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**PREPARED FOR: STEVENS COUNTY
AND THE CITY OF KETTLE FALLS, TOWN OF MARCUS, AND TOWN OF NORTHPORT**

Shoreline Master Program

Stevens County Partnership Shoreline Master Program Update

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SECTION I: Shoreline Goals and Policies (RCW 90.58.100)

1. Introduction

Stevens County, and the City of Kettle Falls, Town of Marcus, and Town of Northport have formed the Stevens County Partnership (Partnership) to update the Shoreline Master Program (SMP) to implement the requirements of the Washington State Shoreline Management Act (SMA), Revised Code of Washington (RCW 90.58) and the state SMP Rules (Chapter 173-26 Washington Administrative Code [WAC]; SMP Rule), and the Shoreline Management Permit and Enforcement Procedures (WAC 173-27). This regional SMP is tailored to the unique and varying geographic, economic, and particular land uses in each of the four jurisdictions in the Partnership.

The SMA was enacted in 1971 to provide for the management and protection of shorelines of the state by regulating development in the shoreline area. The goal of the SMA is, “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines” (RCW 90.58.020). The SMA requires cities, towns, and counties to adopt an SMP to regulate shoreline development and accommodate “all reasonable and appropriate uses” consistent with “protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...and public rights of navigation.” Stevens County’s current SMP was adopted in 1999. The City of Kettle Falls, Town of Marcus, and Town of Northport did not have SMPs prior to this date.

Washington State Department of Ecology (Ecology) approved the updated SMA Rule in 2003. The SMA and implementing SMP Rules require all towns, cities, and counties across the state to comprehensively update their SMPs. The Rule provides new requirements for environmental protections, including meeting no net loss of ecological functions, providing for public access, accounting for advancements in science and shoreline management practices, and establishing a clear relationship between the SMA and the Growth Management Act (GMA).

The updated version of the SMP provides goals, policies, and regulations for development within the Partnership’s shorelines consistent with the SMA and SMP Rules.

2. Relationship between Growth Management Act and Shoreline Management Act

- A. Consistency between GMA and SMA is required according to RCW 36.70A.480.
- B. An SMP contains goals, policies, regulations, and environment designation maps that guide shoreline development in accordance with SMA (RCW 90.58), Ecology SMA Rule (WAC 173-26), and Shoreline Management Permit and Enforcement Procedures (WAC 173-27).
- C. The Partnership’s SMP is integrated with local land use regulations in each of the Partnership jurisdictions. Consistent with RCW 36.70A.480, the goals and

1 policies contained in this SMP shall be considered an element of local
2 comprehensive plans required by the GMA.

3 D. The Inventory, Analysis, and Characterization Report; Restoration Plan;
4 Cumulative Impacts Analysis Report (which includes the “no net loss of
5 shoreline ecological functions” analysis findings); and Public Participation Plan
6 are supporting documents and are not adopted as part of this SMP or local
7 Comprehensive Land Use Plans.

8 E. The Inventory, Analysis, and Characterization Report establishes the baseline
9 against which the standard “no net loss of shoreline ecological functions” is
10 measured. The Restoration Plan identifies and prioritizes shoreline ecological
11 restoration opportunities that may be voluntarily undertaken independently or in
12 conjunction with mitigation for development impacts to improve shoreline
13 ecological functions over time.

14 **3. Profile of the Shoreline Jurisdiction within Stevens County**

15 The Washington State SMA defines the shoreline of the state as “all ‘shorelines’ and ‘shorelines
16 of statewide significance’ within the state” (RCW 90.58.030). The shoreline includes floodways,
17 land within 200 feet of the ordinary high-water mark (OHWM) of the waterways, floodplains up
18 to 200 feet from the floodway edge, and associated wetlands.

19 **3.1 Shoreline Jurisdiction Rivers and Lakes**

20 The Partnership’s SMP includes 15 streams and 40 lakes that are shorelines of the state,
21 including Shorelines of Statewide Significance. The Partnership’s waterbodies defined as
22 Shorelines of Statewide Significance are listed in Table 1, and other shorelines of the state are
23 listed in Tables 2 and 3.

24 **3.2 Shorelines of Statewide Significance**

25 Shorelines of Statewide Significance for east of the crest of the Cascades (RCW 90.58.030) are
26 those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of
27 1,000 acres or more measured at the OHWM; and streams or rivers (or segments of natural
28 streams) that have either: a mean annual flow of 200 cubic feet per second or more, or the
29 portion downstream from the first 300 square miles of drainage area. The Partnership’s SMP
30 includes five rivers and two lakes that are Shorelines of Statewide Significance and listed in
31 Table 1.

32 **Table 1. Shorelines of Statewide Significance: Rivers, Streams and Lakes**

Waterbody Name	Total Length or Acres of Shoreline
Big Sheep Creek	16 miles
Colville River	57.6 miles
Columbia River	108.6 miles

Waterbody Name	Total Length or Acres of Shoreline
Kettle River	33.6 miles
Spokane River ¹	59.3 miles
Deer Lake	1,146.3 acres
Loon Lake	1,086.0 acres

Note:

1. Includes Lake Spokane

Table 2. Shorelines of the State: Other Rivers and Streams

Stream Name	Total Length of Shoreline
Chamokane Creek	22.0 miles
Chewelah Creek	7.6 miles ¹
Deep Creek	13.5 miles
Deep Creek (North Fork)	7.5 miles
Deep Creek (South Fork)	8.9 miles
Little Pend Oreille River	23.6 miles
Little Sheep Creek	2.8 miles
Mill Creek	18.6 miles
Onion Creek	5.4 miles
Rocky Creek	0.14 miles

Note:

- 1 Includes the length of the North Fork Chewelah Creek

Table 3. Shorelines of the State: Lakes ¹

Lake Name	Acreege (acres)	Lake Name	Acreege (acres)
Bayley Lake	74.2	McCoy Lake	37.0
Beitey Lake	25.1	McDowell Lake	43.2
Black Lake	69.1	Mission Lake	22.0
Browns Lake	23.1	Mudgett Lake	24.9
Cedar Lake South	48.5	Nelson Lake	26.9
Cedar Lake North (Little Joe Lake)	33.1	Pepoon Lake	31.4
Clark Lake	24.6	Perkins Lake	20.2
Coffin Lake	20.6	Phalon Lake	24.7
Deep Lake	191.7	Pierre Lake	86.1
Dilly Lake	37.9	Ponderosa Lake	67.2
Echo Lakes	72.6 ²	Rocky Lake	20.2
Fourmile Lake (Rainbow Lake)	27.5	Ryan Lake	23.5

Lake Name	Acreage (acres)	Lake Name	Acreage (acres)
Gillette Lake	48.1	Sherry Lake	25.5
Grays Lake	31.4	Starvation Lake	26.6
Hatch Lake	34.7	Thomas Lake	160.9
Heritage Lake	68.6	Twin Lakes (Spruce Lake)	49.0
Horseshoe Lake	36.6	Waitts Lake	469.7
Jumpoff Jim Lake	26.2	White Mud Lake and Keogh Lake ⁴	165
Jumpoff Joe Lake	114.7	Williams Lake	34.3
Leo Lake	31.8 ³		

- 1 Notes:
2 1. Lake Spokane included as part of the Spokane River and listed in Table 1
3 2. Including associated wetlands
4 3. Approximately 5 acres of 31.8 acres are located in Stevens County
5 4. Listed together due to hydrologic connectivity
6

7 **4. Development of Goals and Policies**

8 Goals express broad value statements that reflect the Partnership’s vision of its shorelines. Goals
9 also provide a framework on which the more detailed SMP shoreline use environments, policies,
10 regulations, and administrative procedures are based in subsequent chapters. Policies are more
11 detailed statements reflecting the Partnership’s goals and visions for its shorelines. Policies
12 provide detail to the associated goals and act as a bridge between the goals and implementing
13 regulations.

14 The policies in the SMP state the underlying objectives the regulations in Section III are intended
15 to accomplish. The policies guide the interpretation and enforcement of the Partnership’s SMP
16 regulations. The policies are not regulations in themselves and, therefore, do not impose
17 requirements beyond those set forth in the regulations.

18 The SMP goals and policies are categorized according to the SMP elements required in the
19 SMA. The general goal and policy statements found within each SMP element provide the
20 policy basis for local program administration.

21 **4.1 Private Property Rights**

22 A. Goals

- 23 1. Recognize and protect private property rights consistent with the public
24 interest.

- 1 B. Policies
- 2 1. Shoreline uses should be located and designed to respect private
- 3 property rights and maintain the privacy of private property, and provide
- 4 for substantive and procedural due process.
- 5 2. Public access to shoreline should be designed and located to protect the
- 6 privacy of adjacent private property owners.

7 **4.2 Economic Development Element**

- 8 A. Goals
- 9 1. Support the retention and expansion of existing economic activities
- 10 while protecting the rural character of the County.
- 11 2. Develop, as an economic asset, the water-oriented tourism and
- 12 recreational industry that would enhance the public enjoyment of the
- 13 shoreline.
- 14 3. Promote economic growth that provides for the use of natural resources,
- 15 conserves open spaces, and maintains the environmental quality and
- 16 rural character that makes Stevens County and the cities and towns
- 17 preferred places to live and work.
- 18 4. Maintain and enhance natural resource-based industries within the
- 19 shorelines while maintaining environmental quality.
- 20 5. Development within shoreline jurisdiction should recognize the
- 21 economic values of the natural character of the shoreline.

- 22 B. Policies
- 23 1. Support natural resource uses and industries as a major economic
- 24 strength of the region. Existing agricultural activities per RCW 90.58
- 25 are exempt from the SMA and this SMP.
- 26 2. Encourage new water-dependent, water-related, and water-enjoyment
- 27 economic development.
- 28 3. Provide for healthy, orderly economic growth by providing for those
- 29 economic activities that will be an asset to the local economy and for
- 30 which the adverse effects on the quality of the shoreline environment
- 31 can be avoided or, where this is not possible, mitigated to achieve no net
- 32 loss of ecological functions.
- 33 4. Maintain and protect existing water-dependent and water-related uses
- 34 that support Stevens County’s economy. Provide opportunities for

- 1 future expansions of such industries. Examples include, but are not
2 limited to, ferries, recreational fisheries, and navigation.
- 3 5. Promote tourism and develop and maintain the recreation and tourism
4 industry along shorelines in a manner that will enhance public
5 enjoyment.
- 6 6. Encourage agencies to work with Stevens County to support economic
7 growth along the shoreline. Encourage cooperative use of existing
8 waterfront facilities where feasible and consistent with public safety.
- 9 7. Give preference to economic activities in undeveloped areas, which
10 either leave natural or existing shoreline features unmodified or modify
11 them in a way that enhances human awareness and appreciation of the
12 shoreline and other natural and non-natural surroundings.
- 13 8. Preference shall be given to mining uses that result in the creation,
14 restoration, or habitat enhancement.
- 15 9. Where possible, developments are encouraged to incorporate low-impact
16 development techniques into new development consistent with the
17 shoreline environment.
- 18 10. Support non-water-oriented commercial and recreational development
19 that also provides ecological restoration and public access as
20 appropriate.
- 21 11. Support new industrial, commercial, and agricultural uses resulting in no
22 net loss of shoreline ecological functions and that avoids impacts to
23 navigation or recreation.

24 **4.3 Public Access and Recreation Element**

25 A. Goals

- 26 1. Protect and, where practical, enhance public access along the shoreline,
27 especially on the publicly owned shorelines, consistent with the SMP
28 Public Access Plan. Increase the amount and diversity of public access
29 along the shoreline consistent with private property rights, public safety,
30 National Park Service, Forest Service, and National Wildlife Refuges’
31 requirements and the shoreline character.
- 32 2. Maintain existing recreational opportunities and encourage where
33 feasible additional water-oriented recreational opportunities.
- 34 3. Support water-oriented shoreline recreational development within public
35 lands on shoreline jurisdiction.

- 1 B. Policies
- 2 1. Preference shall be given first to recreational water-dependent uses, then
- 3 to recreational water-related uses and water-enjoyment uses.
- 4 2. Protect and enhance both physical and visual public access to shorelines
- 5 consistent with the SMP Public Access Plan.
- 6 3. Design public access to minimize potential impacts to private property
- 7 and individual privacy.
- 8 4. Locate, design, manage, and maintain public access and recreation
- 9 facilities consistent with the SMP Public Access Plan in a manner that
- 10 protects shoreline ecological functions and processes and the public’s
- 11 health and safety and does not impair or detract from the public’s access
- 12 to the water, as applicable.
- 13 5. Support development of opportunities for public access on publicly
- 14 owned shorelines as provided in the SMP Public Access Plan.
- 15 Encourage federal, state, and local governments to provide public access
- 16 and recreational uses on existing shoreline properties according to their
- 17 management policies and public preferences. Preserve, maintain, and,
- 18 where possible, enhance public access afforded by shoreline street ends,
- 19 public utilities, and rights-of-way.
- 20 6. Support the protection of historic public access points and maintain the
- 21 natural character of these areas.
- 22 7. Support physical and visual public or community access in association
- 23 with new multi-unit residential developments, including subdivisions
- 24 that create five or more parcels, consistent with the SMP Public Access
- 25 Plan.
- 26 8. Encourage a variety of compatible recreational experiences and
- 27 activities to satisfy diverse recreational needs.
- 28 9. Support the integration and linking of public recreation facilities with
- 29 water and walking trails, bicycle paths, easements, and scenic drives and
- 30 other public linear transportation systems, when feasible, to connect
- 31 waterbodies, roads, and trails.

4.4 Circulation (Transportation) Element

- 32 A. Goals
- 33 1. Develop safe, convenient, and multi-modal circulation (transportation)
- 34 systems, including ferry systems, that support efficient movement of
- 35

1 people, goods, and services, with minimal adverse impacts on the
2 shoreline environment.

3 B. Policies

- 4 1. Allow for safe, reasonable, and adequate road, trail, and water
5 circulation systems, including ferries, to shorelines where routes will
6 minimize adverse effects on unique or fragile shoreline features and
7 existing ecological systems, while contributing to the functional and
8 visual enhancement of the shoreline.
- 9 2. Allow for new roads, accessory parking areas, and other transportation
10 facilities to support shoreline-oriented uses where other locations outside
11 of shoreline jurisdiction are not feasible.
- 12 3. Locate land circulation systems that are not shoreline-oriented away
13 from the land-water interface to reduce interference with either natural
14 shoreline resources or other appropriate shoreline uses.
- 15 4. Allow for maintenance and improvements to existing ferry systems,
16 roads, and parking areas.
- 17 5. Encourage planning and development of a circulation network that is
18 compatible with the shoreline environment and respects and protects
19 private property rights, and ecological and aesthetic values in the
20 shoreline of the state.
- 21 6. Promote planning for pedestrian, bicycle, equestrian, and public
22 transportation (including ferries), along with other various watercraft
23 uses, where appropriate.
- 24 7. Encourage relocation or improvement of those circulation elements that
25 are functionally or aesthetically disruptive to the shoreline, public
26 waterfront access, and ecological functions.
- 27 8. Encourage low-impact parking facilities with gravel or permeable
28 pavements designed to avoid runoff and increase infiltration.

29 **4.5 Shoreline Uses and Modifications Element**

30 A. Goals

- 31 1. Encourage shoreline development that recognizes Stevens County’s
32 natural and cultural values, and the aesthetic qualities provided in
33 shoreline environments.
- 34 2. Provide for shoreline uses and modifications in a manner that achieves
35 no net loss of shoreline ecological functions and processes.

- 1 B. General Policies
- 2 1. Maintain areas within SMP jurisdiction with unique attributes for
- 3 existing and planned long-term uses.
- 4 2. Support proposed shoreline uses that are distributed, located, and
- 5 developed in a manner that maintains or improves the health, safety, and
- 6 welfare of the public in shoreline areas.
- 7 3. Support the location of activities and facilities to retain or improve
- 8 shoreline natural character and ecological function. Encourage new
- 9 developments to locate in areas already developed with similar uses that
- 10 are consistent with this SMP.
- 11 4. For Shorelines of Statewide Significance, protection and management
- 12 priorities are as follows:
- 13 a. Recognize and protect statewide interest over local interest
- 14 b. Preserve the natural character of the shorelines
- 15 c. Provide long-term over short-term benefits
- 16 d. Protect the resources and ecology of shorelines
- 17 e. Increase public access to publicly owned areas of shorelines
- 18 f. Increase recreational opportunities for the public in shoreline
- 19 areas
- 20 5. Support proposed shoreline uses that do not infringe upon private,
- 21 public, or tribal rights.
- 22 C. Shoreline Environment Designation Policies
- 23 1. Provide a comprehensive shoreline environment designation system to
- 24 categorize the Partnership’s shorelines into environments based on the
- 25 primary characteristics of shoreline areas to guide the use and
- 26 management of these areas.
- 27 D. Agriculture Policies
- 28 1. This SMP recognizes the cultural, economic, and historical importance
- 29 of agriculture to the Partnership and supports its continued viability.
- 30 This SMP exempts existing agricultural activities and supports
- 31 protecting agricultural lands from conflicting uses.
- 32 2. Conversion of agricultural lands to other uses should comply with all
- 33 policies and regulations for non-agricultural uses.

- 1 E. Aquaculture Policies
 - 2 1. Aquaculture is a preferred water-dependent use of the shoreline.
 - 3 Aquaculture operations should control pollution, avoid adverse impacts
 - 4 to the environment, preserve aquatic habitat, and not establish new, non-
 - 5 native species which could cause significant ecological impacts.
 - 6 2. Aquaculture should be prohibited in areas where it would significantly
 - 7 conflict with navigation or conflict with other water-dependent uses.

- 8 F. Boating Facilities Policies
 - 9 1. Locate and design boating facilities so their structures and operations
 - 10 will be compatible with the area’s environmental conditions, shoreline
 - 11 configuration, access, and neighboring upland and aquatic uses and will
 - 12 avoid adverse impacts to shoreline ecological function.
 - 13 2. Public boating facilities should provide physical and visual public
 - 14 shoreline access and provide for multiple water-oriented uses, to the
 - 15 extent compatible with shoreline ecological functions and processes and
 - 16 adjacent shoreline use.
 - 17 3. Location and design of boating facilities should not unduly obstruct
 - 18 navigable waters and should avoid adverse effects to recreational
 - 19 opportunities.

- 20 G. Breakwaters, Jetties, Groins, and Weirs Policies
 - 21 1. Breakwaters, jetties, groins, weirs, or other similar structures providing
 - 22 public safety or ecological restoration or other public benefits should
 - 23 avoid or minimize significant ecological impacts. Impacts that cannot
 - 24 be avoided should be minimized and mitigated.

- 25 H. Dredging and Dredge Material Placement Policies
 - 26 1. Dredging and dredge material placement should avoid and minimize
 - 27 significant ecological impacts. Impacts that cannot be avoided should
 - 28 be minimized and mitigated.
 - 29 2. Design and locate new shoreline development to minimize the need for
 - 30 dredging.
 - 31 3. Support planning and conducting of dredging activities to minimize
 - 32 interference with navigation and avoid adverse impacts to shoreland
 - 33 natural character and ecological functions.

- 1 I. Fill Policies
- 2 1. Fills waterward of the OHWM shall be prohibited except when
- 3 necessary to support:
- 4 a. Water-dependent use, public access, cleanup and disposal of
- 5 contaminated sediments as part of an interagency environmental
- 6 clean-up plan, and disposal of dredged material considered
- 7 suitable under, and conducted in accordance with, the dredged
- 8 material management program of the Department of Natural
- 9 Resources (DNR)
- 10 b. Expansion or alteration of transportation facilities of statewide
- 11 significance currently located on the shoreline and then only
- 12 upon a demonstration that alternatives to fill are not feasible
- 13 c. Mitigation action, environmental restoration, or enhancement
- 14 project
- 15 2. Fills waterward of the OHWM for any use except ecological restoration
- 16 should require a conditional use permit.
- 17 J. Forest Practices
- 18 1. When there is a likelihood of forested land being converted to non-forest
- 19 uses, support activities consistent with the Forest Practices Act that
- 20 maintain the ecological quality of hydrologic systems for watersheds in
- 21 the County.
- 22 K. Industrial Development Policies
- 23 1. Prioritize future industrial facilities that are dependent on a shoreline
- 24 location in areas where the shoreline is already characterized by
- 25 industrial development or planned for such uses.
- 26 2. Locate and design industrial developments in a manner that does not
- 27 have significant adverse impacts to other shoreline resources and values.
- 28 3. Discourage new non-water-oriented industrial development in the
- 29 shoreline environment.
- 30 L. In-stream Structures Policies
- 31 1. Locate, plan, and approve in-stream structures for the protection and
- 32 preservation, of ecosystem-wide processes, ecological functions, and
- 33 cultural resources including, but not limited to, fish and fish passage,
- 34 wildlife and water resources, shoreline critical areas, hydrogeological
- 35 processes, and natural scenic vistas. Give due consideration to the full

1 range of public interests, watershed functions and processes, and
2 environmental concerns, with special emphasis on protecting and
3 restoring priority habitats and species.

4 M. Mining Policies

5 1. New mining and associated activities should be located, designed, and
6 conducted to comply with the regulations of the environment
7 designation and the provisions applicable to critical areas where
8 relevant. Accordingly, meeting the no net loss of ecological function
9 standard shall include avoidance and mitigation of adverse impacts
10 during the course of mining operation and reclamation.

11 N. Piers, Docks, Buoys, Platforms and Other Types of Moorage Facility Policies

12 1. Piers and docks associated with a single-family residence should be
13 considered a water-dependent use. Piers and docks for water-related and
14 water-enjoyment uses or shared facilities for multi-family use should be
15 part of a mixed-use development or for providing public access.

16 2. New facilities, excluding docks accessory to single-family residences,
17 should demonstrate that a specific need exists to support the intended
18 water-dependent or public access use.

19 3. Shared moorage facilities are preferred over single-user moorage when
20 feasible.

21 4. Docks, piers, and mooring buoys should avoid locations where they will
22 adversely impact shoreline ecological functions or processes.

23 5. Facilities should be the minimum size necessary to meet the needs of the
24 proposed use. The length, width, and height of piers and docks should
25 be no greater than that required for safety and practicality for the
26 primary use.

27 6. Piers and docks should be constructed of materials that will not
28 adversely affect water quality or aquatic plants and animals in the long
29 term.

30 7. New pier and dock development should be designed so as not to
31 interfere with lawful public access to or use of shorelines.

32 O. Recreational Development Policies

33 1. Shoreline recreational development should be given priority related to
34 access to, enjoyment, and use of the water and shorelines of the state.

- 1 2. Recreational developments should facilitate appropriate use of shoreline
2 resources while conserving them.
- 3 P. Residential Development Policies
- 4 1. Make single-family residential development a priority use.
- 5 2. Design and locate residential development to protect ecological
6 functions and assure no net loss of shoreline ecological functions,
7 including specific regulations for setbacks and buffer areas, density,
8 shoreline armoring, vegetation conservation requirements, and, where
9 applicable, on-site sewage system standards.
- 10 3. The overall density of development, lot coverage, and height of
11 structures should be appropriate to the physical capabilities of the site
12 and consistent with local comprehensive plans and development
13 regulations.
- 14 4. New residential development should preserve shoreline aesthetic
15 characteristics, protect the privacy of nearby residences, and minimize
16 use conflicts.
- 17 5. Residential development, including floating homes, over water shall be
18 prohibited.
- 19 6. Design and locate new residences so shoreline stabilization will not be
20 necessary to protect structures and associated developments. Planning
21 for new residential lots should demonstrate the lots can be developed
22 without the following results:
- 23 a. Constructing shoreline stabilization structures
- 24 b. Causing significant erosion or slope instability
- 25 Q. Shoreline Habitat and Natural Systems Enhancement Projects Policies
- 26 1. Encourage implementation of projects, actions, and programs included
27 in the SMP Shoreline Restoration Plan.
- 28 R. Shoreline Stabilization Policies
- 29 1. Locate and design new development, including subdivisions, to avoid
30 potential future impingement on channel migration zones (CMZs) and
31 floodways to reduce the need for new shoreline modification or
32 stabilization.

- 1 2. Design, locate, size, and construct new or replacement structural
2 shoreline stabilization measures to minimize and mitigate the impact on
3 shorelines.

- 4 3. Give preference to non-structural shoreline stabilization measures over
5 structural shoreline stabilization, and give preference to soft
6 structural/biotechnical shoreline stabilization design approaches over
7 hard/fixed structural shoreline stabilization, recognizing there are
8 situations where hard engineering solutions are the only effective and
9 economically feasible solutions.

- 10 4. Allow location, design, and construction of riprap and other bank
11 stabilization measures primarily to prevent damage to existing
12 development and land uses, and to protect the health, safety, and welfare
13 of residents.

- 14 S. Utilities Policies

- 15 1. Allow for utility maintenance and extensions with vegetation restoration
16 as appropriate.

- 17 2. Plan, design, and locate new utility facilities to avoid or minimize harm
18 to shoreline ecological functions, preserve the natural landscape, and
19 minimize conflicts with present and future planned land and shoreline
20 uses while meeting the needs of future populations in areas planned to
21 accommodate growth.

- 22 3. Non-water-oriented utility facilities and expansion of existing facilities
23 are prohibited in shoreline jurisdiction unless no other practical and
24 feasible upland alternatives or locations exist. Such facilities and
25 expansions should be designed and located to avoid or minimize impacts
26 to shoreline ecological functions.

- 27 4. Locate utility transmission facilities for the conveyance of services
28 outside of shoreline jurisdiction where possible. When located within
29 shoreline jurisdiction, such facilities should be within existing road
30 crossings and rights-of-way and avoid or minimize potential adverse
31 impacts on shoreline areas. Joint use of rights-of-way and corridors in
32 shoreline areas should be encouraged.

- 33 5. Design utility facilities and rights-of-way to preserve the natural
34 landscape and to avoid or minimize conflicts with present and planned
35 land uses.

- 36 T. Existing Uses and Structures Policies

- 37 1. Allow nonconforming, existing legal uses and structures to continue in
38 accordance with this SMP. Residential structures and appurtenant

1 structures, excluding bulkheads, other shoreline modifications, or
2 overwater structures, that were legally established and are used for a
3 conforming use but do not meet standards for setbacks, buffers, yards,
4 area, bulk, height, or density are considered conforming structures.

5 2. Allow redevelopment, expansion, change with the class of occupancy, or
6 replacement of the residential structure if it is consistent with the SMP,
7 and in the case of nonconforming structures, do not increase the level of
8 nonconformity.

9 3. Allow alterations of nonconforming structures, uses, and lots in
10 consideration of historic development patterns when occupied by
11 preferred uses and consistent with public safety and other public
12 purposes.

13 4. Encourage transitions from nonconforming uses to conforming uses.

14 5. Allow for existing roads, driveways, and utility lines to continue and
15 expand when they do not increase the nonconformity.

16 **4.6 Conservation Element**

17 A. Goals

18 1. Protect the natural shoreland ecosystems and ecological functions and
19 scenic and recreational values of the Partnership’s shorelines.

20 B. Policies

21 1. Preserve, protect, and manage existing ecosystems, ecosystem functions,
22 and other critical areas and shoreland functions.

23 2. Protect shoreline processes and ecological functions through
24 nonregulatory and regulatory means and encourage ecologically-sound
25 design and Natural Resources Conservation Service (NRCS) and other
26 applicable best management practices (BMPs).

