

Chapter 18.20 DEFINITIONS

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18.20.001 Scope.

This chapter contains definitions of technical and procedural terms used throughout this code, and definitions of land uses listed in Tables 3.1 and 3.2, SJCC 18.30.030 and 18.30.040. Not all of the uses defined below are named in Tables 3.1 and 3.2. (Ord. 12–2001 § 3; Ord. 2–1998 Exh. B § 2.1)

18.20.005 Interpretations.

- A.** For the purpose of this code, all words shall have their normal and customary meanings, unless specifically defined otherwise in this section. In general, words used in the present tense shall include the future; the singular shall include the plural; and the plural the singular. The words “shall”, “must”, “will”, “may not”, and “no ... may” are always mandatory. The word “should” indicates that which is recommended but not required. The word “may” indicates a use of discretion in making a decision. The word “used” includes “designed, intended, or arranged” to be used. The masculine gender includes the feminine and vice versa. References to “distance” means distance as measured horizontally unless otherwise specified.

- B. All definitions which reference the Revised Code of Washington (RCW), Washington Administrative Code (WAC), and Uniform Building Code (UBC) are intended to mirror the definitions in these codes at the effective date of the Unified Development Code (this code) or as amended. If the definition in this code conflicts with a definition under state law or regulation, the state definition shall control over this definition.
- C. These definitions are not intended to establish regulations. (Ord. 2–1998 Exh. B § 2.2)

18.20.010 “A” definitions.

- “**Abandon**” means to terminate or remove a structure by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction.
- “**Abutting**” means adjoining as defined herein, but will often have the added component of joining end to end, or sharing an end border.
- “**Accessory apartment, Accessory dwelling unit**”. *See* “Internal ADU.”
- “**Accessory dwelling unit**” (ADU) means a second structure or living unit that is accessory to the principal single-family residential living unit and provides the basic requirements of sleeping quarters, heating, kitchen facilities, and sanitation, and which shares a lot with a principal residence. Types of ADUs include “internal ADU”; “attached ADU”; “free-standing ADU”; and “guest house.”
- “**Accessory structure**” means a structure detached from a principal building located on the same lot and which is incidental and secondary to the principal building.
- “**Accessory use**” means use of land or of a building or portion thereof incidental and subordinate to the principal use or building and located on the same lot with the principal use.
- “**Accretion shoreform**” means shoreline with a backshore which has been produced by the long term deposition of sand or gravel by littoral drift from a feeder bluff or other source. Such shoreforms include barrier beaches, points, spits, hooks, and tombolos.
- “**Acre**” means a unit of measure of land area which consists of 43,560 square feet.
- “**Activity centers**” in San Juan County include villages, hamlets, residential activity centers, island centers, and master planned resorts.
- “**Adaptive management**” means a style of management which relies upon the best available information to make decisions, but implements decisions with a strategy to obtain additional information. The decisions, or their implementation, are then adapted, if necessary, based on the new information.
- “**Adequate**” means acceptable but not excessive.
- “**Adequate capacity (adequate capital facilities)**” means capital facilities and services that have the capacity available to serve development at the time of occupancy or use without decreasing levels of service (LOS) below the standards set forth in the Comprehensive Plan. “Adequate capacity” also includes a financial commitment that is in place to complete the improvements, or noncapital strategies, necessary to provide a specific level of service within six years. (*See also* “available capacity,” “concurrency,” “levels of service,” and “noncapital alternative strategies.”)
- “**Adjacent**” means either (1) adjoining as defined herein, or (2) being near or in close proximity, implying two objects that are not widely separated, though they may not actually touch. If a conflict arises over the meaning of the term “adjacent” as used in the UDC, the meaning shall be as interpreted by the Administrator.
- “**Adjacent lands, shoreline**” means lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). *See* RCW 90.58.340.
- “**Adjoining**” means being in physical contact, touching at some point or along a line, having a common point or border, sharing a common boundary, being so joined or united to each other that no third object intervenes.
- “**Administrator**” and “**Planning Director**” both mean the San Juan County Community Development and Planning Department director or a designated representative.
- “**Adverse**” means contrary to one’s interest or welfare; harmful or unfavorable circumstances.
- “**Adverse impacts**” means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.
- “**Affordable housing**” means housing where the occupants pay no more than 30 percent of gross monthly income for total housing costs, including the cost of property taxes and insurance for homeowners and monthly utilities for owners and renters.
- “**Agricultural activities**” means land preparation for agricultural purposes, such as clearing, grading, contouring, ditching, fencing, plowing, tilling, planting, cultivating, fertilizing, weed pest and disease control, spraying, pruning, trimming,

harvesting, processing, packing, sales, and construction of farm and stock ponds, irrigation ditches and systems; livestock management, such as breeding, birthing, feeding and care of animals, birds, honey bees, and fish; the repair and maintenance of equipment, structures, and machinery used to perform agricultural or husbandry operations; the storage of agricultural products and machinery.

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

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

“Agricultural resource lands” means lands that are primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, livestock, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, and have long-term commercial significance for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands is also a land use designation (AG) in the Comprehensive Plan.

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

“Agriculture” means the science, art, and business of producing crops, or raising livestock; farming.

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

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

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

“Safety zone 1: Runway protection zone” is an area that has the same dimensions as the FAA runway protection zone.

It is a trapezoidally shaped area that extends from the outer boundaries of the primary surface along the extended runway centerline. Where only a portion of the runway is declared as usable (the remainder of the pavement being part of a paved “stopway”), as is the case at Orcas Island airport, the measurements for the zone begin at the threshold line on the pavement which marks the end of the declared usable runway surface.

“Safety zone 2: Inner safety zone” is an area that underlies the main departure/approach path. It begins at the end of the runway protection zone (zone 1) and extends out along the extension of the runway centerline.

“Safety zone 3: Inner turning zone” is an area where aircraft turn into the direct approach path, or turn out of the departure path. The zone begins at the primary surface and extends out at 30 degrees from both sides of the runway centerline. It connects to the centerline of the inner safety zone (zone 2) with sweeping arcs.

“Safety zone 4: Outer safety zone” is an area that underlies the main departure/approach path, after the inner turning zone (zone 3). It extends out from both sides of the extended runway centerline, beginning at the outer edge of the inner turning zone (zone 3) and extending to the outer boundary of zone 6 (or to outer boundary of the horizontal zone if zone 6 is not designated).

“Safety zone 5: Sideline safety zone/airport development zone” is an area that is immediately adjacent to the airport and runway area. The standard zone begins at the primary surface, extending out from the extended runway centerline and connecting at its ends to the inner turning zone (zone 3).

“Safety zone 6: Traffic pattern zone” is an area that encircles the other five safety zones. The standard area consists of a long oval that is centered longitudinally on the runway, and which envelops the other safety zones. The perimeter is constructed by swinging arcs from a point along the extended runway centerline that is 500 feet from the edge of the primary surface. The arcs are connected by line segments that are extended from the edge of safety zone 5. Zone 6 may or may not be designated for a given airport overlay district.

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

- “Airport”** means an area of land or facility publicly owned and open to general public use for aircraft operations, except any airfield or airstrip as defined herein. An airport may include related services and facilities.
- “Airport overlay district”** means an overlay district which governs use of land in the vicinity and environs of an airport and protects public safety in the area.
- “Airstrip”** means a privately owned area of land, closed to the public, and restricted to use by the owner for noncommercial aircraft operations and, on an occasional basis, invited guests of the owner.
- “Aliquot part”** means a parcel of unplatted land which is described by record legal description as a fractional portion of a section, excluding government lots.
- “Allowable uses”** means the land uses that are allowed under this code, divided into five categories, as identified in SJCC 18.30.050 and Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040. These are uses allowed outright (“Yes”), provisional (“Prov”), discretionary (“D”), conditional (“C”), and plan amendment (“P.A.”) uses.
- “Allowed outright use (“Yes” use)”** means a use that is allowed outright within a land use designation, and which does not require a project permit, is identified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 by the symbol “Yes.” All “Yes” uses are subject to and must comply with all applicable development standards of this code (*see* Chapter 18.60 SJCC and SJCC 18.80.070).
- “Alteration, nonconforming structures”** means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.
- “Alteration, nonconforming use”** means the expansion, modification or intensification of a use that does not conform to the land use regulations of the UDC.
- “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.
- “Animal shelter (kennel)”** means a commercial or nonprofit establishment in which animals other than livestock are temporarily housed or boarded, groomed, bred, trained, treated, or sold.
- “Appeal, closed-record”** means an administrative appeal on the record to the board of County commissioners, following an open-record hearing on a project permit application. A closed-record appeal is on the record made before the decisionmaker with no or limited new evidence or information allowed to be submitted and only appeal argument allowed (RCW 36.70B.020).
- “Appeal, open-record”** means a hearing, conducted by the hearing examiner, that creates the County’s record through testimony and submittal of evidence and information, under procedures prescribed by the County by ordinance or resolution when a timely appeal of the administrator’s decision on a project permit application or a timely appeal of an administrative determination is filed.
- “Applicant”** means any person who files a permit application with the County and who is either the owner, beneficial owner, contract purchaser, or authorized agent of such owner of the land on which the proposed activity would be located.
- “Approach surface”** means the FAA imaginary surface that is the lower boundary of an airspace which begins at the ends of the primary surface and extends upward and outward along the extended runway centerline. The initial width of the surface coincides with the width of the primary surface, and expands outward uniformly from the primary surface.
- “Approach, transitional, horizontal, and conical surfaces”** means the imaginary surfaces that relate to an airport or airfield runway as defined in Federal Aviation Administration (FAA) regulations, 14 CFR, Part 77, “Objects Affecting Navigable Airspace,” as amended, and as shown on the approach and clear zone plan for an airport or airfield. They are so-called “imaginary” surfaces because, with the exception of the runway, they cannot be seen.
- “Approach, transitional, horizontal, and conical zones”** means the zones which apply to the ground areas immediately under a runway approach; transitional, horizontal, and conical surfaces as projected along a vertical axis.
- “Aquaculture”** means the science or art of cultivating fish, shellfish, or other aquatic animals or plants.
- “Aquatic environment”** means all water bodies under the jurisdiction of the Shoreline Management Act of 1971 and within the boundaries of San Juan County, including 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.
- “Aquifer”** means a body of permeable saturated rock material or soil capable of conducting ground water.
- “Aquifer recharge areas”** means lands through which precipitation and surface water infiltrate the soil and are transmitted through rocks and soil to create ground water storage.

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

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

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

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

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

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

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

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

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

“Attached ADU” means an accessory dwelling unit that is physically connected to the principal residence. To be connected, the ADU and principal residential unit must be connected by at least one common wall or be structurally interdependent in some other way.

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

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

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

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

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

“Average vehicular trips” means the average number of all vehicles entering or leaving a site during a defined period. (Ord. 7-2005 § 2; Ord. 21-2002 § 3; Ord. 12-2002 § 1; Ord. 5-2002 § 2; Ord. 12-2001 § 3; Ord. 14-2000 § 7(XX); Ord. 11-2000 § 3; Ord. 2-1998 Exh. B § 2.3)

18.20.020 “B” definitions.

“Backshore” means a berm, together with associated marshes or meadows on marine shores landward of the Ordinary High Water Mark that has been gradually built up by accretion.

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

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

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

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

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

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

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

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

“Best management practices (BMPs)” means systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment.

“Binding site plan” is a method of division of land intended primarily for projects such as condominiums, residential clusters or planned unit developments, industrial parks and shopping centers, which are developed as a whole rather than for sale of individual lots for development.

“Biofiltration system” means a water filtration system using biological processes.

“Board (BOCC)” means the San Juan County board of commissioners.

“Boat launch, ramp or retrieval system” means an area, structure, or equipment used to launch or retrieve boats.

“Boathouse” means an enclosed structure designed and used for the storage of boats and boat equipment.

“Boating facilities” means marinas, covered moorages, boathouses, boat launches, marine railways, mooring buoys, docks, and floats.

“Bonus-density residential district” means a district in which a density bonus is permitted for affordable housing. The official maps indicate both the base density permitted without a density bonus and the maximum density permitted with a density bonus for affordable housing.

“Boundary line adjustment” means a change in the location of the boundary or boundaries between parcels of land to correct errors.

“Boundary line modification” means a change in the location of the boundary or boundaries between parcels of land; provided, that no additional parcels are created, except that a change in a land description to correct errors shall not be considered a boundary line modification.

“Breakwater” means protective structures that are normally built offshore to protect beaches, bluffs, dunes, or harbor areas from wave action.

“Buffer zone, strip, or area” means an area designed to separate incompatible uses or activities.

“Building envelope” means:

1. A three-dimensional space in which a building or structure may be built;
2. A plat restriction for the purpose of defining lot coverage areas for individual lots, or for describing shoreline building setbacks.

“Bulk fuel storage plant or terminal” means an area where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container (*cf.* Uniform Building Code).

