls.

**D. Official Map.**

1. The official maps are part of the SMP. The map shows all areas of the County under the jurisdiction of the SMP and the official shoreline designations established by Element 3 of the Comprehensive Plan for all affected lands and waters.

2. There are four official copies of the map. Two are maintained by the department, one is archived by the San Juan County auditor, and one is submitted to the Washington Department of Ecology (WDOE). Amendments to the map are promptly recorded on the official copies.

3. No part of the map may be altered or amended without the approval of the WDOE, except those changes provided for in subsection (D)(4) of this section.

4. Where questions arise regarding the precise boundaries of any shoreline designation, the director will make the final determination, subject to the provisions of SJCC 18.80.140. Unofficial copies of the map may be prepared for administrative purposes as needed.

5. All areas that are not mapped in shoreline jurisdiction, but meet the jurisdictional criteria in RCW 90.58.030(f) per WAC 173-26-211(2)(e), are assigned a conservancy designation until the shoreline can be redesignated through an SMP amendment.

**E. Responsibilities of Department Director and Planning Commission.**

1. Director.

a. The director makes written recommendations to the decision-maker regarding shoreline permit applications, provides technical and administrative assistance to the hearing examiner as required, and provides such technical assistance to the planning commission and County council as may be needed; and

b. The director has the overall administrative responsibility for the SMP including:

- i. Establishing the procedures and preparing the forms deemed essential for the administration of the SMP;
- ii. Advising applicants for permits and other interested persons of the policies, regulations, and procedures established by the SMP and the SMA;
- iii. Making administrative interpretations of the SMP, as necessary;
- iv. Collecting required fees;
- v. Determining that applications are proper and complete prior to review;
- vi. Making field inspections; and
- vii. Seeking compliance with the provisions of the SMP and the SMA and with conditions attached to a shoreline permit issued by the County.

2. The department and planning commission have authority to review and recommend revisions to the SMP.

3. The department shall document all project review actions in the shoreline jurisdiction and evaluate the cumulative effects of such development on shoreline conditions. The cumulative effects evaluation shall be conducted every four years and consider:

- a. Permit applications, decisions, environmental reports, and other data from authorized shoreline exemptions and permits and GIS maps;
- b. Aerial and LIDAR photographs;
- c. Other available data; and
- d. Field observations.

**SECTION 3. SJCC 18.50.140 and Ord.11-2017 § 10 are each amended to read as follows:**

**18.50.140 Mitigation of adverse impacts to shoreline ecological functions.**

**A.** Shoreline development, land uses, structures and activities must meet the no net loss requirement of WAC 173-26-186(8)(b). If project proposals do not comply with the critical area protections in SJCC 18.50.130, applicants must submit a mitigation sequence analysis to the department.

**B.** Mitigation measures must be applied in the following sequence. The applicant must demonstrate that each mitigation action is not feasible or applicable before proceeding to the next option or action:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations;
5. Compensating for the impact by replacing or providing substitute resources or environments; and monitoring the impact and compensation projects, and taking appropriate corrective measures; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

**C.** When feasible, adverse impacts are to be mitigated on site. Preferential consideration shall be given to measures that replace impacts to functions directly and in the immediate vicinity of the impact. The director may authorize off-site compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation measures identified in

the San Juan County Water Resource Inventory Area (WRIA) 2 Plan, the San Juan County Restoration Shoreline Plan, or other restoration or mitigation plans adopted by a public agency. If off-site mitigation is proposed, the mitigation site must be located on the same island, as close as feasible to within the stormwater watershed of the development site.

The County's stormwater watersheds on San Juan, Orcas, and Lopez islands are identified on a map used as the basis of the *San Juan County Stormwater Basin Planning* report dated June 26, 2014. For islands without identified stormwater basins, a qualified professional shall determine the watershed basin.

D. Modifications to wetlands or buffers may be exempt from the requirement to avoid impacts when the wetland is below minimum size thresholds listed in SJCC 18.35.095 provided impacts are fully mitigated according to the remaining mitigation sequence in subsection (B) of this section.

**SECTION 4. SJCC 18.50.350 and Ord. 01-2016 § 41 are each amended to read as follows:**

**18.50.350 Hard and soft structural shoreline stabilization measures – General regulations.**

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

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

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

B. New, replaced, or enlarged hard structural shoreline stabilization measures may be allowed when damage to ~~them~~ structures and infrastructure defined in subsection A above is expected within three years.

C. New, replaced, or enlarged soft structural shoreline stabilization measures ~~may~~ are not be allowed unless there is conclusive evidence documented by a geotechnical analysis, that the structure or infrastructure identified in subsection A above is in danger from shoreline when there is a significant possibility that development will be damaged as a result of erosion caused by tidal action, waves and or currents.

1. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need.

2. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

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

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

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

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

**SECTION 5. SJCC 18.50.390 and Ord. 11-2017 § 19 are each amended to read as follows:**

**18.50.390 Soft structural shoreline stabilization design standards.**

In addition to the general design requirements of SJCC 18.50.370, the following design standards must be incorporated into the design of soft structural shoreline stabilization measures:

A. The project must be designed to prevent increased erosion of adjacent properties. Soft shoreline stabilization projects may not include hard structural shoreline stabilization elements if ~~needed to tie in with hard structural shoreline stabilization measures on adjacent properties. The need to use hard structural shoreline elements must be documented as required in SJCC 18.50.350. The length of the hard structural shoreline stabilization transition area to adjacent properties shall be the shortest distance possible and not more than 10 linear feet. The hard structural shoreline stabilization transition area must not extend waterward of the OHWM, except as needed to connect to the adjoining stabilization structure. It must not extend onto adjacent property.~~

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

- C. The sizing and placement of all materials must be selected to:
1. Protect upland structures from erosion over the long term;
  2. Ensure they will remain stable during a two-year flood event and under typical currents, boat wakes and wind-driven waves including those occurring during storm events if the proposal is near a stream or drainage outlet;
  3. Allow safe passage and migration of fish and wildlife;
  4. Minimize the creation of juvenile salmon predator habitat; and
  5. Use sand and gravel that are suitable as spawning substrate when a proposal is on a shoreline reach with forage fish spawning habitat.
- D. Soft shoreline stabilization measures may include fill placed waterward of the OHWM to provide enhancement of shoreline ecological functions to improve the substrate condition or gradient. Fill in flood hazard areas identified on the FIRMs is not allowed unless the director finds that there is no feasible alternative.
- E. Applicants are encouraged to use the Washington Department of Ecology's March 2014 Shoreline Master Program Planning and Implementation Guidance: Soft Shoreline Stabilization as well as the Washington State Department of Fish and Wildlife's March 2014 Marine Shoreline Design Guidelines and any revisions thereto to plan and design soft shoreline stabilization measures.

**SECTION 6. SJCC 18.50.420 and Ord.1-2016 § 48 are each amended to read as follows:**

**18.50.420 Hard or soft shoreline stabilization measures – Additional submittal requirements.**

- A. Except as provided in SJCC 18.50.410(E), a geotechnical report prepared by a qualified professional must be submitted with applications to construct new, enlarged and replacement structural shoreline stabilization measures. The report must demonstrate the need for the proposed hard or soft stabilization measure and must include:
1. A determination that shoreline erosion is being caused by waves and currents and not upland drainage issues. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues. If erosion is being caused by drainage from upland areas, the report should present options for controlling the erosion;
  2. An assessment of the erosion rate and site specific conditions contributing to the erosion such as water depth, orientation of the shoreline, and wave fetch and flow velocities;

3. A geotechnical analysis for hard structural shoreline stabilization measures documenting that without the proposal there is ~~a significant possibility~~ conclusive evidence that development will be damaged within three years as a result of erosion caused by waves and currents, or that postponing the work until the need is imminent (within three years) will result in the loss of opportunities to avoid greater impacts on shoreline ecological functions. New and enlarged hard structural shoreline stabilization measures are allowed only when needed to protect the types of upland structures and infrastructure identified in SJCC 18.50.350(A);
4. A geotechnical analysis for soft structural shoreline stabilization measures documenting that without the proposal there is ~~a significant possibility~~ conclusive evidence that development will be damaged as a result of erosion caused by waves and currents. New and enlarged soft structural shoreline stabilization measures are allowed only when needed to protect the types of upland structures and infrastructure identified in SJCC 18.50.350(A);
5. An assessment of alternatives to hard or soft structural shoreline stabilization measures, such as:
  - a. Relocation of the structural measure farther inland. If the structural measure does not meet current buffer or setback standards, the new location is not required to meet these standards provided the magnitude of the nonconformity is not increased, new nonconformities are not created, and there is no net loss of shoreline ecological functions;
  - b. Correction of any groundwater or drainage issues that may be causing shoreline erosion;
  - c. An assessment of the feasibility of using soft structural shoreline stabilization measures in lieu of hard structural shoreline stabilization measures;
  - d. An assessment of the anticipated effects of the proposed stabilization measure on ecosystem processes and functions such as effects on feeder bluffs, drift cells and areas adjacent to and down drift of the site;
  - e. Design recommendations for minimizing adverse impacts of the soft or hard structural shoreline stabilization measure; and
  - f. Design recommendations for minimizing the size, bulk or volume of structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

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

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

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

**SECTION 7. Adoption of a San Juan County Stormwater Watershed Boundary Map:**

A San Juan County Stormwater Watershed Boundary Map for San Juan, Lopez, Orcas and Shaw islands is adopted as shown on attached Exhibit A. These watersheds are basis of the *San Juan County Stormwater Basin Planning* report dated June 26, 2014.

**SECTION 8. Effective Date.**

This Ordinance shall take effect fourteen days from the date of written approval by WDOE pursuant to RCW 90.58.090.

**SECTION 9. Codification.**


Sections 1 through 6 shall be codified after the effective date of this ordinance.

ADOPTED this 8<sup>th</sup> day of October 2018.

ATTEST: Clerk of the Council

 10.8.2018  
Ingrid Gabriel, Clerk Date

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

  
Bill Watson, Chair  
District 1

REVIEWED BY COUNTY MANAGER

\_\_\_\_\_  
  
Jamie Stephens, Vice-Chair



Michael J. Thomas

10/8/18

Ordinance No. 21 - 2018  
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Michael J. Thomas  
COUNTY MANAGER

Date

District 3

RANDALL K. GAYLORD  
APPROVED AS TO FORM ONLY

By: RV 10-8-18  
Date

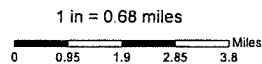
Rick Hughes  
Rick Hughes, Member  
District 2

Exhibit A: San Juan County Stormwater Watershed Boundary Map

# San Juan County



This map is derived from San Juan County Geographic Information System (GIS) data. It is intended for reference only and is not guaranteed to be 100% accurate. The information may change as the map is updated to reflect current data.



**Watershed Boundaries**  
San Juan County