27 3. Encourage agencies and private parties to work with the County to deal
28 effectively with regional and watershed-wide natural environment issues
29 to protect and preserve shorelands and fish and wildlife habitats.

30 4. Manage development to reduce risk and damage to property and loss of
31 life from flooding potential (within the SMP area of the 100-year
32 floodplain), landslides, channel avulsion, frequent and periodic
33 movement of woody debris, and similar natural events and processes.

- 1 5. Encourage the removal of noxious and invasive species. Support
2 measures that maintain no net loss of ecological functions for plant
3 communities, or enhance these functions.

- 4 6. Support restoration of areas that are biologically degraded while
5 maintaining appropriate uses of the shoreline.

- 6 7. Preserve natural resources to provide scenic vistas, aesthetics, and vital
7 areas for fish and wildlife protection.

8 C. Critical Area Goals

- 9 1. Protect functions and values for naturally occurring wetlands, critical
10 aquifer recharge areas, geologically hazardous areas, frequently flooded
11 areas, and fish and wildlife habitat conservation areas that exist in
12 shoreline jurisdiction, consistent with County, City, and Town
13 Comprehensive Plans.

14 D. Critical Areas Policies

- 15 1. Recognize that critical areas may serve a variety of vital functions,
16 including, but not limited to, flood storage and conveyance, water
17 quality protection, recharge and discharge areas for groundwater,
18 erosion control, sediment control, fish and wildlife habitat, recreation,
19 education, and scientific research.

- 20 2. Protect existing ecological functions and ecosystem-wide processes and
21 restoration of degraded ecological functions and ecosystem-wide
22 processes within critical areas.

- 23 3. Promote human uses and values that are compatible with the other SMP
24 purposes, such as public access and aesthetic values, provided that
25 impacts to ecological functions are first avoided, and any unavoidable
26 impacts are mitigated.

27 **4.7 Historic, Cultural, Scientific, and Educational Resources Element**

28 A. Goals

- 29 1. Conserve and protect historical, cultural, and archaeological resources
30 found to be significant by recognized local, state, or federal processes.

- 31 2. Encourage educational and scientific projects and programs that foster a
32 greater appreciation for the importance of local historic connections with
33 the Partnership’s shoreline, while protecting private property rights.

- 1 B. Policies
- 2 1. Support efforts to identify, protect, preserve, and restore important
- 3 archeological, historic, and cultural sites located in shoreline areas.
- 4 2. Public or private uses and activities should avoid damaging, altering,
- 5 removing, or destroying any site having historic, cultural, scientific, or
- 6 educational value, as identified by the appropriate authorities, including
- 7 affected Indian tribes and the Department of Archaeology and Historic
- 8 Preservation.

9 **4.8 Flood Hazard Management Element**

- 10 A. Goals
- 11 1. Prevent and minimize flood damages.
- 12 B. Policies
- 13 1. Protect public safety within river and creek floodways and floodplains,
- 14 and protect natural systems by preserving the flood storage and channel
- 15 migration functions of floodplains.
- 16 2. Prevent potential hazards that may be caused by development in areas
- 17 where severe and costly flooding is anticipated to occur in floodways
- 18 and floodplains.
- 19 3. Manage development proposed within floodplains and floodways
- 20 consistent with flood protection standards and regulations.
- 21 4. Encourage agencies to work with the County, cities, and towns to deal
- 22 effectively with regional flooding issues.
- 23 5. Control stormwater runoff in a manner consistent with low-impact
- 24 development practices, which utilize natural detention, retention, and
- 25 recharge techniques.

SECTION II: Environment Designation

12.00.010 Environment Designations

A. The Partnership has designated shorelines pursuant to RCW 90.58 by defining them, providing criteria for their identification, and establishing shoreline ecological functions to be protected. This SMP classifies local shoreline into nine shoreline environment designations consistent with the purpose and designation criteria as follows:

- 1. Aquatic
- 2. Natural
- 3. Conservancy
- 4. Recreation Conservancy
- 5. Recreation
- 6. Rural
- 7. High Intensity
- 8. Shoreline Residential
- 9. Shoreline Residential – Low Intensity

B. Through the environment designation process, the Partnership has considered upland and in-water uses, water quality, navigation, presence of aquatic vegetation and critical habitats, aesthetics, public access, and views.

C. Official Shoreline Maps

- 1. Shoreline Area Designations are delineated on a map, hereby incorporated as a part of this SMP (03.10.780), that shall be known as the Official Shoreline Map. Maps indicating the extent of shoreline jurisdiction and shoreline designations are to be used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed.

D. Unmapped or Undesignated Shorelines

- 1. All areas meeting the definition of a shoreline of the state or shorelines of statewide significance, whether mapped or not, are subject to the provisions of this SMP.

- 1 E. Interpretation of Environment Designation Boundaries
- 2 1. Whenever existing physical features are inconsistent with boundaries on
- 3 the Official Shoreline Map, the Shoreline Administrator shall interpret
- 4 the boundaries. Appeals of such interpretations may be filed pursuant to
- 5 SMP 12.10.720, Appeals.
- 6 2. All shoreline areas waterward of the OHWM shall be designated
- 7 Aquatic.
- 8 3. Only one shoreline area designation shall apply to a given shoreland
- 9 area. In the case of parallel designations, designations shall be divided
- 10 along an identified linear feature. Such linear features shall be clearly
- 11 noted in the metadata associated with the Official Shoreline Map.
- 12 4. All areas within shorelines that are not mapped and/or designated are
- 13 automatically assigned a “Rural” designation in the unincorporated area
- 14 of the County and “Conservancy” in incorporated areas.
- 15 **12.00.020 Aquatic**
- 16 A. Purpose
- 17 1. The purpose of the Aquatic shoreline designation is to protect and
- 18 manage the unique characteristics and resources of the areas waterward
- 19 of the OHWM.
- 20 B. Designation Criteria
- 21 1. An Aquatic environment designation is assigned to lands and waters
- 22 waterward of the OHWM.
- 23 C. Management Policies
- 24 1. Approve new overwater structures only for water-dependent uses, public
- 25 access, recreation, or ecological restoration.
- 26 2. Approve in-water uses where impacts can be avoided or unavoidable
- 27 impacts minimized or mitigated to ensure no net loss of shoreline
- 28 ecological functions.
- 29 3. On navigable waters or their beds, all uses and developments should be
- 30 located and designed to:
- 31 a. Minimize interference with surface navigation
- 32 b. Consider impacts to public views; and

- 1 c. Allow for the safe, unobstructed passage of fish and wildlife,
2 particularly species dependent on migration.
- 3 4. Multiple or shared use of overwater and water-access facilities should be
4 encouraged to reduce the impacts of shoreline development and increase
5 effective use of water resources.
- 6 5. Structures should be related in size, form, design, and intensity of use to
7 those in the immediately adjacent upland area, as applicable. The size of
8 new overwater structures should be limited to the minimum necessary to
9 support the structure’s intended use.

10 **12.00.030 Natural**

11 A. Purpose

- 12 1. The purpose of the Natural environment designation is to protect those
13 shoreline areas that are relatively free of human influence or that include
14 intact or minimally degraded shoreline ecological functions less tolerant
15 of human use. Only low-intensity uses should occur in these systems in
16 order to maintain the ecological functions and ecosystem-wide
17 processes. Consistent with the policies of the designation, restoration of
18 degraded shorelines within this environment is appropriate.

19 B. Designation Criteria

- 20 1. Use one or more of the following criteria when applying a Natural
21 environment designation:
 - 22 a. The shoreline includes undisturbed portions of intact shoreline
23 habitats currently performing an important, irreplaceable
24 function or ecosystem-wide process that would be damaged by
25 high intensity development.
 - 26 b. The shoreline contains little or no development, or is planned for
27 development that would have minimal adverse impacts to
28 ecological functions or risk to human safety.
 - 29 c. The shoreline has a high potential for low-impact or passive or
30 public recreation.
 - 31 d. The shoreline is considered to represent ecosystems and geologic
32 types that have high scientific and educational value.

33 C. Management Policies

- 34 1. Any use that would substantially degrade shoreline ecological functions
35 or deplete physical or biological resources is prohibited.

- 1 2. Limit fill, except where associated with another use.
- 2 3. Scientific, historical, cultural, educational research, and low-impact,
- 3 passive recreational uses are anticipated.
- 4 4. Provide for single-family residential development as a conditional use if
- 5 the density and intensity of such use is limited as necessary to protect
- 6 ecological functions and is consistent with the purpose of the
- 7 environment.
- 8 5. New agricultural uses may be consistent with the natural environment
- 9 when such use is subject to appropriate limitations or conditions to
- 10 ensure consistency with the purpose of the designation.
- 11 6. New development or significant vegetation removal that would reduce
- 12 the capability of vegetation to perform normal ecological functions is
- 13 prohibited. The subdivision of property in a configuration that will
- 14 require significant vegetation removal or shoreline modification that
- 15 adversely impacts ecological functions is prohibited.
- 16 7. Approve only physical alterations that serve to protect a significant or
- 17 unique physical, biological, or visual shoreline feature that might
- 18 otherwise be degraded or destroyed, or those alterations that are the
- 19 minimum necessary to support a primary use.

20 **12.00.040 Conservancy**

21 A. Purpose

- 22 1. The purpose of the Conservancy environment designation is to protect
- 23 shoreline ecological functions; restrict intensive development along
- 24 undeveloped spaces; and conserve existing natural-resource-based uses
- 25 and valuable historic and cultural areas in order to provide for sustained
- 26 resource use, achieve natural floodplain processes where applicable, and
- 27 provide recreational opportunities.

28 B. Designation Criteria

- 29 1. Use one or more of the following criteria when applying a Conservancy
- 30 environment designation:
 - 31 a. The property could be in a conservancy ownership or under
 - 32 covenant, easement, or a conservation tax program.
 - 33 b. The shoreline is supporting human uses but subject to
 - 34 environmental limitations, including but not limited to properties
 - 35 with or adjacent to steep banks, feeder bluffs, or floodplains or
 - 36 other flood-prone areas.

1 c. The shoreline has limited existing, low-intensity development,
2 and future development is also expected to be limited.

3 d. The shoreline could have high scientific or educational value or
4 unique historic or cultural resources value.

5 C. Management Policies

6 1. New shoreline uses should be limited to those that sustain the shoreline
7 area’s physical and biological resources and do not degrade shoreline
8 ecological functions.

9 2. Water-dependent, water-related, and water-oriented recreation facilities
10 that do not deplete the resource over time are preferred uses. Impacts
11 shall be avoided if technically possible or otherwise minimized and
12 mitigated.

13 3. Commercial and industrial uses other than new low-intensity agricultural
14 practices and commercial forestry shall be discouraged.

15 4. New shoreline stabilization, flood-control measures, vegetation removal,
16 and other shoreline modifications should be designed and managed
17 consistent with these guidelines to ensure the natural shoreline functions
18 are protected.

19 **12.00.050 Recreation Conservancy**

20 A. Purpose

21 1. The purpose of the Recreation Conservancy environment designation is to:

22 a. Provide continued and enhanced recreational opportunities while
23 protecting shoreline ecological functions.

24 b. Conserve existing natural resources and valuable historical and
25 cultural areas in order to provide for sustained resource use, and
26 achieve natural floodplain processes where applicable.

27 B. Designation Criteria

28 1. The following criteria are used to consider a Recreation Conservancy
29 environment designation:

30 a. The shoreline is typically publicly owned and provides aquatic
31 habitat and water supply benefits;

- 1 b. The shoreline has moderate to high ecological function with
- 2 moderate to high opportunity for preservation and low to
- 3 moderate opportunity for restoration;

- 4 c. The shoreline is not highly developed and most development is
- 5 low-intensity recreation-related;

- 6 d. The shoreline has existing or moderate to high potential for
- 7 public, water-oriented recreation where ecological functions can
- 8 be maintained or restored. For Lake Roosevelt, Recreation
- 9 Conservancy are shorelines designated as Dispersed Recreation
- 10 Zones in the Lake Roosevelt National Recreation Area Plans;

- 11 e. The shoreline has high scientific or educational value or unique
- 12 historical or cultural resources value.

13 C. Management Policies

- 14 1. Uses in the Recreation Conservancy should be low-intensity recreational
- 15 uses that sustain the shoreline area's physical and biological resources
- 16 and do not substantially degrade shoreline ecological functions.

- 17 2. Provide setbacks from the shoreline, promote vegetation conservation
- 18 and invasive species control/removal and replacement, reduce the need
- 19 for shoreline stabilization, and support no net loss of shoreline
- 20 ecological functions.

- 21 3. Water-dependent and water-enjoyment recreation facilities that do not
- 22 deplete the resource over time are preferred uses, provided significant
- 23 adverse impacts to the shoreline are avoided and unavoidable impacts
- 24 are mitigated.

- 25 4. Developments and uses that would substantially degrade or permanently
- 26 deplete the biological resources of the area are prohibited.

- 27 5. New shoreline stabilization, flood-control measures, vegetation removal,
- 28 and other shoreline modifications should be designed and managed
- 29 consistent with these guidelines to ensure the natural shoreline functions
- 30 are protected. Such shoreline modification should not be inconsistent
- 31 with planning provisions for restoration of shoreline ecological
- 32 functions.

33 **12.00.060 Recreation**

34 A. Purpose

- 35 1. The purpose of the Recreation environment designation is to provide for
- 36 water-oriented recreational uses with some commercial uses and

1 residential mixed-uses to support recreational uses while protecting
2 existing ecological functions.

3 B. Designation Criteria

4 1. The following criteria are used to consider a Recreation environment
5 designation:

- 6 a. The shoreline has low to moderate ecological function with low
7 to moderate opportunity for restoration.
- 8 b. The shoreline is highly developed, and most development is
9 recreation-related with potential for additional recreation and
10 recreation-related commerce or is suitable or planned for
11 water-oriented uses.
- 12 c. For the Lake Roosevelt National Recreation Area, shoreline is
13 designated Concentrated Recreation or Developed Recreation
14 Zone in the Lake Roosevelt National Recreation Area Plans.
- 15 d. The shoreline has existing recreation uses or moderate to high
16 potential for public and private water-oriented recreation.
- 17 e. The shoreline has limited scientific or educational value or
18 unique historic or cultural resources values.

19 C. Management Policies

- 20 1. For uses in the Recreation environment, first priority should be given to
21 water-dependent recreational uses. Second priority should be given to
22 water-related and water-enjoyment recreational uses, including
23 commercial uses. Non-water-oriented uses should be limited to mixed-
24 use developments with a recreation focus.
- 25 2. Recreational objectives should be enhanced by combining physical and
26 visual public access opportunities with other recreational opportunities
27 where feasible.

28 **12.00.070 Rural**

29 A. Purpose

- 30 1. The purpose of the Rural environment designation is to protect and
31 conserve existing natural and resource-based uses, privately owned large
32 parcels, and lands in public ownership; and protect shoreline ecological
33 functions and valuable historic and cultural areas to provide for
34 sustained resource use, maintenance of natural processes, and
35 recreational opportunities. Designated areas provide for low-intensity

1 and higher intensity recreational uses, natural-resource-based uses,
2 development in support of agricultural uses, and larger lot residential
3 development.

4 B. Designation Criteria

5 1. Apply the following criteria for a Rural environment designation:

6 a. The shoreline is located outside of incorporated municipalities.

7 b. The shoreline is not highly developed and most development is
8 agriculture, rangeland, or low-density residential; or the land is
9 used for other resources uses such as timber management and
10 harvest.

11 c. The shoreline has riparian vegetation providing ecological
12 functions in many places.

13 d. The shoreline has low to moderate potential for public,
14 water-oriented recreation where ecological functions can be
15 maintained or restored.

16 e. Shoreline includes larger parcels with several hundred feet or
17 more of contiguous shoreline.

18 C. Management Policies

19 1. New shoreline uses and modifications should sustain the shoreline area’s
20 physical and biological resources and not substantially degrade shoreline
21 ecological functions.

22 2. New development shall preserve the existing character of the shoreline
23 consistent with the purpose of this designation.

24 3. Residential development, along with water-oriented and natural resource
25 uses, that conserve natural resources are preferred uses, provided that
26 significant adverse impacts to the shoreline are avoided or otherwise
27 mitigated.

28 **12.00.080 High Intensity**

29 A. Purpose

30 1. The purpose of the High Intensity environment designation is to provide
31 for water-dependent public and private commercial, transportation and
32 mixed uses. The preferred use emphasis is on water-dependent or
33 water-oriented commerce. This environment may also provide for
34 recreation, while protecting existing ecological functions.

1 B. Designation Criteria

2 1. Apply the following criteria for a High Intensity environment
3 designation:

4 a. The shoreline has low ecological function with low opportunity
5 for ecological enhancement or rehabilitation.

6 b. The shoreline is highly developed, and most development is
7 related to public utility, infrastructure, navigation, industry, or
8 commerce with potential for additional related development and
9 facility rehabilitation or other modifications.

10 c. The uses depend on proximity to water.

11 d. The shoreline has limited or no unique historic or cultural
12 resources values.

13 C. Management Policies

14 1. For uses in the High Intensity environment, first priority should be given
15 to water-dependent commercial or public facility uses. Second priority
16 should be given to water-related and water-enjoyment uses that are not
17 in conflict with the surrounding commercial uses. Approve
18 non-water-oriented uses when part of commercial or public facility
19 operational needs.

20 2. Policies and regulations shall ensure no net loss of shoreline ecological
21 functions as a result of redevelopment, facility upgrades, and new
22 development.

23 3. Where feasible and appropriate, visual and physical public access
24 provisions may be included as consistent with SMP 12.10.160 Public
25 Access.

26 4. Aesthetic objectives should be implemented through development siting,
27 screening, maintenance of natural vegetative buffers, or other similar
28 measures.

29 **12.00.090 Shoreline Residential**

30 A. Purpose

31 1. The purpose of the Shoreline Residential environment designation is to
32 accommodate primarily residential development and appurtenant
33 structures but also to allow other types of development consistent with
34 this section. An additional purpose is to provide appropriate public
35 access and recreational uses.

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B. Designation Criteria

- 1. Assign a Shoreline Residential environment designation to shoreline areas where:
 - a. The shoreline has low to moderate ecological function with low to moderate opportunity for restoration.
 - b. The shoreline contains improved and unimproved residential areas at urban densities in Urban Growth Areas (UGAs) or in clusters in rural settings. Shoreline includes areas historically platted or developed as medium- and high-density residential uses including Limited Areas of More Intensive Rural Development, or areas in the UGAs that could be developed as higher density residential redevelopment. Shoreline typically consists of smaller parcels with narrow shoreline frontage width.
 - c. The shoreline has low to moderate potential for low-impact, passive, or active water-oriented recreation where ecological functions can be maintained.

C. Management Policies

- 1. Ensure no net loss of shoreline ecological functions as a result of new development.
- 2. Provide adequate setbacks from the shoreline, promote vegetation conservation, reduce the need for shoreline stabilization, and maintain water quality.
- 3. Public access and joint (rather than individual) use of recreational facilities should be promoted.
- 4. Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible and be the minimum necessary to adequately serve existing needs and planned future development.
- 5. Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
- 6. Commercial development separate from home-based small businesses should be limited to water-oriented uses. Approve non-water-oriented commercial uses when part of mixed-use developments.

1 **12.00.100 Shoreline Residential – Low Intensity**

2 A. Purpose

3 1. The purpose of the Shoreline Residential – Low Intensity designation is
4 to accommodate residential development in areas planned for low-
5 density residential land use, while protecting ecological functions. An
6 additional purpose is to provide appropriate public access and
7 recreational uses.

8 B. Designation Criteria

9 1. Assign a Shoreline Residential – Low Intensity environment designation
10 to shoreline areas where:

11 a. The shoreline has moderate to high ecological function with low
12 to moderate opportunity for restoration and provides opportunity
13 for development that is compatible with ecological
14 protection/restoration.

15 b. The shoreline is mostly outside of UGAs or limited areas of
16 more intensive rural development and currently have limited
17 development.

18 c. The shoreline is historically platted or developed as low-density
19 residential use and existing comprehensive plan also supports
20 future low-intensity development.

21 d. Parcels are typically larger than those in the Shoreline
22 Residential environment, with varying widths of shoreline
23 frontage, and often in proximity to existing developed and
24 designated Shoreline Residential areas, and often in areas
25 transitioning from higher to lower densities of development.

26 e. The shoreline may support public passive or active water-
27 oriented recreation with opportunity for ecological functions
28 restoration.

29 C. Management Policies

30 1. Ensure no net loss of shoreline ecological functions as a result of new
31 development by providing adequate setbacks from the shoreline,
32 promoting vegetation conservation, reducing the need for shoreline
33 stabilization, and maintaining water quality.

34 2. The scale and density of new uses and development should be
35 compatible with sustaining shoreline ecological functions and processes.

- 1 3. Multi-lot residential development should provide public access and joint
2 use for community recreational facilities, as applicable.

- 3 4. Access, utility, and public services to serve proposed development
4 within shorelines should be constructed outside shorelines to the extent
5 feasible and be the minimum necessary to adequately serve existing
6 needs and planned future development.

- 7

SECTION III: Shoreline Regulations

Article I. Authority and Purpose

12.10.010 Authority

A. The SMA of 1971, RCW 90.58, is the authority for the enactment and administration of this SMP.

12.10.020 Applicability

A. This SMP shall apply to all the shorelands, aquatic lands, and critical areas determined to be within shoreline jurisdiction.

B. All regulated uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of RCW 90.58, the SMA, and this SMP, whether or not a permit or other form of authorization is required.

C. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of RCW 90.58. This SMP shall apply to all non-federal developments and uses undertaken on federal lands and on lands subject to non-federal ownership, lease, or easement, even though such lands may fall within the external boundaries of federal ownership.

D. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Native American tribes.

E. Maps indicating the extent of shoreline jurisdiction areas and shoreline designations are for guidance only. They are to be used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state, including shorelines of statewide significance, whether mapped or not, are subject to the provisions of this SMP.

12.10.030 Purpose

- A. The purposes of this SMP are as follows:
 - 1. To promote the public health, safety, and general welfare by providing comprehensive policies and effective, reasonable regulations for development, use, and protection of jurisdictional shorelands.
 - 2. To further assume and carry out the local government responsibilities established by the SMA in RCW 90.58.050 for planning and administering the regulatory program consistent with the preferred uses, policies, and provisions of the SMA in RCW 90.58.020.

1 **12.10.050 Liberal Construction**

2 A. As provided in RCW 90.58.900, SMA is exempted from the rule of strict
3 construction, and it shall be liberally construed to give full effect to the
4 objectives and purposes for which it was enacted.

5 **12.10.060 Severability**

6 A. Should any Section or provision of this SMP be declared invalid, such decision
7 shall not affect the validity of this SMP as a whole.

8 **12.10.070 Effective Date**

9 A. This SMP and all amendments thereto shall become effective 14 days after final
10 SMP approval and adoption by Ecology.

Article II. General Regulations

12.10.100 Shoreline Use and Modification

A. Shoreline Exemptions – Administrative Review

1. An exemption from the Shoreline Substantial Development Permit (SSDP) process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements.
2. The Shoreline Administrator shall exempt from the SSDP requirement the shoreline developments listed in SMP 12.10.670 (D) and summarized in Table 12.10.100 (A). The entirety of SMP 12.10.670 shall be referred to for specific exemption intent and criteria.

Table 12.10.100 (A). Shoreline Exemptions Summary Table¹

SMP 12.10.670 (D)	Use or Modification Exempt from requirement for an SSDP	Criteria ¹
(1)	Fair Market Value of Development is less than current RCW formula-designated amount as determined by State Office of Financial Management (2018 value is \$7,047) ²	<ul style="list-style-type: none"> • Development does not materially interfere with the normal public use of the water or shorelines of the state
(2)	Normal Maintenance and Repair	<ul style="list-style-type: none"> • Applies to existing structures or developments and maintenance and repair of damage by accident, fire, or elements • Normal maintenance includes those usual acts to <i>prevent</i> a decline, lapse, or cessation from a legally established condition • Normal repair means to restore and replace a structure or development to a state comparable to its original size, shape, configuration, and external appearance • Further replacement exemption criteria per SMP 12.10.670 (D)(2)
(3)	Bulkheads to protect single-family residences	<p>A normal protective bulkhead is exempt only if:</p> <ul style="list-style-type: none"> • It is installed at or near the ordinary high-water mark, and • It is for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion

SMP 12.10.670 (D)	Use or Modification Exempt from requirement for an SSDP	Criteria ¹
(4)	Emergency construction	<ul style="list-style-type: none"> • An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this SMP • Emergency construction does not include development of new permanent protective structures where none previously existed • New protective structures that are not removed upon abatement of emergency situation shall require a permit
(5)	Construction and practices normal or necessary for agricultural activities	<ul style="list-style-type: none"> • Includes farming, irrigation, and ranching activities • Includes agricultural service roads, utilities, and construction and maintenance of irrigation structures • Excludes feedlots
(6)	Construction or modification of navigational aids	<ul style="list-style-type: none"> • Includes channel markers and anchor buoys • Excludes moorage structures including but not limited to buoys or dolphins that are not considered “navigational aids” and would require a SSDP
(7)	Single-family residence	<ul style="list-style-type: none"> • Includes appurtenances⁴ connected to single-family residence • Construction meets development standards criteria (Table 12.10.110 (B)) • Construction is located landward of OHWM
(8)	Docks for pleasure crafts	<ul style="list-style-type: none"> • Includes construction of a single family or community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences; and • The fair market value of the dock does not exceed values as determined by State Office of Financial Management²: <ul style="list-style-type: none"> ○ \$10,000 (2018 value) for new docks; or ○ \$20,000 (2018 value) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced • Excludes decks
(9)	Operation, maintenance, repair, or construction of facilities created or developed as a part of an irrigation system	<ul style="list-style-type: none"> • Includes canals, waterways, drains, reservoirs, and other facilities existing, created, or developed as part of an irrigation system to make use of system waters • Includes return flow and artificially stored groundwater from irrigation lands
(10)	Marking property lines	<ul style="list-style-type: none"> • Applies to state-owned lands for markings that do not significantly interfere with normal public use of the surface of the water

SMP 12.10.670 (D)	Use or Modification Exempt from requirement for an SSDP	Criteria ¹
(11)	Operation and maintenance of agricultural drainage or diking systems	<ul style="list-style-type: none"> Applies to existing and future system of dikes, drains, or other facilities existing on September 8, 1975, used primarily as a part of an agricultural drainage or diking system
(12)	Governor certified projects	<ul style="list-style-type: none"> Applies to energy facilities pursuant to RCW 80.50
(13)	Site exploration	<ul style="list-style-type: none"> Includes activities for exploration and investigation that are prerequisites to preparation of an application for shoreline development, provided the criteria per SMP 12.10.670 (D)(13) are met
(14) (15) (16) (17)	Environmental projects	<ul style="list-style-type: none"> Aquatic noxious weeds management, per SMP 12.10.670 (D)(14) Watershed restoration projects, per SMP 12.10.670 (D)(15) Fish and wildlife habitat improvements, per SMP 12.10.670 (D)(16) Hazardous and toxic cleanups, per SMP 12.10.670 (D)(17)
(18)	Americans with Disabilities Act	<ul style="list-style-type: none"> The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.
(19)	Forest Practices	<ul style="list-style-type: none"> Applies to forest practices regulated under RCW 76.09 Excludes conversion to non-forest land uses

- 1 Notes:
- 2 1. SMP 12.10.670 (D) shall be referred to for specific and detailed criteria.
- 3 2. Total cost or fair market value is periodically adjusted as determined by State Office of Financial Management
- 4 consistent with RCW 90.58.030 (2)(c). See the Shoreline Administrator for the latest applicable value.
- 5 3. Lands for growing crops or vegetation for livestock feeding and/or grazing, or normal livestock wintering
- 6 operations are not considered feedlots.
- 7 4. Single-family appurtenances must be connected to the use and enjoyment of a single-family residence.
- 8

9 B. Regulations

- 10 1. Table 12.10.100 (C) indicates which shoreline activities, uses,
- 11 developments, and modifications require a SSDP, a shoreline
- 12 exemption, a conditional use permit or are prohibited in shoreline
- 13 jurisdiction within each shoreline environment designation. Activities,
- 14 uses, developments, and modifications are classified as follows:
- 15 a. “SSDP” require a Shoreline Substantial Development Permit.