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

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

“Bulkheads or seawalls” means structures erected parallel to and near the high water mark for the purpose of protecting the adjacent bank or uplands from the action of waves or currents. (Ord. 7-2005 § 2; Ord. 12-2001 § 3; Ord. 11-2000 § 3; Ord. 2-1998 Exh. B § 2.3)

18.20.030 “C” definitions.

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

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

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

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

- “**Channel**” means an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock watering channels. (*See* WAC 173–14–030 (8)(b); *see also* “stream.”)
- “**Class I beach**” means a beach or shore having dependable, geologically fully developed, and normally dry backshore.
- “**Class II beach**” means a beach or shore having only marginally, geologically partially developed and not dependably dry backshore.
- “**Class III beach**” means a beach or shore having no dry backshore.
- “**Clearing**” means the destruction or removal, by hand or with mechanical means, of vegetative ground cover or trees including, but not limited to, root material or topsoil material.
- “**Cluster development**” means the massing of development on one or more parts of a property.
- “**Coastal high hazard areas**” means the areas within any areas of special flood hazard that are subject to high velocity waters, including but not limited to storm surge or tsunamis.
- “**Commercial recreational facility**” means a place designed and equipped for the conduct of sports and leisure-time activities which is operated as a business and open to the public for a fee (*see* “indoor recreational facilities and outdoor recreational facilities.”)
- “**Commercial sign**” means any object, device, display or structure that is used for attracting attention to any commercial use, product, service, or activity.
- “**Commercial use**” means activity involving the sale of goods or services.
- “**Common area**” means any area contained within the boundaries of a proposed land division or within a multifamily residential development and owned by the lot owners as tenants-in-common, joint tenancy, or through an association or nonprofit association, and provided specifically for the common use of the residents.
- “**Communication towers**” means towers, dishes, or antennas established for the sending or receiving of signals.
- “**Community club or facility**” means a not-for-profit use that provides social, health, recreational, cultural, or educational facilities to a community.
- “**Community Development and Planning Department**” means the San Juan County Community Development and Planning Department, the former San Juan County Permit Center and the former San Juan County Planning Department.
- “**Community dock,**” for purposes of SJCC 18.50.190(C)(8) and 18.50.340(G), means a dock serving three or more residential waterfront properties.
- “**Community structure**” means a structure which is intended for the common use of the residents of a particular subdivision or community.
- “**Comprehensive Plan**” means the San Juan County Comprehensive Plan and all of its goals, objectives, policies, documents, and maps.
- “**Concurrency**” means a condition in which an adequate capacity of capital and transportation facilities and services is available to support development at the time that the impacts of development occur. (*See also* “adequate capacity,” “available capacity,” and “levels of service.”)
- “**Concurrency facilities**” means the public facilities and services for which concurrency is required in accordance with the policies of the Comprehensive Plan. They include transportation facilities (ferry service and parking areas, Types 1 and 2 public docks, intersections in activity centers or urban growth areas, and collector public roads), and “Category A” capital facilities (County solid waste and recycling facilities; community water systems that serve urban growth areas, AMIRs (village, hamlet, and residential activity centers and island centers), or master planned resort activity centers; and community sewage treatment facilities that serve village and master planned resort activity centers).
- “**Concurrency test**” means the comparison of a project’s impact on concurrency facilities to the available capacity, including existing and planned capacity, of the concurrency facilities.
- “**Conditional use**” means a use that is identified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 by the symbol “C” and which requires a conditional use permit.
- “**Conditional use permit**” means a permit issued by San Juan County stating that the land uses and activities meet all criteria set forth in local ordinances, and all conditions of approval in accordance with the procedural requirements of SJCC 18.80.100.
- “**Conditional use, shoreline**” means a use, development, or substantial development which is classified as a conditional use in the Shoreline Master Program (SMP; *see* Element 3 of the Plan and Chapter 18.50 SJCC), or which is not classified within the SMP.
- “**Condominium**” means the division of a building or land pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW, or to the Condominium Act, Chapter 64.34 RCW.

- “Conical surface”** means the FAA imaginary surface that is the lower boundary of an airspace which extends outward and upward from the periphery of the horizontal surface.
- “Conservancy designation”** means the land use designation of the Comprehensive Plan designed to protect valuable natural resources, wildlife, historical, and scenic areas.
- “Conservancy environment, shoreline”** means an environment designation that is applied to areas which are largely free of intensive development.
- “Consolidated formation”** means any geologic formation in which the earth materials have become firm and coherent through natural rock-forming processes.
- “Construction contractor yards and offices”** means service establishments primarily engaged in general contracting or subcontracting in the building construction trades. These include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles.
- “Contiguous”** means adjoining as defined herein, but will often have the added component of sharing the common boundary for a considerable distance, along the whole or most of one side or border.
- “Contract Purchaser”** See “Applicant.”
- “Cottage enterprise”** means a commercial or manufacturing activity conducted in whole or in part in either the resident’s single-family dwelling unit or in an accessory building, but is of a scale larger than a home occupation.
- “County”** means San Juan County, Washington, its board, commissions, and departments.
- “Covered moorage”** means a pier and/or float or system of floats covered by a roof.
- “Critical areas”** means geologically hazardous areas frequently flooded areas, critical aquifer recharge areas, wetlands, and fish and wildlife conservation areas, all as defined in this chapter and regulated in SJCC 18.30.110 through 18.30.160.
- “Critical habitat”** means an area or type of environment that may be of crucial importance to the perpetuation of an organism or biological population which normally lives or occurs there.
- “Critical water resource areas”** means selected watersheds and critical aquifers where resources are potentially threatened by salt water intrusion or primary contaminants or limited due to poor recharge.
- “Cul-de-sac”** means a road closed at one end by an area of sufficient size for turning vehicles around.
- “Current use”** means the use of land or improvements at the time of permit application. (Ord. 7-2005 § 2; Ord. 15-2005 Exh. B; Ord. 26–2002 § 2; Ord. 5–2002 § 2; Res. 64–2001; Ord. 11–2000 § 3; Ord. 10–2000; Ord. 2–1998 Exh. B § 2.3)

18.20.040 “D” definitions.

- “Day Care—Type 1”.** The following definitions apply to day care facilities for six or fewer children:
- “Child care facility”** means a family day care home (RCW 35.63.170).
- “Family day care home”** means a person regularly providing care during part of the 24-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed (RCW 35.63.170).
- “Day Care—Type 2”.** The following definitions apply to day care facilities for seven or more children:
- “Day care center”** means a person or agency that provides care for 13 or more children during part of the 24-hour day (RCW 74.15.020).
- “Family day care provider”** means a licensed day care provider who regularly provides day care for not more than 12 children in the provider’s home in the family living quarters (RCW 74.15.020).
- “Mini day care center”** means a person or agency providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons (RCW 35.63.170).
- “dBA”** means the sound pressure level in decibels measured using the “A” weighting network on a sound level meter.
- “Dedicate”** means to set aside a piece of real property, a structure, or a facility for public or private use or ownership.
- “Dedication”** means the appropriation of land by an owner for any public or private use, reserving no other rights than those compatible with the full exercise and enjoyment of the public or private uses to which the property is to be dedicated. The intention to dedicate shall be evidenced by the owner filing an application for final subdivision approval showing the intended dedication, and the acceptance shall be evidenced by the approval of said application for recording.
- “Degrade”** means to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function, in terms of San Juan County standards and environment.
- “Density”** means the quantity per unit area, such as the number of dwelling units per acre or acres per dwelling unit.

“Design capacity” means the theoretical or calculated maximum ability of a system or device to handle the duty for which it is to be used.

“Developable area” means the area of land which is not constrained from development by land use restrictions.

“Development” means the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any grading, excavation, mining, landfill; or any extension of the use of land. (*See also* “shoreline development.”)

“Development permit” means a County permit or approval required for a project, including but not limited to building and other construction permits, mechanical permits, demolition permits, plumbing permits, clearing and grading permits, driveway permits, and on-site sewage disposal permits. (*See* “project permit.”) SEPA threshold determinations are not development permits.

“Development right” means the right to develop property subject to federal, state, and local restrictions and regulations.

“Development, Shoreline”. *See* “Shoreline development.”

“District” means a part, zone, or geographic area within San Juan County within which certain development regulations apply.

“Division of land” means the creation of two or more parcels of land within the boundaries of a single parcel. All contiguous property held in the same or substantially the same ownership, or under the control of the owner, whether or not the property is described in separate legal descriptions, shall be considered as part of the original tract of record for the purposes of Chapter 18.70 SJCC.

“Dock” means a structure that abuts the shoreline and is used as a landing or moorage place for commercial and pleasure craft. A dock typically consists of a pier, ramp, and float.

“Drainage” means surface water runoff; the removal of surface water or groundwater from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

“Drainageway” means any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

“Dredge spoils” means the material removed by dredging.

“Dredging” means the removal of earth from the bottom of a stream, river, lake, bay, or other water body.

“Driftway” means the critical link between the feeder bluff and the accretion shoreform, through which sand and gravel are transported by the littoral drift process.

“Drinking establishment” means a business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. A lounge operated as part of a restaurant is considered to be accessory to the restaurant.

“Drive-thru window service” means businesses where patrons may carry on business on the premises while in a motor vehicle.

“Driveway” means a strip of land which provides vehicular access to one or two lots.

“Dry boat storage” means a space on dry land or within a building which is rented to the public for the purpose of storing boats.

“Dune” means a hill or ridge of sand piled up by the wind and/or wave action.

“Duplex” *See* “Dwelling unit, two-family.”

“Dwelling unit” means one or more rooms or structures designed for occupancy by an individual or family, which contain kitchen facilities, sleeping quarters and sanitary facilities, for use solely by the dwelling’s occupants. A main residence and an accessory dwelling unit that meets the requirements of Section 18.40.240(A) of this Code constitute a single dwelling unit.

“Dwelling unit, multiple-family” means one or more structures containing three or more dwelling units.

“Dwelling unit, two-family (duplex)” means a structure containing two dwelling units. (Ord. 21–2002 § 3; Ord. 12–2002 § 2; Ord. 12–2001 § 3; Ord. 2–1998 Exh. B § 2.3)

18.20.050 “E” definitions.

“Eastsound Subarea Plan” means the document containing the Eastsound Subarea Plan and official map.

“Eating establishment” means a use providing preparation and retail sale of food and beverages.

“Ecology (WDOE)” means the State of Washington Department of Ecology.

“Emergency” means an immediate danger to public health or safety or of serious environmental degradation.

“Endangered species” means a species which is in danger of extinction throughout all or a significant portion of its range, as classified by the Washington Department of Fish and Wildlife, WAC 232–120–14 and the Washington Department of Natural Resources, Washington Natural Heritage Plan.

“Environmental checklist” means a form prescribed by the administrator and the state of Washington to identify the potential environmental impacts of a given proposal.

“Environmental impact statement (EIS)” means a draft, final, or supplemental written document that reviews the likely significant and nonsignificant adverse and positive impacts of a proposal, ways to avoid, minimize or lessen the adverse impacts, and alternatives to the proposal.

“Equivalent residential unit (ERU)” is a way to express water or sewage system use by nonresidential customers as an equivalent number of residential customers. An ERU is usually calculated using average daily demand figures.

“Erosion” means the detachment and movement of soil or rock by water, wind, ice, or gravity.

“Erosion hazard areas” means areas characterized by soils identified in the USDA San Juan County Soil Survey as having severe water erosion hazards:

1. The Pickett Soil portion within the Pickett-Rock Outcrop Complex–PrD only where slope exceeds 15 percent;
2. PrE;
3. The Roche Soil portion within the Roche-Rock Outcrop Complex, 30 to 70 percent slopes–RxE; and
4. Roche gravelly loam, 8 to 15 percent slopes–RgC.

“Essential public facilities” means those facilities that are typically difficult to site, such as airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste-handling facilities, and in-patient facilities including substance-abuse facilities, mental health facilities, group homes (RCW 36.70A.200) and secure community transition facilities as defined in RCW 71.09.020(14). They do not necessarily include all public facilities or services; they may be, but are not necessarily, publicly owned. Essential public facilities in San Juan County include solid waste and recycling facilities, County septage collection and treatment, government administrative facilities, sheriff facilities, public works facilities, public school facilities, and community water systems and sewage treatment facilities that serve activity centers and urban growth areas.

“Estuaries” 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.”

“Excavation” means the mechanical removal of earth.

“Existing use” means the use of a lot or structure or improvements at the time of the enactment of the Unified Development Code (this code).

“Experimental aquaculture” means an aquaculture project that uses methods or technologies which are unprecedented or unproven in the state of Washington.

“Extraction” means the commercial removal of naturally occurring materials from the earth, excluding water. (Ord. 15-2005 Exh. B; Ord. 11–2000 § 3; Ord. 2–1998 Exh. B § 2.3)

18.20.060 “F” definitions.

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

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

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

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

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

“Feasible alternative” means an alternative that:

1. Meets the requirements of federal, state, and local laws and regulations;
2. Attains most or all of the basic objectives of the project;
3. Is technically and technologically possible;
4. Can be accomplished at a reasonable cost;

5. Can be accomplished in a reasonable amount of time; and
6. Adverse environmental, health, and safety effects are no greater than those of the original proposal.

