

Planning Commission Handout Jefferson County SMP Update Project

Comparison of Existing and Proposed SMPs Key Similarities and Differences in Performance Standards

Note to Reviewers: This table summarizes the regulations (also known as performance standards) contained in the existing and proposed Jefferson County Shoreline Master Programs. It does not compare the existing and proposed SMP policies or the administrative provisions. The SMP topics listed reflect the main shoreline uses and modifications; these topics appear in different sections and may have different titles in the existing and proposed SMPs. This summary table is intended to facilitate a general comparison of the major regulatory changes being proposed in the December 3, 2008 Preliminary Draft SMP. The regulations listed below are paraphrased in most cases. Readers are encouraged to refer to the actual SMP documents for a full and official description of the existing and proposed regulations.

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Purpose	1.20/1.1	Purpose is to guide development and implement the Shoreline Management Act.	Additional purposes: Achieve ‘no net loss’ and plan for restoration.
Goals	1.20/3.1 to 3.7	Includes goals for Economic Development, Conservation, Recreation, Historic/Cultural Resources, Shoreline Use, Circulation, Public Access, Restoration and Water Quality.	Goal statements are expanded and each one includes a purpose statement.
Jurisdiction	3.10/4.1 and 4.2	Definition of ‘shorelines’ is unchanged: Rivers > 20 cfs mean annual flow Lakes > 20 acres Marine shores	<ul style="list-style-type: none"> • Upper limit of jurisdiction on rivers is different based on new stream flow data by U.S. Geological Survey. • Channel migration zones on major rivers included in SMP jurisdiction. • Four additional lakes added based on new data regarding lake size.
Applicability	3.30/1.2	<ul style="list-style-type: none"> • Program does not apply to Federal or Tribal lands. • All development must comply with Program regardless of whether a shoreline permit is required. 	<ul style="list-style-type: none"> • N/A

¹ Section numbering – Number to the left of / refers to the section numbering in the stand-alone 1989 Jefferson County SMP. Number to the right of / refers to the Article and Subsection number in the December 3, 2008 PD SMP.

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Exemptions	3.40/9.3	<ul style="list-style-type: none"> • Exemptions are as defined by RCW 90.58. 	<ul style="list-style-type: none"> • The dollar threshold for substantial development is increased from \$5000 to \$5718, per legislative directive.
Designations and Classifications	4.10/4.2 and 4.3	<ul style="list-style-type: none"> • Purpose and criteria for Natural and Conservancy designations are relatively unchanged. • Aquatic designation still applied to some areas below OHWM. 	<ul style="list-style-type: none"> • New designation menu is based on WAC 173-26. • Natural designation is applied more widely; development restrictions applied to higher percentage of the County shorelines (approximately 41 percent in east Jefferson County) • Priority Aquatic designation is applied to important salmon and shellfish habitats below OHWM. • No dual designation for upland areas. • Urban and Suburban designations no longer applied; replaced by Shoreline Residential and High Intensity designations. • Use classification table is substantially revised based on new regulations. • More uses require a Conditional Use Permit (CUP) than under current code. Option of administrative CUP is added (does not require hearing examiner approval).
Shorelines of Statewide Significance	4.30/5.0	<ul style="list-style-type: none"> • Policies are as stated in WAC 173-26. 	<ul style="list-style-type: none"> • N/A
Advertising (Signs)	5.10/8.9	<ul style="list-style-type: none"> • Vistas or view corridors shall be kept free of unnecessary signs. • Off-premise outdoor signs are not permitted. • On-premise signs shall minimize visual or physical obstruction of the shoreline. • Artificial lighting for signs shall be hooded or directed to prevent glare. • Flashing and blinking signs are not 	<ul style="list-style-type: none"> • Signs must comply with JCC 18.30.15. • Overwater signs prohibited. • No signs allowed on trees.