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Table 12.10.100 (C). Shoreline Use and Modification Matrix

Abbreviations SSDP = Shoreline Substantial Development Permit CUP = Conditional Use Permit X = Prohibited LOE = Letter of Exemption N/A = Not Applicable									
Use/Modification	Aquatic	Natural	Conservancy	Rural	Recreation Conservancy	Recreation	High Intensity	Shoreline Residential	Shoreline Residential – Low Intensity
Boating Facilities									
Boat launch (motorized boats)	SSDP	X	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Boat launch (non-motorized boats—canoe/kayak)	SSDP	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Marina	SSDP	X	X	CUP	CUP	SSDP	SSDP	CUP	CUP
Piers, Docks, Buoys, Platforms and Other Types of Moorage Facilities									
Private and shared facilities ¹	SSDP/LOE	CUP	CUP	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE
Public facilities	SSDP	X	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Covered moorage	Follows upland designation	X	X	SSDP	X	SSDP	SSDP	X	X
Commercial Development									
Water-dependent	SSDP	X	CUP	SSDP	SSDP	SSDP	SSDP	CUP	CUP
Water-related and water-enjoyment	X	X	CUP	SSDP	SSDP	SSDP	SSDP	CUP	CUP
Non-water-oriented	CUP ²	X	X ²	CUP ²	CUP ²	SSDP ²	SSDP ²	X	X
Dredging Activities									
Dredging	SSDP	NA	NA	NA	NA	NA	NA	NA	NA
Dredge material disposal	SSDP/CUP ³	X	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Dredging and fill as part of ecological restoration/enhancement	SSDP/CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP

Abbreviations SSDP = Shoreline Substantial Development Permit CUP = Conditional Use Permit X = Prohibited LOE = Letter of Exemption N/A = Not Applicable									
Use/Modification	Aquatic	Natural	Conservancy	Rural	Recreation Conservancy	Recreation	High Intensity	Shoreline Residential	Shoreline Residential – Low Intensity
Fill									
Fill waterward of OHWM and in floodways	Follows upland designation or primary use	Prohibited, except to support associated primary use	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Upland fill	NA	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Industrial Uses									
Water-dependent	CUP ²	X	X	SSDP ⁵	SSDP	SSDP	SSDP	SSDP	SSDP
Water-related and water-enjoyment	X	X	X	SSDP ⁵	SSDP	SSDP	SSDP	SSDP	SSDP
Non-water-oriented	X	X	X	X	SSDP	X	SSDP ²	X	X
In-water Modifications									
Breakwater	CUP (SSDP) ⁶	X	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Groins and weirs	CUP (SSDP) ⁶	X	CUP	CUP	CUP	CUP	CUP	CUP	CUP
In-stream structures	SSDP	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Research and Monitoring									
Water-dependent	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Water-related and water-enjoyment	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Non-water-oriented	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Recreational Development									
Water-dependent	SSDP	SSDP ⁷	SSDP ⁷	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Water-related and water-enjoyment (trails and accessory buildings)	N/A	CUP ⁷	SSDP ⁷	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Non-water-oriented	X	X	CUP ⁷	CUP	CUP	SSDP	SSDP	SSDP ¹	SSDP ¹

Abbreviations SSDP = Shoreline Substantial Development Permit CUP = Conditional Use Permit X = Prohibited LOE = Letter of Exemption N/A = Not Applicable									
Use/Modification	Aquatic	Natural	Conservancy	Rural	Recreation Conservancy	Recreation	High Intensity	Shoreline Residential	Shoreline Residential – Low Intensity
Residential Development ⁸	X	CUP	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE
Resource Uses									
New Agriculture	N/A	CUP	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE
Aquaculture	SSDP ⁹	X	SSDP ⁹ , CUP	SSDP ⁹ , CUP	SSDP ⁹ , CUP	X	X	SSDP ⁹	SSDP ⁹
Forest practices	Consistent with WA State Forest Practices Act as administered by DNR. For Class IV general practices, the County will apply SMP provisions, as applicable, and subject to WAC 173-26-241 (3)(e)								
Mining ¹⁰	X	X	CUP	CUP	X	X	SSDP	X	X
Shoreline Habitat and Natural Systems Enhancement Projects	LOE per criteria identified in Table 12.10.100 (A) and SMP 12.10.670 (D) for restoration and enhancement projects.								
Shoreline Stabilization and Flood Control									
Flood Control									
Modification of existing flood control facilities (dams, dikes, and levees), including replacement landward of existing location	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
New flood control facilities (dams, dikes, and levees)	CUP	CUP ¹¹	CUP	CUP	CUP	CUP	SSDP	CUP	CUP
Shoreline Stabilization ⁷ (also see Table 12.10.100 (A) for exemptions)									
New ^{4, 12}									
Hard (conventional, bulkheads, and riprap)	Follows upland designation	X	X	CUP	CUP	CUP	SSDP/LOE	CUP	CUP
Soft (biotechnical)	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE

Abbreviations SSDP = Shoreline Substantial Development Permit CUP = Conditional Use Permit X = Prohibited LOE = Letter of Exemption N/A = Not Applicable Use/Modification	Aquatic	Natural	Conservancy	Rural	Recreation Conservancy	Recreation	High Intensity	Shoreline Residential	Shoreline Residential – Low Intensity
Replacement ¹²	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE	SSDP/LOE
Transportation									
Highways, arterials, ferries, and railroads (parallel to OHWM)	NA	X	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Secondary/public access roads and paved trails (parallel to OHWM)	NA	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Roads and paved trails perpendicular to the OHWM	X	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Water Crossing Structures (such as bridges and culverts) (perpendicular to shoreline)	SSDP	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Existing bridges, trails, roads, ferries, and parking facilities (improvement or expansion)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
New parking, accessory	To support primary authorized use or public access – see permitting requirements for primary use								
Utilities									
Aboveground and underground utilities (parallel and across shoreline)	CUP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP

- 1 Notes:
- 2 1. See Table 12.10.100 (A) and SMP 12.10.670 (D)(8) for exemption threshold criteria for docks.
- 3 2. New uses are approved as part of mixed use or according to SMP 12.10.250 or as part of an existing use according to SMP Article V, Existing Uses,
- 4 Structures, and Lots.
- 5 3. SSDP outside of identified wetlands or channel migration zones and CUP within wetlands or channel migration zone areas.
- 6 4. Minimum amount to support the associated primary use, with associated mitigation, as applicable.

- 1 5. Approve low-intensity, water-oriented industrial uses in the limited instances where those uses have been located in the past or at unique sites in rural
- 2 communities that possess shoreline conditions and services to support the use.
- 3 6. CUP; SSDP for those structures installed to protect or restore ecological functions.
- 4 7. Low intensity only.
- 5 8. Single-family residences meeting criteria per Table 12.10.100 (A) and SMP 12.10.670 (D) are exempt from the procedural requirement for an SSDP.
- 6 9. For non-commercial net pens or rearing ponds supporting species recovery efforts or public recreational fisheries.
- 7 10. Low-intensity mining activities do not require a permit, but must comply with the WDFW Gold and Mining Pamphlet requirements. See
- 8 SMP 12.10.310 (A).
- 9 11. Only when no other alternatives are available.
- 10 12. Exempt for protective bulkhead common to existing single-family residences. See Table 12.10.100 (A) and SMP 12.10.670 (D)(3).

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- 1 D. General
- 2 1. Accessory uses shall be subject to the same shoreline permit process as
- 3 their primary use.
- 4 2. Approve authorized uses and modifications in shoreline jurisdictions
- 5 where the underlying zoning provides for it and subject to the policies
- 6 and regulations of this SMP.
- 7 3. An unclassified use shall be reviewed as a conditional use, provided the
- 8 applicant can demonstrate consistency with the policies and regulations
- 9 of the SMA and this SMP.
- 10 4. If any part of a proposed activity, use, modification, or development is
- 11 not eligible for exemption per SMP 12.10.670 (Exemptions from SSDP),
- 12 then a SSDP or Shoreline Conditional Use Permit shall be required for
- 13 the entire proposed development project.
- 14 5. When a specific use or modification extends into the aquatic
- 15 environment and an abutting upland environment without clear
- 16 separation, the most restrictive permit process shall apply to that use or
- 17 modification.
- 18 6. Administrative interpretation of these regulations shall be done
- 19 according to SMP 12.10.610.

12.10.110 Development Standards

- 20 A. Regulations
- 21 1. To preserve the existing and planned character of the shoreline
- 22 consistent with the purposes of the shoreline environment designations,
- 23 development standards are provided in the Table 12.10.110 (B). These
- 24 standards apply to all uses and modifications unless indicated otherwise.
- 25 2. When a development or use is proposed that does not comply with the
- 26 dimensional performance standards of this SMP or is not otherwise
- 27 administratively reduced or modified, such development or use can be
- 28 considered through the Shoreline Variance process.
- 29 3. No permit shall be issued for any new or expanded building or structure
- 30 of more than 35 feet above average grade level on shorelines of the state
- 31 that will obstruct the view of a substantial number of residences on areas
- 32 adjoining such shorelines, except where a master program does not
- 33 prohibit the same and then only when overriding considerations of the
- 34 public interest will be served. A shoreline permit or written statement of
- 35 exemption shall not mandate, nor guarantee, unobstructed horizontal or
- 36

lateral visibility of the water, shoreline, or any specific feature near or far.

B. Shoreline Development Standards Matrix

Table 12.10.110 (B). Shoreline Development Standards Matrix

Abbreviations ADA = Americans for Disabilities Act X = Prohibited NA = Not Applicable									
Standards	Aquatic	Natural	Conservancy	Rural	Recreation Conservancy	Recreation	High Intensity	Shoreline Residential	Shoreline Residential – Low Intensity
Building Height ¹	15	35	35	35	35	35	35; or as required for hydro-power facilities	35	35
Stormwater Management	NA	Per the technical design standards and best management practices (BMPs) recommended in the latest version of Ecology's Stormwater Management Manual for Eastern Washington.							
Riparian buffer width in feet (forested areas) ^{2, 3, 4, 5}	NA	Entire area managed for vegetation conservation	150	85	100	75	50	65	75
Riparian Buffer Width in feet (shrub-steppe habitat) ^{5, 6}	NA	100	75	65	65	50	35	50	65
Trail Width in feet	NA	Public trails are up to 10 feet and private trails are up to 5 feet wide, or the minimum as required by ADA regulations.							

Notes:

1. Or as provided by zoning code and SMP 12.10.110 (A)(3).
2. Measured from the ordinary high-water mark or top of bank as applicable.
3. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland buffers, priority habitat, and species-specific management recommendations for inland dunes, cliffs and bluffs habitat, and other Shoreline Master Program conditions, as applicable.
4. Except where roadway, paved trail, or parking area encroaches, providing an ecological functional break, and then to the waterward edge of the disturbed area, as applicable.
5. In parallel environment designations, the most restrictive buffer requirement applies.
6. Buffers were based on the Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates (Anchor QEA 2013), Table 1 findings for fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet), erosion control (40 to 50 feet), water quality (50 to 65 feet) and organic input (less than 50 feet; Anchor QEA 2013).

Anchor QEA (Anchor QEA, LLC), 2013. *Final Draft Semi-Arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates*. Prepared for Grant County. June 2013.

1 **12.10.120 Archaeological and Historic Resources**

- 2 A. In all developments, whenever an archaeological area or historic site is
3 discovered by a development in the shoreline area, the developer shall comply
4 with applicable state and federal laws and regulations.

- 5 B. Developers and property owners shall stop work immediately and notify the
6 local government, the Department of Archaeology and Historic Preservation,
7 and affected Indian tribes if archaeological resources are uncovered during
8 excavation.

- 9 C. Permits issued in areas documented to contain archaeological resources shall
10 require a site inspection or evaluation by a professional archaeologist in
11 coordination with affected Indian tribes.

12 **12.10.130 Environmental Protection**

- 13 A. All project proposals, including those for which a SSDP is not required, shall
14 comply with RCW 43.21C, the Washington State Environmental Policy Act
15 (SEPA).

- 16 B. Applicants shall apply the following mitigation sequencing steps in order of
17 priority to avoid or minimize adverse effects and significant ecological impacts
18 (with number 1 being top priority):
 - 19 1. Avoid the adverse impact altogether by not taking a certain action or
20 parts of an action.

 - 21 2. Minimize adverse impacts by limiting the degree or magnitude of the
22 action and its implementation by using appropriate technology or by
23 taking affirmative steps to avoid or reduce impacts.

 - 24 3. Rectify the adverse impact by repairing, rehabilitating, or restoring the
25 affected environment to the conditions existing at the time of the
26 initiation of the project.

 - 27 4. Reduce or eliminate the adverse impact over time by preservation and
28 maintenance operations.

 - 29 5. Compensate for the adverse impact by replacing, enhancing, or
30 providing substitute resources or environments.

 - 31 6. Monitor the adverse impact and the compensation projects and take
32 appropriate corrective measures.

- 33 C. Projects that cause significant adverse environmental impacts, as defined in
34 SMP 12.10.770, Definitions, as part of the permitting process, must be

1 mitigated according to SMP 12.10.130 (B) above, to avoid reduction or damage
2 to ecosystem-wide processes and ecological functions.

3 D. When compensatory measures are appropriate pursuant to the mitigation
4 priority sequence in SMP 12.10.130 (B), preferential consideration shall be
5 given to measures that replace the adversely impacted functions directly and in
6 the immediate vicinity of the adverse impact. However, alternative
7 compensatory mitigation may be authorized within the affected drainage area or
8 watershed that addresses limiting factors or identified critical needs for
9 shoreline resource conservation based on watershed or resource management
10 plans, and the Shoreline Restoration Plan, applicable to the area of adverse
11 impact. Authorization of compensatory mitigation measures may require
12 appropriate safeguards, terms, or conditions as necessary to ensure no net loss
13 of ecological functions.

14 **12.10.140 Shoreline Vegetation Conservation**

15 A. Vegetation conservation standards shall not apply retroactively to existing uses
16 and developments. Vegetation associated with existing structures, uses, and
17 developments may be maintained within shoreline jurisdiction.

18 B. Regulations specifying establishment and management of shoreline buffers are
19 located in the SMP Article IV, Section 12.10.420. Vegetation within shoreline
20 buffers, other stream buffers, and wetlands and wetland buffers shall be
21 managed consistent with SMP Article IV, Critical Areas.

22 C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and
23 wetland buffers within shoreline jurisdiction shall be managed according to this
24 SMP 12.10.130, Environmental Protection, and any other regulations specific to
25 vegetation management contained in other sections of this SMP.

26 D. Vegetation clearing outside of wetlands and streams and their associated buffers
27 shall be limited to the minimum necessary to accommodate approved shoreline
28 development that is consistent with all other provisions of this SMP.

29 E. Removal of noxious weeds and other invasive species, or vegetation removal
30 for wildfire fuel management within shoreline jurisdiction and buffers shall be
31 incorporated in management and mitigation plans, when these plans are
32 required, to facilitate establishment of a stable community of vegetation to
33 maintain no net loss of ecological functions for plant communities, or enhance
34 these functions. See SMP 12.10.420 (A)(2)(b) for vegetation management
35 activities within critical area buffers.

1 **12.10.150 Water Quality, Stormwater, and Nonpoint Pollution**

- 2 A. The location, design, construction, and management of all shoreline uses and
3 activities shall protect water quality and stormwater quantity adjacent to the site.
- 4 B. When applicable, stormwater plans for all shoreline development shall use the
5 technical design standards and BMPs recommended in the latest version of
6 Ecology's Stormwater Management Manual for Eastern Washington.
- 7 C. BMPs for control of erosion and sedimentation shall be implemented for all
8 shoreline development.
- 9 D. Potentially harmful materials shall be prohibited from entering any body of
10 water or wetland, or discharged onto the land. Potentially harmful materials
11 shall be maintained in safe and leak-proof containers.
- 12 E. Herbicides, fungicides, fertilizers, and pesticides shall be applied in
13 conformance with relevant state and federal laws.
- 14 F. For development activities with the potential for adverse impacts on water
15 quality or stormwater quantity for a Fish and Wildlife Habitat Conservation
16 Area, a Critical Areas Report may be required per this SMP, Article IV, Critical
17 Areas.
- 18 G. All materials that may come in contact with water shall be constructed of
19 materials from untreated wood, concrete, plastic composites, steel, or other
20 materials that will not adversely affect water quality or aquatic plants or
21 animals. Materials used for decking or other structural components shall be
22 approved by applicable state agencies for contact with water to avoid discharge
23 of pollutants from wave or boat wake splash, rain, or runoff.
- 24 H. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is
25 prohibited in shoreline waterbodies.

26 **12.10.160 Public Access**

- 27 A. Public access shall be located and designed to respect private property rights, be
28 compatible with the shoreline environment, protect ecological functions and
29 processes, protect aesthetic values of shoreline, and provide for public safety.
- 30 B. Applicants when required to provide shoreline public access shall provide
31 physical access—or if this is not appropriate for safety or similar reasons, visual

1 access—consistent with the SMP Public Access Plan, unless specifically
2 exempted in this Section.

3 C. General Performance Standards

- 4 1. Uses, activities, and developments shall not interfere with the regular
5 and established public use.
- 6 2. Shoreline substantial development or conditional uses shall be consistent
7 with the development standard in SMP Table 12.10.110 (B) and shall
8 avoid or minimize the impact on views of shoreline waterbodies from
9 any new or expanded building that will block or obstruct the view of a
10 substantial number of residences on areas with adjoining shorelines.
- 11 3. Public access easements, trails, walkways, corridors, and other facilities
12 may encroach upon any buffers required in SMP Article IV, Critical
13 Areas, or under other provisions of this SMP, provided such
14 encroachment does not conflict with other policies and regulations of
15 this SMP and no net loss of ecological function can be achieved, as
16 determined through SSDP per SMP Table 12.10.100 (C).
- 17 4. Approve off-site public access consistent with the SMP Public Access
18 Plan where it results in an equal or greater public benefit than on-site
19 public access, or when on-site limitations of security, environment,
20 compatibility, or feasibility are present. Off-site public access may
21 include, but is not limited to, adequate access on public lands in
22 proximity to the site, opportunity to increase public lands and access
23 with adjoining or proximate public area, enhancing a County- or
24 City/Town-designated public property in accordance with local
25 standards, or other related measures as described in the SMP Public
26 Access Plan.
- 27 5. Public access shall make adequate provisions to discourage trespass on
28 adjacent properties and to protect the value and enjoyment of adjacent or
29 nearby private properties and natural areas.

30 D. Except as provided in SMP 12.10.160 (E), new uses shall provide for safe and
31 convenient public access to and along the shoreline consistent with the SMP
32 Public Access Plan where any of the following conditions are present:

- 33 1. The development is proposed by a public entity or on public lands.
- 34 2. The nature of the proposed use, activity, or development will likely
35 result in an increased demand for public access to the shoreline.
- 36 3. The proposed use, activity, or development is a non-water-oriented or
37 other preferred shoreline use, activity, or development under the SMA.

- 1 4. The proposed use, activity, or development may block or discourage the
2 use of customary and legally established and accessible public parks,
3 preserves, access paths, walkways, trails, and transportation
4 rights-of-way for roads and highways or corridors.

- 5 E. An applicant shall not be required to provide public access where the proposed
6 use, activity, or development involves single-family residential development, or
7 a development that involves four or fewer single-family or multi-family
8 dwellings, that does not reduce visual access to the shoreline from public
9 rights-of-way, including roads and highways.

- 10 F. Any public access shall be subject to all applicable development standards.

- 11 G. Trails

- 12 1. The total width of trails, including shoulders in all environments except
13 for Natural environment, shall be 10 feet maximum for public trails and
14 5 feet maximum for private trails or as required by Americans with
15 Disabilities Act (ADA) regulations. In Natural environments, all trails
16 are prohibited except primitive and low-impact trails with a maximum
17 width of 5 feet, or as required by ADA regulations.

- 18 2. Pervious surfaces are encouraged for all trails.

- 19 3. Trails should make use of an existing constructed grade when feasible.

- 20 4. Trails shall be located, constructed, and maintained so as to avoid, to the
21 maximum extent possible, removal and other impacts to existing non-
22 invasive vegetation.

- 23 5. Trails on private properties and not open for public use may be up to
24 5 feet wide or the minimum required for private ADA access, as
25 applicable, and shall meet applicable setbacks from the OHWM and/or
26 minimize and mitigate impacts within setbacks, as applicable.

- 27 H. Rights-of-way, Easements, and Streets for Public Access

- 28 1. Proposed uses, activities, or developments shall maintain public access
29 provided by public street ends, public utilities, public easements, and
30 public rights-of-way.

- 31 2. The public easements for the purpose of providing access across or
32 through the site to the OHWM, shall be maintained by the property
33 owner, or their designee, to provide for reasonable and safe public
34 access.

1 3. Where public access routes terminate, connections should be made with
2 the nearest public street unless determined by the Shoreline
3 Administrator to be infeasible.

4 I. Signage

5 1. The Shoreline Administrator may require the proponent to post signage
6 restricting or controlling the public’s access to specific shoreline areas.
7 The proponent shall bear the responsibility for establishing and
8 maintaining such signage.

9 **12.10.170 Flood Hazard Reduction**

10 A. Development in floodplains shall avoid significantly or cumulatively increasing
11 flood hazards. New development and subdivisions shall be consistent with
12 SMP 12.10.460, Frequently Flooded Areas, and the Stevens County Flood
13 Damage Prevention Ordinance or applicable City/Town Code.

14 B. The CMZ is considered to be that area of a stream channel that may erode as a
15 result of normal and naturally occurring processes and has been mapped.
16 Applicants for shoreline development or modification may submit a site-specific
17 CMZ study if they believe these conditions do not exist on the subject property
18 and the map is in error. The CMZ study must identify those areas with a high
19 probability of being subject to channel movement based on the historic record,
20 geologic character, and evidence of past migration, and can also consider
21 historical aerial photographs, topographic mapping, flooding records, and field
22 verification. The CMZ must be prepared by a licensed geologist or engineer
23 with demonstrated experience in assessing fluvial geomorphic processes and
24 channel response. The following are not considered to be within the CMZ:

25 1. Within incorporated municipalities and urban growth areas, areas
26 separated from the active river channel by legally existing artificial
27 channel constraints that limit channel movement

28 2. All areas separated from the active channel by a legally existing
29 artificial structure(s) that is likely to restrain channel migration,
30 including transportation facilities, built above or constructed to remain
31 intact through the 100-year flood

32 C. In areas outside incorporated municipalities and urban growth areas, channel
33 constraints and flood control structures built below the 100-year flood elevation
34 do not necessarily restrict channel migration and should not be considered to
35 limit the CMZ unless demonstrated otherwise using scientific and technical
36 information.

37 D. Development in floodplains should not significantly or cumulatively increase
38 flood hazard or be inconsistent with a comprehensive flood hazard management
39 plan adopted pursuant to chapter 86.12 RCW, provided the plan has been

1 adopted after 1994 and approved by Ecology. New development or new uses in
2 shoreline jurisdiction, including the subdivision of land, should not be
3 established when it is reasonably foreseeable that the development or use will
4 require structural flood hazard reduction measures within the CMZ or floodway.
5 The following uses and activities may be necessary within the CMZ or
6 floodway:

- 7 1. Modifications or additions to an existing nonagricultural legal use,
8 provided that channel migration is not further limited and that the new
9 development includes appropriate protection of ecological functions.
- 10 2. Development in incorporated municipalities and designated urban
11 growth areas where existing structures prevent active channel movement
12 and flooding.
- 13 3. Bridges, utility lines, and other public utility and transportation
14 structures where no other feasible alternative exists or the alternative
15 would result in unreasonable and disproportionate cost. For these
16 structures, mitigation shall address impacted functions and processes in
17 the affected section of watershed.
- 18 4. Measures to reduce shoreline erosion when demonstrated that the
19 erosion rate exceeds that which would normally occur in a natural
20 condition, provided the measures do not interfere with fluvial
21 hydrological and geo-morphological processes occurring in natural
22 conditions and the measures include appropriate mitigation of adverse
23 impacts on ecological functions associated with the river or stream.
- 24 5. Actions that protect or restore the ecosystem-wide processes or
25 ecological functions or development with a primary purpose of
26 protecting or restoring ecological functions and ecosystem-wide
27 processes.
- 28 6. Mining when conducted in a manner consistent with SMP 12.10.310,
29 Mining, and the shoreline environment designation.
- 30 7. Modifications or additions to an existing legal use, provided channel
31 migration is not further limited and new development includes
32 appropriate protection of ecological functions.
- 33 8. Repair and maintenance of existing legal use, provided such actions do
34 not cause significant ecological impacts or increase flood hazards to
35 other uses.

36 E. New public and private structural flood hazard reduction measures require a
37 scientific and engineering analysis that demonstrates they are necessary to
38 protect existing development, that nonstructural measures are not feasible, that
39 impacts on ecological functions and priority species and habitats can be

- 1 successfully mitigated so as to assure no net loss, and that appropriate
2 vegetation conservation actions are undertaken. Structural flood hazard
3 reduction measures shall be consistent with an adopted comprehensive flood
4 hazard management plan approved by Ecology that evaluates cumulative
5 impacts to the watershed system.
- 6 F. Flood hazard reduction measures shall be placed landward of associated
7 wetlands and designated shoreline buffers, except for actions that increase
8 ecological functions or when no other alternative location to reduce flood
9 hazard to existing development is feasible as determined by the Shoreline
10 Administrator.
- 11 G. New public structural flood hazard reduction measures shall dedicate and
12 improve public access pathways unless public access improvements would
13 cause unavoidable health or safety hazards to the public, inherent and
14 unavoidable security problems, unacceptable and unmitigable significant
15 adverse ecological impacts, unavoidable conflict with the proposed use, or a
16 cost that is disproportionate and unreasonable to the total long-term cost of the
17 development.
- 18 H. In those instances where management of vegetation as required by this SMP
19 conflicts with vegetation provisions included in state, federal, or other flood
20 hazard agency documents governing the Partnership's-authorized, legal flood
21 hazard reduction measures, the vegetation requirements of this SMP will not
22 apply. However, the applicant shall submit documentation of these conflicting
23 provisions with any shoreline permit applications and shall comply with all
24 other provisions of this section and this SMP that are not strictly prohibited by
25 the approving flood hazard agency.
- 26 I. The removal of gravel or other riverbed material for flood management
27 purposes shall be consistent with the SMP 12.10.260, Dredging and Dredge
28 Material Disposal, and SMP 12.10.310, Mining, and must also demonstrate
29 extraction will have a long-term benefit to flood hazard reduction and not result
30 in a net loss of ecological functions.
- 31 J. Roads, except temporary roads during construction, shall be located outside the
32 floodway, except necessary crossings, which shall be placed perpendicular to
33 the waterbody as much as is physically feasible. New transportation facilities
34 shall be designed so the effective base flood storage volume of the floodplain is
35 not reduced. The applicant shall provide all necessary studies, reports, and
36 engineering analysis, which shall be subject to review and modification by the
37 Shoreline Administrator.
- 38

Article III. Shoreline Modifications and Use Regulations

12.10.200 Agriculture

- A. This SMP, “shall not require modification of or limit agricultural activities occurring on agricultural lands,” consistent with RCW 90.58.065.
- B. New agricultural uses, activities, or developments in support of agricultural activities shall be located and designed to ensure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.
- C. Specific uses and developments in support of new agricultural uses shall be consistent with the environment designation in which the land is located.
- D. New agricultural activities shall comply with other applicable SMP requirements including, but not limited to, vegetation conservation and water quality protection.
- E. New agricultural activities shall ensure no net loss of ecological function and will contribute to the goals and benchmarks of the Voluntary Stewardship Program.