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

1. Probable intensity, severity, and cumulative impacts of the original proposal and alternative approaches, and opportunity for the avoidance or reduction in the number, intensity, or severity of significant impacts, or of the aggregate adverse impact;
2. Risk of “upset conditions” (*i.e.*, the risk that the control and mitigation measures will fail, be overwhelmed, or exceed allowed limits), and the potential severity of the impact should control or mitigation measures be ineffective or fail;
3. Capital and operating costs;
4. Period of time to accomplish, costs of additional time or delay, and time constraints for completion; and
5. Location and site-specific factors, such as seasonal or topographic constraints, environmentally sensitive areas and habitats, site accessibility, and local community concerns.

“Federal candidate species” means formally proposed endangered or threatened species and candidate species for which the U.S. Fish and Wildlife Service has information to indicate biological vulnerability and threat.

“Federal endangered species” means species in danger of extinction according to the U.S. Fish and Wildlife Service official listing.

“Federal sensitive species” means species that are considered a sensitive species by the U.S. Fish and Wildlife Service.

“Federal threatened species” means species likely to become endangered within the foreseeable future according to the U.S. Fish and Wildlife Service official listing.

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

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

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

“Filing”. *See* “Recording.”

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

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

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

“Float (Moorage)”. *See* “Mooring buoy.”

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

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

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

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

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

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

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

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

“Forest practice” means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber on a harvest site for less than 30 days per calendar year, including but not limited

to, road and trail construction and maintenance; harvest, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. Forest practices are regulated under Chapter 76.09 RCW, the Washington State Forest Practices Act, its implementing regulations at WAC Title 222, and other applicable regulations.

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

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

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

“Free-standing ADU” means an accessory dwelling unit that is physically distinct from the principal residence. To be free-standing, the ADU and principal residential unit may not be connected or must be structurally independent per the uniform building code.

“Frequently flooded areas” means lands subject to a one percent or greater chance of flooding in any given year. (Ord. 21–2002 § 3; Ord. 5–2002 § 2; Ord. 12–2001 § 3; Ord. 2–1998 Exh. B § 2.3)

18.20.070 “G” definitions.

“Gabions” means structures composed of masses of rocks, rubble or masonry held tightly together, usually by wire mesh, so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

“General aviation airport” means an airport that is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned. General aviation airports include commercial service airports.

“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

“Grade, average level” means the average of the natural or existing topography of the lot, parcel or tract of real property which will be directly under the center of all exterior walls of a proposed building or structure.

“Grade, average level, shoreline” means the average grade as measured as provided above, except that in the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark.

“Grade, existing” means the elevation of the ground or site prior to any work being done or any changes being made to the ground or site. With respect to a building or structure, grade is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk, within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

“Grade, finished” means the final elevation of the ground level after development.

“Grading” means stripping, cutting, filling, or stock-piling land including the land in its cut or filled condition to create new grade.

“Grandfathered Uses and Structures”. See “nonconforming,” “nonconforming lot,” “nonconforming structure,” “nonconforming use,” “alteration, nonconforming structures,” and “alteration, nonconforming use.”

“Grassy swale” means a vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

“Groins” means barrier type structures extending from the backshore seaward across the beach.

“Gross area” means the total area included within the boundaries of any parcel including land area up to the centerline of any abutting public road right-of-way.

“Group home” means a residential occupancy that exceeds the definition of “family” in a single-family residence.

“Group housing” means a residential dwelling that exceeds the definition of a single-family residence and which is not a multifamily dwelling.

“Growth Management Act (GMA)” means the State of Washington Growth Management Act, 1990 Laws, First Ex. Session, Ch. 17, as amended.

“**Guest house**” means an accessory dwelling unit that is not rented, but is designed and most commonly used for irregular residential occupancy by family members, guests, and persons providing health care or property maintenance for the owner. (Ord. 21–2002 § 3; Ord. 12–2002 § 3; Ord. 5–2002 § 2; Ord. 2–1998 Exh. B § 2.3)

18.20.080 “H” definitions.

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

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

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

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

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

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade; or
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1), *above*, is more than 10 feet above lowest grade.

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

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

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

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

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

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

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

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

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

“**Hospitality commercial use**” means restaurants and transient lodging establishments and associated guest facilities available for short-term accommodation for a period not to exceed 30 days.

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

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

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

“Hydric soil” means soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part, as determined by following the methods described in the currently accepted Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Soils series in San Juan County identified as hydric by the Soil Conservation Service (1990) include: Bellingham, Bow, Coveland, Hovde, Norma, Orcas, Semiahmoo, and Tanwax. Other soils not classified as hydric by the Soil Conservation Service may still meet the hydric soil criteria.

“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content, as determined by following the methods described in the currently accepted Federal Manual for Identifying and Delineating Jurisdictional Wetlands. (Ord. 21–2002 § 3; Ord. 5–2002 § 2; Ord. 12–2001 § 3; Ord. 2–1998 Exh. B § 2.3)

18.20.090 “I” definitions.

“Illegal use” means any use of land or a structure which is inconsistent with current codes or was inconsistent with previous codes in effect when the use or structure was established. An illegal use is different than a “nonconforming use” (*see*).

“Impervious surface” means a surface area that creates a barrier to the entry of water into the soil in comparison with natural conditions prior to development, or that causes water to run off the surface in greater quantities or at an increased rate of flow in comparison with the flow prior to development. Common impervious surfaces include roofs, driveways, patios, packed earth, and oiled surfaces; however, open, uncovered retention/detention facilities are not considered as impervious surfaces.

“Improvements” means structures, roads, and other developments of land.

“Incidental” means subordinate to, minor in significance, and bearing a reasonable relationship with the primary use.

“Individual water system” means a water system serving a single-family residence and no more than one accessory dwelling unit, or meeting the definition in WAC 246–290–010 for “same farm” (per SJCC 8.06.070).

“Indoor entertainment facilities” means structures which cater to indoor leisure-time activities.

“Indoor recreational facilities” means places designed and equipped for the conduct of sports and leisure-time activities, including but not limited to, physical fitness clubs, bowling alleys, and handball courts.

“Industrial development” means facilities for the processing, manufacture, or storage of finished or partially finished goods.

“Infrastructure” means existing installed facilities and services including capital facilities such as water supply, sewage disposal, and storm drainage systems, and transportation facilities such as public roads.

“Institutional facilities or development” means structures and related activity areas used by organizations providing educational, social, or noncommercial recreational services to the community, including performance halls, government service offices, facilities for assembly, colleges, primary and secondary schools, museums, and libraries.

“Instream resources” means features, properties, or other beneficial assets which exist within a stream corridor, such as fish and wildlife habitat, recreation, and scenic beauty.

“Intensive” means highly concentrated, very large, or considerable, in terms of San Juan County standards and environment.

“Internal ADU” (sometimes also known as an accessory apartment) means an accessory dwelling unit that is wholly or mostly contained within the principal residential unit. An internal ADU may occupy a floor or a portion of a floor or floors within the principal residential unit.

“Island center” means an activity center characterized by existing general commercial or general industrial uses that may also include some rural commercial and rural industrial uses. (Ord. 21–2002 § 3; Ord. 2–1998 Exh. B § 2.3)

18.20.100 “J” definitions.

“Jetty” means structures designed to modify or control sand movement.

“Junk yard or salvage facility” means a primary or accessory use of structures or land for storage, recycling, dismantling or selling of cast-off, unused, scrap, or salvage material of any sort. (Ord. 2–1998 Exh. B § 2.3)

18.20.110 “K” definitions.

“Kitchen” means a room used for cooking or preparing food. (Ord. 2–1998 Exh. B § 2.3)

18.20.120 “L” definitions.

“Land Division”. *See* “Division of land.”

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

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

“Landward” means to or toward the land.

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

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

“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.

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

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

“Logging” means the harvesting of timber.

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

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

“Lot”. *See* “Parcel.”

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

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

“Lumber mill, stationary” means a permanently located facility or equipment used to process forest products. (Ord. 7-2005 § 2; Ord. 12-2001 § 3; Ord. 2-1998 Exh. B § 2.3)

18.20.130 “M” definitions.

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

“Maintenance and Repair, Normal”.

1. **“Normal maintenance”** includes those acts to prevent a decline, lapse, or cessation from a lawfully established condition.
2. **“Normal repair”** means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction.

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

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

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

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

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

“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.

“Master planned resort” means a self-contained and fully integrated planned unit development in a setting of significant

natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of on-site indoor or outdoor recreational facilities.

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

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

“Mean Higher High Water” or “MHHW” means the tidal elevation obtained by averaging each day’s highest tide at a particular location over a period of nineteen years. It is measured from the MLLW=0.0 tidal elevation.

“Mean Lower Low Water” or “MLLW” means the 0.0 tidal elevation. It is determined by averaging each day’s lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

“Midden” means an area of ancestral human use that consists of an ancient refuse heap.

“Mine hazard” means an area of potential danger to persons or property due to past or present mineral extraction operations.

“Mineral extraction” means the removal of naturally occurring materials from the earth for economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal, and various types of stone.

“Mineral resource lands” means those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have long-term commercial significance.

“Mini-storage” means a structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented individually for varying periods of time.

“Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts.

“Mobile home” means a structure that is (1) designed to be transportable in one or more sections; (2) built on a permanent chassis; (3) designed to be used as a dwelling unit, with or without permanent foundation; and (4) connected to the required utilities, including plumbing, heating, septic, and electrical systems (RCW 43.22.340).

“Mobile home park” means a development with two or more improved pads or spaces with required improvements and utilities designed to accommodate mobile homes, according to RCW 59.20.030 (4).

“Monitor species” means species of special interest at the state level because they have, for example, significant popular appeal, require limited habitat during some portion of their life cycle, are indicators of environmental quality, require further field investigations to determine population status, have unresolved taxonomic problems which may bear upon status classifications, or were justifiably removed from endangered, threatened, or sensitive classifications.

“Monitoring network” means a set of locations, stations, or points used for collecting samples or taking measurements over time.

“Moorage” means any over-water facility for securing boats, including docks, piers, and mooring buoys, but excluding anchorage and dry boat storage.

“Mooring buoy” means a buoy secured to the bottom by permanent moorings and provided with means for mooring a vessel by use of its anchor chain or mooring lines.

“Motel”. See **“Hotel.”**

“Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging, cooking, and sewage disposal, and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit constructed separately and affixed to a motor vehicle (RCW 46.04.305). (Ord. 7-2005 § 2; Ord. 12-2001 § 3; Ord. 2-1998 Exh. B § 2.3)

18.20.140 “N” definitions.

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

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

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

“Natural designation” means the land use designation of the Comprehensive Plan that is designed to preserve unusual or

valuable natural resource systems by the regulation of all activities or uses which might degrade or alter the natural characteristics which make these areas unusual or valuable.

“Natural environment (shoreline)” means the Shoreline Master Program designation 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.

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

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

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

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

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

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

“Nonconforming lot” means a lot which does not conform to the area, width, depth, or street frontage regulations of the land use district in which it is located.

“Nonconforming structure” means a structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration regulations of the land use district in which it is located due to changes in code requirements. (*See also* “alteration, nonconforming structures.”)

“Nonconforming use” means a use of a structure or of land which does not conform to the regulations of the land use district in which the use exists due to changes in code requirements. (*See also* “Alteration, nonconforming use.”)

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

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

“Normal appurtenance, shoreline” means a structure or development that is necessarily connected to the use and enjoyment of a single-family residence and which is expressly defined in WAC 173–27–040 and in Chapter 18.50 SJCC, for purposes of exemption from shoreline substantial development permit requirements in accordance with WAC 173–27–040 (g). (*See also* “shoreline exemption.”)

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

“Nursing home (long-term health care facility)” means a facility or residence that provides health or long-term care services to residents, including nursing or other supportive or restorative health services on a 24-hour basis (RCW 43.190.020). (Ord. 2–1998 Exh. B § 2.3)

18.20.150 “O” definitions.

“Off-site compensation” means:

1. Replacement of a wetland on a site different from the site on which a wetland has been or will be impacted by a regulated activity, or
2. As a consequence of and in compensation for unavoidable adverse impact to wetlands, the protection of similar but unprotected wetlands in another location.

“Off-street parking” means an area of land located outside of any public right-of-way or private roadway and used for vehicular parking.

“Office” means a commercial use which provides business, professional, or personal services to customers.