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		permitted.	
Agriculture	5.20/8.1	<ul style="list-style-type: none"> • Livestock waste shall be disposed in a manner that will prevent surface or ground water contamination. • Feedlots, corrals, stockyards, and waste storage areas are prohibited within 200 feet of OHWM. • Buffer zones shall be established and/or maintained between tilled or grazed areas and water bodies to reduce impacts. 	<ul style="list-style-type: none"> • Program does not restrict existing agriculture uses per state law. • Deleted reference to Dept of Agriculture erosion standards or pesticide regulations. • Watering for livestock along creeks, streams, rivers, and lakes shall be provided so stock do not cross waterbodies. • Buffer widths shall correspond to the standards on the SMP.
Aquaculture	5.30/8.2	<ul style="list-style-type: none"> • Uses and activities that do not meet the definition of development such as beach culturing and hand harvesting are not subject to shoreline substantial development permit requirements. • Shoreline permit applications for aquaculture require a description of actions and management plans describing potential effects and copies of other required studies and permit applications. • Floating aquaculture requires a visual analysis. • Aquaculture developments must be separated by a sufficient distance to prevent cumulative effects. • Aquaculture developments must not materially interfere with navigation/access to waterfront property and public recreation areas. • Aquaculture structures shall be of sound construction and shall be maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly. • Lighting shall be designed and 	<ul style="list-style-type: none"> • Definitions for types of aquaculture operations are revised; Intensive, Extensive and Passive and Subtidal and Intertidal are not used in new Program. New types are Bottom and Hanging/Floating culture. • SMP specifies time limit for substantial development permits for new operations consistent with state law; Conditional Use Permit timeframe is determined on a case-by-case basis. • New Program specifies when an existing operation must obtain a (new) permit (i.e., expansion of existing operation, cultivation of new species not previously cultivated in WA). • New Program provides criteria for which types of aquaculture activities are considered ‘development.’ • Upland aquaculture activities are governed by commercial or industrial regulations. • Net pens are prohibited. • Processing no longer prohibited in/over the water. • Prohibition on use of structures in areas designated Natural is removed. • Geoduck and floating/hanging

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		<p>hooded to prevent the light source from being directly visible from outside the boundaries of the property.</p> <ul style="list-style-type: none"> • Overwater structures such as work shelters, sleeping quarters, and storage sheds shall be prohibited. • Hardshell clam harvest (including geoduck) using mechanical means requires a Conditional Use Permit (per the Dredging section). • Mechanical harvest activities not allowed in eelgrass beds, kelps, etc unless approved by WDFW (per the Dredging section). • Total height of floating structures and associated equipment shall not exceed six (6) feet in height above the water's surface. • Only non-lethal predator control measures shall be used against birds and mammals. Control methods shall comply with appropriate federal and state rules. • Aquaculture activities shall avoid use of pesticides, herbicides, or other chemicals. 	<p>operations now require a Conditional Use Permit in some areas.</p> <ul style="list-style-type: none"> • Aquaculture now must be ≥ 600 ft from National Wildlife Refuges. • Surface area limit of 2 acres is removed. • All aquaculture must be sited to prevent damage to eelgrass beds, kelps, etc. • Structures tied to bottom must use anchors that minimize impacts. • County can require compensation for use of public piers/structures for aquaculture operations.
Boating Facilities (Boat launches)	5.40/7.2	<ul style="list-style-type: none"> • Boat launches shall be located, designed, constructed, and operated to minimize adverse effects of fish, shellfish, wildlife, water quality, and existing geo-hydraulic shoreline processes. • Adequate off-road parking and loading areas shall be provided. • Parking and loading areas shall be located away from the immediate water's edge and beaches (requirement is located in the Parking section of the new Program). 	<ul style="list-style-type: none"> • Regulations distinguish public and private (residential) launches. • No specific requirement to locate launches with regard to wind, current, and bathymetric conditions. • Private boat launches not allowed if public launches are available nearby. • Boat launches must use approved methods and technologies. Rails and tracks are preferred systems. • No requirement to separate launches from nearby swimming areas, but must ensure no adverse effects on public use of public waters.