12.10.210 Aquaculture

- A. Public notice shall be provided to all property owners and tribes with usual and accustomed fishing rights to the area where aquaculture facilities are proposed.
- B. Fisheries' aquaculture facilities shall include net pens in existing waterbodies, hatcheries, rearing ponds, spawning channels, water diversion structures, and groundwater wells for water supply, provided their construction does not result in a net loss of ecological function.
- C. Aquacultural facilities should be designed and located so as not to spread disease to aquatic life or establish a new species, which may cause significant ecological impacts. Development applications for new aquaculture facilities shall be accompanied by information sufficient to make a determination as to whether the project and associated operations will result in net loss of shoreline ecological functions and processes, including how impacts will be mitigated, as applicable.
- D. Aquaculture facilities shall be located in areas that minimize impacts to navigation, water-dependent and other existing uses and ecological functions,

1 and control pollution, as well as minimize visual impacts on surrounding
2 shoreline development.

3 **12.10.220 Boating Facilities**

4 A. General Requirements

5 1. All boating uses, development, and facilities shall protect the rights of
6 navigation and shall demonstrate they result in no net loss of ecological
7 functions.

8 2. Boating facilities are prohibited where:

9 a. Braided or meandering river channels where the channel is
10 subject to change in alignment or on point bars or other accretion
11 beaches.

12 b. Areas where shoreline modification is required for approach and
13 other upland facilities.

14 c. Fish spawning areas.

15 d. Locations where they would adversely affect flood channel
16 capacity or create a flood hazard.

17 e. Locations where water depths for vessels are not adequate
18 without dredging.

19 3. Boating facilities, except those accessory to single-family residences,
20 shall provide public access in accordance with SMP 12.10.160 and shall
21 be located and designed such that existing public access to public
22 shorelines is not obstructed nor made hazardous.

23 4. For new moorage for a single-family residence, applicants must
24 demonstrate that existing facilities (boat launches and public and private
25 marinas) are not within 2 miles or less by road and open to the public,
26 not reasonably available to meet demand, and the lot does not have
27 access to shared moorage in an existing subdivision and there is no
28 homeowner’s association or other corporate entity capable of developing
29 shared moorage

30 5. All in- and over-water structures shall be constructed of materials that
31 will not adversely affect water quality or aquatic plants and animals in
32 the long term. Wood treated with creosote, pentachlorophenol, or other
33 similarly toxic materials is prohibited.

34 6. Vessels shall be restricted from extended mooring on waters of the state
35 or live-aboard use, except as allowed by state regulations and unless a

1 lease or other permission is obtained from the state and impacts to
2 navigation and public access are mitigated.

3 B. Boat Launches

- 4 1. Public boat launch facilities are prohibited in areas where public
5 launching opportunities with available capacity and safe launching
6 conditions exist within close proximity of a site (within less than 2 miles
7 distance by road).
- 8 2. Design and construct boat launch and haul-out facilities and minor
9 accessory buildings in a manner that minimizes adverse impacts on
10 fluvial processes, biological functions, aquatic and riparian habitats,
11 water quality, navigation, and neighboring uses.
- 12 3. Access and parking for public boat launches shall not produce traffic
13 hazards and shall minimize traffic impacts on nearby roads and shall be
14 consistent with SMP 12.10.360 (E) and (F).
- 15 4. Private boat ramps shall demonstrate that other public launch sites are
16 not within 2 miles or less by road and open to the public, the launch site
17 footprint has been reduced to the minimum area necessary, and impacts
18 will be mitigated according to SMP 12.10.130, Environmental
19 Protection.

20 C. Marinas

- 21 1. Marinas shall be designed to meet all the following requirements:
 - 22 a. Provide flushing of all enclosed water areas
 - 23 b. Allow the free movement of aquatic life in shallow water areas
 - 24 c. Avoid and minimize any interference with geohydraulic
25 processes and disruption of existing shore forms
- 26 2. Open pile or floating breakwater designs shall be used unless it can be
27 demonstrated that riprap or other solid construction would not result in
28 any greater net impacts to shoreline ecological functions, processes, fish
29 passage, or shore features.
- 30 3. Wet-moorage marinas shall locate a safe distance from domestic sewage
31 or industrial waste outfalls.
- 32 4. To the maximum extent possible, marinas and accessory uses shall share
33 parking facilities consistent with SMP 12.10.360 (E) and (F).
- 34 5. New marina development shall provide public access amenities.

1 6. If a marina is to include gas- and oil-handling facilities, such facilities
2 shall be separate from main centers of activity in order to minimize the
3 fire and water pollution hazards, and to facilitate fire and pollution
4 control. Marinas shall have adequate facilities and procedures for fuel
5 handling and storage and the containment, recovery, and mitigation of
6 spilled petroleum, sewage, toxic products, and other potentially harmful
7 or hazardous materials.

8 7. The marina operator shall be responsible for the collection and dumping
9 of sewage, solid waste, and petroleum waste.

10 8. Multi-family residences, hotels, motels, and other commercial
11 developments proposing to provide moorage facilities shall meet the
12 criteria and requirements for a marina. Use of the moorage must be
13 open to the general public on the same basis as residents or occupants
14 and shall provide public access. If approved, no more than one joint-use
15 moorage facility to serve the proposed development may be established.

16 D. Commercial and Industrial Piers and Docks

17 1. Applications for docks or piers serving single commercial or industrial
18 enterprises shall demonstrate that the following requirements are met:

- 19 a. The facility serves a water-dependent or water-oriented use.
- 20 b. The facility is the minimum size required to serve the proposed
21 use, provided provisions for expansion or future joint use may be
22 provided.
- 23 c. The facility minimizes impacts to the extent feasible.

24 Where impacts are unavoidable, the facility mitigates impacts to
25 navigation; aquatic habitat; upland habitat; public access to the water for
26 recreation, fishing, and similar use; and public access to publicly
27 accessible lands below the OHWM.

28 2. Commercial or industrial moorage facilities shall demonstrate the
29 following requirements are met:

- 30 a. The dock or pier shall be the minimum length required to serve
31 the use.
- 32 b. Floats shall be constructed and attached so they do not ground
33 out on the substrate.
- 34 c. Pile spacing shall be the maximum feasible to minimize shading
35 and avoid a “wall” effect that would block or baffle wave
36 patterns, currents, littoral drift, or movement of aquatic life forms

1 or result in structural damage from driftwood impact or
2 entrapment.

3 d. Pile diameter shall be minimized while meeting structural
4 requirements.

5 e. For commercial or industrial moorage facilities on the Columbia
6 River:

7 i. Access from the shore to piers or floats shall minimize
8 water cover in order to minimize impacts to shallow-
9 water habitat.

10 ii. Piers and ramps shall be elevated to provide the
11 maximum feasible light penetration.

12 iii. Grating or clear translucent material shall be used to the
13 maximum extent feasible to provide light penetration.

14 3. Covered facilities shall only serve a water-dependent use where it is
15 demonstrated adequate upland sites are not feasible and the area covered
16 is the minimum necessary to serve the use.

17 **12.10.230 Piers and Docks**

18 A. General

19 1. Applicants should consult with other agencies on any additional permits
20 or approvals beyond those discussed in this section that may apply.

21 2. All boating uses, development, and facilities shall protect the rights of
22 navigation and demonstrate no net loss of ecological functions.

23 3. Shared moorage serving single-family use consisting of docks and piers
24 with more than four berths, commercial moorage available to the general
25 public, and moorage related to clubs or other groups not associated with
26 a particular residential development are regulated as marinas under
27 SMP 12.10.220 (C).

28 4. Docks and piers with four or fewer berths or any number of mooring
29 buoys are regulated under this section.

30 5. If moorage is to be provided or planned as part of a new residential
31 development of two or more waterfront dwelling units or lots or as part
32 of a subdivision or short subdivision occurring after the effective date of
33 this SMP, joint-use or community dock facilities shall be required when
34 feasible, rather than allow individual docks for each residence.

- 1 6. In order to evaluate the feasibility of a joint community dock in a new
2 residential development of two or more waterfront dwelling units, the
3 applicant/proponent shall demonstrate the following:
 - 4 a. Existing marinas and shared moorage facilities in the vicinity are
5 not adequate or feasible for use; and
 - 6 b. Abutting property owners are not willing, as documented in
7 writing, to share an existing dock or develop a shared moorage.
- 8 7. Shared moorage to serve new development shall be limited to the
9 amount of moorage needed to serve the development consistent with
10 SMP 12.10.230 (B). The size of a dock must consider the use of
11 mooring buoys for some or all moorage needs and the use of all or part
12 of the dock to allow tender access to mooring buoys. If additional
13 moorage is needed for the development, then buoys must be located in
14 such a manner as to not block access to adjacent properties.
- 15 8. Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be
16 spaced and oriented in a manner that minimizes hazards and obstructions
17 to public navigation rights and corollary rights thereto including, but not
18 limited to, fishing, swimming, and pleasure boating. The length of piers
19 and docks shall be limited in constricted waterbodies to ensure
20 navigability and public use. The Shoreline Administrator may require
21 reconfiguration of pier and dock proposals where necessary to protect
22 navigation, public use, or ecological functions.
- 23 9. Approve private moorage for float planes as accessory to existing or
24 concurrently proposed moorage where construction and operation would
25 not adversely affect shoreline functions or processes or interfere with
26 navigation.
- 27 10. Approve temporary moorages for vessels used in the construction of
28 shoreline facilities. The design and construction of temporary moorages
29 shall be such that upon termination of the project, the aquatic habitat in
30 the affected area can be returned to its original (pre-construction)
31 condition.
- 32 11. Permanent covers over docks or piers are prohibited.
- 33 12. Bulk storage (non-portable storage in fixed tanks) of gasoline, oil and
34 other petroleum products for any use or purpose is prohibited on any
35 dock or pier.
- 36 B. Dock dimensional and materials standards. The following dimensional
37 standards shall apply to all new docks serving four or fewer residential

- 1 dwellings. Deviations from the dimensional standards must be approved
- 2 through a Shoreline Variance.

- 3 1. Width:

 - 4 a. Piers and floats shall not exceed 8 feet in width. Ramps shall not
 - 5 exceed 5 feet in width.
 - 6 b. Dock finger extensions shall not exceed 6 feet in width.

- 7 2. Length:

 - 8 a. The length of the dock shall not exceed the length necessary in
 - 9 order for the end of the dock to reach a minimum water depth of
 - 10 4 feet measured at ordinary high water.

- 11 3. Area:

 - 12 a. The area of new docks shall be limited by the maximum width
 - 13 and length as described in 1. and 2. above. More than one float
 - 14 is prohibited for single-use docks. More than two floats are
 - 15 prohibited for joint-use docks.
 - 16 b. 450 square feet for single-use docks, excluding the ramp, pier,
 - 17 and all associated appurtenances.
 - 18 c. 550 square feet for joint-use docks, excluding the ramp, pier, and
 - 19 all associated appurtenances.

- 20 4. Height.

 - 21 a. The bottom of any piers or the landward edge of any ramp must
 - 22 be at least 1 foot above the OHWM (Freeboard height on all
 - 23 floats must be at least 10 inches).

- 24 5. Dock Support Piles:

 - 25 a. Piling shall be structurally sound and cured prior to placement in
 - 26 the water.
 - 27 b. Pilings shall not be treated with pentachlorophenol, creosote,
 - 28 copper naphthalene, chromate copper arsenate, or comparably
 - 29 toxic compounds.
 - 30 c. Pilings shall not extend beyond the end of the dock.
 - 31 d. Use the smallest diameter and number of pilings required to
 - 32 construct a safe facility.

- 1 6. Dock and Watercraft Lift Spacing:
 - 2 a. Private docks and watercraft lifts shall be spaced a minimum of
 - 3 10 feet from the side property lines for individual properties.
 - 4 Joint-use facilities may abut or overlap property lines provided
 - 5 the adjacent property owners have mutually agreed to the
 - 6 location.

 - 7 b. For those new docks located adjacent to larger existing
 - 8 overwater facilities, the responsible local government may
 - 9 require a greater separation between moorage facilities to reduce
 - 10 potential navigation and use conflicts.

- 11 7. Decking Materials:
 - 12 a. Use of materials specified for freshwater use is required.

- 13 8. Floats:
 - 14 a. Float components shall not exceed the dimensions of 8 by 20
 - 15 feet, or an aggregate total of 160 square feet, for all float
 - 16 components.
 - 17 i. Private swim floats should be no longer than 8 feet and
 - 18 no wider than 8 feet.

 - 19 b. Only one swim float may be approved per contiguous waterfront
 - 20 ownership.

 - 21 c. Flotation materials shall be permanently encapsulated to prevent
 - 22 breakup into small pieces and dispersal in water.

 - 23 d. Project construction shall cease under high-flow conditions that
 - 24 could result in inundation of the project area, except for efforts to
 - 25 avoid or minimize resource damage.

- 26 9. For the Columbia, Kettle, and Spokane rivers, the following additional
- 27 provisions apply:
 - 28 a. Grating shall cover 100% of the surface area of the pier, dock,
 - 29 ramp, and float(s). The open area of the grating shall be no less
 - 30 than 30%, as rated by the manufacturer.

 - 31 b. Floats shall not be located in shallow-water habitat where they
 - 32 could ground or impede the passage or rearing of any salmonid
 - 33 life stage.

1 c. Nothing shall be placed on the overwater facility that will reduce
2 natural light penetration.

3 10. Other:

4 a. If a dock is provided with a safety railing, such railing shall meet
5 Stevens County, city, or town code requirements, as applicable.

6 b. Facilities shall be marked with reflectors or otherwise identified
7 to prevent unnecessarily hazardous conditions for water surface
8 users during the day or night.

9 c. Exterior finish shall be generally non-reflective.

10 C. Replacement of Existing Docks.¹ Proposals involving replacement of the entire
11 existing private dock or 75% or more of the dock support piles are considered a
12 new moorage facility and must meet the dimensional, materials and mitigation
13 standards for new private docks as described in this Section except the
14 Shoreline Administrator may approve an alternative design if it meets all the
15 following criteria:

16 1. The total square footage of the replacement dock is no larger than the
17 existing dock;

18 2. The maximum width for the portion of the dock located within 30 feet of
19 the OHWM shall not be greater than the width identified for new docks
20 under SMP 12.10.230 (B) above;

21 3. Replacement piles shall meet the spacing and material specifications
22 under SMP 12.10.230 (B) above; and

23 4. Decking and deck materials shall meet the specifications under
24 SMP 12.10.230 (B) above.

25 D. Additions to Private Docks. Proposals involving the modification and/or
26 enlargement of existing private docks must comply with the following
27 measures:

28 1. The applicant must demonstrate there is a need for the enlargement of an
29 existing dock. Proposals that demonstrate an enlargement is necessary
30 due to safety concerns or inadequate depth of water will be considered.

31 2. Enlarged portions of docks must comply with the dimensional, design,
32 materials, and mitigation standards for new private docks as described in

¹ Nonconforming dock facilities are governed by regulations found in SMP 12.10.520, Nonconforming Structures or Other Improvements.

1 SMP 12.10.230 (F). Dock additions that result in the completed facility
2 exceeding the area limits may only be reviewed through a Shoreline
3 Variance.

4 E. Repair of Existing Private Dock

5 1. All proposed replacement piles shall be the minimum size per
6 site-specific specifications, engineering or design considerations, and
7 meet provisions in SMP 12.10.230 (B)(5).

8 F. Mitigation

9 1. Consistent with the mitigation sequencing steps outlined in
10 SMP 12.10.130, Environmental Protection, new or expanded overwater
11 and in-water facilities should be designed consistent with mitigation
12 sequencing.

13 2. Mitigation proposals shall provide mitigation at a 1:1 ratio, at a
14 minimum, by area of overwater cover to mitigation action.

15 3. Applicants wishing to propose an alternate mitigation strategy to the
16 mitigation ratio approach may submit a mitigation plan prepared by a
17 qualified professional that describes the alternate approach for
18 mitigating the lost ecological functions, demonstrating that the alternate
19 approach is at least equivalent to the ratio approach. Potential adverse
20 impacts may include substrate disturbance and alteration, vegetation
21 disturbance or alteration, increases in sensitive species predation,
22 increases in shoreline hardening, or reduction in presence or benefit of
23 terrestrial vegetation adjacent to the water, among others. The proposed
24 mitigation plan shall include a discussion of how the proposed
25 mitigation adequately compensates for any lost or modified functions.

26 **12.10.240 Breakwater, Jetties, Groins, and Weirs**

27 A. Approve new, expanded, or replacement groins and weirs when the applicant
28 demonstrates the proposed groin or weir will not result in a net loss of shoreline
29 ecological functions and the structure is necessary for water-dependent uses,
30 public access, shoreline stabilization, or other specific public purposes.

31 B. As noted in Table 12.10.100 (C), groins and weirs shall require a Conditional
32 Use Permit, except when such structures are installed to protect or restore
33 ecological functions and eliminate or minimize the need for hard shoreline
34 stabilization.

35 **12.10.250 Commercial Development**

36 A. Water-dependent commercial development shall be given priority over
37 non-water-dependent commercial uses within shoreline environments.

1 Secondarily, water-related and water-oriented uses shall be given priority over
2 non-water-oriented commercial uses.

3 B. Non-water-oriented commercial uses shall be prohibited over water except in
4 existing structures or in the limited instances where they are auxiliary to and
5 necessary to support of water-dependent uses.

6 C. All commercial loading and service areas shall be located upland or away from
7 the shoreline. Provisions shall be made to screen such areas with walls, fences,
8 and landscaping and to minimize aesthetic impacts.

9 D. The storage of potentially hazardous or dangerous substances or wastes is
10 prohibited in the floodway or within 100 feet of the OHWM, whichever
11 boundary extends farthest landward.

12 E. Where commercial use is proposed for land in public ownership, public access
13 shall be required.

14 F. Prohibit non-water-oriented commercial uses unless one or more of the
15 following requirements is demonstrated:

16 1. The commercial use is part of a mixed-use project that includes
17 water-dependent uses and provides a significant public benefit with
18 respect to the objectives of the SMA.

19 2. Navigability is severely limited at the proposed site.

20 3. The commercial use is physically separated from the shoreline by
21 another property, public right-of-way, or levee.

22 **12.10.260 Dredging and Dredge Material Disposal**

23 Dredging and dredge material disposal shall be done in a manner which avoids or minimizes
24 significant ecological impacts, and impacts which cannot be avoided should be mitigated in a
25 manner that assures no net loss of shoreline ecological functions.

26 A. Dredging

27 1. New development should be sited and designed to avoid or, if that is not
28 possible, to minimize the need for new and maintenance dredging.

29 2. Dredging for the purpose of establishing, expanding, or relocating or
30 reconfiguring navigation channels and basins should assure safe and
31 efficient accommodation of existing navigational uses and then only
32 when significant ecological impacts are minimized and when mitigation
33 is provided.

1 C. Fills shall be located, designed, and constructed to protect shoreline ecological
2 functions and ecosystem-wide processes, including channel migration.

3 **12.10.280 Forest Practices**

4 A. Forest management activities shall comply with the State’s Forest Practices Act
5 for all forest management activities including Class IV, general forest practices,
6 where shorelines are being converted or are expected to be converted to non-
7 forest uses.

8 B. Forest practice conversions and other Class IV-General forest practices where
9 there is a likelihood of conversion to non-forest uses, shall assure no net loss of
10 shoreline ecological functions and shall maintain the ecological quality of the
11 watershed’s hydrologic system.

12 C. With respect to timber situated within 200 feet abutting landward of the OHWM
13 within Shorelines of Statewide Significance, selective commercial timber
14 cutting is limited to no more than 30% of the merchantable trees may be
15 harvested in any 10-year period of time. Exceptions to this standard shall be by
16 conditional use permit only. Utilize other timber harvesting methods in those
17 limited instances where the topography, soil conditions, or silviculture practices
18 necessary for regeneration render selective logging ecologically detrimental,
19 including clear cutting of timber when solely incidental to the preparation of
20 land for other uses.

21 **12.10.290 Industry**

22 A. Water-dependent industrial development shall be given priority over
23 non-water-dependent commercial uses within shoreline environments.
24 Secondarily, water-related and water-oriented uses shall be given priority over
25 non-water-oriented commercial uses.

26 B. Non-water-oriented industrial uses are prohibited unless they can demonstrate
27 one or more of the following:

28 1. The industrial use is part of a mixed-use project that includes
29 water-dependent uses and provides a significant public benefit with
30 respect to the objectives of the SMA.

31 2. Navigability is severely limited at the proposed site.

32 3. The industrial use is physically separated from the shoreline by another
33 property, public right-of-way, or levee.

34 C. Where industrial use is proposed for location on land in public ownership,
35 public access is required unless such public access is demonstrated by the

1 proponent to be infeasible or inappropriate for the shoreline pursuant to
2 SMP 12.10.160, Public Access.

3 D. Non-water-oriented industrial uses are prohibited over water in any shoreline
4 environment.

5 E. All industrial loading and service areas shall be located upland or away from the
6 shoreline, except when loading services are water-dependent. Provisions shall
7 be made to screen upland loading areas with walls, fences, and landscaping and
8 to minimize aesthetic impacts.

9 F. The new storage of potentially hazardous or dangerous substances or wastes is
10 prohibited in the floodway or within 100 feet of the OHWM, whichever
11 boundary extends farthest landward.

12 **12.10.300 In-Stream Structures**

13 A. In-stream structures are those structures placed by humans within a stream or
14 river waterward of the OHWM that either cause or have the potential to cause
15 water impoundment or the diversion, obstruction, or modification of water flow.
16 In-stream structures may include those for hydroelectric generation, irrigation,
17 water supply, flood control, transportation, utility service transmission,
18 structures primarily intended for fisheries management, or other purposes.
19 Docks, piers, and marinas are not regulated as in-stream structures.

20 B. General

21 1. The location, planning, and design of in-stream structures shall be
22 compatible with the following:

23 a. The full range of public interests, existing agricultural
24 operations, demand for public access to shoreline waters, desire
25 for protection from floods, and need for preservation of historical
26 and cultural resources; and

27 b. Protection and preservation of ecosystem-wide processes and
28 ecological functions.

29 2. New structures shall be designed and located to minimize removal of
30 riparian vegetation and, if applicable, to return flow to the stream in as
31 short a distance as possible.

32 3. In-stream structures shall provide for adequate upstream and
33 downstream migration of resident fish, as applicable, and shall not
34 adversely affect salmonid fish species or adversely modify salmonid fish
35 habitat, as applicable.

1 4. Utilities and transmission lines shall be located so as to minimize
2 obstruction or degradation of views and comply with applicable
3 provisions of the Utilities section of this SMP.

4 **12.10.310 Mining**

5 A. All gold and other mineral prospecting and extraction activities shall strictly
6 conform to requirements of most recent version of the Washington Department
7 of Fish (WDFW) and Wildlife's Hydraulic Project Approval (HPA) pamphlet
8 titled Gold and Fish, Rules for Mineral Prospecting and Placer Mining for those
9 activities which are limited to the scope, techniques, and equipment specified in
10 the pamphlet.

11 1. Compliance with the Gold and Fish Pamphlet does not necessarily
12 preclude the requirement for a SSDP for mineral prospecting,
13 concentration, and extraction activities and regulations administered by
14 all other local, state, and federal agencies.

15 B. Mining facilities shall be located within shoreline jurisdiction (shorelands) only
16 when no feasible sites are available outside shoreline jurisdiction.

17 C. All similar activities which exceed the criteria and parameters specified in the
18 Gold and Fish Pamphlet shall be designed and conducted to avoid impacts to
19 ecological functions.

20 D. Determining when mining facilities may or may not be located within
21 Shorelands shall be based on an evaluation of geologic factors; the need for
22 mineral resources; and economic, transportation, and land use factors. This
23 demonstration may rely on analysis or studies prepared for purposes of
24 comprehensive plan designations and may be integrated with any relevant
25 environmental review conducted under SEPA (RCW 43.21C) or otherwise be
26 shown in a manner consistent with RCW 90.58.100(1).

27 E. Application for mining operations shall be accompanied by information
28 sufficient to make a determination as to whether the project will result in net
29 loss of shoreline ecological functions and processes. Submitted evaluations and
30 plans shall address these functions and processes for operations during the
31 course of mining and also after reclamation, and how impacts will be mitigated
32 to achieve no net loss of these functions. Creation, restoration, and habitat
33 enhancement and the future productivity of the site may be considered in
34 determining no net loss of ecological functions.

35 **12.10.320 Recreational Development**

36 A. The potential adverse impacts of all recreational uses shall be mitigated, and
37 adequate provisions for shoreline rehabilitation shall be made part of any

1 proposed recreational use or development to ensure no net loss of shoreline
2 ecological function.

3 **12.10.330 Residential Development**

4 A. Residential development shall be located and constructed to result in no net loss
5 of shoreline ecological function.

6 B. All residential development shall be located or designed in such a manner as to
7 prevent measurable degradation of water quality from stormwater runoff.
8 Adequate mitigation measures shall be required and implemented where there is
9 the reasonable potential for an adverse effect on water quality.

10 C. New shoreline residences and appurtenant structures shall be sufficiently set
11 back from steep slopes and shorelines vulnerable to erosion so that structural
12 improvements are not necessary to protect proposed residences and associated
13 uses.

14 D. New floating residences and overwater residential structures are prohibited in
15 shoreline jurisdiction.

16 E. New, multi-unit residential development and subdivisions that create five or
17 more parcels, shall make adequate provisions for public access consistent with
18 the regulations set forth in SMP 12.10.160, Public Access.

19 F. All new residential development shall meet the vegetation management
20 provisions contained in SMP 12.10.140, Shoreline Vegetation Conservation,
21 and SMP 12.10.440, Fish and Wildlife Habitat Conservation Areas.

22 G. All new residential development within Conservancy and Rural Environment
23 Designations shall not exceed a total maximum impervious surface area of 10%
24 of the total lot size except as specified in SMP 12.10.330(G)(1).