- “Official maps”** means the maps identified in the San Juan County Comprehensive Plan as the “official maps.” (*See* SJCC 18.10.040(B).) These maps show the applicable land use designation(s) and maximum allowable density for all property in the County.
- “On-site compensation”** means replacement of a wetland at or adjacent to the site on which a wetland has been impacted by a regulated activity.
- “On-site waste disposal”** means any one of several means for disposal of sanitary waste on the property from which it is generated (*e.g.*, septic tank and drainfield).
- “Open-record hearing”** means a hearing, conducted by a single hearing body or officer authorized by San Juan County to conduct such hearings, that creates the County’s record through testimony and submittal of evidence and information, under procedures prescribed by ordinance or resolution. An open-record hearing may be held prior to the County’s decision on a project permit to be known as an “open-record predecision hearing.” An open-record hearing may held on an appeal, to be known as an “open-record appeal hearing,” if no open-record predecision hearing has been held on the project permit (RCW 36.70B.020(3)).
- “Open space”** means lands committed to farming and forestry uses and any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.
- “Open space resources”** means those significant landscape characteristics identified in the Open Space and Conservation Plan and the open space taxation program as wetlands; wildlife habitats; pastoral landscapes; water; shoreline and mountain views; prominent geographic features; areas of diverse natural landscape elements and edges between elements; and unique features.
- “Open space resources of high conservation priority”** means significant open space resources identified in the Open Space and Conservation Plan and ranked for conservation priority based on their natural, cultural, and visual qualities and their sensitivity and vulnerability to change.
- “Operator”** means any person who is in actual physical or electronic control of a powered watercraft, motor vehicle, aircraft, off highway vehicle, or any other engine driven vehicle.
- “Ordinary high water mark (OHWM)”** means that mark on all lakes, streams, and tidal water that 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 line of vegetation distinct from that of the abutting upland, as that condition exists on the effective date of the Shoreline Management Act, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or WDOE; however, 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 fresh water shall be the line of mean high water (RCW 90.58.030).
- “Out-of-kind compensation, wetland”** means to replace a wetland with a substitute wetland whose characteristics do not closely approximate those to be lost or degraded by a regulated activity. (*See* “off-site compensation,” “on-site compensation,” “wetland, compensatory mitigation” and “wetland, in-kind compensation.”)
- “Outdoor Recreational Facility”**. *See* “Recreational development.”
- “Outdoor Shooting Range”**. *See* “Shooting range.”
- “Outdoor storage”** means the storage of goods and materials out-of-doors for periods exceeding 48 hours. (*See also* “storage yard.”)
- “Overburden”** means material overlying a deposit of useful geological materials.
- “Overlay district”** means a district that provides policies and regulations in addition to those of other sections in this code for certain land areas and for uses which warrant specific recognition and management. Except as otherwise provided in SJCC 18.30.080 through 18.30.180, the provisions of an overlay district shall prevail over any conflicting provisions of this code for the duration of the overlay district, subject to RCW Title 36.
- “Owner”** means an individual, firm, trust, association, syndicate, partnership, or corporation having sufficient property interest to seek development of land.
- “Owner-occupied”** means the residential occupancy of a building or property by the owner. (Ord. 7-2005 § 2; Ord. 2–1998 Exh. B § 2.3)

18.20.160 “P” definitions.

- “Parcel”** means a lot or plot of land proposed or created in accordance with this code or prior subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or future, of transfer of ownership. The external boundaries existing as of October 2, 1979, shall be used to establish what is a parcel for the purposes of this code. For

parcels which have not been conveyed since that date, the legal description used in the conveyance closest to that date shall control. The term “parcel” is synonymous with the terms “lot” and “tract.”

- “**Park**” means a tract of land that is specifically designated as a “park” and is used by the public for recreation.
- “**Parking lot**” means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles.
- “**Parking structure**” means a building or structure consisting of more than one level and used to store motor vehicles. Underground parking is considered a parking structure.
- “**Party of record**” means all persons, agencies, or organizations who have submitted written comments or notified San Juan County of their desire to receive a copy of the final decision on a permit. (WAC 173–27–030).
- “**Peak demand**” means the highest demand associated with a particular interval, such as peak day or peak hour.
- “**Performance standard**” means a set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.
- “**Permanent moorage facility**” means a facility which provides wet moorage or dry storage for pleasure craft or commercial craft for a fee for periods of six months or more.
- “**Permanently affordable housing**” means affordable housing, the affordability of which is assured for at least 99 years.
- “**Permit Center**”. See “Planning Department”.
- “**Permit review**” means the process of reviewing applications for project permits for consistency with the requirements of this code.
- “**Permittee**” means the entity to whom a permit is granted.
- “**Person**” means any individual, owner, contractor, tenant, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of a state or local governmental unit however designated, public or private institution, or an employee or agent of any of the forgoing entities.
- “**Personal and professional services**” means, for the purposes of this code, establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises, not listed specifically in this code as a distinct use for regulatory purposes, such as laundry and dry cleaning services; barber shops and beauty salons; legal, engineering, architectural, design and accounting services, and the like.
- “**Pervious surface**” means a surface that absorbs water.
- “**Pier**” means a structure that abuts the shoreline and is generally used as a landing or moorage place for commercial and pleasure craft. A pier is a fixed platform above the water.
- “**Planned unit development**” means a development characterized by a unified site design, clustered residential units or commercial units, and areas of common open space.
- “**Planning Department**”, “**Permit Center**”, and “**Building Department**” all mean the San Juan County Community Development and Planning Department.
- “**Planning Director**”. See Administrator.
- “**Plat**” means a map or representation of a subdivision or short subdivision of land showing the division of a parcel of land into lots, roads, dedications, common areas, restrictions and easements, as regulated by Chapter 58.17 RCW and this code.
- “**Plat Alteration**”. See “Subdivision, alteration of.”
- “**Plat, Long**”. See “Subdivision (long).”
- “**Plat, Short**”. See “Subdivision, short.”
- “**Plat Vacation**”. See “Subdivision, vacation of.”
- “**Playing field**” means a land area designed and used for outdoor games, such as baseball, football, soccer, track events and tennis. It includes public outdoor swimming pools.
- “**Pocket beach**” means a Class II or Class III beach which does not depend on littoral drift accretion. It depends on the erosion of immediately adjacent sources.
- “**Point**” means a low profile shoreline promontory of more or less triangular shape, the tip of which extends seaward.
- “**Point-of-use demand management**” means a set of policies, procedures, and facilities that provide for the maximum efficiency where they are actually used, as distinguished from efficiency practices in supply, transmission, and distribution systems.
- “**Point-source discharge**” means the release of waste or other flows which can be described as confined to a small area, such as discharges from a pipe or conduit. Releases occurring over a broad or undefined area are referred to as “nonpoint

sources.” (See also “nonpoint-source.”)

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

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

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

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

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

“Priority species” means all state and federal endangered, threatened, and sensitive species, and all federal candidate species; and all species of local concern as defined in this chapter.

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

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

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

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

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

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

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

“Public transportation systems” means public facilities for air, water, or land transportation. (Ord. 7-2005 § 2; Ord. 12-2002 § 4; Ord. 5-2002 § 2; Ord. 12-2001 § 3; Ord. 11-2000 § 3; Ord. 2-1998 Exh. B § 2.3)

18.20.170 “Q” definitions.

“Qualified wetlands consultant” means a person who has the qualifications to conduct wetland studies and make recommendations for wetland mitigation. These qualifications include specialization in wetland biology, botany, and hydrology, with appropriate education and experience. (Ord. 2-1998 Exh. B § 2.3)

18.20.180 “R” definitions.

“Rare, endangered, threatened and sensitive species” means plant and animal species identified and listed by the Washington State Department of Natural Resources, Washington Natural Heritage Program, Washington State Department of Fish and Wildlife, or the U.S. Fish and Wildlife Service, as being severely limited or threatened with extinction within their native ranges.

“RCW” means the Revised Code of Washington.

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

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

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

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

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

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

“Recycling collection point” means a neighborhood drop-off point for temporary storage of recyclables but without waste processing.

“Regular use”, for the purposes of SJCC 18.50.190(C)(8) and 18.50.340(G), means a pattern of use that is intensive and sustained, including, but not limited to, daily commuter use.

“Religious assembly facility” means a facility designed and used primarily for ceremonies, rituals, and education pertaining to a particular system of spiritual beliefs.

“Residential activity center” means an area of more intensive rural development (AMIRD) characterized by existing residential areas that have existing development patterns at nonrural densities (*see* RCW 36.70A.070(5)(d)).

“Residential care facility” means a facility that provides care for at least five, but not more than 15, functionally disabled persons that is not licensed pursuant to Chapter 70.128 RCW.

“Residential development” means development of land with dwelling units for nontransient occupancy. For the purposes of this code, accessory dwelling units, garages, and other similar structures accessory to a dwelling unit shall also be considered residential development unless regulated otherwise by this code or subarea plans. (*See also* “dwelling unit” and “accessory dwelling unit.”)

“Resort” means a land area devoted to providing commercial recreational facilities and related lodgings, sales, and personal services primarily serving vacationers, which may or may not include residential uses. (*See also* “master planned resort.”)

“Resource-based activities” means activities related to the harvesting, processing, manufacture, storage, and sale of agricultural, forestry or mineral products, including, but not limited to, wineries, nurseries, lumber mills, and gravel-processing plants.

“Resource lands” means agricultural, forest, and mineral lands that have long-term commercial significance.

“Restoration” means to return to an original or like condition.

“Restriction” means a limitation placed upon the use of parcel(s) of land.

“Revetment” means structures of materials such as stone or concrete built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

“Right to farm provisions” means provisions intended to enhance and encourage agricultural operations by recognizing agricultural activities as essential rural activities that do not constitute a nuisance.

“Right to forestry provisions” means provisions intended to enhance and encourage sustainable forestry operations by recognizing forestry activities as essential rural activities that do not constitute a nuisance.

“Riprap” means a layer, facing, or protecting mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment.

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

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

“Road, major collector” means:

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

“Road, minor collector” means:

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

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

“Road end” means:

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

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

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

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

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

1. In which open space, the natural landscape, and vegetation predominate over the built environment;
2. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
3. That provide visual landscapes that are traditionally found in rural areas and communities;
4. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
5. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
6. That generally do not require the extension of urban governmental services; and
7. That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

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

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

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

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

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

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

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

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

“Rural lands” means the class of land use designations which are intended to preserve the rural character of the islands. Rural land designations include the following: rural general use, rural farm-forest, rural residential, rural industrial, and rural commercial, together with the resource lands and special districts (conservancy and natural).

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

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

“Rural residential environment (shoreline)” means the rural shoreline designation intended to protect and enhance existing medium density residential areas on the shoreline and provide for additional areas of this type. (Ord. 26–2002 § 2; Ord. 21–2002 § 3; Ord. 5–2002 § 2; Res. 64–2001; Ord. 11–2000 § 3; Ord. 10–2000; Ord. 2–1998 Exh. B § 2.3)

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.

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

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

“**Scrub-shrub wetland**” means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

“**Seawall**”. *See* “Bulkhead.”

“**Seaward**” means to or toward the sea.

“**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.

“**Sensitive species**” means species that could become threatened as classified by the State of Washington Department of Fish and Wildlife, Nongame Program, and the Department of Natural Resources, Washington Natural Heritage Plan.

“**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.

“**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.

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

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

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

“**Shoreline modification, general**” means any activity that changes the interface between the land and the water.

“**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 hearings board” means the board established by the Shoreline Management Act.

“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.

“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.

“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.

“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, including but not limited to 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 waste water treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be 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 and collection points. (*See* “recycling center” and “recycling collection point.”)

“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 ground water 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 flood plain subject to a one percent or greater chance of flooding in any given year.

“Special report” means a technical report or study containing certain site analyses or project evaluations or a plan describing mitigation or monitoring recommendations.

“**Species of local concern**” means species which have been officially recognized by the San Juan board of County commissioners as requiring special consideration due to their declining population status, sensitivity to habitat manipulation, value for commercial or game purposes, or other special value, pursuant to SJCC 18.30.160(C).

“**Spit**” means an accretion shoreform which extends seaward from and parallel to the shoreline.

“**State endangered species**” means a species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.

“**State sensitive species**” means a species, native to the state of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or the removal of threats. Sensitive species are legally designated in WAC 232-12-011.

“**State threatened species**” means a species, native to the state of Washington, that is likely to become endangered in the foreseeable future throughout a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.

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

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

“**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 County-wide 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 (including but not limited to 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 \$2,500 or any development which materially interferes with normal public use of the water or shorelines of the state (RCW 90.58.030(3)(e)); except that developments meeting the precise terms of the exemptions specified in WAC 173-27-040 and Chapter 18.50 SJCC (Shoreline Master Program) shall not be considered substantial developments.

“**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.

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

“**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 drainage way.

“**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. (Ord. 7-2005 § 2; Ord. 11-2000 § 3; Ord. 2-1998 Exh. B § 2.3)

18.20.200 “T” definitions.

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

“**Threatened species**” means a species that is likely to become an endangered species within the foreseeable future, as classified by the Washington Department of Fish and Wildlife, Wildlife Policy No. 602, and the Department of Natural Resources, Washington Natural Heritage Program.

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

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

“**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.

“**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) and an active driftway.

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

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

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

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

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

“**Transportation facilities**” means roads, trails, airports, airfields, public docks, ferries and related terminals, and parking areas.

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

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

“**Turion**” means a shoot of eelgrass emanating from the rhizome. (Ord. 21–2002 § 3; Ord. 5–2002 § 2; Ord. 2–1998 Exh. B § 2.3)

18.20.210 “U” definitions.