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		<ul style="list-style-type: none"> • Design of parking and loading areas shall assure that surface runoff does not pollute adjacent waters or cause soil or beach erosion (included in Parking and Water Quality sections of new Program). • Boat launches shall be located, designed, constructed, and operated to not necessarily interfere with the rights of adjacent property owners, nor interfere with adjacent water uses. • Boat launches shall provide adequate on-shore sewage and waste disposal facilities and a means for effective operation. 	<ul style="list-style-type: none"> • New requirement to locate river launches downstream of accretion shores and where no current deflectors are needed. • New requirement to locate where there is adequate water circulation and mixing. • Removed requirement to have ample room for the handling and maneuvering of boat trailers, but added requirement to ensure no traffic impacts or traffic safety issues.
Boating Facilities (Docks, piers, floats and lifts)	5.60/7.2	<ul style="list-style-type: none"> • Mooring buoys are preferred over docks, piers, and floats. Joint-use facilities are preferred over single-user docks, piers, and floats. • Docks/piers/floats must be located to avoid adverse effects of fish, shellfish, marine vegetation, etc. • Docks/piers/floats must be marked to prevent navigation hazards. • Docks/piers/floats must minimize interference with the public use of the water and private use of private property. • Must use materials that are non-hazardous (approved by WDFW). • Subdivisions must make provisions for joint use dock facilities. • Docks/piers/floats must not be used for residential purposes (no overwater residences). • Covered moorage generally prohibited. • Residential docks prohibited in 	<ul style="list-style-type: none"> • Regulations distinguish public and private (residential) docks, piers, etc. • Regulations for boat lifts are added. • Grating/light penetrating materials required on walkways in nearshore areas. • Cumulative effects of dock proliferation must be considered. • Total area of floats changed from 160 sq. ft. to 200 sq. ft. • Allowed residential dock length is changed from 125 ft to 60 ft, with option for longer dock if needed. • No outright prohibition on docks, piers, and floats on streams and rivers. • Maximum allowance per residence is one of each: lift, dock, and float. • Residential docks prohibited in Priority Aquatic designation. • Three-day limit on boat occupation removed, but no moored vessel can be used as a residence.

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		<p>Natural and Priority Aquatic designations.</p>	<ul style="list-style-type: none"> ● Added allowance for float plane moorage in some areas as a Conditional Use. ● No requirement to move docks to protected locations during windy times of the year. ● Removed requirements pertaining to locating utilities on docks.
Boating Facilities (Marinas)	5.10/7.2	<ul style="list-style-type: none"> ● Marinas shall be located in areas with favorable/appropriate wind, current, and bathymetric conditions. ● Marinas that provide overnight or long-term moorage facilities shall not be located in areas with poor circulation/flushing. ● Marinas shall be compatible with the general aesthetic quality of the shoreline area where they are located. ● Marinas and ancillary facilities shall be located, designed, constructed, and operated to minimize adverse effects on fish, shellfish, wildlife, water quality, and existing geo-hydraulic shoreline processes. ● Marinas shall be located, designed, constructed, and operated to minimize interference with the rights of adjacent property owners and adjacent water uses. ● Parking and loading areas shall be located well away from the immediate water's edge. ● Design of parking and loading areas shall assure that surface runoff does not pollute adjacent waters or cause soil or beach erosion (in Water Quality section of new Program). ● Provisions shall be made to facilitate orderly launching, 	<ul style="list-style-type: none"> ● Marinas must restore part of the shoreline to improve ecological conditions as a condition of approval. ● Marinas must be located to avoid need for dredging, excavating or filling wetlands. ● Marinas are prohibited on lakes, point bars, in channel migration zones and where flood hazards would be created/exacerbated. ● Open pile and floating breakwaters are preferred. ● Armoring must be limited to minimum necessary; bio-stabilization is preferred. ● Breach nourishment of down-drift areas may be required if adverse effects on sediment transport are likely. ● Marinas must include public access amenities. ● Live-aboards are limited to 20% of slips. ● Boat washing facilities must be provided. ● Marinas must post regulations. ● No allowance for covered slips. ● Visual impact analysis may be required as a condition of approval.