25 1. The Shoreline Administrator may approve exceedances to the
26 impervious surface area limit if the applicant provides on-site or off-site
27 facilities for the infiltration, detention, or retention for 100% of the
28 proposed impervious surface area. A report provided by a qualified
29 professional (licensed engineer) must indicate that stormwater
30 management facilities are designed to handle runoff from a 10-year,
31 24-hour storm event; designs are consistent with low impact
32 development standards per Ecology’s Stormwater Management Manual
33 for Eastern Washington.

34 **12.10.340 Shoreline Habitat and Natural Systems Enhancement Projects**

35 A. Shoreline restoration and enhancement activities designed to restore or enhance
36 shoreline ecological functions and processes and/or shoreline features should be

- 1 targeted toward meeting the needs of sensitive and/or regionally important
2 plant, fish, and wildlife species, and shall be given priority.

- 3 B. Shoreline restoration, enhancement, and mitigation activities designed to create
4 dynamic and sustainable ecosystems to assist in achieving no net loss of
5 shoreline ecological functions are preferred.

- 6 C. Restoration activities shall be carried out in accordance with an approved SMP
7 Shoreline Restoration Plan and in accordance with the provisions of this SMP.

- 8 D. Fish habitat enhancement projects meeting the criteria of RCW 77.55.181 will
9 be authorized through a Letter of Exemption from the requirement for a SSDP,
10 pursuant to SMP 12.10.670 (D)(16).

- 11 E. Shoreline restoration projects within UGAs and consistent with RCW 90.58.580
12 may apply for relief from expansion of SMA jurisdiction.

- 13 F. To the extent possible, restoration, enhancement, and mitigation activities shall
14 be integrated and coordinated with other parallel natural resource management
15 efforts, including projects identified in the SMP Shoreline Restoration Plan.

- 16 G. Habitat and beach creation, expansion, restoration, and enhancement projects
17 shall demonstrate that:
 - 18 1. The primary objective is clearly restoration or enhancement of the
19 natural character or ecological function of the shoreline;
 - 20 2. The project will not adversely impact spawning, nesting, or breeding in
21 fish and wildlife habitat conservation areas;
 - 22 3. Upstream or downstream properties or fish and wildlife habitat
23 conservation areas will not be adversely affected;
 - 24 4. Water quality will not be permanently degraded;
 - 25 5. Flood storage capacity will not be permanently degraded;
 - 26 6. Impacts to critical areas and buffers will be avoided and where
27 unavoidable, minimized and mitigated; and
 - 28 7. The project will not interfere with the normal public use of the navigable
29 waters of the state.

1 **12.10.350 Shoreline Stabilization**

2 A. New shoreline stabilization measures for erosion control shall demonstrate the
3 structure will not result in a net loss of shoreline ecological functions and that
4 the project is necessary to:

5 1. Protect legally-established existing shoreline uses, including agricultural
6 uses, where no primary structures exist using bioengineering shoreline
7 stabilization techniques. Unless demonstrated infeasible for the
8 particular site, bioengineered projects shall be designed by a qualified
9 professional in accordance with the most current, accurate, and complete
10 scientific and technical information available, and shall incorporate
11 vegetation that provides functions similar to typical, intact riparian
12 vegetation within the shoreline area.

13 2. Protect existing primary structures that are in danger from shoreline
14 erosion as documented by:

15 a. A structure that is in danger of loss or substantial damage, or has
16 been damaged by shoreline erosion caused by wind/wave action
17 or other hydraulic forces; or

18 b. A geotechnical analysis prepared by a qualified professional.
19 The geotechnical analysis should evaluate on-site drainage issues
20 and address drainage solutions, as applicable, prior to identifying
21 structural shoreline stabilization solutions. Necessity is
22 demonstrated through conclusive evidence documented by a
23 geotechnical analysis that there is a significant possibility that
24 the structure will be damaged within 3 years as a result of
25 shoreline erosion caused by wind/wave action or other hydraulic
26 forces.

27 3. Support water-dependent development and new non-water-dependent
28 development, when all of the conditions below apply:

29 a. The erosion is not being caused by loss of vegetation, drainage
30 management, or other upland conditions.

31 b. Nonstructural measures, including but not limited to, placing the
32 development further from the shoreline, planting vegetation, or
33 installing on-site drainage improvements, are not feasible or not
34 sufficient.

35 c. The need to protect primary structures from damage due to
36 erosion is demonstrated through a geotechnical report. The
37 damage must be caused by natural processes or as the result of
38 reservoir management.

- 1 4. Protect projects for the restoration of ecological functions or hazardous
2 substance remediation projects pursuant to RCW 70.105D, Model
3 Toxics Control Act, when nonstructural measures, planting vegetation,
4 or installing on-site drainage improvements, are not feasible or not
5 sufficient.

- 6 B. New shoreline stabilization for new development is prohibited unless one or
7 more of the following apply:
 - 8 1. It can be demonstrated reasonable use of a lot or parcel legally created
9 prior to the effective date of this program is:
 - 10 a. Precluded without shoreline protection,
 - 11 b. Is necessary to restore ecological functions, or
 - 12 c. Is necessary for hazardous substance remediation.

- 13 C. Shoreline stabilizations must incorporate the most current scientific and
14 technical information available. They must demonstrate that future stabilization
15 measures would not be required on the project site or adjacent properties and
16 must be certified by a qualified professional.

- 17 D. Approve replacement of an existing shoreline stabilization structure with a
18 similar structure if there is a demonstrated need to protect existing primary uses,
19 structures, or public facilities from erosion caused by stream undercutting or
20 wave action. The existing shoreline stabilization structure will be removed
21 from the shoreline as part of the replacement activity. Replacement walls or
22 bulkheads shall not encroach waterward of the OHWM or existing structure
23 unless the facility was occupied prior to January 1, 1992, and there are
24 overriding safety or environmental concerns. In such cases, the replacement
25 structure shall abut the existing shoreline stabilization structure.

- 26 E. Shoreline stabilization projects that are part of a fish habitat enhancement
27 project (see SMP 12.10.340 (D)).

28 **12.10.360 Transportation: Trails, Roads, and Parking**

- 29 A. New routes for transportation, trails and parking facilities shall be planned,
30 located, and designed to have the least possible adverse effect on unique or
31 fragile shoreline features, and shall not result in a net loss of shoreline
32 ecological functions or adversely impact existing or planned water-dependent

- 1 uses. Where other options are available and feasible, new roads or road
 2 expansions should not be built within shoreline jurisdiction.
- 3 B. New roads and trails or road and trail expansions within shoreline jurisdiction
 4 that require mitigation shall be planned, located, and designed to achieve the
 5 mitigation sequencing provisions of SMP 12.10.130, Environmental Protection.
- 6 C. Transportation facilities and services for motor vehicles and rail shall use
 7 existing transportation corridors whenever possible.
- 8 D. Public pedestrian and bicycle transportation facilities and trails shall be
 9 designed, located, and constructed consistent with the policies and regulations
 10 for public access as provided in SMP 12.10.160, Public Access, of this SMP.
 11 Linkage among shoreline parks, recreation areas, and public access points is
 12 encouraged, when feasible.
- 13 E. Primary use parking facilities are not a preferred use within shoreline
 14 jurisdiction. Parking facilities do not include public rights-of-way. Accessory
 15 parking facilities shall be approved in the shoreline jurisdiction to:
- 16 1. Provide public access; or
- 17 2. As an accessory use to support an authorized primary use or structure
 18 where it can be demonstrated there are no feasible alternative locations
 19 away from the shoreline. Accessory parking facilities shall be subject to
 20 the same permit type as the primary use.
- 21 F. Accessory parking facilities shall be located upland of the principal structure,
 22 building, or development they serve, except:
- 23 1. Where the proponent demonstrates that an alternate location would
 24 reduce adverse impacts on the shoreline and adjacent uses,
- 25 2. Where another location is not feasible, and/or
- 26 3. Except when ADA standards require otherwise.
- 27 In such cases, the applicant shall demonstrate use of measures to reduce adverse
 28 impacts of accessory parking facilities in shoreline jurisdiction, through low-
 29 impact development techniques, buffering, or other measures approved by the
 30 Shoreline Administrator.
- 31 G. Parking facilities shall be landscaped in a manner to minimize adverse visual
 32 and aesthetic impacts on adjacent shoreline and abutting properties. Minimized,
 33 unavoidable adverse impacts to shoreline resources and ecological function

1 associated with developing ADA-compliant parking shall be fully mitigated
2 under the provisions of this SMP.

3 H. Water crossing structures (such as bridges and culverts) shall be designed to
4 minimize adverse impacts on upland, riparian, and aquatic habitat within
5 shoreline jurisdiction, and shall be designed and constructed to maintain or re-
6 establish fish passage.

7 **12.10.370 Utilities**

8 A. This section applies to services and facilities that produce, convey, store, or
9 process power, gas, sewage, communications, oil, waste, and the like. On-site
10 utility features serving a primary use are "accessory utilities" and shall be
11 considered a part of the primary use.

12 B. Approve non-water-oriented utility production, processing, and transmission
13 facilities in shoreline jurisdiction only if no practical upland alternative or
14 location exists.

15 C. Expansion of existing primary utility facilities within shoreline jurisdiction must
16 demonstrate:

17 1. The expansion is designed to protect adjacent shorelands from erosion,
18 pollution, or other environmentally detrimental factors during and after
19 construction.

20 2. The project is planned to fit existing natural topography or existing
21 functional breaks as much as practical and avoid alteration of the
22 existing natural environment.

23 3. Debris, overburden, and other construction waste materials shall be
24 managed and disposed of so as to prevent erosion or pollution of a
25 waterbody.

26 D. New primary utility facilities and expansions shall include provisions to control
27 the quantity and quality of stormwater runoff to natural waterbodies, using
28 BMPs to retain natural flow rates.

29 E. Where feasible, utilities shall be consolidated within existing rights-of-way.

30 F. In areas where utilities must cross shoreline jurisdiction, they shall do so by the
31 most direct route with least environmental impact feasible.

32 G. Utility facilities shall be designed and located in a manner that protects scenic
33 views and minimizes adverse aesthetic impacts.

34 H. New utilities, which must be constructed across shoreline jurisdiction in
35 previously undisturbed areas, must submit a mitigation plan demonstrating the

1 restoration of the shoreline to its existing condition. Upon completion of utility
2 installation or maintenance, disturbed areas shall be regraded to be compatible
3 with the existing terrain of the area and revegetated with appropriate plants to
4 prevent erosion and provide ecological functions similar to undisturbed areas.

5 I. Where utilities cannot cross a shoreline waterbody via a bridge or other existing
6 water crossing, the utilities shall evaluate site-specific habitat conditions and
7 demonstrate impacts can be mitigated. To avoid impacts boring can be used
8 beneath the waterbody such that the substrate is not disturbed. Construction of
9 pipelines placed under aquatic areas shall be placed in a sleeve, if feasible, to
10 avoid the need for excavation in the event of a failure in the future.

11 J. Approve minor trenching to allow the installation of underground pipes or
12 cables if boring or other alternatives are not feasible, and if:

13 1. Shoreline impacts are avoided to the maximum extent possible.

14 2. The utility installation shall not increase or decrease the natural rate,
15 extent, or opportunity of channel migration.

16 3. Appropriate BMPs are employed to prevent water quality impacts or
17 other environmental degradation.

18 4. Trenching is located within a functional break or existing right of way.

Article IV. Critical Areas

NOTE: *The Partnership has elected to incorporate the County’s 2011 Critical Area Ordinance (CAO) into the SMP for critical areas within shoreline jurisdiction. This Section includes proposed critical area provisions that apply to the critical areas within the County unincorporated and incorporated shoreline jurisdiction for those Partnership cities and towns participating in this SMP update. The proposed regulations are based on the County’s 2011 CAO, further updated to meet the requirements of the SMA.*

12.10.400 General Provisions

A. Purpose and Introduction

- 1. The Partnership shall regulate in shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas.
- 2. The purpose of Article IV, Critical Areas, is to:
 - a. Define, identify, and protect critical areas as required by the GMA of 1990 (RCW 36.70A) and the SMA (RCW 90.58) through the application of the most current scientific and technical information available while achieving no net loss of ecological function.
 - b. Protect the public health, safety, and general welfare by providing reasonable and effective regulations to:
 - i. Conserve, protect, and maintain the functions and values of regulated critical areas,
 - ii. Prevent harm to the public health, safety, and general welfare from potential hazards associated with certain critical areas; and,
 - iii. Support the overall goal of Washington State to ensure the protection of wetlands.
 - c. Promote innovative, efficient design of proposed land-use and development activities,
 - d. Assist in orderly development, limit incompatible uses, and, when appropriate, guide development to more suitable areas. "Limiting incompatible uses" does not mean a prohibition of all development, but means governing new development(s) that could adversely affect designated critical areas.

1 3. This Article provides protection requirements for critical areas. While
2 preservation and protection of critical areas is of paramount importance,
3 it is not the intent of this Article to totally prohibit alteration or impacts
4 to critical areas or associated buffers.

5 B. Jurisdiction – Critical Areas in Shoreline Jurisdiction

6 1. Critical areas within shoreline jurisdiction, as defined in RCW
7 36.70A.030 (5), include:

- 8 a. Wetlands
- 9 b. Aquifer recharge areas
- 10 c. Fish and wildlife habitat conservation areas
- 11 d. Frequently flooded areas
- 12 e. Geologically hazardous areas

13 C. Most Current Scientific and Technical Information

14 1. Critical area reports, mitigation plans, and decisions to alter critical areas
15 within the shoreline jurisdiction shall rely on the most current scientific
16 and technical information to ensure the protection of the ecological
17 functions and values of critical areas, and must give special
18 consideration to conservation or protection measures necessary to
19 preserve or enhance anadromous fish and their habitat. See also
20 SMP 12.10.420, Buffers and Mitigation, for critical areas mitigation and
21 review requirements.

22 2. The most current scientific and technical information may include but is
23 not necessarily limited to the following:

- 24 a. Maps and reference documents in the Partnership’s SMP
25 Inventory, Characterization, and Analysis Report, as applicable
- 26 b. Aerial photographs
- 27 c. The following maps are used as a guide to evaluate the potential
28 presence of critical areas:
 - 29 i. WDFW Priority Habitats and Species maps
 - 30 ii. WDFW Wildlife Heritage Point Observations
 - 31 iii. Washington DNR water types
 - 32 iv. FEMA Flood Insurance Rate Maps (FIRMs)

- 1 v. U.S. Geological Survey topographic quadrangle maps
- 2 vi. Soil Survey of Stevens County, Washington, by the
- 3 U.S. Department of Agriculture, Soil Conservation
- 4 Service;
- 5 vii. National Wetland Inventory (NWI) maps
- 6 viii. Inventory, Analysis, and Characterization Report
- 7 mapping products and associated GIS dataset
- 8 d. These maps provide only approximate boundaries and locations.
- 9 Due to their scale and content, the maps are not considered a
- 10 regulatory standard or substitute for site-specific assessment.
- 11 The actual location and boundary(ies) of a critical area shall be
- 12 based on the presence of the features applicable to each critical
- 13 area element.

14 **12.10.410 Critical Area Report**

- 15 A. An applicant may be requested to provide a report prepared by a qualified
- 16 professional with documented expertise, as defined in SMP 12.10.770,
- 17 Definitions, in the specified field. The applicant shall pay the costs incurred in
- 18 the preparation of special reports, studies, surveys, plans, or tests.
- 19 B. The reports should provide environmental information and contain strategies
- 20 and recommendations for maintaining critical areas and mitigating unavoidable
- 21 impacts. The report should include:
 - 22 1. An analysis based on the most current science, of how the reduced
 - 23 buffer area will provide protection that is equal to or better than the
 - 24 administratively determined buffer.
 - 25 2. A discussion of whether any other alternative with less impact on the
 - 26 critical area and associated buffer is possible.
 - 27 3. Any proposed buffer enhancement using vegetation that improves
 - 28 ecological functions, artificial habitat features, buffering, vegetative
 - 29 screen, barrier fencing, grass-lined swales, or other enhancement tools as
 - 30 appropriate to site conditions and the wetland, river, or stream functions.
 - 31 4. A mitigation plan.
- 32 C. When the Shoreline Administrator determines a special report or peer review or
- 33 other technical assistance is required in order to appropriately review and assess
- 34 impacts to critical areas, the applicant shall be notified and may be required to

1 sign a letter agreement ensuring payment of costs. The Partnership may
2 withhold issuance of permits or other decisions until payment has been made.

3 D. An applicant may choose to fund the hiring of a qualified professional by the
4 Partnership jurisdiction to prepare necessary field studies and recommendations
5 regarding an application, rather than submitting a report that must then be peer
6 reviewed at additional cost. When an applicant submits information or a report
7 prepared by a technical expert employed by a local, state, or federal agency,
8 peer review of the report or recommendations for the project shall not be
9 required.

10 **12.10.420 Buffers and Mitigation**

11 A. Buffers

12 1. General Buffer Requirements:

13 a. Wetland and riparian buffers (hereinafter referred to as ‘buffers’)
14 and/or development setbacks shall be required for all regulated
15 development proposals within the shoreline jurisdiction in or
16 adjacent to designated wetlands or waterbodies, as defined in
17 Table 12.10.110 (B), Shoreline Development Standards Matrix
18 and Table 12.10.430 (D)(2), Wetland Buffer Widths.

19 b. Where a legally established road or railway, or other type of
20 continuous development crosses or extends along a shoreline or
21 critical area buffer and is wider than 20 feet, the Shoreline
22 Administrator may approve a modification of the minimum
23 required buffer width to the waterward edge of the improved
24 continuous development provided the upland side of the
25 continuous development area:

26 i. Does not provide additional protection of the shoreline
27 waterbody or stream; and

28 ii. Provides little (less than 20%) to no biological,
29 geological, or hydrological buffer functions relating to
30 the riparian and upland portions of the buffer.

31 c. Buffers shall be measured on a horizontal plane in a landward
32 direction from the wetland edge and/or the OHWM as delineated
33 in the field.

34 2. Buffer Protection Criteria. The following criteria shall apply to all
35 buffers:

36 a. Required buffers shall maintain vegetation in a manner adequate
37 to assure no-net loss of ecological function.

- 1 b. Vegetation management activities occurring within required
2 buffers without a shoreline permit or Letter of Exemption
3 include:
 - 4 i. Invasive species/noxious weed control within riparian
5 buffers, if the criteria listed below are met:
 - 6 • Hand removal or spraying of plants only;
7 • No area-wide vegetation removal/grubbing;
8 • Avoid impacts to existing non-invasive vegetation;
9 and
10 • Reseed and replant with plants that provide similar
11 ecological functions to undisturbed shoreline areas.
- 12 ii. Trimming of tree branches for fire control consistent with
13 DNR’s Firewise wildfire fuel reduction and “defensible
14 space” principles (Washington State Department of
15 Natural Resources Fire Prevention *Defend Your Home*
16 *from Wildfire*).
- 17 iii. Removal of hazard trees as necessary because they are
18 dead, dying, or diseased; or present a danger or impact to
19 property, provided the removed trees are the minimum
20 necessary to address the demonstrated safety hazard.
21 Impacts to ecological functions shall be mitigated.
- 22 c. Where buffer disturbance has or will occur in conjunction with
23 regulated activities, re-vegetation with plants, shrubbery, or trees
24 that will maintain the functions and values of the buffer area
25 shall be required as mitigation.
26 d. Any wetland created, restored, or enhanced as compensation for
27 approved wetland alterations shall also include as part of
28 mitigation, a buffer appropriate to the category of the wetland
29 being created, restored, or enhanced, as applicable.
30 e. The outer perimeter of the buffer shall be marked in the field
31 with temporary “clearing limits” in such a way as to minimize
32 potential for buffer disturbance. This temporary marking shall be
33 maintained throughout construction.
34
- 35 3. Buffer Alternatives Increasing Buffer Areas
 - 36 a. Standard buffer widths shall be increased on a site-by-site basis
37 when the Shoreline Administrator determines that a larger buffer
38 is necessary to protect the functions and values of a wetland or
39 riparian area. This determination shall be supported by

- 1 appropriate documentation prepared by a qualified professional
- 2 showing that an increase is necessary based on one or more of
- 3 the following to ensure no net loss of shoreline ecological
- 4 function and value:

- 5 b. A larger buffer is needed to maintain critical habitat for existing,
- 6 documented federal- or state-listed endangered, threatened, or
- 7 sensitive species or a species of local importance, or

- 8 c. The buffer area or adjacent land is susceptible to severe erosion
- 9 and standard erosion-control measures will not effectively
- 10 prevent adverse impacts, or

- 11 d. The buffer area has minimal vegetative cover or slopes greater
- 12 than 15%,

- 13 4. Buffer Modification – Averaging Buffer Areas

- 14 a. Averaging buffer widths may modify standard buffer widths
- 15 where the applicant successfully demonstrates through a report
- 16 prepared by a qualified professional that either:

- 17 i. Averaging is necessary to avoid an extraordinary
- 18 hardship caused by circumstances peculiar to the
- 19 property; or

- 20 ii. The character of the buffer varies in slope, soils, or
- 21 vegetation and it would benefit from a wider buffer in
- 22 places and would not be adversely impacted by a
- 23 narrower buffer in other places.

- 24 b. In addition to meeting the standard described in SMP 12.10.420
- 25 (A)(4)(a), all the following shall be met:

- 26 i. Averaging will not result in a net loss riparian or wetland
- 27 functions and values, and

- 28 ii. The total area contained within the buffer after averaging
- 29 is not less than that contained within the buffer prior to
- 30 averaging, and

- 31 iii. In no instance shall the buffer width be reduced by more
- 32 than 35% of the standard buffer, and

- 33 iv. A mitigation plan has been prepared by a qualified
- 34 professional, approved by the Shoreline Administrator,
- 35 and incorporated into the proposal.

- 1 5. Buffer Modification –Buffer Reduction
- 2 a. Buffer Reduction for functional enhancement. The standard
- 3 buffer may be reduced by no more than 25% of the standard
- 4 buffer, if the applicant demonstrates a mitigation plan developed
- 5 by a qualified professional pursuant to SMP 12.10.420 (B)
- 6 indicates:
- 7 i. That enhancing the buffer (by removing invasive plants
- 8 or impervious surfaces, planting vegetation that enhances
- 9 ecological functions, installing habitat features, or other
- 10 means) will result in a reduced buffer that functions at a
- 11 higher level than the existing standard buffer.
- 12 ii. Functional analysis of the buffer before and after the
- 13 reduction shall be conducted demonstrating that the
- 14 overall function is increased.
- 15 b. Coordination will occur with Ecology and WDFW during
- 16 preparation and technical review of the mitigation plan for
- 17 permitting processes per SMP 12.10.640 through 670.
- 18 c. Buffer reductions shall be based on the most current science
- 19 appropriate for the site. Buffer reductions should be used on a
- 20 limited basis and should be granted only when it has been
- 21 determined the functions and values of the wetland or riparian
- 22 habitat will be improved.
- 23 6. Buffer Modification – In-fill development
- 24 a. In an effort to facilitate in-fill development on existing lots, the
- 25 Shoreline Administrator may approve requests to reduce the
- 26 standard shoreline buffers up to a maximum of 50% for a new
- 27 single-family residence and appurtenant structures in accordance
- 28 with the following criteria:
- 29 i. Where there are single-family residences within 150 feet
- 30 on either side of the proposed residence in an existing lot,
- 31 the buffer shall be determined as the greater of one of the
- 32 following three options: 1) a common line drawn between
- 33 the nearest corners of the nearest residence, 2) a common
- 34 line calculated by the average of the nearest residence’s
- 35 existing buffer, or 3) a 50% reduction of the standard
- 36 buffer.
- 37 ii. Where there is only a residence located within 150 feet
- 38 on one side of the proposed residence, the standard buffer
- 39 shall be determined as the greater of a common line

1 drawn between nearest corner of the nearest residence
2 and the proposed residence.

3 7. Buffer Modifications – Application Requirements:

- 4 a. The applicant shall submit a critical area report prepared by a
5 qualified professional pursuant to SMP 12.10.410 (D).
- 6 b. Modifications to buffer widths shall be reviewed by the
7 Shoreline Administrator and be consistent with the associated
8 permitting process per SMP 12.10.640 through 670.

9 8. Decision Criteria. Buffer reductions shall be granted only when the
10 following criteria are met.

- 11 a. A decrease is necessary to accomplish the purposes of the
12 proposal and no reasonable alternative is available.
- 13 b. The need for a reduced buffer is not the result of segregating,
14 subdividing, or adjusting a boundary line after the effective date
15 of this SMP.
- 16 c. The applicant has successfully demonstrated the modified buffer
17 will provide protection for the shoreline functions equal to or
18 better than the administratively determined buffer.
- 19 d. A mitigation plan has been prepared by a qualified professional,
20 approved by the Shoreline Administrator, and has been
21 incorporated into the proposal.

22 B. Mitigation

23 1. General Mitigation Standards:

- 24 a. All proposed alterations to critical areas or associated buffers
25 shall require mitigation sufficient to provide for and maintain the
26 functions and values of the critical area or to prevent risk from a
27 critical area hazard and shall give adequate consideration to the
28 reasonable economically viable use of the property. Mitigation
29 of one critical area impact should not result in unmitigated
30 impacts to another critical area.
- 31 b. Mitigation may include development setbacks, limits on clearing
32 and grading, BMPs for erosion control and maintenance of water
33 quality, and compensation ratios for creation or restoration.

34 2. Mitigation Plan:

- 1 a. The preferred sequence of mitigation shall be according to
- 2 SMP 12.10.130 (B). The plan shall include the following:
- 3 i. A description of expected impacts to the critical area or
- 4 associated buffers from the development proposal;
- 5 ii. A detailed plan for mitigation measures following the
- 6 preferred mitigation sequence set forth SMP 12.10.130
- 7 (B). If avoidance and minimization are not the main
- 8 techniques used to mitigate impacts, the plan must
- 9 include an explanation and justification for using
- 10 less-preferable mitigation approaches.
- 11 iii. An implementation schedule for the mitigation plan and a
- 12 2-year monitoring program with annual inspections; and
- 13 iv. Performance and/or warranty or maintenance bonds or
- 14 other forms of surety to ensure the plan achieves its goals
- 15 and objectives.
- 16 b. If the mitigation plan is not achieving its goals, the Shoreline
- 17 Administrator shall require appropriate changes to the mitigation
- 18 plan, based on the recommendations of a qualified professional.
- 19 The County may collect the proceeds of the mitigation plan
- 20 bonds or surety and use those proceeds to install or complete the
- 21 recommended changes when necessary.

22 **12.10.430 Wetlands**

23 A. Classification

24 1. Classification, delineation, and rating of wetlands will be done using the

25 current version of the Washington State Wetlands Rating System for

26 Eastern Washington (hereinafter referred to as the Ecology Wetlands

27 Rating System).

28 B. Minimum Wetland Buffer Widths

29 1. The width of the wetland buffer shall be determined according to the

30 proposed land use per Table 12.10.430 (B)(1) and wetland category per

31 Table 12.10.430 (B)(2). The minimum standard wetland buffers shall be

32 required in accordance with the General Buffer Requirements of

33 SMP 12.10.420.

34 2. The Land Use Intensity table (Table 12.10.430 (B)(1)) describes the

35 types of proposed land use that can result in high, moderate, and low

36 levels of impacts to adjacent wetlands.