“**Unconsolidated formation**” means any naturally occurring, loosely cemented or poorly indurated earth material such as uncompacted gravel, sand, silt, and clay.

“**Unfractured bedrock**” means bedrock which does not appear to be prone to rock slope failure resulting from jointing, fracturing, and oversteep slopes.

“**Uniform Building Code (UBC)**” means the building code officially adopted by San Juan County.

“**Unique habitat**” means an area or type of environment supporting an organism or population that is rare, endemic, or limited within San Juan County.

“**Uplands**” means lands outside of the jurisdiction of the Shoreline Master Program.

“**Urban environment, shoreline**” means the Shoreline Master Program designation that is designed to ensure optimum use of shorelines within urbanized areas. The urban environment is intended to permit intensive use by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

“**Urban governmental services**” means those governmental services historically and typically delivered by towns, including municipal water systems and sewage treatment facilities, storm sewer systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban growth and normally not associated with nonurban areas.

“**Urban growth**” means growth that makes intensive use of land for the location of buildings, structures, and impermeable

surfaces to such a degree as to be incompatible with the primary use of such land for the production of food and other agricultural products, or forests, or the extraction of mineral resources.

“Urban growth area” means an area designated by the County within which urban growth is to be encouraged and outside of which growth is not intended to be urban in nature.

“Usable area” means that portion of any parcel or lot which is capable of supporting a “dwelling unit,” a properly installed “on-site waste disposal system,” and a safe “individual water system,” as defined in this code.

“Usable construction area” means the area indicated on all proposed lots (per SJCC 18.70.060(B)(4)) which can be used for the construction of a dwelling unit, approved sewage system, and an approved water supply.

“Use” means the purpose that land or building or structures now serve or for which they are occupied, maintained, arranged, designed, or intended.

“Utilities” means facilities serving the public through a network of wires or pipes, and ancillary structures thereto, including systems for the delivery of natural gas, electricity, and telecommunications services.

“Utility distribution lines” means pipes, wires, and associated structural supports. “Wired utility distribution lines” operate at voltages of 15kV and lower, and distribute power from a substation to the end-user (connecting *via* a service line; *see* SJCC 18.60.150).

“Utility facilities” means facilities directly used for the distribution or transmission of services to an area, excluding utility service offices.

“Utility substations” means the intermediate substations used for the transmission of utilities. (*See* “Utility facilities.”)

“Utility transmission lines” means pipes, wires and associated structural supports. “Wired utility transmission lines” operated at voltages of 24.9 kV and above, move bulk power between substations and do not directly serve the end consumer. (Ord. 12–2001 § 3; Ord. 14–2000 § 7(YY); Ord. 2–1998 Exh. B § 2.3)

18.20.220 “V” definitions.

“Vacation rental of a residence or an ADU” means a single-family residential unit or an accessory dwelling unit that is rented short-term (for periods of less than 30 days).

“Vacation, roads and streets” means a statutory procedure by which the County may relinquish its interest in streets, alleys, or easements.

“Variance” means a means to grant relief from the specific bulk, dimensional, or performance standards set forth in this code, and not a means to vary allowable or prohibited uses.

“Vessel” includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water (WAC 173–27–030).

“Vicinity” means the area within one-half mile of the exterior boundary of a given parcel.

“Villages” are activity centers similar to towns in that they provide similar uses and services but usually have only rural governmental services and are not incorporated.

“Vulnerability assessment” means the evaluation of potential contamination for a specific area that could affect water in a well. (Ord. 21–2002 § 3; Ord. 2–1998 Exh. B § 2.3)

18.20.230 “W” definitions.

“WAC” means the Washington Administrative Code.

“Warehouse” means a building used primarily for the storage of goods and materials for commercial purposes.

“Water conservation” means a reduction in the amount of water used to carry out a beneficial water use without a reduction in the value of service the water provides.

“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.

“Water-enjoyment use” means a recreational or other use facilitating public access to the shoreline as a primary characteristic of the use; a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through location, design, and operation assures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, educational or scientific reserves, resorts, and mixed use projects.

- “Water-oriented use”** refers to any combination of water-dependent, water-related, and or water-enjoyment uses and serves as an all encompassing definition for priority uses under the Shoreline Management Act. Non-water-oriented are those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Non-water-oriented examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, parking lots, and gas stations.
- “Water-related use”** means a use or a portion of a use ancillary to the primary use which is not intrinsically dependent on a waterfront location, but whose operation cannot occur economically without a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, and log storage, and including the administrative activities associated with such uses.
- “Water storage tanks”** means tanks or reservoirs used for the storage of water.
- “Water supply plans”** means a design sketch showing proposed source and lots to be served or detailed engineering plans and specifications in this code.
- “Water use (demand)”** means the amount of water used for domestic or agricultural purposes. Average domestic use for San Juan County is 100 to 300 gallons per day per household. (*See* “equivalent residential unit.”)
- “WDFW”** means Washington Department of Fish and Wildlife.
- “WDOE”** means the Washington Department of Ecology. (*See* “Ecology.”)
- “Well”** means any water source approved by the County sanitarian and Washington Department of Social and Health Services, including but not limited to, wells, ponds, roof collection systems, treated systems, and public water supplies. (*See* “individual water system.”)
- “Well testing”** means acquiring data directly from a constructed well in order to determine characteristics of the well, the water found in the well, or the geologic formations through which the well has passed. The well test may include pump testing, water quality testing, or geophysical testing.
- “Wetland”** means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.
- “Wetland alteration”** means any human-induced action which impacts the existing condition of a wetland or its buffer. Alterations include but are not limited to: grading; filling; dredging; draining; channelizing; installing drainage tiles; cutting, pruning, limbing or topping, clearing, relocating, planting or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants excepting stormwater; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing, or other similar activities.
- “Wetland buffer”** means the area immediately adjoining and contiguous with a wetland.
- “Wetland compensation projects”** means projects specifically designed to replace a loss of a wetland or its buffer induced by a development action. (*See* “wetlands compensatory mitigation.”)
- “Wetland compensatory mitigation”** means the action of replacing project-induced losses or impacts on a wetland and its buffer. (*See* “off-site compensation”, “on-site compensation”, “wetland, in-kind compensation” and “out-of-kind compensation, wetland.”)
- “Wetland creation”** means the action performed to intentionally establish a wetland or a portion of a wetland where one did not formerly exist.
- “Wetland delineation”** means the technical process of determining the edge of the wetland in the field.
- “Wetland edge”** means the boundary of a wetland as identified using the required wetland delineation procedure.
- “Wetland, emergent”** means a regulated wetland, or portion thereof, with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
- “Wetland enhancement”** means alteration of an existing wetland or habitat to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from wetland or habitat creation or restoration projects.
- “Wetland, forested”** means a regulated wetland, or portion thereof, with at least 20 percent of the surface area covered by woody vegetation greater than 20 feet in height.

“Wetland functions and values” means the beneficial roles performed by wetlands include, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; groundwater recharge and discharge; erosion control; wave attenuation; historical and archaeological and aesthetic value; and recreation.

“Wetland, in-kind compensation” means the replacement of a wetland with a substitute wetland whose characteristics closely approximate those destroyed or degraded by a regulated activity. (*See* “off-site compensation,” “on-site compensation,” “wetland, compensatory mitigation” and “out-of-kind compensation, wetland.”)

“Wetland, isolated” means those regulated wetlands which:

1. Are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream;
2. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water; and
3. Have no surface water connection to a lake, river, or stream during any part of the year.

“Wetland, maintenance and repair” means activities that change the size or scope of a use or structure beyond its original nature; or which drain, dredge, fill, flood, or otherwise alter additional regulated environmentally sensitive areas.

“Wetland, regulated” means a wetland that meets the criteria of SJCC 18.30.150(B) and Table 3.3 in SJCC 18.30.150. However, a wetland that does not meet the criteria in Table 3.3 may still be regulated under the federal Clean Water Act.

“Wetland restoration” means the actions performed to reestablish a wetland in an area which was historically wetland but which does not now provide or contain the necessary functional characteristics.

“Wildlife (wildlife species)” includes both plant and animal species for the purposes of this code. (Ord. 2–1998 Exh. B § 2.3)

18.20.240 “X” definitions.

Reserved. (Ord. 2–1998 Exh. B § 2.3)

18.20.250 “Y” definitions.

Reserved. (Ord. 2–1998 Exh. B § 2.3)

18.20.260 “Z” definitions.

Reserved. (Ord. 2–1998 Exh. B § 2.3)

18.30.110 Critical Areas.

A. Purpose. The critical areas overlay district is adopted to implement the policies of the Comprehensive Plan for the protection of critical areas. The purpose is to protect the functions and values of critical areas and to protect people, public and private property, and natural ecosystems. There are five types of critical areas as defined in SJCC 18.30.120 through 18.30.160:

1. Geologically hazardous areas.
2. Frequently flooded areas.
3. Critical aquifer recharge areas.
4. Wetlands.
5. Fish and wildlife habitat areas.

B. Applicability. This overlay district provides regulations for land use and development in and within 300 feet of critical areas.

Any land use or development activity which is subject to a development permit or approval under this code may be undertaken on land located within or containing a critical area or its buffer only if the provisions of this section are met. The appendices are incorporated herein by reference. A copy is on file at the auditor's office and planning department.

C. Allowable Uses. All uses shall be subject to requirements specified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 for the underlying district, unless otherwise specified in this code.

D. General Exemptions. The following uses and activities are exempt from the provisions of this section; provided, that they are otherwise consistent with other sections in this code:

1. Emergencies that threaten the public health, safety, and welfare. An emergency is an unanticipated and imminent threat to the public health or safety or to the environment which requires immediate action within a period of time too short to allow full compliance with this code.
2. Routine maintenance and repair of existing structures, utilities, sewage disposal systems, water systems, drainage facilities, ponds, public and private roads, and driveways.
3. Installation, construction, replacement, or modification of (a) electrical lines or electrical facilities; (b) telecommunication lines; or (c) water and sewer distribution lines within private or public rights of way; provided, that a prior written statement of exemption is obtained from the administrator.
4. Establishment and routine maintenance and repair of lawns, landscaping, gardens, orchards, and fences accessory to a single-family residential use; provided, that where a regulated wetland or its buffer is present the provisions of SJCC 18.30.150, Wetlands, shall apply.
5. Removal of hazardous, diseased, or dead trees and vegetation and, when necessary, measures to control a fire or halt the spread of disease or damaging insects.
6. Land divisions exempt from the land division requirements as specified in SJCC 18.70.010(C).

E. Reasonable Use Exception. If the application of this section would result in denial of all reasonable use of a property (*i.e.*, denial of all economically beneficial or productive use of the land), development may be allowed which is consistent with the general purposes of this code, this section, and the public interest. "Reasonable use," for the purposes of this section, shall include improved area(s) totaling not more than 21,780 square feet or 80 percent of the parcel, whichever is less, on any parcel which constituted a legal building site prior to the adoption of these regulations. Within the improved area(s) the critical area may be cleared, filled, drained, excavated or otherwise altered by development. All improvements, including parking and driving areas, with the exception of a driveway for a single-family residence, shall be included in the improved area(s) unless the improvements are otherwise exempt under this section. Reasonable use exceptions from the provisions of this section shall be subject to all of the following criteria:

1. The application of this section would deny all reasonable use of the property so that there is no reasonable use, other than that proposed, with a lesser impact on the critical area;
2. The proposed development does not pose an unreasonable threat to the public health, safety or welfare; and
3. Any proposed improved area shall be located in such a way as to minimize the impact to the critical area. (Ord. 15-2005, Exh. B § 2a; Ord. 2-1998 Exh. B § 3.6.4)

18.30.120 Geologically hazardous areas.

A. Classification. Geologically hazardous areas are classified in three categories according to the probability of

hazardous geologic activity occurring. In all cases, a slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 20 feet of vertical relief. In the absence of a topographic field survey of the subject property, the administrator shall use the United States Coast and Geodetic Survey 7.5 Minute Series Topographic Quadrangle Maps to determine slopes.

1. Category I.

- a. Areas designated in the Washington Department of Ecology Coastal Zone Atlas as U (Unstable), UB (Unstable Bluff), URS (Unstable Recent Slide), or UOS (Unstable Old Slide) and other areas identified by site-specific geologic reports.
- b. Areas with slopes of greater than 50 percent and with a vertical relief of 20 feet or more, except areas of exposed, unfractured bedrock. If any portion of a slope meets this definition, the slope or some larger portion may be designated a landslide hazard area.

2. Category II.

- a. Erosion hazard areas characterized by soils identified in the USDA San Juan County Soil Survey as having severe water erosion hazards:
 - i. The Pickett Soil portion within the Pickett-Rock Outcrop Complex;
 - A. (PrD-only where slope exceeds 15 percent);
 - B. (PrE);
 - ii. The Roche Soil portion within the Roche-Rock Outcrop Complex, 30 to 70 percent slopes (RxE); or
 - iii. Roche gravelly loam, 8 to 15 percent slopes (RgC).
- b. Any area with all three of the following characteristics:
 - i. Slopes in excess of 15 percent;
 - ii. Soil having layers of moderate or faster permeability (0.8 inches per hour or greater) overlying layers having very slow or slower permeability (0.20 inches per hour or less); and
 - iii. Evidence of groundwater seepage to the surface.
- c. Areas directly underlain or affected by mine workings including steep and unstable slopes created by open mines. Mine hazard areas are based upon the identification of active or historic mining activity and site-specific information regarding topography and geology provided by the applicant as needed.