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		<p>retrieval, and storage of boats.</p> <ul style="list-style-type: none"> • Provisions shall be made to facilitate the orderly circulation of vehicles and pedestrians in the vicinity of the marina. • Marinas shall make adequate provisions to minimize the probability of fuel spills during handling or storage. Provisions shall be made to handle accidental spills that do occur. • Marinas shall be equipped with vessel pump-out and on-shore sewage and waste disposal facilities. 	
Boating Facilities (Mooring buoys)	5.130/7.2	<ul style="list-style-type: none"> • Mooring buoys shall not be authorized where they will interfere with navigation. • Buoys shall be marked with the owner's name, address, and telephone number. 	<ul style="list-style-type: none"> • Removed regulations regarding land based retrieval lines. • Removed most specific regulations on buoy location; Program defers to state laws and requires County to coordinate with other agencies regarding placement of buoys. • No more than 4 buoys/acre allowed in some areas such as enclosed bays. • Buoys are not allowed on lakes. • Helical or other low impact anchor systems are required.
Commercial Use	5.50/8.3	<ul style="list-style-type: none"> • Non-water-oriented uses may be authorized as a Conditional Use. • Commercial development shall provide public access such as shoreline views and/or public access easements commensurate with the degree of impact caused by the development. • Structures shall not exceed thirty-five feet in height above average grade level. • Developments which do not require 	<ul style="list-style-type: none"> • Setback is changed from 15 ft to 100 ft (for lakes) and 150 ft (for marine & river shores). • Non-water-oriented uses may be allowed on the shoreline only if they provide public access and restore shoreline functions or if they include a water-dependent component.

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		water access or a shoreline location are prohibited over water.	
Dredging	5.70/7.3	<ul style="list-style-type: none"> • Standards in existing SMP that prevent impacts of Dredging on ecology, sediment processes, fish passage, shoreline uses, etc. are addressed mainly through the general regulations in Article 6. • Dredge materials deposited on upland sites shall be considered fill and shall comply with the Program regulations for Fill. • Depositing of dredge materials in water is allowed for wildlife habitat improvement, to re-establish substrate, to feed beaches or to remediate contaminants. • In-water dredge disposal shall not disrupt natural geo-hydraulic processes or interfere with the use or value of adjacent properties. • Maintenance dredging shall only be conducted upon the completion of a dredge materials management plan. 	<ul style="list-style-type: none"> • Projects must be designed and located to prevent future need for maintenance dredging. • Dredging is only allowed to support certain specific uses or as part of required clean-up actions. • Dredging for flood control only allowed as part of county-approved flood control plan. • Dredging to obtain fill material is prohibited. • New SMP relies mainly on compliance with existing state and federal regulations, including the Puget Sound Dredge Disposal Analysis (PSSDA) requirements.
Forest Practices	5.80/8.4	<ul style="list-style-type: none"> • Selective commercial timber cutting on shorelines of statewide significance involving more than thirty percent (30%) of the merchantable timber volume in any ten (10) year period is allowed. • Forest practices on shores designated Natural requires a Conditional Use Permit. 	<ul style="list-style-type: none"> • Program relies on the Forest Practices Act; standards for roads and harvest actions are deleted. • Selective commercial timber cutting on shorelines of statewide significance involving more than thirty percent (30%) of the merchantable timber volume in any ten (10) year period requires a Conditional Use Permit. • Forest practices roads on slopes that exceed thirty-five percent (35%) may be allowed with a Conditional Use Permit.
Industrial and Port Uses	5.90/8.5	<ul style="list-style-type: none"> • Non-water-dependent industry is only allowed on shorelines in 	<ul style="list-style-type: none"> • Non-water-oriented uses may be allowed on the shoreline only if they provide public access and restore

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		<p>certain instances.</p> <ul style="list-style-type: none"> • Industrial development shall be located, designed, and constructed to minimize adverse effects on aquatic life and other shoreline resources. • Industrial developments shall comply with all federal, state, regional, and local requirements regarding air and water quality (covered by JCC 18.20.220). • Industrial and port facilities shall make adequate provisions to minimize the probability of spills of fuel or other toxic substances. Provisions shall be made to handle accidental spills that occur. • Objectionable noise shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. • No vibration shall be permitted that is discernible without instruments on any adjoining lot or property. • Industrial facilities shall assure that no direct or reflected glare is visible from adjacent properties, streets, or water areas. • Industrial facilities shall be so located, designed, and operated to eliminate all unnecessary noxious odors. • Port and industrial facilities shall provide public access, including views, to shoreline areas when feasible, taking into consideration public safety, health, ecology, and security. • Waste storage/disposal not allowed 	<p>shoreline functions or if they include a water-dependent component.</p> <ul style="list-style-type: none"> • No requirement to share over-water facilities, except as related to public access. • No requirement to limit omissions of radioactive substances or electricity. • Specific regulations added for location of log storage and ship building operations.