1

Table 12.10.430 (B)(1). Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Residential (more than one unit/acre) • High-intensity recreation
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre, up to 1 unit/ 4.99 acres) • Moderate-intensity recreation • Paved driveways and high usage gravel driveways • Paved trails
Low	<ul style="list-style-type: none"> • Residential (1 unit/ 5 or more acres) • Low-intensity recreation • Vegetation management • Gravel driveways • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

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3. Wetland buffer widths are described in the Wetland Buffer Widths table.

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Table 12.10.430 (B)(2). Wetland Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
Category IV Wetlands (For wetlands scoring less than 16 points for all functions)	
Score for all 3 basic functions is less than 16 points	Low – 25 feet Moderate – 40 feet High – 50 feet
Category III Wetlands (For wetlands scoring 16 to 18 points or more for all functions)	
Moderate level of function for habitat (score for habitat 5 to 7 points) *If wetland scores 8 to 9 habitat points, use Category II buffers	Low – 75 feet Moderate – 110 feet High – 150 feet
Score habitat for 3 to 4 points	Low – 40 feet Moderate – 60 feet High – 80 feet
Category II Wetlands (For wetlands that score 19 to 21 points or more for all functions or having the “Special Characteristics” identified in the rating system)	
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet
High level of function for water quality improvement and low for habitat (score for water quality 8 to 9 points; habitat less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions
Not meeting above characteristic	Low – 50 feet Moderate – 75 feet High – 100 feet
Vernal pool	Low – 100 feet Moderate – 150 feet High – 200 feet Or develop a regional plan to protect the most important vernal pool complexes – buffers of vernal pools outside protection zones can then be reduced to: Low – 40 feet Moderate – 60 feet High – 80 feet

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
Category I Wetlands (For wetlands that score 22 points or more for all functions or having the "Special Characteristics" identified in the rating system)	
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet
High level of function for water quality improvement (8 to 9 points) and low for habitat (less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet

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C. Wetlands Critical Area Report

1. If the Shoreline Administrator determines that the site of a proposed development includes, is likely to include, or is within 200 feet of a wetland indicator, a wetland critical area report, prepared by a qualified professional, shall be required.
2. Minimum Standards for Wetland Reports. The wetland report and the accompanying plan sheets shall contain the following information, in addition to the critical area report requirement per SMP 12.10.410:
 - a. A vicinity map for the project.
 - b. A statement specifying the accuracy of the report and all assumptions made and relied upon.
 - c. Documentation of any fieldwork performed on the site.
 - d. An evaluation of the functions of the wetland and adjacent buffer. A description of the methodologies used to conduct the wetland delineations, wetland ratings, or impact analyses, and references.
 - e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 250 feet of the project boundaries using the best available information.

- 1 f. A description of the proposed actions and an estimation of
- 2 acreages of impacts to wetlands and buffers based on the field
- 3 delineation.
- 4 g. An assessment of the probable cumulative impacts to the
- 5 wetlands and buffers resulting from the proposed development.
- 6 h. A description of reasonable efforts made to apply mitigation
- 7 sequencing pursuant to Mitigation Sequencing (SMP 12.10.130
- 8 (B)) and measures proposed to preserve existing wetlands.
- 9 i. A conservation strategy for habitat and vegetation that addresses
- 10 methods to protect on-site habitat and wetland functions.
- 11 j. A site plan sheet(s) for the project which includes, at a minimum:
- 12 i. Maps (preferably drawn to scale) depicting delineated
- 13 and surveyed wetland and required buffers on-site,
- 14 including buffers for off-site critical areas that extend
- 15 onto the project site; the development proposal; other
- 16 critical areas; grading and clearing limits; areas of
- 17 proposed impacts to wetlands and/or buffers (include
- 18 square footage or acreage estimates).
- 19 ii. When required, a depiction of the proposed stormwater
- 20 management facilities and outlets (preferably to scale) for
- 21 the development, including estimated areas of intrusion
- 22 into the buffers of any critical areas. The written report
- 23 and design shall contain a discussion of the potential
- 24 impacts to the wetland(s) associated with anticipated
- 25 hydroperiod alterations from the project.

26 D. Wetland Mitigation

- 27 1. Wetland Creation, Restoration, and Enhancements. In addition to the
- 28 mitigation plan requirements per SMP 12.10.420, the following
- 29 standards apply for wetland restoration, creation, and enhancement
- 30 a. Any person who alters wetlands shall restore, create, or enhance
- 31 equivalent or greater areas of wetlands than those altered, in
- 32 order to compensate for wetland loss. All wetland restoration,
- 33 creation, or enhancement projects required pursuant to this
- 34 Section must receive written approval of the mitigation plan
- 35 from the Shoreline Administrator prior to commencement of the
- 36 wetland restoration, creation, or enhancement activity.
- 37 b. Compensatory mitigation for alterations to wetlands shall be
- 38 used only for impacts that cannot be avoided or minimized and

1 shall achieve equivalent or greater biologic functions.
 2 Compensatory mitigation plans shall be consistent with
 3 *Washington State Department of Ecology, U.S. Army Corps of*
 4 *Engineers Seattle District, and U.S. Environmental Protection*
 5 *Agency Region 10. March 2006. Wetland Mitigation in*
 6 *Washington State – Part 1: Agency Policies and Guidance*
 7 *(Version 1). Washington State Department of Ecology*
 8 *Publication #06-06-011a. Olympia, Washington. Wetland*
 9 *Mitigation in Washington State – Part 2: Developing Mitigation*
 10 *Plans--Version 1, (Ecology Publication #06-06-011b, Olympia,*
 11 *WA, March 2006 or as revised), and *Selecting Wetland**
 12 *Mitigation Sites Using a Watershed Approach (Eastern*
 13 *Washington) (Publication #10-06-07, November 2010).*

14 c. Mitigation ratios shall be consistent with those provided in
 15 Table 12.10.430 (D).

16 **Table 12.10.430 (D). Mitigation Ratios**

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

17 Note:
 18 1 These ratios are based on the assumption the rehabilitation or enhancement actions implemented represent
 19 the average degree of improvement possible for the site. Proposals to implement more effective
 20 rehabilitation or enhancement actions may result in a lower ratio, and less-effective actions may result in a
 21 higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation
 22 and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation
 23 and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for
 24 enhancement.
 25

26 d. Increased Replacement Ratio. The standard replacement ratio
 27 may be increased under any of the following circumstances
 28 consistent with:

29 i. High degree of uncertainty as to the success of the
 30 proposed restoration or creation;

- 1 a. Wetland mitigation banks. Credits from a certified wetland
2 mitigation bank may be used to compensate for impacts located
3 within a specified mitigation bank.
- 4 b. In-Lieu Fee Mitigation. Credits from an approved in-lieu-fee
5 program when demonstrated the mitigation would provide
6 environmentally appropriate compensation for the proposed
7 impacts.
- 8 c. Permittee-responsible mitigation. Mitigation is performed by the
9 applicant after the permit is issued at the development site or at
10 an off-site location within the same watershed. Mitigation plans
11 shall demonstrate by a qualified wetland professional that the
12 compensation offsets the proposed impacts.
- 13 d. Advance Mitigation. Mitigation for projects with pre-identified
14 impacts to wetlands may be constructed in advance of the
15 impacts if the mitigation is implemented according to federal
16 rules, state policy on advance mitigation, and state water quality
17 regulations consistent with *Interagency Regulatory Guide:
18 Advance Permittee-Responsible Mitigation* (Ecology Publication
19 #12-06-015, Olympia, WA, December 2012)
- 20 4. Location:
- 21 a. In selecting a compensation site, the following siting criteria, in
22 order of preference, shall be pursued:
- 23 i. On-site or adjacent to the site,
- 24 ii. Upland sites that were formerly wetlands,
- 25 iii. Idle upland sites having bare or minimal vegetative cover
26 consisting primarily of exotic introduced species, weeds,
27 or emergent vegetation,
- 28 iv. Other disturbed upland areas.

29 **12.10.440 Fish and Wildlife Habitat Conservation Areas**

- 30 A. Classification. The following six areas shall be considered fish and wildlife
31 habitat conservation areas:
- 32 1. Areas within which endangered, threatened, and sensitive species have a
33 primary association. State-listed species are those native fish and
34 wildlife species legally designated as Endangered (WAC 220-610-010),
35 Threatened (WAC 220-200-100)), or Sensitive (WAC 220-200-100)).

- 1 2. Habitats and species of local importance that have been designated by
- 2 the Partnership.

- 3 3. Naturally occurring ponds less than 20 acres and their submerged
- 4 aquatic beds that provide fish or wildlife habitat. This category does not
- 5 include ponds deliberately designed and created from dry sites. This
- 6 category does include artificial ponds intentionally created from dry
- 7 areas as part of mitigation.

- 8 4. The water type categorization is found in WAC 222-16-030, the Forest
- 9 Practices Rules and Regulations, administered by the DNR. There are
- 10 four water types within this classification, as provided in
- 11 Table 12.10.440 (A).

Table 12.10.440 (A). Water Type Designations

Type	Description
Type "S"= Shoreline	Streams and waterbodies that are designated "shorelines of the state" as defined in RCW 90.58.030. (formerly type 1)
Type "F" = Fish	Streams and waterbodies that are known to be used by fish, or meet the physical criteria to be potentially used by fish. Fish streams may or may not have flowing water all year; they may be perennial or seasonal. (formerly type 2 or 3)
Type "Np"= Non-Fish	Streams that have flow year-round and may have spatially intermittent dry reaches downstream of perennial flow. Type Np streams do not meet the physical criteria of a Type F stream. This also includes streams that have been proven not to contain fish using methods described in Forest Practices Board Manual Section 13. (formerly type 4)
Type "Ns"= Non-Fish Seasonal	Streams that do not have surface flow during at least some portion of the year, and do not meet the physical criteria of a Type F stream. (formerly type 5)

- 13
- 14 5. Lakes, ponds, streams, and rivers planted with game fish by a
- 15 governmental entity.

- 16 6. State Natural Area Preserves and Natural Resource Conservation Areas:
- 17 a. There are no designated state natural area preserves or natural
- 18 resource conservation areas within Stevens County.

- 19 B. Protection Requirements Minimum Riparian Buffer Widths
- 20 1. Waters of the State:
- 21 a. To ensure adequate protection of existing fish and wildlife
- 22 habitat conservation areas, the buffer requirements in

- 1 Table 12.10.110 (B) shall apply to all development proposals,
2 even when a lesser standard might be approved by another
3 agency.

- 4 b. The minimum standard riparian buffers shall be required in
5 accordance with Table 12.10.110 (B), Shoreline Development
6 Standards Matrix, and the General Buffer Requirements of
7 SMP 12.10.420, provided that development proposals within a
8 mapped habitat area for Endangered, Threatened, and Sensitive
9 (ETS) species or within 1,000 feet of a documented point
10 observation for ETS species may be subject to additional
11 requirements pursuant to SMP 12.10.440 (B)(4) and (5) below:

- 12 2. Riparian Buffers:
 - 13 a. See Table 12.10.110 (B), Shoreline Development Standards
14 Matrix for the Partnership.

 - 15 3. Disturbance to vegetation within riparian buffers shall be replaced with a
16 minimum replacement ratio of 1:1, in accordance with mitigation
17 requirements in the General Buffer and Mitigation Requirements of
18 SMP 12.10.420. For the protection of habitat along rivers, streams, and
19 lakes, the buffer widths for shrub-steppe habitat as provided in
20 Table 12.10.110 (B) are applicable to portions of the following reaches
21 where shrub-steppe habitat characteristics exist along the shoreline:
 - 22 a. Kettle River –Upper portion of Subreach 1a (largely upstream of
23 48°59'24.0"N 118°12'22.3"W)

 - 24 b. Columbia River:
 - 25 i. Portions of Subreach 3h near Hunters (largely between
26 48°03'43.5"N 118°13'53.0"W and 48°06'49.0"N
27 118°14'08.7"W)

 - 28 ii. Southern portion of Subreach 3i (largely downstream of
29 47°55'00.8"N 118°20'45.1"W)

 - 30 c. Spokane River:
 - 31 i. Upper portion of Subreach 1d (largely between
32 47°49'18.9"N 117°48'10.6"W and 47°49'20.4"N
33 117°48'17.5"W; and between 47°50'06.9"N
34 117°45'29.0"W and 47°49'20.4"N 117°48'17.5"W)

 - 35 ii. Subreach 3d

- 1 iii. Western portion of Subreach 3e (largely downstream of
- 2 47°56'37.1"N 118°11'43.4"W)

- 3 iv. Subreach 3f

- 4 d. Other areas in other reaches within the County where greater
- 5 than 75% of the vegetation is dominated by shrub-steppe
- 6 vegetation along the shoreline, as demonstrated by a qualified
- 7 professional.

- 8 4. Mapped Fish and Wildlife Habitat Conservation Areas:

- 9 a. Development proposals within a mapped fish and wildlife habitat
- 10 conservation area, as defined in SMP 12.10.400(C)(2),
- 11 designated under SMP 12.10.440 (A)(1) and (2) will be subject
- 12 to review by the Shoreline Administrator to determine if the
- 13 development proposal will impair the functions and values of the
- 14 habitat area.

- 15 i. The determination shall be based on the most current
- 16 scientific information available for the development
- 17 proposal site.

- 18 ii. If it is determined that the development proposal will
- 19 impair the functions and values of the habitat area,
- 20 subsection (b) shall apply.

- 21 b. For each development proposal located in a mapped fish and
- 22 wildlife habitat conservation area, as defined in SMP
- 23 12.10.440(C)(2), that is determined to have an impact on the
- 24 functions and values of the habitat, the Shoreline Administrator
- 25 shall require a report from a qualified professional setting forth
- 26 management recommendations specific to the site and the
- 27 proposed development.

- 28 i. The Shoreline Administrator shall forward each such
- 29 report and proposal to WDFW for a 14-day comment
- 30 period, and if no comment is received, concurrence with
- 31 proposal is assumed.

- 32 5. Mapped Point Species Observations:

- 33 a. For development proposals within 1,000 feet of documented
- 34 point observations for endangered, threatened, or sensitive
- 35 species, the Shoreline Administrator shall require a report from a
- 36 qualified professional to validate the point observation. If the
- 37 point observation is validated, the report shall also set forth

1 management recommendations specific to the site and the
2 proposed development.

3 b. The Shoreline Administrator shall forward each such report and
4 proposal to WDFW for a 14-day comment period, and if no
5 comment is received, concurrence with proposal is assumed.

6 **12.10.450 Critical Aquifer Recharge Areas**

7 A. Classification

8 1. Aquifer recharge areas shall be rated and determined by the criteria
9 established by Ecology (Publication #05-10-028, March 2005). The
10 Partnership hereby incorporates the ratings system as the first step in
11 ranking the susceptibility of an aquifer to surface contamination. When
12 applicable, the Partnership will use wellhead protection areas developed
13 for Class A water systems to further refine the degree of susceptibility.

14 2. Aquifer recharge areas shall be classified as following:

15 a. Wellhead protection areas. Wellhead protection areas may be
16 defined by the boundaries of the 10-year time of groundwater
17 travel or boundaries established using alternate criteria approved
18 by the Washington State Department of Health in those settings
19 where groundwater time of travel is not a reasonable delineation
20 criterion, in accordance with WAC 246-290-135.

21 b. Sole-source aquifers. Sole-source aquifers are areas designated
22 by the U.S. Environmental Protection Agency pursuant to the
23 Federal Safe Water Drinking Act.

24 c. Susceptible groundwater management areas. Susceptible
25 groundwater management areas are areas that have been
26 designated as moderately or highly vulnerable or susceptible in
27 an adopted groundwater management program developed
28 pursuant to WAC 173-100.

29 d. Special protection areas. Defined pursuant to WAC 173-200-
30 090.

31 e. Moderately, highly vulnerable, or highly susceptible aquifer
32 recharge areas. Aquifer recharge areas that are moderately,
33 highly vulnerable, or highly susceptible to degradation or
34 depletion due to hydrogeologic characteristics are those areas
35 delineated by a hydrogeologic study prepared in accordance with
36 the Ecology guidelines or meeting the criteria established by
37 Ecology.

- 1 B. Critical Aquifer Recharge Susceptibility Factors, Rating Systems, and
2 Designations

- 3 1. Aquifer recharge areas designations include the Sheep Creek Subbasin
4 (Loon/Deer Lake area) and wellhead protection areas around Northport,
5 Evans, Marcus, Kettle Falls, Colville, Chewelah, Gifford, Hunters, and
6 other Group A water systems within shoreline jurisdiction areas in the
7 County.

- 8 C. Protection Requirements

- 9 1. Regulations adopted under this section shall not affect any right to use or
10 appropriate water as allowed under state or federal law.

- 11 2. The following uses require aquifer recharge areas review and a
12 hydrogeologic site evaluation pursuant to SMP 12.10.450 (D):

- 13 a. Chemical manufacturing or reprocessing;

- 14 b. Commercial, industrial, institutional, or other facilities or
15 activities that include storage, use, handling, or production of
16 hazardous substances or waste products as defined by WAC 173-
17 303;

- 18 c. Creosote and asphalt manufacture and treatment;

- 19 d. Electroplating;

- 20 e. Petroleum transmission facilities;

- 21 f. Sawmills producing more than 10,000 board feet per day;

- 22 g. Solid waste landfills;

- 23 h. Any septic or sewage disposal system with design flows of more
24 than 3,500 gallons per day;

- 25 i. Surface mining operations requiring a permit from the State
26 DNR; and

- 27 j. Type II and Type V Injection Wells.

- 28 3. The following uses may require aquifer recharge areas review and a
29 hydrogeologic site evaluation pursuant to SMP 12.10.450 (D). The
30 Shoreline Administrator shall waive this requirement if an applicant
31 provides documentation showing compliance with federal, state, and
32 local laws, along with BMPs designed for the specific project, are
33 sufficient to protect potentially affected aquifers.

- 1 a. Aircraft, automobile, and boat repair and servicing;
- 2 b. Dry cleaners;
- 3 c. Funeral services;
- 4 d. Furniture stripping;
- 5 e. Gas stations and petroleum storage tanks (underground or
- 6 aboveground) regulated and inspected by the Ecology;
- 7 f. Golf courses;
- 8 g. Junkyards and auto wrecking;
- 9 h. Other projects or activities, including septic or sewage disposal
- 10 systems serving commercial and industrial projects as
- 11 determined by the Administrator on recommendation from the
- 12 Stevens County PUD, the Tri-County Health District, or an
- 13 affected water purveyor.

14 4. The Shoreline Administrator shall impose conditions to avoid, reduce,

15 mitigate, or remediate impacts to an aquifer, as appropriate for the

16 project and may require monitoring and bonding or other security to

17 ensure conditions of approval are met. An approval based on

18 compliance with federal, state, or local, but non-County, regulations

19 shall not shift the burden of enforcement from the federal, state, or other

20 local agency to the Partnership.

21 D. Hydrogeologic Site Evaluation

- 22 1. A hydrogeologic site evaluation is a report prepared by a qualified
- 23 professional (hydrogeologist) with demonstrated experience in surface
- 24 water and groundwater analysis. The report shall address the impact the
- 25 proposed land use will have on the quality and quantity of water
- 26 transmitted to an aquifer and shall include the following:
 - 27 a. A description of surficial soil types and the geologic and
 - 28 hydrogeologic setting including: soil texture, permeability, and
 - 29 contaminant attenuation properties; characteristics of the vadose
 - 30 zone and geologic material including permeability and
 - 31 attenuation properties; and depth to groundwater and/or an
 - 32 impermeable soil layer;
 - 33 b. The location and identification of wells within 1,000 feet of the
 - 34 site;

- 1 c. The location and identification of surface waterbodies and
- 2 springs with recharge potential within 1,000 feet of the site;
- 3 d. A description of underlying aquifers, including water level,
- 4 gradients, and flow direction;
- 5 e. Any available data on surface water and groundwater quality;
- 6 f. An assessment of the effects of the proposed development on
- 7 water quality, quantity, and on the long-term viability of the
- 8 groundwater resource;
- 9 g. Alternatives to avoid, reduce, mitigate, or remediate any
- 10 substantial impact to the groundwater resource;
- 11 h. Recommendations for appropriate BMPs, monitoring, or other
- 12 mitigation;
- 13 i. Other information as required by the Shoreline Administrator in
- 14 consultation with the Stevens County PUD, the Northeast Tri-
- 15 County Health District, or an affected water purveyor; and
- 16 2. The cost of preparing a hydrogeologic site evaluation and any County
- 17 costs incurred to review and evaluate the report shall be paid by the
- 18 project applicant.

19 **12.10.460 Frequently Flooded Areas**

20 A. Classification

- 21 1. Frequently Flooded Areas include:
- 22 a. Areas identified within the 100-year floodplains (mapped as
- 23 FEMA FIRM Zone A).
- 24 b. CMZs identified through mapping developed as part of the 2016
- 25 SMP update, as mapped on SMP Environment Designation
- 26 maps, SMP 12.10.780.
- 27 i. CMZs located within the shoreline jurisdiction shall be
- 28 regulated consistent with provisions in SMP 12.10.170,
- 29 Flood Hazard Reduction.
- 30 ii. The CMZ is considered to be that area of a stream
- 31 channel that may erode as a result of normal and naturally
- 32 occurring processes and has been mapped consistent with
- 33 WAC 173-26 221(3)(b).

1 B. Protection Requirements

2 1. In addition to the provisions within the SMP, development proposals
3 that require a permit shall comply with the appropriate regulation(s)
4 listed below:

5 a. Stevens County Flood Damage and Prevention Ordinance

6 b. Town of Marcus Unified Development Ordinance Section
7 17.02.1100, Floodplain Management Overlay District

8 c. Town of Northport Unified Development Ordinance Section
9 2.100

10 d. City of Kettle Falls Municipal Code Section 17.02.170,
11 Floodplain Management Overlay District

12 e. Stevens County, City or town building codes with regard to
13 structural safeguards to reduce risk to life, health, and property
14 from flooding

15 **12.10.470 Geologically Hazardous Areas**

16 A. Classification

17 1. Geologically Hazardous Areas are areas that are susceptible to one or
18 more of the following types of hazards shall be classified as a
19 geologically hazardous area:

20 a. Erosion Hazard Areas (EHA)

21 b. Landslide Hazard Areas (LHA)

22 c. Mine Hazard Areas

23 d. Seismic Hazard Areas

24 e. Volcanic Hazard Areas

25 B. Erosion Hazard Areas and Landslide Hazard Areas

26 1. Classification:

27 2. EHAs are defined as areas containing soils identified by the NRCS Soil
28 Classification System, having “severe” rill and “inter-rill” erosion
29 hazard. A rill is a channel made by a small stream, similar to a rivulet or
30 grooves or furrows formed by moving water.

1 m. Any area with a slope of 40% or steeper and with a vertical relief
2 of ten or more feet except areas composed of bedrock. A slope is
3 delineated by establishing its toe and top and measured by
4 averaging the inclination over at least ten feet of vertical relief.

5 Note: The NRCS hazard ratings are interpretations of the
6 potential for erosion, applied to broadly generalized map units.
7 The NRCS maps will be used to identify areas of erosion and
8 landslide potential. The NRCS Soil Survey of Stevens County
9 identifies the soil types that have Erosion and Landslide Hazard
10 potential.

11 4. Designation:

12 a. Lands that meet either of the classification criteria of an EHA or
13 LHA are designated as Potential Erosion or Landslide Hazard
14 Areas. Areas adjacent to Lake Roosevelt may be potentially
15 unstable as a result of shoreline erosion, over steepened banks,
16 fluctuating reservoir elevations, or adverse groundwater
17 conditions.

18 5. Protection Requirements:

19 a. Areas identified as an EHA or LHA shall not be developed
20 unless the applicant demonstrates the project is structurally safe
21 from the potential hazard and the development will not increase
22 the hazard risk.

23 b. New development that would require structural shoreline
24 stabilization over the life of the development shall not be
25 allowed, with the exceptions for the limited instances where
26 stabilization is necessary to protect allowed uses where no
27 alternative locations are available and no net loss of ecological
28 functions will result.

29 c. A setback for development near an EHA or LHA shall be
30 established on a site-by-site basis, based on the type of
31 development proposed, the type and extent of hazard present,
32 and pursuant to the Stevens County, city or town codes, as
33 applicable.

34 d. A runoff management plan or an erosion control plan to reduce
35 sedimentation problems may be required of anyone proposing to
36 develop within an EHA or LHA.

37 e. Disturbance of an EHA or LHA requires reseedling or replanting
38 with vegetation to assist in stabilization of the area, restores

1 ecological functions, and discourages the infiltration of invasive
2 species.

3 C. Mine Hazard Areas

4 1. Classification:

5 a. Mine Hazard Areas are defined as areas that are directly
6 underlain by, adjacent to, or affected by mine workings including
7 but not limited to adits (an almost horizontal passageway into a
8 mine), tunnels, drifts, or air shafts. Mine hazard areas are based
9 on the identification of active or historic mining activity and site-
10 specific information regarding topography and geology.

11 2. Protection Requirements:

12 a. In the event a development is proposed in the vicinity of a mine
13 hazard area and the development requires County approval, the
14 following protection requirements shall apply:

15 i. The locations of obvious mining activities shall be noted
16 on site plans.

17 ii. The applicant shall comply with any applicable known,
18 previously prepared, and approved site reclamation plan.
19 If there are no known reclamation plans, Applicants may
20 be required to prepare a reclamation plan for restoration
21 of a site, or portion thereof, with previous mining
22 activity.

23 iii. Structures and impervious surfaces shall not be
24 developed on any tailings pile unless the applicant has
25 demonstrated the project is safe and the development will
26 not increase the hazard risk. If the tailings pile is known
27 to be hazardous, a setback for development will be
28 determined based on an industry standard for safety
29 distance from the specific mineral/chemical content.

30 iv. Setbacks from mine workings shall be determined on a
31 site-by-site basis. If necessary, a geo-technical report
32 may be required to determine appropriate setbacks, or for
33 the preparation of a reclamation plan for the site.

34 3. Seismic Hazard Areas Classification:

35 a. Seismic Hazard Areas are defined as areas subject to severe risk
36 of damage as a result of earthquake-induced ground shaking,
37 slope failure, settlement, or soil liquefaction.

Article V. Existing Uses and Structures

12.10.500 Applicability

A. All nonconforming uses and structures in shoreline jurisdiction shall be subject to the provisions of this section. For nonconformance of use and structures within shoreline critical areas, SMP Article IV, Critical Areas, applies. When there is a conflict between this section and the Critical Area section as applicable to critical areas, the more restrictive standards shall apply.

B. The provisions of this section do not supersede or relieve a property owner from compliance with either of the following requirements:

- 1. Stevens County, city or town building and fire codes
- 2. The provisions of the SMP beyond the specific nonconformance addressed by this Article

C. A change in the required permit review process shall not create a nonconformance.

D. Any nonconformance that is brought into conformance for any period of time shall forfeit status as nonconformance, except as specified in SMP 12.10.510, Nonconforming Uses.

E. A nonconforming use or structure may be deemed legally nonconforming by providing documentation that the use in question occurred prior to the effective date of this SMP, from one of the following:

- 1. Local agency permit
- 2. Orthophotograph or aerial photograph, or planimetric mapping recognized as legitimate by the Shoreline Administrator
- 3. Tax record

12.10.510 Nonconforming Uses

A. If, at the effective date of the SMP and any later amendment to it, a lawful use of land exists that is made no longer permissible under the terms of this SMP or future amendments to it, such use may be continued as a nonconforming use so long as it remains otherwise lawful subject to the following conditions:

- 1. No nonconforming use shall be intensified, enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of the SMP or amendment that made the use no longer permissible.