3. Category III. San Juan County in its entirety is located within Seismic Zone 3 in accordance with the Uniform Building Code.

B. Protection Standards.

1. Category I.

- a. The following shall be prohibited:
 - i. Structures where the primary occupancy is public assembly, including but not limited to schools, churches, day care centers, hospitals and other medical facilities; and
 - ii. Facilities for emergency response and public safety.
- b. Applications for development other than in subsection (B)(1)(a) of this section shall be accompanied by a geotechnical report, which is approved by the County and prepared in accordance with subsection (C) of this section, below, and which demonstrates that:
 - i. The slope is less than 80 percent; and
 - ii. There is no hazard or the hazard will be mitigated with appropriate conditions. The geotechnical report shall specify adequate development conditions to ensure this.

2. Category II. The administrator may, with discretion or upon receipt of a report from a qualified professional, waive or approve modifications to the requirements set forth in subsections (B)(2)(a – c) of this section.

- a. Development shall be located in accordance with the following:
 - i. Structures and improvements shall be sited, designed, and constructed to minimize cut and fill and to retain as much of the natural topographic character of the slope as possible; and
 - ii. Structures and improvements shall be located to avoid the most hazard-prone portion of the site and to preserve vegetation necessary to prevent soil erosion.

- b. Where previous human activity has significantly modified natural topography, the County may allow further modification of such slopes if a geotechnical report, prepared in accordance with subsection (C) of this section demonstrates that such activity will result in improved slope stability.
 - c. Cleared or graded areas must be restored and protected until replacement plantings are established and maintained unless occupied by structures or other impervious surfaces to avoid soil erosion and to stabilize slopes. Temporary erosion and drainage controls may be required unless permanent restoration and protection are timed to ensure slope stability in the wet season.
3. **Category III.** Development activities are required to conform to the applicable provisions of the Uniform Building Code which contains structural safeguards to reduce the risks from seismic activity.
- C. Geotechnical Reports.** If a geotechnical report is required in accordance with this section, it shall include investigation, testing, analysis, and recommendations and shall be prepared and signed by an engineer with relevant geotechnical education and experience, licensed to practice in the state of Washington. The engineer shall certify that the project as conditioned or otherwise will pose no unreasonable threat to persons or property either on- or off-site and that the project will not decrease slope stability. (Ord. 2-1998 Exh. B § 3.6.5)

18.30.130 Frequently flooded areas.

- A. Classification.** This section applies to all areas of special flood hazards within the jurisdiction of San Juan County as identified by the Federal Insurance Administration on its Flood Insurance Rate Maps (FIRMs), Numbers 530149 0001-0008, dated June 7, 1977, and any revisions thereto, which are hereby adopted by reference and declared to be part of this code. The FIRMs are on file at the permit center.
- B. Protection Standards.** All developments in areas of special flood hazards must first meet the requirements of this code including any subarea plans and the San Juan County health and building codes adopted in Chapters 13.04 and 15.04 SJCC, respectively. When allowed, such developments shall also meet the requirements for floodproofing or construction as detailed on the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Elevation Certificates. (Ord. 2-1998 Exh. B § 3.6.6)

18.30.140 Critical aquifer recharge areas.

- A. Classification.** Potential critical aquifer recharge areas are divided into three classes, identified by soil types specified in the USDA-NRCS Soil Survey:
 - 1. **High.** Areas with high potential for aquifer recharge include the San Juan, Everett, and Indianola series soil types.
 - 2. **Medium.** Areas with medium potential include the Alderwood series and the Indianola-Roche complex soil types.
 - 3. **Low.** All remaining areas in the County are placed in the low category.

Because the combined effects of their soil types and hydrogeology create conditions which are more susceptible to contamination, potential critical aquifer recharge areas include only high and medium classes.

B. Protection Standards for High and Medium Classes.

- 1. Applications for new development in potential critical aquifer recharge areas must demonstrate compliance with Chapter 13.04 SJCC, Sewer Service Systems, as amended.
- 2. The following uses are prohibited in potential critical aquifer recharge areas, unless any significant adverse impacts can be mitigated by conditions of approval. Hydrogeologic testing and site evaluation performed pursuant to subsection (C) of this section, may be required to demonstrate that the proposed land use will not degrade ground water, and that hydrogeologic conditions do not facilitate degradation:
 - a. Underground hazardous material storage tanks;
 - b. Commercial, industrial, institutional, or other facilities which store, use, handle, or produce hazardous substances or waste products;
 - c. Petroleum pipelines for other than single-family residential use;
 - d. Surface mining operations which are subject to a Washington Department of Natural Resources permit;
 - e. Solid waste landfills;
 - f. Land application of sewage sludge from sewage treatment works which combine industrial waste and commercial waste with domestic waste, or any sewage sludge operation exceeding two acres in size;

- g. Development activities which require withdrawal of groundwater located in known areas of groundwater contamination, as evidenced by depletion of fresh water quality and quantity, for example by salt water intrusion;
 - h. All uses where repetitive pesticide and fertilizer applications are required or where any toxic substance is disseminated; and
 - i. Stormwater facilities and discharge points.
3. Application for any County permit for a commercial, industrial, or recreational use or development shall identify and inventory specific quantities and materials of a toxic or hazardous nature which may be used, stored, or produced on-site, along with their location and special handling requirements.
 4. Agricultural uses shall employ best management practices in the application, storage, and disposal of pesticides, herbicides, and fertilizers, including livestock wastes.
- C. Hydrogeologic Testing and Site Evaluation.** When required, hydrogeologic testing and site evaluation shall be conducted by a qualified engineer or geologist with appropriate hydrological background and experience who shall characterize the site and its relationship to the aquifer. The scope of the hydrogeologic study shall be in direct relationship to the scope of the proposed development. Such testing shall include, but not be limited to, an analysis of:
1. Depth to groundwater and impermeable soil layer;
 2. Aquifer properties such as hydraulic conductivity and gradients;
 3. Soil texture, permeability, and contaminant attenuation properties;
 4. Characteristics of the vadose zone (the unsaturated top layer of soil and geologic material) including permeability and attenuation properties, and other relevant facts; and
 5. The degree to which the aquifer is usable as a potable water source; the feasibility of protective measures to preclude further degradation; the practicability of treatment measures to maintain potability; and the availability of alternative potable water sources. (Ord. 2–1998 Exh. B § 3.6.7)

18.30.150 Wetlands.

- A. Wetland Rating.** The San Juan County wetland rating system (on file with the administrator) is designed to differentiate between wetlands based on their sensitivity to disturbance, rarity, irreplaceability, and the functions and values they provide. Rating categories apply to the regulated wetland as it exists on the effective date of this code, as the regulated wetland may naturally change thereafter, and as the regulated wetland may change in accordance with permitted activities. Ratings shall not be based on illegal modifications to a wetland. The categories are summarized in subsections (A)(1) through (A)(4) of this section.
1. **Category I.** These wetlands are the “best of the best.” These are wetlands that:
 - a. Contain a particular rare species;
 - b. Represent a high-quality example of a rare wetland type as defined in Appendix A*;
 - c. Are regionally rare; or
 - d. Provide irreplaceable functions and values.
 2. **Category II.** These are wetlands that:
 - a. Contain very sensitive or important wildlife or plants on a seasonal or annual basis;
 - b. Are difficult to replace, as defined in Appendix A*;
 - c. Provide very high functions and values, particularly for wildlife habitat.
 3. **Category III.** These wetlands provide important functions and values. They provide habitat for a variety of flora and fauna and occur more commonly throughout the County than either Category I or II wetlands.
 4. **Category IV.** These are wetlands that are smaller, isolated, and have less diverse vegetation than Categories I, II, and III but still provide important functions and values.
- B. Classification.**
1. Wetlands are defined in SJCC 18.20.220. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds, and landscape amenities. However, wetlands may include artificial wetlands created intentionally from nonwetland areas to mitigate conversion of wetlands if permitted by the County.

2. **Regulated Wetlands.** Not all “wetlands” as defined in SJCC 18.20.220 are “regulated wetlands.” Regulation of a wetland by this section is determined by the size and category of the wetland. Wetland sizes are determined in accordance with subsection (G) of this section, and are not limited by parcel boundaries. For the purposes of this section, “regulated wetlands” shall include those wetlands that meet the criteria in Table 3.3:

Table 3.3. Threshold wetland 18.30.150. size is above regulated which under a SJCC

Wetland Category	Threshold Size ^{1, 2}
I	[All Category I wetlands are regulated]
II	Greater than 2,500 sq. ft.
III	Greater than 5,000 sq. ft.
IV	Greater than 10,000 sq. ft.

Notes:

1. Wetland sizes are determined in accordance with SJCC 18.30.150(G) and are not limited by parcel boundaries.
2. Wetlands smaller than the threshold size for the category are not regulated by the County under SJCC 18.30.150. However, wetlands that do not meet the size criteria in Table 3.3 may be regulated under the federal Clean Water Act. The general location and extent of wetlands in San Juan County are shown in the National Wetlands Inventory (U.S. Department of the Interior) and the San Juan County Wetlands Inventory.

C. Regulated Activities. Any land use or development activity which is subject to development permit or approval requirements of the San Juan County Code shall be subject to the provisions of this section, including but not limited to the following activities which are directly undertaken or originate in a regulated wetland or its buffer, unless exempted under SJCC 18.30.110(D) or subsection (D) of this section:

1. The removal, excavation, grading, or dredging of material of any kind, including the construction of ponds and trails;
2. The dumping, discharging, or filling of any material;
3. The draining, flooding, or disturbing of the wetland water level or water table;
4. The driving of pilings;
5. The placing of obstructions;
6. The construction, reconstruction, demolition, or expansion of any structure;
7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, application of herbicides or pesticides, or planting of vegetation that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW (Forest Practices Act) and its rules; or
8. Activities that result in:
 - a. A significant change of water temperature;
 - b. A significant change of physical or chemical characteristics of wetlands water sources, including quantity; or
 - c. The introduction of pollutants.

D. Exempt Activities.

1. **Wetlands.** The following uses shall be allowed within a regulated wetland without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in subsections (E) through (H) of this section, if they are not prohibited by any other law. However, forest practices and conversions are governed by Chapter 76.09 RCW and its rules.
 - a. Normal maintenance, repair, or operation of existing structures, facilities, or improved areas, such as lawns, landscaping, orchards, gardens, and driveways. Maintenance and repair do not include any modification that changes the character, scope, or size of the original structure, facility, or improved

- area, and do not include the construction of a maintenance road.
- b. Modification or expansion of existing uses and structures, pursuant to the requirements of the nonconforming use and structure provisions of SJCC 18.40.310 and 18.80.120.
 - c. Outdoor recreational activities, including hunting and fishing (pursuant to state law), birdwatching, hiking, boating, and swimming.
 - d. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions, or water sources.
 - e. Existing and ongoing agricultural activities.
 - f. Normal maintenance, but not construction, of drainage ditches.
 - g. Use of existing nature trails.
 - h. Installation of navigation aids and boundary markers.
 - i. Site investigative work necessary for land use application submittal, such as surveys, soil logs, percolation tests, and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored.
 - j. Drilling or digging and maintenance of wells; provided, that wetland impacts are minimized and disturbed areas are immediately restored.
2. **Wetland Buffers.** In addition to those activities allowed in subsection (D)(1) of this section, the following activities are allowed within wetland buffers without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in subsections (E) through (H) of this section; provided, that impacts to buffers are minimized and that disturbed areas are immediately restored except as specifically allowed in subsection (D)(2)(a) of this section.
- a. In association with a single-family residence only, the establishment and expansion of lawns, landscaping, orchards, gardens, and fences; provided, that:
 - i. Lawns, landscaping, orchards, and gardens shall be allowed within the outer 25 percent of the buffer width where no reasonable alternative is available. No structure other than fences nor any impervious surface shall be included in the above; and
 - ii. Fences shall be designed to allow the unimpeded passage of surface water beneath them.
 - b. Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These include low intensity, passive recreational activities, such as pervious trails, nonpermanent wildlife watching blinds, scientific or educational activities, and sports fishing or hunting. Trails within buffers shall be designed to minimize impacts to the wetland, shall be no wider than five feet, shall not include any impervious surfaces, and shall not totally circumnavigate the wetland perimeter.
 - c. Within the buffers of Category III and IV wetlands only, vegetation-lined swales designed for stormwater management or conveyance when topographic restraints determine there are no other upland alternative locations. Swales used for detention purposes may only be placed in the outer 25 percent of the buffer. Conveyance swales may be placed through the buffer, if necessary.
 - d. All legal parcels less than one acre in size as of the date of adoption of this code are exempt from the wetland buffer provisions.
- E. Protection Standards.** A development permit or land division may be conditioned to provide for the continued protection of the wetland resource and reasonable use of the property. Conditions may include, but are not limited to, wetland buffers, setbacks, limits on clearing and grading, conditions on the land title, best management practices for erosion control and maintenance of water quality, or other conditions appropriate to avoid or mitigate identified adverse impacts.
1. **Standard Buffer Zone Widths.**
 - a. The following buffers in Table 3.4 shall be required for wetlands based on the category of wetland as outlined in subsection (A) of this section:

Table 3.4. Standard buffer widths for wetlands.