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		<p>in shoreline jurisdiction.</p> <ul style="list-style-type: none"> • Port and industrial facilities shall be located, designed, and constructed to permit viewing of harbor areas or other recognized or officially delineated vistas. • Industrial structures shall use screening (fences, berms, etc.) to mitigate view impacts on adjacent uses. 	
Landfill (Fill and Excavation)	5.100/7.4	<ul style="list-style-type: none"> • Applications for fill permits require numerous special studies such as erosion control plans. • Fill is prohibited where it would adversely impact water quality, habitat, or other resources. • Fill must not impede public access. • Fill below the OHWM is only allowed for certain purposes such as public access, restoration, water-dependent development, or other projects in the public's interest. • Fill in flood hazard areas is subject to County flood damage prevention regulations. 	<ul style="list-style-type: none"> • Fill only allowed in conjunction with a permitted shoreline use/development. • Fill in wetlands now covered by the CAO provisions of JCC 18.22. • Structural stabilization cannot be used to protect fill materials.
Mining	5.120/8.6	<ul style="list-style-type: none"> • Mining along shorelines shall assure that geo-hydraulic processes and marine life are maintained in their natural condition, both during and after excavation. • Mining shall provide measures to prevent deleterious effects upon water quality and fish life. • Mining operations shall obtain necessary hydraulic permits. • Mining projects shall provide and implement reclamation plans. 	<ul style="list-style-type: none"> • Mining shall be conducted in accord with the Surface Mining Act. • A 100-ft buffer must be maintained between active mine areas and adjacent non-mining-related uses. • Mining can not be approved on shorelines unless it is dependent upon a shoreline location. • Overburden/debris can not be deposited in waterbodies, wetlands, floodways or other critical areas. • In-water mining requires demonstration of adequate sediment rates and an

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			<p>approved monitoring plan.</p> <ul style="list-style-type: none"> ● Use of reclaimed land must be consistent with the Program, including the Shoreline Environment Designation policies and regulations. ● The extraction of quarry rock, sand, gravel, and/or cobbles from any marine or freshwater lake shoreline for any commercial or industrial purpose is prohibited.
Recreation	5.150/8.7	<ul style="list-style-type: none"> ● Recreational facilities shall include adequate provisions for water supply, sewage disposal, and garbage collection. ● Recreational facilities shall make adequate provisions such as screening, buffer strips, fences, and signs to protect nearby private or public properties. ● Applicants for substantial development permits for recreational facilities may be required to provide adequate information to demonstrate the safety of proposed equipment and facilities. 	<ul style="list-style-type: none"> ● Non-water-oriented recreation facilities are not preferred and must be located outside shoreline buffers. Water dependent recreation can be located waterward of shore buffers. ● Recreational facilities shall include adequate provisions for non-motorized access. ● Remote recreation sites should use Low Impact Development and Leave No Trace principles. ● A landscape plan is required for recreational developments that involve vegetation clearing. ● Signs shall be used to help users locate recreation sites and to inform users of private property boundaries adjacent to recreation sites. ● Regulations regarding use of fires and off-road vehicles are deleted. ● Underwater parks are permitted.
Residential Development	5.160/8.8	<ul style="list-style-type: none"> ● Appurtenant structures shall be located landward of the OHWM and shall meet applicable setbacks. ● Public access to publicly owned shorelines shall be maintained. ● Residential structures shall not exceed thirty-five feet in height. 	<ul style="list-style-type: none"> ● Residential structure setback (buffer) is increased from 30 ft (or 1 ft for each ft of bank height, whichever is greater, but not exceeding 100 ft) to 100 ft or 150 ft depending on the waterbody. ● Subdivision is prohibited if it would require bulkheads in order to create buildable lots.