Article VI. Administration and Enforcements

12.10.600 Roles and Responsibilities

A. The Partnership shall ensure proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

B. Shoreline Administrator

1. The Planning Director for the individual members of the Partnership or his/her designee shall serve as the Shoreline Administrator. The Shoreline Administrator shall issue written Letter of Exemptions as appropriate and, in the case of a SSDP, grant, or deny the permit. The Shoreline Administrator shall administer the shoreline permit and notification systems and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulations regarding land use and development in the respective jurisdiction.

2. The Shoreline Administrator shall be familiar with regulatory measures pertaining to shorelines and their use and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other applicable land-use and development regulatory measures of the respective jurisdiction. The Shoreline Administrator shall establish procedures that advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications.

3. The Shoreline Administrator shall ensure proposed regulatory or administrative actions shall be liberally construed in the legal context, which is to give full effect to the objectives and purposes of the Shoreline Management Act and this SMP, as set forth in RCW 90.58.900.

4. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations on the regulation of private property.

5. The Shoreline Administrator shall apply SMP 12.10.400, General Provisions, for critical areas within shoreline jurisdiction.

C. Planning Commissions

1. The Planning Commissions are vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the local jurisdiction’s planning and regulatory

1 program and make recommendations for amendments thereof to the
2 County Commissioners, or City or Town Councils, as applicable.

3 2. For the City of Kettle Falls, the Planning Commissions reviews
4 Shoreline Variances and Shoreline Conditional Use Permits, following
5 an open record hearing, and sends a recommendation to the City Council
6 or Town Council, except as noted below.

7 3. The Town of Marcus and Town of Northport, respective administrative
8 review processes under the Marcus and Northport Unified Development
9 Ordinances will be followed.

10 D. Stevens County Hearing Examiner

11 1. The Hearing Examiner shall have the authority to decide on appeals
12 from administrative decisions issued by the Stevens County Shoreline
13 Administrator of this SMP except for Shoreline Variances and SSDPs,
14 which shall be appealed to the State Shoreline Hearing Board pursuant
15 to this SMP 12.10.720.

16 2. The Hearing Examiner is vested with the authority to review Shoreline
17 Variances and Shoreline Conditional Use Permits....

18 E. County Commissions/City and Town Councils. The County Commissioners, or
19 City or Town Councils are vested with authority to:

20 1. Initiate an amendment to this SMP according to the procedures
21 prescribed in RCW 90.58 and WAC 173-26-100.

22 2. Adopt all amendments to this SMP, after consideration of the
23 recommendation of the Planning Commission. Substantive amendments
24 shall become effective immediately upon adoption by Ecology.

25 F. The City or Town Councils are vested with authority to:

26 1. Approve or deny all Shoreline Variance and Conditional Use Permits
27 forwarded by the Planning Commission pursuant to SMP 12.10.600 (C),

28 2. Conduct appeal of any recommendation of the Planning Commission.

29 3. Decide on appeals from the administrative decisions issued by the
30 Shoreline Administrator.

31 **12.10.610 Interpretation**

32 A. Under the administrative provisions, the Shoreline Administrator shall have
33 authority to interpret this SMP consistent with the goals and policies of this

1 SMP and the SMA, and can also seek input from Ecology staff on areas in
2 question.

3 B. The Shoreline Administrator shall consult with Ecology if formal written
4 interpretations are developed as a result of a lack of clear guidance in the SMA,
5 the SMA Rule, or this SMP to ensure any are consistent with the purpose and
6 intent of RCW 90.58 and 173-26 WAC.

7 **12.10.620 Statutory Noticing Requirements**

8 A. In the absence of locally adopted notice system, the Shoreline Administrator
9 shall provide notice in accordance with WAC 173.27-110 and may provide for
10 additional noticing requirements.

11 B. For the County, Shoreline Administrator shall provide notice pursuant to the
12 provisions of SCC 3.30.

13 **12.10.630 Application Requirements**

14 A. A complete application for a SSDP or Shoreline Conditional Use Permit, or
15 Shoreline Variance shall contain information sufficient to make a determination
16 as to whether the project will result in no net loss of shoreline ecological
17 functions and processes, and how impacts will be mitigated, as applicable.
18 Details on required application information will be provided at the time of
19 application.

20 **12.10.640 Shoreline Substantial Development Permits**

21 A. A SSDP shall be required for all development on shorelines, unless the proposal
22 is specifically exempted from the requirement for this permit as set forth in
23 SMP 12.10.670.

24 1. For Stevens County, applications for SSDPs shall be processed as an
25 administrative permit according to SCC 3.30.050, Administrative
26 decision – Type 2 for Stevens County.

27 2. For the City of Kettle Falls, applications for SSDPs shall be processed
28 pursuant to Kettle Falls Zoning Code 17.06.037 – Type 1,
29 Administrative review Process.

30 3. For the Towns of Marcus and Northport, applications for SSDPs shall be
31 processed pursuant respective administrative review processes under the
32 Marcus and Northport Unified Development Ordinances.

- 1 B. The Shoreline Administrator shall review SSDP applications, as required in
2 SMP 12.10.630, and approve or deny the permit.

- 3 C. The Shoreline Administrator shall provide notice in accordance with
4 SMP 12.10.620 and may provide additional notice, as applicable.

- 5 D. A SSDP shall be granted only when the development proposed is consistent
6 with all the following:
 - 7 1. The policies and procedures of the Act, RCW 90.58.
 - 8 2. The applicable provisions of WAC 173-27
 - 9 3. This SMP

- 10 E. The Shoreline Administrator may attach conditions to the approval of permits as
11 necessary to ensure consistency of the project with the SMA and this SMP.

12 **12.10.650 Shoreline Conditional Use Permits**

- 13 A. Uses specifically classified or set forth in this SMP as conditional uses shall be
14 subject to review and condition by the Shoreline Administrator and Ecology.
 - 15 1. For Stevens County, applications for a Shoreline Conditional Use Permit
16 shall be processed pursuant to SCC 3.30.
 - 17 2. For the City of Kettle Falls, a Shoreline Conditional Use Permit shall be
18 processed pursuant to Section 17.06.038 – Type II, Quasi-Judicial
19 Review Process of the Kettle Falls Code.
 - 20 3. For the Town of Marcus and Town of Northport, a Shoreline
21 Conditional Use Permit shall be processed with a Type III permit
22 pursuant to applicable town code provisions.

- 23 B. Other uses that are not classified or listed or set forth in this SMP may be
24 authorized as conditional uses, provided the applicant can demonstrate

1 consistency with the requirements of this Section and the requirements for
2 conditional uses contained in this SMP.

3 C. Uses that are specifically prohibited by this SMP per Table 12.10.100 (C),
4 Shoreline Use and Modifications Matrix, may not be authorized as a conditional
5 use.

6 D. Review Criteria for Conditional Uses. Uses that are classified or set forth in the
7 applicable master program as conditional uses may be authorized provided the
8 applicant demonstrates all of the following criteria:

9 1. The proposed use is consistent with the policies of RCW 90.58.020 and
10 the SMP.

11 2. The proposed use will not interfere with the normal public use of public
12 shoreline.

13 3. The proposed use of the site and design of the project is compatible with
14 other authorized uses within the area and with uses planned for the area
15 under the comprehensive plan and SMP.

16 4. The proposed use will cause no significant adverse effects to the
17 shoreline environment in which it is to be located.

18 E. In the granting of all Shoreline Conditional Use permits, consideration shall be
19 given to the cumulative impact of additional requests for like actions in the area.
20 The total of the conditional uses shall remain consistent with the policies of
21 RCW 90.58.020 and shall not produce substantial adverse effects to the
22 shoreline environment.

23 F. In authorizing a conditional use, special conditions may be attached to the
24 permit by the applicable Shoreline Administrator or Ecology to prevent
25 undesirable effects of the proposed use and/or to ensure consistency of the
26 project with the SMA and this SMP.

27 **12.10.660 Shoreline Variance Permits**

28 A. The purpose of a variance is to grant relief to specific bulk or dimensional
29 requirements set forth in this SMP where there are extraordinary or unique
30 circumstances relating to the property such that the strict implementation of this
31 SMP would impose unnecessary hardships on the applicant or thwart the
32 policies set forth in RCW 90.58.020.

33 B. Review Criteria

34 1. Applications for Shoreline Variance Permits shall be processed pursuant
35 to the following:

- 1 a. Stevens County:
 - 2 i. Shoreline Variance Permits shall be processed pursuant
 - 3 to SMP 12.10.600, Roles and Responsibilities and as
 - 4 provided in the SCC 3.30.050, Administrative decision –
 - 5 Type 2.
 - 6 b. City of Kettle Falls:
 - 7 i. For the City of Kettle Falls, Shoreline Variance Permits
 - 8 shall also be processed pursuant to SMP 12.10.600, Roles
 - 9 and Responsibilities, and pursuant to City of Kettle Falls
 - 10 Code Section 17.06.038 – Type II, Quasi-Judicial Review
 - 11 Process.
 - 12 c. Town of Marcus, and Town of Northport.
 - 13 i. For the towns of Marcus and Northport, Shoreline
 - 14 Variance Permits shall also be processed pursuant to
 - 15 SMP 12.10.600, Roles and Responsibilities and pursuant
 - 16 to applicable town code provisions.
- 17 2. Variances from the use regulations of this SMP are prohibited.
- 18 3. Variance Permits should be granted in circumstances where denial of the
 - 19 permit would result in a thwarting of the policy enumerated in
 - 20 RCW 90.58.020. In all instances, the applicant must demonstrate that
 - 21 extraordinary circumstances shall be shown and the public interest shall
 - 22 suffer no substantial detrimental effect.
- 23 4. Variance Permits for development and/or uses that will be located
 - 24 landward of the OHWM, as defined in RCW 90.58.030(2)(c), and/or
 - 25 landward of any wetland, as defined in RCW 90.58.030(2)(h), may be
 - 26 authorized provided the applicant can demonstrate of the following
 - 27 criteria:
 - 28 a. The strict application of the bulk, dimensional, or performance
 - 29 standards set forth in this SMP precludes, or significantly
 - 30 interferes with, reasonable use of the property.
 - 31 b. The hardship described in SMP 12.10.660 (B)(3) of this
 - 32 subsection is specifically related to the property and is the result
 - 33 of unique conditions, including but not limited to irregular lot
 - 34 shape, size, or natural features and the application of this SMP,
 - 35 and not, for example, from deed restrictions or the applicant’s
 - 36 own action.

- 1 c. The design of the project is compatible with other authorized
- 2 uses within the area and with uses planned for the area under the
- 3 comprehensive plan and SMP and will not cause adverse impacts
- 4 on the shoreline environment.

- 5 d. The variance will not constitute a grant of special privilege not
- 6 enjoyed by the other properties in the area.

- 7 e. The variance requested is the minimum necessary to afford
- 8 relief.

- 9 f. The public interest will suffer no substantial detrimental effect.

- 10 g. The variance request shall clearly indicate the following: where
- 11 development could occur without approval of a variance; the
- 12 physical features and circumstances on the property that provide
- 13 a basis for the request; and the location of adjacent structures and
- 14 uses.

- 15 5. Variance Permits for development and/or uses that will be located
- 16 waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within
- 17 any wetland, as defined in RCW 90.58.030(2)(h), may be authorized
- 18 provided the applicant can demonstrate that all the following criteria are
- 19 met:

- 20 a. The strict application of the bulk, dimensional, or performance
- 21 standards set forth in the applicable SMP precludes all
- 22 reasonable use of the property.

- 23 b. The proposal can meet the criteria established under
- 24 SMP 12.10.660 (B)(3).

- 25 c. The public rights of navigation and use of the shorelines will not
- 26 be adversely affected.

- 27 6. In the granting of all Variance Permits, consideration shall be given to
- 28 the cumulative impact of additional requests for like actions in the area.
- 29 For example, if variances were granted to other developments and/or
- 30 uses in the area where similar circumstances exist, the total of the
- 31 variances shall also remain consistent with the policies of RCW
- 32 90.58.020 and shall not cause substantial adverse effects to the shoreline
- 33 environment.

34 12.10.670 Exemptions from Shoreline Substantial Development Permits

- 35 A. An exemption from the SSDP process is not an exemption from compliance
- 36 with the SMA or this SMP, or from any other regulatory requirements. All
- 37 proposed uses, activities, or development occurring within shoreline jurisdiction

1 must conform to the intent and requirements of RCW 90.58, the SMA, and this
2 SMP, whether or not a permit or other form of authorization is required.

3 B. Letters of exemption shall be issued by the Shoreline Administrator when an
4 exemption applies or when a Letter of Exemption is required by the provisions
5 of WAC 173-27-050 and as follows:

6 1. Any person claiming exemption from the SSDP requirements shall make
7 an application to the Shoreline Administrator for such an exemption in
8 the manner prescribed by the Shoreline Administrator, except that no
9 written statement of exemption is required for emergency development
10 pursuant to WAC 173-27-040(2)(d).

11 2. The Shoreline Administrator is authorized to grant or deny requests for
12 letters of exemption from the SSDP requirement for uses and
13 developments within shorelines that are specifically listed in
14 SMP 12.10.670 (D). The statement shall be in writing and shall indicate
15 the specific exemption of this SMP that is being applied to the
16 development and shall provide a summary of the Shoreline
17 Administrator’s analysis of the consistency of the project with this SMP
18 and the SMA. The letter shall be sent to the applicant and maintained on
19 file in the offices of the Shoreline Administrator.

20 3. Letters of exemption may contain conditions and/or mitigating measures
21 of approval to achieve consistency and compliance with the provisions
22 of this SMP and the SMA.

23 4. A denial of an exemption shall be in writing and shall identify the
24 reason(s) for the denial. The Shoreline Administrator’s decision may be
25 appealed pursuant to SMP 12.10.720, Appeals.

26 5. Exempt activities requiring a Joint Aquatic Resources Permit
27 Application (JARPA) shall not be conducted until a Letter of Exemption
28 has been obtained from the Shoreline Administrator.

29 C. Interpretations of Exemptions

30 1. Exemptions shall be construed narrowly. Only those developments that
31 meet the precise terms of one or more of the listed exemptions may be
32 granted exemption from the SSDP process.

33 2. The burden of proof that a development or use is exempt from the
34 permit process is on the applicant.

35 3. If any part of a proposed development is not eligible for exemption, then
36 a SSDP, Conditional Use Permit or Variance, as applicable, is required
37 for the entire proposed development project.

- 1 4. The Shoreline Administrator may attach conditions to the approval of
2 exempted developments and/or uses as necessary to ensure consistency
3 of the project with the SMA and this SMP.

- 4 D. The Shoreline Administrator shall exempt from the SSDP requirement the
5 shoreline developments listed below:
 - 6 1. Any development of which the total cost or fair market value does not
7 exceed \$7,047 or as adjusted by the State Office of Financial
8 Management, if such development does not materially interfere with the
9 normal public use of the water or shorelines of the state. For purposes
10 of determining whether or not a permit is required, the total cost or fair
11 market value shall be based on the value of development that is
12 occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c).
13 The total cost or fair market value of the development shall include the
14 fair market value of any donated, contributed, or found labor, as well as
15 equipment or materials.

 - 16 2. Normal maintenance or repair of existing structures or developments,
17 including damage by accident, fire, or elements. Replacement of a
18 structure or development may be authorized as repair where such
19 replacement is the common method of repair for the type of structure or
20 development, and the replacement structure or development is
21 comparable to the original structure or development, including, but not
22 limited to, its size, shape, configuration, location, and external
23 appearance, and the replacement does not cause substantial adverse
24 effects to shoreline resources or environment.

 - 25 3. Construction of a normal protective bulkhead common to single-family
26 residences. A “normal protective” bulkhead includes those structural
27 and non-structural developments installed at or near, and parallel to, the
28 OHWM for the sole purpose of protecting an existing single-family
29 residence and appurtenant structures from loss or damage by erosion. A
30 normal protective bulkhead is not exempt if constructed for the purpose
31 of creating dry land. When a vertical or near vertical wall is being
32 constructed or reconstructed, not more than 1 cubic yard of fill per 1 foot
33 of wall may be used as backfill. When an existing bulkhead is being
34 repaired by construction of a vertical wall fronting the existing wall, it
35 shall be constructed no farther waterward of the existing bulkhead than
36 is necessary for construction of new footings. When a bulkhead has
37 deteriorated such that an OHWM has been established by the presence
38 and action of water landward of the bulkhead, then the replacement
39 bulkhead must be located at or near the actual OHWM. Bioengineered
40 erosion control projects may be considered a normal protective bulkhead
41 when any structural elements are consistent with the above requirements
42 and when the project has been approved by WDFW.

- 1 4. Emergency construction necessary to protect property from damage by
2 the elements. An “emergency” is an unanticipated and imminent threat
3 to public health, safety, or the environment that requires immediate
4 action within a time too short to allow full compliance with this section.
5 Emergency construction does not include development of new
6 permanent protective structures where none previously existed. Where
7 new protective structures are deemed by the Shoreline Administrator to
8 be the appropriate means to address the emergency situation, and upon
9 abatement of the emergency situation, the new structure shall be
10 removed or any permit that would have been required, absent an
11 emergency, pursuant to RCW 90.58 these regulations, or this SMP, shall
12 be obtained. All emergency construction shall be consistent with the
13 policies and requirements of this section, RCW 90.58, and this SMP. As
14 a general matter, flooding or other seasonal events that can be
15 anticipated and may occur but that are not imminent are not an
16 emergency.

- 17 5. Construction and practices normal or necessary for farming, irrigation,
18 and ranching activities, including agricultural service roads and utilities
19 on shorelands and the construction and maintenance of irrigation
20 structures including, but not limited to, head gates, pumping facilities,
21 and irrigation channels. A feedlot of any size, all processing plants,
22 other activities of a commercial nature, and alteration of the contour of
23 the shorelands by leveling or filling, other than that which results from
24 normal cultivation, shall not be considered normal or necessary farming
25 or ranching activities. A feedlot shall be an enclosure or facility used or
26 capable of being used for feeding livestock hay, grain, silage, or other
27 livestock feed, but shall not include land for growing crops or vegetation
28 for livestock feeding and/or grazing, nor shall it include normal
29 livestock wintering operations;

- 30 6. Construction or modification of channel markers, anchor buoys, and
31 other navigational aids.

- 32 7. Construction on shorelands by an owner, lessee, or contract purchaser of
33 a single-family residence or appurtenance for their own use or for the
34 use of their family, which residence does not exceed a height of 35 feet
35 above average grade level and which meets all other local requirements,
36 other than requirements imposed pursuant to RCW 90.58. Construction
37 authorized under this exemption, shall be located landward of the
38 OHWM. "Single-family residence" means a detached dwelling designed
39 for and occupied by one family, including those structures and
40 developments within a contiguous ownership which are a normal
41 appurtenance. An "appurtenance" is necessarily connected to the use
42 and enjoyment of a single-family residence and is located landward of
43 the OHWM and the perimeter of a wetland.

- 1 8. Construction of a dock, including a community dock designed for
2 pleasure craft only and for the private non-commercial use of the owner,
3 lessee, or contract purchaser of a single-family or multiple-family
4 residence. A dock is a landing and moorage facility for watercraft and
5 does not include recreational decks, storage facilities, or other
6 appurtenances. This exception applies when:
 - 7 a. The fair market value of the dock does not exceed \$10,000 (2018
8 value), or the most current market value as determined by the
9 State Office of Financial Management.
 - 10 b. The fair market value of the dock does not exceed \$20,000 (2018
11 value), or the most current market value as determined by the
12 State Office of Financial Management, for docks that are
13 constructed to replace existing docks, and are of equal or lesser
14 square footage than the existing dock being replaced.
 - 15 c. If subsequent construction occurs within five years of completion
16 of the prior construction, and the combined fair market value of
17 the subsequent and prior construction exceeds the amount
18 specified in either (a) or (b), the subsequent construction shall be
19 considered a substantial development.
- 20 9. Operation, maintenance, repair, or construction of canals, waterways,
21 drains, reservoirs, or other facilities that now exist or are hereafter
22 created or developed as a part of an irrigation system for the primary
23 purpose of making use of system waters, including return flow and
24 artificially stored groundwater from the irrigation of lands.
- 25 10. The marking of property lines or corners on state-owned lands, when
26 such marking does not significantly interfere with normal public use of
27 the surface of the water.
- 28 11. Operation and maintenance of existing and future system of dikes,
29 drains, or other facilities existing on September 8, 1975 (where water is
30 being drained from irrigation runoff or shallow groundwater levels
31 artificially recharged through irrigation), which are created, developed,
32 or used primarily as a part of an agricultural drainage or diking system.
- 33 12. Any project with a certification from the governor pursuant to RCW
34 80.50 (certification from the State Energy Facility Site Evaluation
35 Council).
- 36 13. Site exploration and investigation activities that are prerequisite to
37 preparation of an application for development authorization under this
38 section, if:

- 1 a. The activity does not interfere with the normal public use of
2 surface waters.

- 3 b. The activity will have no significant adverse impact on the
4 environment.

- 5 c. The activity does not involve the installation of any structure
6 and, upon completion of the activity, the vegetation and land
7 configuration of the site are restored to conditions existing before
8 the activity.

- 9 d. A private entity seeking development authorization under this
10 section first posts a performance bond or provides other evidence
11 of financial responsibility to the local jurisdiction to ensure the
12 site is restored to pre-existing conditions.

- 13 14. The process of removing or controlling aquatic noxious weeds, as
14 defined in RCW 17.26.020, through the use of an herbicide or other
15 treatment methods, or removal by hand, applicable to weed control
16 published by the Departments of Agriculture or Ecology jointly with
17 other state agencies under RCW 43.21C.

- 18 15. Watershed restoration projects as defined in RCW 89.08.460.

- 19 16. A public or private project that is designed to improve fish or wildlife
20 habitat or fish passage when all the following apply:
 - 21 a. The project has been approved by WDFW.
 - 22 b. The project has received HPA by WDFW pursuant to RCW
23 77.55.
 - 24 c. The Shoreline Administrator has determined that the project is
25 substantially consistent with the local SMP. The Shoreline
26 Administrator shall make such determination in a timely manner
27 and provide it by letter to the applicant.
 - 28 d. Fish habitat enhancement projects that conform to the provisions
29 of RCW 77.55.181 are determined to be consistent with local
30 SMPs.
 - 31 e. No local government may require permits or charge fees for fish
32 habitat enhancement projects that meet the criteria of WAC 173-
33 27-040(2)(p)(iii)(A) and that are reviewed and approved
34 according to the provisions of this section.

- 1 17. Any person conducting a remedial action at a facility pursuant to a
- 2 consent decree, order, or agreed order issued pursuant to RCW 70.105D
- 3 or to Ecology when it conducts a remedial action under RCW 70.105D.

- 4 18. The external or internal retrofitting of an existing structure with the
- 5 exclusive purpose of compliance with the ADA of 1990 (42 U.S.C. Sec.
- 6 12101 et seq.) or to otherwise provide physical access to the structure by
- 7 individuals with disabilities.

- 8 19. Other than conversions to non-forest land use, forest practices regulated
- 9 under RCW 76.09 are not subject to additional regulations under the
- 10 SMA or this SMP (90.58.030(2)(d)(ii)).

11 **12.10.680 Duration of Permits**

- 12 A. The duration of SSDPs, Shoreline Conditional Use Permit, and Shoreline
- 13 Variances shall be consistent with WAC 173-27-090 as follows:

- 14 1. Construction activities shall be commenced or, where no construction
- 15 activities are involved, the use or activity shall be commenced within
- 16 2 years of the effective date of a permit. The Shoreline Administrator
- 17 may authorize a single extension for a period not to exceed 1 year based
- 18 on reasonable factors if a request for extension has been filed before the
- 19 expiration date and notice of the proposed extension is given to parties
- 20 of record on the permit and to the Ecology.

- 21 2. Authorization to conduct development activities shall terminate 5 years
- 22 after the effective date of a permit. However, the Shoreline
- 23 Administrator may authorize a single extension for a period not to
- 24 exceed 1 year based on reasonable factors if a request for extension has
- 25 been filed before the expiration date and notice of the proposed
- 26 extension is given to parties of record and to the department.

27 **12.10.690 Initiation of Development**

- 28 A. Each permit for a Shoreline Substantial Development, Shoreline Conditional
- 29 Use, or Shoreline Variance issued by local government shall contain a provision
- 30 that construction pursuant to the permit shall not begin and is not authorized
- 31 until 21 days from the date of receipt with Ecology as defined in RCW
- 32 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated
- 33 within 21 days from the date of receipt of the decision.

- 34 1. The date of filing for a SSDP is the date of actual receipt by Ecology of
- 35 a local government’s final decision on the permit.

- 36 2. With regard to a permit for a Shoreline Variance or a Shoreline
- 37 Conditional Use, date of filing means the date of transmittal of the

1 Ecology’s final decision on the variance or conditional use permit to
2 local government and the applicant.

3 3. When a SSDP and a Conditional Use or Variance Permit are required for
4 a development, the submittal of the permits shall be made concurrently.

5 **12.10.700 Submittal to Ecology and Attorney General**

6 A. Permits for Shoreline Substantial Development, Shoreline Conditional Use, or
7 Shoreline Variance may be in any form prescribed and used by the Shoreline
8 Administrator, including a combined permit application form. Such forms will
9 be supplied by the Shoreline Administrator.

10 B. A permit datasheet shall be submitted to Ecology with each shoreline permit.
11 The permit datasheet form shall be consistent with WAC 173-27-990.

12 C. After local decision of a Shoreline Conditional Use or Variance Permit, the
13 Shoreline Administrator shall submit the permit to Ecology for approval,
14 approval with conditions, or denial. The complete submittal shall include:

- 15 1. A copy of the complete application;
- 16 2. Findings and conclusions that establish the basis for the decision;
- 17 3. The final decision of the local government;
- 18 4. The permit datasheet; and
- 19 5. Where applicable, local government shall also file the applicable
20 documents required by RCW 43.21C, the State Environmental Policy
21 Act, or in lieu thereof, a statement summarizing the actions and dates of
22 such actions taken under RCW 43.21C.
- 23 6. When the project has been modified in the course of the local review
24 process, plans or text shall be provided to the department that clearly
25 indicate the final approved plan.

26 D. Any decision on an application for a permit under the authority of this section,
27 whether it is an approval or a denial, shall, concurrently with the transmittal of
28 the ruling to the applicant, be filed with Ecology and the attorney general.

29 **12.10.710 Ecology Review Process for Shoreline Conditional Use Permits and**
30 **Variations**

31 A. For Shoreline Conditional Use Permits and Variance, Ecology shall render and
32 transmit to the County, City, or Town, and the applicant its final decision
33 approving, approving with conditions, or disapproving the Conditional Use or

1 Variance within 30 days of the date of complete submittal by the Shoreline
2 Administrator pursuant to WAC 173-27-130.

3 B. Ecology shall review the complete file submitted by the Shoreline
4 Administrator on Shoreline Conditional Use Permits or Variances and any other
5 information submitted or available that is relevant to the application. Ecology
6 shall base its determination to approve, approve with conditions, or deny a
7 Conditional Use Permit or Variance Permit on consistency with the policy and
8 provisions of the SMA and except as provided in WAC 173-27-210 and the
9 criteria in WAC 173-27-160 and 173-27-170.