Wetland Category	Buffer Width (feet) ¹
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I	150
II	75
III	50
IV	35

Note:

1. Measured as per subsection (E)(1)(b) of this section.
 - b. All buffers shall be measured from the wetland boundary as delineated in the field pursuant to the requirements of subsection (G)(1) of this section.
 - c. Except as otherwise specified in subsection (D) of this section, wetland buffers shall be retained in their natural condition.
 - d. Where buffer disturbance or alteration has or will occur in conjunction with regulated activities, revegetation with native vegetation shall be required and completed within the next growing season.
 - e. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. Created wetlands will be deemed as Category II for the purposes of establishing a buffer.
2. **Buffer Width – Averaging.** Buffer averaging allows limited reductions of buffer width in specified locations on the property proposed for development while requiring increases in others so that the total area of the buffer is unchanged. Averaging of required buffer widths will be allowed only if the applicant demonstrates that all of the following criteria are met:
 - a. Averaging is necessary to accomplish the purposes of the proposal, and no reasonable alternative is available;
 - b. The wetland contains variations in sensitivity due to existing physical characteristics and the reduction from standard buffer widths will occur only contiguous to the area of the wetland determined to be least sensitive;
 - c. Averaging width will not adversely affect the wetland functional values;
 - d. The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer width; and
 - e. If a portion of the buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation and fencing where appropriate to improve the functional attributes of the buffer, to provide additional protection for wetland functions and values. A proposal to enhance a buffer shall not be used as justification to reduce an otherwise functional standard buffer width, unless such buffer reduction complies with all other criteria for buffer width averaging.
3. **Buffer Width – Decreasing.** Decreasing of required buffer widths will be allowed only if the applicant demonstrates that all of the following criteria are met:
 - a. Buffer width averaging pursuant to subsection (E)(2) of this section is not possible due to site characteristics;
 - b. A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available;
 - c. The wetland contains variations in sensitivity due to existing physical characteristics, and reduction from standard buffer widths will occur only adjacent to the area of the wetland determined to be the least sensitive;
 - d. Decreasing width will not adversely affect the wetland functional values;
 - e. In no instance will the buffer width be reduced by more than 50 percent of the standard buffer width; and
 - f. If a portion of a buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation and fencing where appropriate to improve the functional attributes of the buffer and to provide additional protection for wetland functions and values. A proposal to enhance a buffer shall not be used as justification to reduce an otherwise functional standard buffer width, unless such buffer reduction complies with all other criteria for reducing buffer widths.

4. **Buffer Width – Increasing.** Standard buffers may be increased by the County only upon a determination that:
 - a. The increase is recommended by a County-employed qualified wetland consultant who has inspected the site and demonstrated that a larger buffer is necessary to:
 - i. Maintain viable populations of existing species proposed or listed by the federal government or the state as rare, endangered, threatened, and sensitive, or species of local concern as defined in Chapter 18.20 SJCC;
 - ii. Protect critical or outstanding potential habitat for those species listed in subsection (E)(4)(a)(i) of this section is present; or
 - iii. Protect nesting sites such as heron rookeries or raptor nesting trees that are present in the wetland or its buffer.
 - b. If a Category I, II, or III wetland is located within 25 feet of the toe of slopes of 30 percent or more, buffers may be increased to include the tops of slopes determined to be “erosion hazard areas” as defined in Chapter 18.20 SJCC.
 5. **Establishment of Limits of Clearing.** Prior to building permit approval, the location of the outer extent of the wetland buffer and the limits of the areas to be disturbed shall be marked in the field in accordance with a clearing and grading plan approved as part of a development permit or approval or for a single-family residence in accordance with the provisions of subsection (G) of this section. Such field markings may be field-approved by the County prior to the commencement of permitted activities. Markings shall be maintained throughout the duration of any construction activities.
 6. **Regulation of Ponds Smaller than 20 Acres in Size.** (Note: lakes and ponds 20 acres or greater in size are regulated in SJCC 18.30.110(A) (5) and 18.30.160(A)(4), and by the Shoreline Master Program, Chapter 18.50 SJCC.)
 - a. Ponds created out of nonwetland areas are not subject to the provisions of this section.
 - b. Ponds previously excavated or created within wetlands, as indicated by a combination of topographic features, remaining vegetation, and mapped hydric soils, shall be subject to the provisions of this section.
 - c. A pond may only be constructed in a Category III or IV regulated wetland, and then only as part of an approved wetland mitigation or noncompensatory enhancement project. A wetland mitigation or enhancement plan shall be reviewed for consistency with the applicable sections of this code (*e.g.* Chapter 18.40 SJCC, Performance Standards, Chapter 18.50 SJCC, Shoreline Master Program, and Chapter 18.60 SJCC, Development Standards) and may only be approved by the decision maker if it has been found to meet the requirements set forth by this code. The enhancement or mitigation plan must be prepared pursuant to the requirements of subsections (F) and (H) of this section, and include the information required in Appendix B* (Mitigation/Enhancement Plan Contents) of this code.
 7. **Trails for Public Education.** Trails that are specifically designed and built for public education purposes by a public agency or conservation organization may be located anywhere within a regulated wetland buffer. Such trails shall be reviewed for consistency with the applicable sections of this code (*e.g.* Chapter 18.40 SJCC, Performance Standards, Chapter 18.50 SJCC, Shoreline Master Program, and Chapter 18.60 SJCC, Development Standards) and may only be approved by the decision maker if it has been found to meet the requirements set forth by this code. Application for such trails must include a special report prepared in accordance with subsection (G)(2) of this section.
- F. Noncompensatory Enhancement.** Noncompensatory enhancement are those wetland enhancement projects which are conducted solely to increase the functions and values of an existing wetland and which are not required to be conducted pursuant to the mitigation requirements of subsection (H) of this section. There are two types of noncompensatory enhancement:
1. **Type 1 Noncompensatory Enhancement.** Type 1 noncompensatory enhancement projects involve the filling, draining, or excavating of a regulated wetland. All applications for Type 1 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (F)(1)(a) through (c) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
 - a. The enhancement plan must be reviewed for consistency with the applicable sections of this code (*e.g.* Chapter 18.40 SJCC, Performance Standards, Chapter 18.50 SJCC, Shoreline Master Program, and Chapter 18.60 SJCC, Development Standards) and may only be approved by the decision maker if it

- has been found to meet the requirements set forth by this code.;
- b. The enhancement plan must include the information required in Appendix B* of this code; and
 - c. The enhancement plan must either be prepared by a qualified wetlands consultant as defined in Chapter 18.20 SJCC or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.
2. **Type 2 Noncompensatory Enhancement.** Type 2 noncompensatory enhancement projects involve wetland alterations that do not include the filling, draining, or excavating of a regulated wetland. Such projects might involve the removal of non-native plant species or the planting of native plant species. All applications for Type 2 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (F)(2)(a) through (c) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
- a. The enhancement plan shall be submitted for administrative consistency review, pursuant to SJCC 18.80.070(E)(1), reviewed for consistency with the applicable sections of this code (*e.g.* Chapter 18.40 SJCC, Performance Standards, Chapter 18.50 SJCC, Shoreline Master Program, and Chapter 18.60 SJCC, Development Standards) and may only be approved by the decision maker if it has been found to meet the requirements set forth by this code.;
 - b. The enhancement plan must include a detailed description of the activity including the following information:
 - i. The goal of the enhancement project;
 - ii. What plants, if any, will be removed or planted;
 - iii. How the activity will be conducted, including the type(s) of tools or machinery to be used; and
 - iv. The qualifications of the individual who will be conducting the enhancement activity.
 - c. The enhancement plan must either be prepared by a qualified wetlands consultant as defined in Chapter 18.20 SJCC or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.

G. Determination of Regulatory Boundary, and Requirements for Special Reports.

1. **Determination of Regulatory Boundary.** The location of the wetland boundary shall be determined through a field investigation by a qualified wetlands consultant utilizing the currently accepted federal and state delineation procedures and manuals, as a part of a special report prepared in accordance with subsection (G)(2) of this section. This requirement may be waived under the following circumstances:
- a. **Single-Family Residences.** The requirement for a wetland delineation and special report will be waived for construction of a single-family residence on an existing lot of record if field investigation by County staff indicates the following:
 - i. Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
 - ii. The single-family residence and all accessory structures and uses are not proposed to be located within the distances identified in Table 3.5, below, from the estimated wetland boundary.
 - b. **Simple Land Divisions.** The requirement for a wetland delineation and special report will be waived for a simple land division submitted in accordance with SJCC 18.70.040 if field investigation by County staff indicates the following:
 - i. Sufficient information exists for staff to estimate the boundaries of a wetland without delineation;
 - ii. Both parcels resulting will have buildable area outside the wetland and the wetland buffer identified in Table 3.5, below; and
 - iii. The simple land division approval will be recorded in the County auditor's file together with a statement that development on both described parcels is subject to the provisions of SJCC 18.30.110.
 - c. **Subdivisions, Short Subdivisions and Binding Site Plans.** The requirement for a wetland delineation and special report will be waived for subdivisions, short subdivisions, and binding site plans of an existing lot of record if field investigation by County staff indicates the following:
 - i. Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
 - ii. Building envelopes or building setback lines are not proposed to be located within the distances

identified in Table 3.5, below, from the estimated wetland boundary.

2. **Special Report Contents.** When a special wetland report is required, it must be completed by a qualified wetlands consultant as defined in Chapter 18.20 SJCC and must contain the following:
 - a. A map, at a scale no smaller than one inch equals 200 feet, of the delineated regulated wetland boundary as determined by the criteria in this subsection. In addition, the map shall show the general location of the wetland boundary for all other wetlands located on the property proposed for the use or development activity. When regulated wetlands do not occur on the subject property, but wetland buffers from offsite wetlands do occur, those wetland buffers must be indicated on the submitted maps.

Table 3.5. Minimum wetland buffers necessary as part of qualifying for a waiver from delineation and special report requirements.^{1, 2, 3}

Wetland Category	Required Distance from Estimated Wetland Boundary (feet) ⁴
I	200
II	125
III	75
IV	60

Notes:

1. These buffers are one part of the complete requirements necessary to qualify for a waiver – see SJCC 18.30.150(G)(1).
2. These are not standard wetland buffers: they are optional buffers for cases when a delineation is not made. If a single-family residence, building envelope, or setback line in a subdivision is proposed to be closer to the wetland than the distance identified in the table, a wetland delineation must be performed.
3. The same opportunities for exemption from delineation shall apply to uncategorized wetlands. Permit center staff shall either determine the wetland category or hire a qualified wetland consultant at the expense of the County.
4. The following shall not be located within the distances identified in the table: (a) single-family residences and all accessory structures and uses; (b) subdivision building envelopes and setback lines. For simple land divisions, both resulting parcels must have buildable area outside the wetland and the buffer distance in the table. See SJCC 18.50.130(G)(1).
 - b. The site plan for the proposed use or development at the same scale as the wetland map, showing the extent of the proposed activity in relationship to the delineated, regulated wetland edges and their buffers. Site plans must include the location of all roads, structures, and utilities including stormwater systems, sewage (sanitary or septic) systems, power, or any proposed installations within the regulated wetland or its buffer.
 - c. Project cross sections, both before and after completion, in relation to the surface elevation of the wetland must be indicated for proposed activities which involve cutting or filling operations within the wetland or its proposed buffer.
 - d. Classification of the wetland in accordance with Appendix A* and a detailed written analysis of the existing regulated wetland including: vegetation communities classified per the U.S. Fish and Wildlife Service Classification of Deepwater Habitats (1979); species composition of vegetation communities, including presence and percent cover; existing soils; and existing hydrologic conditions including inflow/outflow, source of water within the system, relative water quality, and seasonal changes in hydrology, if applicable.
 - e. A detailed analysis of wildlife species use of the wetland and its buffer.
 - f. A detailed analysis of the existing wetland buffer including species composition and percent coverage, whether the buffer is disturbed or not, and the functional value of the buffer in relation to the regulated wetland.
 - g. If the development activity would eliminate all or part of a regulated wetland then a detailed compensatory mitigation plan as outlined in subsection (G)(3) of this section must be provided.
3. **Mitigation Plan Contents.** All wetland restoration, creation, and enhancement projects required by this code, either as a condition of project approval or as the result of an enforcement action, shall follow a mitigation plan prepared by a qualified wetland specialist as defined herein and conducted in accordance with the requirements described in Appendix B*. The applicant or violator must receive written approval of

the mitigation plan by the administrator prior to commencement of any wetland restoration, creation, or enhancement activity.