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		<ul style="list-style-type: none"> • Overwater residences are prohibited. 	<ul style="list-style-type: none"> • Residences that will require structural stabilization or flood control during the life of the development are prohibited. • Clustered development and low impact development may be required to minimize impacts. • Multifamily development or development of more than four lots/dwelling units must include public access.
Transportation and Parking	5.190 & 5.140 / 8.10	<ul style="list-style-type: none"> • The transportation and parking provisions of existing and proposed SMPs are very similar overall and consistent with other County, state and federal regulations. 	<ul style="list-style-type: none"> • N/A
Shore Defense (Shoreline Stabilization)	5.180 /7.7	<ul style="list-style-type: none"> • Shore defense works shall be designed and constructed to minimize interruption of naturally occurring shoreline processes. • Shore defense works shall be designed and constructed to minimize impediments to fish and wildlife movement. • Shore defense works shall not be used for the indirect purpose of creating landfills. • Shore defense works shall be designed and constructed to blend in with the characteristics of the area where they are located. • Shore defense works such as dikes shall be located landward of the stream and associated swamps, backwaters, marshes, floodway and other wetlands. • Applications require competent technical evidence that the proposed shore defense structure will perform as designed. 	<ul style="list-style-type: none"> • New structural armoring for residences only allowed when existing primary structures are in imminent danger caused by winds, currents, or waves. • A permit applicant must demonstrate that bio-stabilization is infeasible or inadequate to protect the existing structure. • Structural armoring is prohibited on lake shores. • Gabions and debris/junk shall not be used to armor shores.

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		<ul style="list-style-type: none"> Shore defense works along rivers and streams shall not include groins or jetties or otherwise divert the direction of stream flow. 	
Utilities	5.200/ 8.11	<ul style="list-style-type: none"> Utilities shall be co-located in shared corridors where feasible. The provisions of existing and proposed SMPs are very similar overall and consistent with other County, state and federal regulations. 	<ul style="list-style-type: none"> Specific utility regulations are provided for different for different types of utility uses. Power generation facilities including tidal energy are only allowed when County determines that adverse effects are mitigated and benefits outweigh impacts.
<ul style="list-style-type: none"> Non-conforming uses 	<ul style="list-style-type: none"> JCC 18.20.260 / 6.1.E and 10.6 	<ul style="list-style-type: none"> The lawfully established use of any existing building, structure, land or premises shall be considered nonconforming and may be continued. An existing use designated as a conditional use that existed prior to the adoption of this Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit shall be considered a non-conforming use. A structure for which a variance has been issued shall be considered a legal non-conforming structure and the requirements of this section shall apply. Non-conforming structures, other than non-conforming single-family residences that are expanded or enlarged, must obtain a variance or be brought into conformance with the Program. Any non-conforming development that is moved any distance must be moved to comply with the bulk and dimensions requirements of this 	<ul style="list-style-type: none"> Replacement of any non-conforming structures or buildings or portions thereof within the Aquatic or Priority Aquatic shoreline area shall comply with Program requirements for materials that come in contact with the water pursuant to Article 6. Expansion of existing single family residences is allowed without a conditional use permit or variance when special conditions are met. Single family residential development of up to 2,500 sq. ft. building footprint plus driveway and septic field is allowed on non-conforming lots without a conditional use permit as long as special conditions are met.

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		<p>Program.</p> <ul style="list-style-type: none"> • Non-conforming structures with conforming uses within commercial or mixed-use developments may be expanded or enlarged within the existing building footprint as a conditional use. • A nonconforming structure damaged or destroyed by fire, earthquake, explosion, etc. to an extent that is less than 75% of the values of the original structure may be restored or reconstructed in kind. If the damage exceeds 75% the structure must be relocated or reconstructed in a manner that conforms with the Program, if possible. If it's not possible to conform, the structure may be replaced in kind. • If a non-conforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2) year period, the non-conforming rights shall expire and any subsequent use shall be conforming. 	