H. Mitigation. The overall goal of mitigation shall be no net loss of wetland function, value, and acreage.

1. **Mitigation Sequence.** Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated wetlands or their buffers. When a proposed use or development activity poses potentially significant adverse impacts to a regulated wetland or its buffer, the preferred sequence of mitigation as defined below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.
 - a. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated wetland or its buffer;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
2. **Compensatory Mitigation – General Requirements.** As a condition of any permit or other approval allowing alteration which results in the loss or degradation of regulated wetlands, or as an enforcement action pursuant to Chapter 18.100 SJCC, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or any code violator.
 - a. Except persons exempt under SJCC 18.30.110(E), any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland equivalent to or larger than those altered in order to compensate for wetland losses. The following Table 3.6 specifies the ratios that apply to creation or restoration which is in-kind, on-site, and is accomplished prior to or concurrently with alteration:

Table 3.6. Required replacement ratios for compensatory wetland mitigation.

Wetland Category	Replacement Ratio ¹
I	6:1
II or III	
• Forested	3:1
• Scrub-Shrub	2:1
• Emergent	1.5:1
IV	1.25:1

Note:

1. The first number in the ratio specifies the acreage of wetlands to be created, and the second number specifies the acreage of wetlands proposed to be altered or lost.
 - b. Enhancement of existing wetlands, other than Category I and Category II wetlands, may be considered as compensation; but above ratios must then be doubled.
 - c. Compensation must be completed prior to wetland destruction, where possible.
 - d. Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to subsection (G)(3) of this section, with the replacement ratios as specified above.
 - e. Compensatory mitigation must be conducted on property which will be protected and managed to avoid further development or degradation. The applicant or code violator must provide for long-term preservation of the compensation area.
 - f. The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding in accordance with Appendix C* (Performance and Maintenance Bonding for Wetlands), to carry out the project. The applicant must demonstrate the capability for monitoring the site and making corrections if the project fails to meet projected goals.
3. **Compensatory Mitigation – Type, Location, and Timing.**

- a. Priority will be given to in-kind, on-site compensation if feasible and if the wetland to be lost has a moderate to high functional value.
 - b. When the wetland to be impacted is of a limited functional value and is degraded, compensation may be of the wetland community type most likely to succeed with the highest functional value possible.
 - c. Out-of-kind compensation may be allowed when out-of-kind replacement will best meet identified goals (for example, replacement of historically diminished wetland types). Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.
 - d. Off-site compensation can be allowed only if:
 - i. On-site compensation is not feasible due to hydrology, soils, waves, or other factors;
 - ii. On-site compensation is not practical due to probable adverse impacts from surrounding land uses;
 - iii. Potential functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or
 - iv. Off-site compensation will be conducted in accordance with subsection (H)(4) of this section, cooperative compensation projects.
 - e. Except in the case of cooperative compensation projects, off-site compensation must occur within the same watershed where the wetland loss occurs; provided, that Category IV wetlands may be replaced outside of the watershed if there is no reasonable technical alternative. The stormwater storage function provided by Category IV wetlands must be provided for within the design of the development project.
 - f. Except in the case of cooperative compensation projects, in selecting compensation sites applicants must pursue locations in the following order of preference:
 - i. Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists; and
 - ii. Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists.
 - g. Construction of compensation projects must be timed to reduce impacts to existing wildlife and flora. Construction must be timed to assure that grading and soil movement occurs during the dry season. Planting of vegetation must be specifically timed to the needs of the target species.
4. **Cooperative Compensation Projects.** The County may encourage, facilitate, and approve cooperative projects where one or more applicants, or an organization with demonstrated capability, may undertake a compensation project if it is demonstrated that:
- a. Creation of one or several larger wetlands may be preferable to many small wetlands;
 - b. The group demonstrates the organizational and fiscal capability to act cooperatively;
 - c. The group demonstrates that long term management of the compensation area can and will be provided; and
 - d. There is a clear potential for success of the proposed compensation at the identified compensation site. Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in subsection (H)(2) of this section. (Ord. 7-2005, § 6, 7 and 8; Ord. 14-2000 § 7 (CCC); Ord. 11-2000 § 4; Ord. 2-1998 Exh. B § 3.6.8)

*** Appendices referenced in this section are attached to Ord. 2-1998 and are on file in the office of the clerk of the board.**

18.30.160 Fish and wildlife habitat conservation areas.

A. Classification.

- 1. **Upland Category I.** Priority habitat areas as listed below:
 - a. Areas having a primary association with bald eagles, which are protected under the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as well as the federal Bald Eagle Protection Act and Endangered Species Act.
- 2. **Upland Category II.** Priority habitat areas as listed below, except those included in Upland Category I.

- a. Habitat areas associated with rare plants and priority species as identified by the Washington Department of Natural Resources, Natural Heritage Program.
- 3. **Upland Category III.** Important habitat areas which are not based on use by a specific species. These areas are protected by their conservation ownership or management status and are not subject to the protection standards within this section:
 - a. Areas listed as national wildlife refuges, national parks, national estuary reserves, natural area preserves, or any preserve or reserve designated under WAC 332-30-151;
 - b. State natural area preserves, or natural resource conservation areas identified by state law and managed by the Department of Natural Resources; and
 - c. Areas with recognized wildlife habitat value owned by The Trust For Public Lands, The Nature Conservancy, The San Juan Preservation Trust, the Bureau of Land Management, or the San Juan County land bank.
- 4. **Freshwater Habitat Areas.** These areas include the following:
 - a. Streams and riparian areas classified as Type 2 through 5 Waters of the State and any associated riparian areas within 50 feet of a Type 2 stream or 25 feet of a Type 3, 4, or 5 stream. (Stream types are as identified by the Department of Natural Resources; *cf.* Chapter 222-30 WAC); and
 - b. Lakes and ponds 20 acres or larger, which are also subject to Chapter 18.50 SJCC. (Wetlands and ponds smaller than 20 acres are regulated in SJCC 18.30.110(D) and 18.30.150(E)(6).
- 5. **Marine Habitat Areas.** These areas include the following:
 - a. All kelp and eelgrass beds;
 - b. Priority shellfish areas as follows:
 - i. All public and private tidelands or bedlands which are approved or conditionally approved by the Washington Department of Health for shellfish harvest;
 - ii. Any shellfish protection districts created under Chapter 90.72 RCW; and
 - iii. Areas with all of the following attributes: broad intertidal areas, bays with geographically restricted wave action and circulation, poor or limited flushing, warmer water temperatures, seasonally reduced salinities, and increased potential for algae bloom; and
 - c. All identified smelt spawning areas.

B. Protection Standards.

- 1. **General Habitat Protection Standards.** The following performance standards shall be met for development permits or approvals located inside of or within 300 feet of a habitat classified in this section, except for Upland Category III:
 - a. The proposal must mitigate to the maximum extent feasible any significant adverse impacts to habitat functions and values and to habitat buffers. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence, unless the applicant demonstrates that an overriding public benefit would warrant an exception:
 - i. Avoiding the impact by not taking a certain action or parts of actions on that portion of the site which contains the habitat area or its buffer;
 - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
 - v. Compensating for the impact by replacing or providing substitute resources or environments. This may require preparation of a habitat management plan in accordance with subsection (D) of this section.
 - b. Where impacts cannot be avoided, the applicant must seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts and reductions in the density or scope of the proposal.
 - c. Temporary and permanent erosion and sedimentation controls must be provided to prevent the introduction of sediments or pollutants to water bodies or water courses within the habitat area.

- d. Clearing and grading must be limited to that necessary for establishment of the use or development and must be conducted so as to avoid significant adverse impacts and to minimize the alteration of the volume, rate, or temperature of freshwater flows to or within the habitat area and any buffer specified in this section.
 - e. The proposal will not introduce hazardous substances to the habitat areas that would have significant adverse impacts on that area, including but not limited to fertilizers, herbicides, pesticides, fuel and waste oil, and human or livestock fecal matter.
 - f. Stream flows must be protected from changes to the normal flow, temperature, turbidity, and discharge to the maximum extent practicable.
2. **Habitat-Specific Standards.** The following performance standards apply within specific habitat areas. Exceptions to these standards may be allowed if a special report, prepared by a qualified wildlife biologist, habitat management consultant, botanist, or marine biologist demonstrates that such exception would not have a significant adverse impact on the habitat area.
- a. **Freshwater Habitats:** Septic drainfields and a 100 percent repair area must be at least 100 feet from the edge of the habitat area.
 - b. **Marine Habitats:**
 - i. Septic drainfields and a 100 percent repair area must be at least 100 feet from the edge of the habitat area.
 - ii. Uses and developments in or over water must minimize changes to natural water circulation and must be designed and operated in a manner that minimizes the introduction of contaminants and debris.
 - iii. Uses and developments must minimize disruption of the substrate, and the location and design of structures and activities must minimize obstruction of light in the habitat area.
 - c. **Upland Habitats:**
 - i. Category I habitats must be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). A cooperative site management plan will be developed whenever activities that alter habitat are proposed near a verified nest territory or communal roost.
 - ii. Category II habitats will be protected in accordance with the County's determination of appropriate conditions considering the site-specific recommendations of the Washington Department of Fish and Wildlife, Nongame Division, and the Washington Department of Natural Resources, Natural Heritage Program, and site-specific information supplied by the applicant and conservation organizations. Possible conditions may include, but are not limited to, the following:
 - A. Establishment of buffer zones;
 - B. Preservation of critically important vegetation;
 - C. Limitation of access to the habitat area; and
 - D. Seasonal restriction of construction activities.
 - iii. Proposals located within 1,300 feet of an Upland Category II habitat will be reviewed by the County for potential habitat impacts, considering the recommendations of the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, Natural Heritage Program, and site-specific information supplied by the applicant and conservation organizations.
 - iv. If it is likely that a proposed project will have a significant adverse effect on a Category II habitat, the applicant shall complete a habitat management plan pursuant to subsection (D) of this section.

C. Nomination of Species of Local Concern.

- 1. **Nomination.** In order to nominate a species as a species of local concern, an interested individual or organization must:
 - a. Demonstrate that the species merits special consideration by documenting its:
 - i. Declining population status;
 - ii. Sensitivity to habitat manipulation; or
 - iii. Commercial or other special value;
 - b. Propose management strategies for the species which would be both effective and within the scope of

- this code; and
- c. Accurately illustrate the habitat location(s) of the species on the map (scale 1:24,000).
 2. **Proposals.** Nomination proposals for species of local concern shall be submitted to the administration for review of completeness and scope. Complete proposals which are within the scope of this code will be submitted for approval to the Washington Department of Fish and Wildlife, Washington Department of Natural Resources (Natural Heritage Program), and other local or state agencies' experts, for comments and recommendations regarding the accuracy of the data and effectiveness of the proposed management strategies.
 3. **Public Hearing.** A public hearing before the board of County commissioners will be held on those proposals which are found to be complete, within the scope of this code, and effective to protect the species. If a proposal is approved by the board of County commissioners, the species will be added to the list of species of local concern and will be protected according to the approved management strategies adopted by amendment of this code.

D. Habitat Management Plans.

1. Any habitat management plan required shall identify how the impacts of the proposed use or development will be mitigated.
2. The habitat management plan must contain the following information at a minimum:
 - a. Map(s) prepared at a scale no smaller than one inch = 200 feet showing:
 - i. The location of the proposed development site;
 - ii. The relationship of the site to surrounding topographic and cultural features;
 - iii. The nature and density of the proposed development or land use change;
 - iv. Proposed building locations and arrangements;
 - v. A legend which includes:
 - A. A complete and accurate legal description and the total acreage of the parcel;
 - B. Title, scale and north arrow;
 - C. Date, including revision dates if applicable; and
 - D. Certificates, by a professional biologist as appropriate.
 - vi. Existing structures and landscape features, including the name and location of all water courses, ponds, and other bodies of water.
 - b. A report which contains:
 - i. A description of the nature, density, and intensity of the proposed development in sufficient detail to allow analysis of the impact of such land use change on the habitat;
 - ii. An analysis of the effect of the proposed development, activity, or land use change on the classified habitat;
 - iii. A plan for the mitigation of any adverse impacts to wildlife habitats classified in this section posed by the project; and
 - iv. An evaluation by the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, Natural Heritage Program, or a qualified wildlife expert regarding the effectiveness of any proposed mitigating measures or programs, including recommendations as appropriate.
3. Possible mitigation measures may include the following:
 - a. Establishment of buffer zones;
 - b. Preservation of critically important vegetation;
 - c. Limitation of access to the habitat area;
 - d. Seasonal restriction of construction activities; and
 - e. Establishment of a timetable for periodic review of the plan and performance or maintenance bonding in accordance with Appendix C*.
4. This plan will be prepared by a wildlife biologist, habitat management consultant, marine biologist, or botanist, with a combination of relevant education and experience sufficient to perform the tasks described above. (Ord. 12-2001 § 4; Ord. 2-1998 Exh. B § 3.6.9)