10 C. The Shoreline Administrator shall provide timely notification of Ecology’s final
11 decision to those interested persons having requested notification from local
12 government pursuant to WAC 173-27-130.

13 D. Ecology shall provide a written notice to the local government and the applicant
14 of the "date of filing" as defined as:

15 1. "Date of filing" of a local government final decision involving approval
16 or denial of a SSDP is the date of actual receipt by Ecology of a local
17 government's final decision on the permit.

18 2. "Date of filing" involving approval or denial of a Variance or
19 Conditional Use Permit, is the date of transmittal of Ecology’s final
20 decision on the Variance or Conditional Use Permit to local government
21 and the applicant.

22 **12.10.720 Appeals**

23 A. Appeals of Shoreline Permit Decisions. The County, City, or Town decisions
24 on shoreline permits may be appealed to the following “bodies” in this
25 sequence:

26 1. The County Commission, City or Town Council, or the Hearing
27 Examiner for decisions made by the Shoreline Administrator.

28 2. State Shorelines Hearings Board (SHB) in Tumwater.

29 3. SHB decisions may be appealed to superior court.

30 4. Superior court decisions may be appealed to the Court of Appeals.

31 5. Appeals Court decisions may be appealed to the Washington Supreme
32 Court.

33 6. Appeals to the SHB and courts are governed by RCW 90.58.180,
34 RCW 43.21B.001, RCW 34.05 Part V, and WAC 461-08.

1 B. All requests for review of any final permit decisions under RCW 90.58 and
2 WAC 173-27 are governed by the procedures established in RCW 90.58.180,
3 WAC 461-08, and the rules of practice and procedure of the SHB.

4 **12.10.730 Amendments to Permits**

5 A. A permit revision is required whenever the applicant proposes substantive
6 changes to the design, terms, or conditions of a project from that which is
7 approved in the permit. Changes are substantive if they materially alter the
8 project in a manner that relates to its conformance to the terms and conditions of
9 the permit, the SMP, and/or the policies and provisions of RCW 90.58.
10 Changes that are not substantive in effect do not require approval of a revision.

11 B. Revisions to permits shall be considered consistent with WAC 173-27-100.

12 **12.10.740 Enforcement**

13 A. The SMA provides for a cooperative program between the Partnership and
14 Ecology to implement and enforce the provisions of the SMA and this SMP.
15 This Section provides for a variety of means of enforcement, including civil and
16 criminal penalties, orders to cease and desist, and orders to take corrective
17 action, in accordance with WAC 173-27-270, 173-27-280, 173-27-290, 173-27-
18 300, SCC Chapter 3.40, Enforcement, City of Kettle Falls Code Section
19 17.06.070, and applicable code sections for the towns of Marcus and Northport.
20 The enforcement means and penalties provided herein are not exclusive and
21 may be taken or imposed in conjunction with, or in addition to, any other civil
22 enforcement actions and civil penalties, injunctive or declaratory relief, criminal
23 prosecution, actions to recover civil or criminal penalties, or any other action or
24 sanction authorized by this Section, or any other provision of the local
25 government codes, or any other provision of state or federal law and regulation.

26 B. The attorney representing the local government shall have authority to
27 commence and prosecute any enforcement action authorized by this Section. In
28 determining the appropriate enforcement actions to be commenced and
29 prosecuted, the Shoreline Administrator shall consider the following factors:

- 30 1. The nature of the violation.
- 31 2. The extent of damage or potential future risk to the shoreline
32 environment and its ecological functions or to the public health and
33 safety, caused by or resulting from, whether directly or indirectly, the
34 alleged violation.
- 35 3. The existence of knowledge, intent, or malice on behalf of the violator.
- 36 4. The economic benefit or advantage that accrued to the violator(s) as a
37 result of the violation.

1 5. The estimated actions and costs of providing adequate mitigation,
2 restoration, rehabilitation, or enhancement to repair or minimize any
3 substantial adverse impacts upon the shoreline environment and its
4 ecological functions or the public health and safety.

5 C. The attorney representing the local government may commence and prosecute
6 enforcement action jointly with Ecology. Pursuant to WAC 173-27, Ecology
7 may initiate and prosecute enforcement action separate from the Shoreline
8 Administrator.

9 **12.10.750 Cumulative Effects of Shoreline Developments**

10 A. The Partnership will periodically evaluate the effectiveness of the SMP update
11 for achieving no net loss of shoreline ecological functions with respect to
12 shoreline permitting and exemption processes. Every 4 years, the Shoreline
13 Administrator shall prepare a report documenting shoreline development
14 permits, conditional permits, and variances, including the exempt use activity
15 approvals and the locations and effects of each by type and classifications. The
16 report should include activities involving development, conservation,
17 restoration, mitigation, and enforcement. It should summarize the cumulative
18 effects of authorized development on shoreline conditions using appropriate
19 measures.

20 B. The Shoreline Administrator will, to the extent feasible, coordinate with other
21 local government departments or adjacent jurisdictions, as applicable, to assess
22 cumulative effects of shoreline development.

23 **12.10.760 Amendments to Shoreline Master Program**

24 A. Following the local legislative process, amendments to the SMP shall be
25 processed with Ecology as legislative decisions pursuant to WAC 173-26-110.

26 B. Any locally approved amendments to the SMP will not become effective until
27 approved by Ecology.

28 **12.10.770 Definitions**

29 A. Definitions

30 1. "Accretion" means the natural buildup of shoreline through the gradual
31 deposit of alluvium.

32 2. "Act" means the Washington State SMA, RCW 90.58.

33 3. "Adjacent" for purposes of applying Article IV, Critical Areas, means
34 immediately adjoining (in contact with the boundary of the influence
35 area) or within a distance less than that needed to separate activities
36 from critical areas to ensure protection of the functions and values of the

- 1 critical areas. Adjacent shall mean any activity or development located
- 2 in either of the following areas:
- 3 a. On-site immediately adjoining a critical area.
- 4 b. A distance equal to or less than the required critical area buffer
- 5 width.
- 6 4. “Agricultural activities” means agricultural uses and practices,
- 7 including, but not limited to, producing, breeding, or increasing
- 8 agricultural products; rotating and changing agricultural crops; allowing
- 9 land used for agricultural activities to lie fallow in which it is plowed
- 10 and tilled but left unseeded; allowing land used for agricultural activities
- 11 to lie dormant as a result of adverse agricultural market conditions;
- 12 allowing land used for agricultural activities to lie dormant because the
- 13 land is enrolled in a local, state, or federal conservation program or the
- 14 land is subject to a conservation easement; conducting agricultural
- 15 operations; maintaining, repairing, and replacing agricultural equipment;
- 16 maintaining, repairing, and replacing agricultural facilities, provided that
- 17 the replacement facility is no closer to the shoreline than the original
- 18 facility; and maintaining agricultural lands under production or
- 19 cultivation.
- 20 5. “Agricultural equipment” includes, but is not limited to, the following
- 21 used in agricultural operations:
- 22 a. Equipment; machinery; constructed shelters, buildings, and
- 23 ponds; fences; upland finfish rearing facilities; and water
- 24 diversion, withdrawal, conveyance, and use equipment and
- 25 facilities including, but not limited to, pumps, pipes, tapes,
- 26 canals, ditches, and drains.
- 27 b. Corridors and facilities for transporting personnel, livestock, and
- 28 equipment to, from, and within agricultural lands.
- 29 c. Farm residences and associated equipment, lands, and facilities.
- 30 d. Roadside stands and on-farm markets for marketing fruit or
- 31 vegetables.
- 32 6. “Agricultural products” includes, but is not limited to, horticultural,
- 33 viticultural, floricultural, and vegetable, fruit, berry, grain, hops, hay,
- 34 straw, turf, sod, seed, and apiary products; feed or forage for livestock;
- 35 Christmas trees; hybrid cottonwood and similar hardwood trees grown
- 36 as crops and harvested within 20 years of planting; and livestock
- 37 (animals and animal products), including, but not limited to, meat,
- 38 upland finfish, poultry and poultry products, and dairy products.

- 1 7. Agricultural facilities. See “Agricultural equipment.”
- 2 8. “Agricultural land” means those specific land areas on which agriculture
- 3 activities are conducted.
- 4 9. “Alteration” for purposes of applying Article IV, Critical Areas, means
- 5 any human-induced change in an existing condition of a critical area or
- 6 its buffer. Alterations include grading, filling, dredging, channelizing,
- 7 clearing (vegetation), applying pesticides, discharging waste,
- 8 construction, compaction, excavation, modifying for stormwater
- 9 management, relocating, or other activities that change the existing
- 10 landform, vegetation, hydrology, wildlife, or habitat value of critical
- 11 areas.
- 12 10. “Amendment” means a revision, update, addition, deletion, and/or
- 13 reenactment to an existing SMP.
- 14 11. “Applicant” means a person who files an application for a permit under
- 15 this SMP and who is either the owner of the land on which that proposed
- 16 activity would be located, a contract purchaser, corporate entities,
- 17 agencies, or the authorized agent of such a person.
- 18 12. “Aquaculture” means the culture or farming of fish or other aquatic
- 19 plants and animals.
- 20 13. “Aquifer recharge area” means an area through which precipitation and
- 21 surface water infiltrate the soil and are transmitted through rocks and
- 22 soil to create groundwater storage. They are also areas where an aquifer
- 23 that is a source of drinking water is vulnerable to contamination that
- 24 would affect the potability of water.
- 25 14. “Associated wetlands” are those wetlands that are in proximity to and
- 26 either influence or are influenced by a stream subject to the SMA.
- 27 15. “Average grade level” means the average of the natural or existing
- 28 topography of the portion of the lot, parcel, or tract of real property that
- 29 will be directly under the proposed building or structure. In the case of
- 30 structures to be built over water, average grade level shall be the
- 31 elevation of the OHWM. Calculation of the average grade level shall be
- 32 made by averaging the ground elevations at the midpoint of all exterior
- 33 walls of the proposed building or structure.
- 34 16. “Base flood” means a flood having a 1% chance of being equaled or
- 35 exceeded in any given year.
- 36 17. “Base flood elevation” means the water surface elevation of the base
- 37 flood. It shall be referenced to the North American Vertical Datum of
- 38 1988.

- 1 18. “Best management practices (BMPs)” means conservation practices or
2 systems of practice and management measures that perform the
3 following actions:
 - 4 a. Control soil loss and reduce water quality degradation caused by
5 high concentrations of nutrients, toxics, and sediment.
 - 6 b. Minimize adverse impacts on surface water and groundwater
7 flow, circulation patterns, and the chemical, physical, and
8 biological characteristics of wetlands.
 - 9 c. Protect trees and vegetation designated to be retained during and
10 following site construction.
 - 11 d. Provide standards for proper use of chemical herbicides within
12 critical areas.
 - 13 e. Other conservation practices as described in the NRCS Field
14 Office Technical Guide, as applicable to Stevens County.
- 15 19. “Bioengineered Shoreline Stabilization” means the practice of using
16 natural vegetative materials to stabilize shorelines and prevent erosion.
17 This may include use of bundles of stems, root systems, or other living
18 plant material, soft gabions, fabric, or other soil stabilization techniques,
19 and limited rock toe protection where appropriate. Bioengineering
20 projects often include habitat enhancement measures (e.g., anchored
21 logs, root wads). Such techniques may be applied to creeks, rivers,
22 lakes, and reservoirs. Bioengineering may also be applied in upland
23 areas away from the immediate shoreline.
- 24 20. “Boating facilities” includes boat launches and upland boat storage,
25 marinas, and other boat moorage structures or uses. For the purposes of
26 this SMP, boating facilities excludes docks serving four or fewer
27 single-family residences.
- 28 21. “Breakwater” means an offshore structure whose primary purpose is to
29 protect harbors, moorages, and navigation activity from wave and wind
30 action by creating stillwater areas along shore. A secondary purpose is
31 to protect shorelines from wave-caused erosion. Breakwaters are
32 generally built parallel to shore, may or may not be connected to land,
33 and may be floating or stationary.
- 34 22. “Buffer, Critical Areas” means an area, which provides the margin of
35 safety through protection of slope stability, attenuation of surface water
36 flows and landslide hazards reasonably necessary to minimize risk to the
37 public from loss of life or well-being or property damage resulting from
38 natural disasters, or an area which is an integral part of a stream or
39 wetland ecosystem and which provides shading, input of organic debris

- 1 and coarse sediments, room for variation in stream or wetland
2 boundaries, habitat for wildlife and protection from harmful intrusion
3 necessary to protect the public from losses suffered when the functions
4 and values of aquatic resources are degraded.
- 5 23. “City” means the City of Kettle Falls.
- 6 24. “Channel migration zone (CMZ)” means the area along a river within
7 which the channel(s) can be reasonably predicted to migrate over time as
8 a result of natural and normally occurring hydrological and related
9 processes when considered with the characteristics of the river and its
10 surroundings. (The SMP regulatory CMZ is mapped and on file at the
11 County.)
- 12 25. “Clearing” means the cutting, killing, grubbing, or removing of
13 vegetation or other organic material by physical, mechanical, chemical,
14 or any other similar means.
- 15 26. “Partnership” refers to Stevens County, and the City of Kettle Falls,
16 Town of Marcus, and Town of Northport.
- 17 27. “Community access” means a shoreline access available to a group or
18 community, which may not be accessible to general public.
- 19 28. “Compensation project” means actions specifically designed to replace
20 project-induced critical area and buffer losses. Compensation project
21 design elements may include land acquisition, planning, construction
22 plans, monitoring, and contingency actions.
- 23 29. “Compensatory mitigation” means types of mitigation used to replace
24 project-induced critical areas and buffer losses or impacts.
- 25 30. “County” means Stevens County.
- 26 31. “Critical aquifer recharge area” means those areas with critical aquifer
27 recharging effect on aquifers user for potable water.
- 28 32. “Cultural and historic resources” means buildings, sites, and areas
29 having archaeological, historic, cultural, or scientific value or
30 significance as identified by the appropriate authorities, including
31 federal agencies, affected Indian tribes, and the Department of
32 Archaeology and Historic Preservation.
- 33 33. “Delineation” means the determination of an area's boundaries in the
34 field according to the application of specific methodology by an
35 agency(ies) or qualified professional.

- 1 34. “Development” means a use consisting of the construction or exterior
2 alteration of structures; dredging; drilling; dumping; filling; removal of
3 any sand, gravel, or minerals; bulk heading; driving of piling; placing of
4 obstructions; or any project of a permanent or temporary nature, which
5 interferes with the normal public use of the surface of the waters
6 overlying lands subject to the act at any stage of water level.

- 7 35. “Dock” means, as a general term, a structure, or group of structures that
8 provides boat moorage or other uses. A dock may be made up of piers
9 (which are structures on fixed piles) and floats (which float on the
10 water’s surface and are typically attached to piles so that they may rise
11 and fall with changes in the water's elevation). Docks do not include
12 recreational floats, storage facilities, or other appurtenances.

- 13 36. “Dredging” means the removal of sediments and debris from the bottom
14 of lakes, rivers, harbors, and other water bodies for navigation and
15 maintaining berthing areas, protection of infrastructure and property,
16 environmental remediation, and other purposes.

- 17 37. “Ecological functions” or “shoreline functions” means the work
18 performed or role played by the physical, chemical, and biological
19 processes and species that contribute to the maintenance of the aquatic
20 and terrestrial environments that constitute the shoreline’s natural
21 ecosystem.

- 22 38. “Ecosystem-wide processes” means the suite of naturally occurring
23 physical and geologic processes of erosion, transport, and deposition and
24 specific chemical processes that shape landforms within a specific
25 shoreline ecosystem and determine the types of habitat and the
26 associated ecological functions.

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

- 29 40. “Erosion hazard area” means those areas that, because of natural
30 characteristics or human-induced changes to such characteristics, are
31 vulnerable to erosion.

- 32 41. “Feasible” means, for the purpose of this SMP, that a development
33 project, mitigation, preservation requirement, or other land use action
34 meets all of the following conditions: a) the action can be accomplished
35 with technologies and methods that have been used in the past in similar
36 circumstances, or studies or tests have demonstrated in similar
37 circumstances that such approaches are currently available and likely to
38 achieve the intended results; b) the action provides a reasonable
39 likelihood of achieving its intended purpose; and c) the action does not
40 physically preclude achieving the project’s primary intended legal use.

- 1 In cases where these guidelines require certain actions, unless they are
2 infeasible, the burden of proving infeasibility is on the applicant. In
3 determining an action’s infeasibility, the reviewing agency may weigh
4 the action’s relative public costs and public benefits, considered in the
5 long-term time frames as required by RCW 90.58.020(3).
- 6 42. “Federal Emergency Management Agency (FEMA)” means the agency
7 that oversees the administration of the National Flood Insurance
8 Program (44 Code of Federal Regulations).
- 9 43. “Fill” means the addition of soil, sand, rock, gravel, sediment,
10 earth-retaining structure, or other material to an area waterward of the
11 OHWM, in wetlands or on shoreline areas in a manner that raises the
12 elevation or creates dry land.
- 13 44. “Fish and wildlife habitat conservation areas” means areas necessary for
14 maintaining species in suitable habitats within their natural geographic
15 distribution so that isolated subpopulations are not created as designated
16 by WAC 365-190-080(5). “Fish and wildlife habitat conservation areas”
17 do not include all attributes of shoreline natural character and ecological
18 function as defined in the SMA and this SMP. “Fish and wildlife habitat
19 conservation areas” include the following items:
- 20 a. Areas within which state and federal endangered and threatened
21 species exist, or state sensitive, candidate, and monitor species
22 have a primary association.
 - 23 b. Habitats and species of local importance that have been
24 designated by the County
 - 25 c. Naturally occurring ponds less than 20 acres and their submerged
26 aquatic beds that provide fish or wildlife habitat. These do not
27 include ponds deliberately designed and created from dry sites
28 including but not limited to canals, detention facilities,
29 wastewater treatment facilities, farm ponds, temporary
30 construction ponds of less than a 3-year duration, and landscape
31 amenities. Naturally occurring ponds may include those
32 artificial ponds intentionally created from dry areas in order to
33 mitigate conversion of ponds, if approved by a regulatory
34 authority.
 - 35 d. Waters of the state as defined by WAC 222-16.
 - 36 e. Lakes, ponds, streams, and rivers planted with game fish by a
37 governmental or tribal entity.
 - 38 f. State natural area preserves and natural resources conservation
39 areas.

- 1 45. “Flood” or “flooding” means a general and temporary condition of
2 partial or complete inundation of normally dry land areas from the
3 overflow of inland waters and/or the unusual and rapid accumulation of
4 runoff or surface waters from any source.

- 5 46. “Flood insurance rate map (FIRM)” means the official map on which
6 the FEMA has delineated the areas of special flood hazards and the risk
7 premium zones applicable to the Partnership.

- 8 47. “Floodplain” is synonymous with 100-year floodplain and means that
9 land area susceptible to inundation with a 1% chance of being equaled or
10 exceeded in any given year. The limit of this area shall be based on
11 flood ordinance regulation maps or a reasonable method, which meets
12 the objectives of the act.

- 13 48. “Floodway” means the channel of a river or other watercourse and the
14 adjacent land areas through which the base flood is discharged.
15 Floodways identified on flood boundary and floodway maps become
16 “regulatory floodways” within which encroachment of obstructions are
17 prohibited.

- 18 49. "Forest practice" means any activity conducted under the Forest
19 Practices Act.

- 20 50. “Functions” and “values,” for purposes of applying SMP Article IV,
21 Critical Areas, mean the beneficial roles served by critical areas,
22 including, but not limited to, water quality protection and enhancement,
23 fish and wildlife habitat, food chain support, flood storage, conveyance
24 and attenuation, groundwater recharge and discharge, erosion control,
25 and recreation. Functions and values may be considered independently,
26 with water quality, hydrologic, habitat, and other functions being
27 measured indicators and local importance, potential qualities,
28 recreational benefits, or other values being non-measured indicators.

- 29 51. “Geologically hazardous areas” means areas that, because of their
30 susceptibility to erosion, sliding, earthquake, or other geologic events,
31 are not suited to the siting of commercial, residential, or industrial
32 development consistent with public health or safety concerns.
33 Geologically Hazardous Areas include Erosion Hazards, Landslide
34 Hazards, Mine Hazards, and Seismic Hazards, as defined herein and
35 specified in Article IV.

- 36 52. “Geomorphic” means of or relating to the form of the landscape and
37 other natural features of the earth's surface.

- 38 53. “Geotechnical Report” or “geotechnical analysis” means a scientific
39 study or evaluation conducted by a qualified expert that includes a
40 description of the ground and surface hydrology and geology; the

1 affected landform and its susceptibility to mass wasting, erosion, and
2 other geologic hazards or processes, conclusions, and recommendations
3 regarding the effect of the proposed development on geologic
4 conditions; the adequacy of the site to be developed; the impacts of the
5 proposed development; alternative approaches to the proposed
6 development; and measures to mitigate potential site-specific,
7 cumulative geological, and hydrological impacts of the proposed
8 development, including the potential adverse impacts on adjacent and
9 down-current properties. Geotechnical Reports shall conform to
10 accepted technical standards and must be prepared by qualified
11 professional engineers or geologists who have professional expertise
12 about the regional and local shoreline geology and processes.

13 54. “Grading” means stripping, cutting, filling, or stockpiling of land,
14 including the land in its cut or filled condition to create new grade.

15 55. “Groin” means a barrier type of structure extending from the stream
16 bank into a waterbody for the purpose of the protection of a shoreline
17 and adjacent uplands by influencing the movement of water or
18 deposition of materials.

19 56. “Habitats and species of local importance” means those species that may
20 not be endangered, threatened, or critical from a state-wide perspective
21 but are of local concern due to their population status, sensitivity to
22 habitat manipulation, or other educational, cultural, or historic attributes.
23 These species may be priority habitats, priority species, and those
24 habitats and species identified in the critical areas code as having local
25 importance.

26 57. “Hazard areas” means areas designated as frequently flooded or
27 geologically hazardous areas due to potential for erosion, landslide,
28 seismic activity, mine collapse, or other geologically hazardous
29 conditions, including steep slopes.

30 58. “Hazardous substance(s)” is as follows:

- 31 a. A hazardous substance as defined by Section 101(14) of the
32 Comprehensive Environmental Response, Compensation, and
33 Liability Act; any substance designated pursuant to Section
34 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous
35 waste having the characteristics identified under or listed
36 pursuant to Section 3001 of the Solid Waste Disposal Act (but
37 not including any waste the regulation of which under the Solid
38 Waste Disposal Act has been suspended by Act of Congress);
39 any toxic pollutant listed under Section 307(a) of the CWA; or
40 any imminently hazardous chemical substance or mixture with

1 respect to which the EPA has taken action pursuant to Section 7
2 of the Toxic Substances Control Act.

3 b. Hazardous substances that include any liquid, solid, gas, or
4 sludge, including any material, substance, product, commodity,
5 or waste, regardless of quantity, that exhibit any of the physical,
6 chemical, or biological properties described in WAC 173-303-
7 090, 173-303-102, or 173-303-103.

8 59. “Height” is measured from average grade level to the highest point of a
9 structure: provided that television antennas, chimneys, and similar
10 appurtenances shall not be used in calculating height, except where such
11 appurtenances obstruct the view of the shoreline of a substantial number
12 of residences on areas adjoining such shorelines; provided further that
13 temporary construction equipment is excluded in this calculation.

14 60. “High-intensity land use” means water-oriented commercial,
15 transportation, public utilities and industrial uses. “High-intensity land
16 use” for applying buffer protections for wetlands means land uses
17 consisting of commercial, urban, industrial, institutional, retail,
18 residential on parcels less than 1 unit per acre, high-intensity agricultural
19 (dairies, nurseries, raising and harvesting crops requiring annual tilling,
20 and confined animal feeding operations), and high intensity recreation
21 (golf courses and ball fields).

22 61. “Hydraulic project approval (HPA)” means a permit issued by WDFW
23 for modification to waters of the state in accordance with RCW 75.20.

24 62. “Impervious surface area” means a hard surface area, which either
25 prevents or retards the entry of water into the soil mantle as under
26 natural conditions prior to development. Impervious surface shall also
27 include a hard surface area, which causes water to run off the surface in
28 greater quantities or at an increased rate of flow from the flow present
29 under natural conditions prior to development. Common impervious
30 surfaces include rooftops, walkways, patios, driveways, parking lots or
31 storage areas, concrete or asphalt paving, gravel roads with compacted
32 subgrade, packed earthen materials, and oiled, macadam or other
33 surfaces, which similarly impede the natural infiltration of stormwater.
34 Open, uncovered retention/detention facilities shall not be considered as
35 impervious surfaces.

36 63. “In-stream structures” function for the impoundment, diversion, or use
37 of water for hydroelectric generation and transmission (including public
38 and private facilities), flood control, irrigation, water supply (domestic
39 and industrial), recreation, or fisheries enhancement.

- 1 64. “Invasive, non-native vegetation species” means the plants listed for
2 Eastern Washington in Washington State Noxious Weed Board
3 Publication # 820-264E (N/6/09) or the latest version of this document.

- 4 65. “Landslide” means down slope movement of a mass of soil, rock, snow,
5 or ice, including, but not limited to, rock falls, slumps, mud flows, debris
6 flows, torrents, earth flows, and snow avalanches.

- 7 66. “Landslide hazard areas” means those areas potentially subject to
8 landslides based upon a combination of geologic, topographic, and
9 hydrologic factors.

- 10 67. “Low impact development” refers to systems and practices that use or
11 mimic natural processes that result in the infiltration, evapotranspiration
12 or use of stormwater in order to protect water quality and associated
13 aquatic habitat.

- 14 68. “Low-intensity agriculture” includes cropping that requires limited or no
15 mechanized equipment for planting and harvesting, and does not require
16 land clearing. Also includes periodic livestock grazing.

- 17 69. “Low-intensity land use” includes forestry, low-intensity recreation,
18 natural resources preservation, and other open space uses.

- 19 70. “Low-intensity mining” includes is the removal of sand, gravel, soil,
20 minerals, and other earth materials without mechanized equipment.

- 21 71. “Low-intensity recreation” includes recreation activities that do not
22 require developed facilities and can be accommodated with limited or no
23 changes to the area or resource.

- 24 72. “May” means the action is acceptable, provided it conforms to the
25 provisions of this SMP.

- 26 73. “Mining” is the removal of naturally occurring materials from the earth
27 for economic use.

- 28 74. “Mitigation sequencing” means the process of avoiding, reducing, or
29 compensating for the adverse environmental impact(s) of a proposal,
30 including the following actions, listed in the order of preference, the first
31 being the most preferred:
 - 32 a. Avoiding the impact altogether by not taking a certain action or
33 parts of an action

 - 34 b. Where impact on critical areas or their buffers will not be
35 avoided, demonstrating that the impact meets the criteria for

- 1 granting a Shoreline Variance or other administratively approved
- 2 alteration

- 3 c. Minimizing impacts by limiting the degree or magnitude of the
- 4 action and its implementation by using appropriate technology or
- 5 by taking affirmative steps to avoid or reduce impacts

- 6 d. Rectifying the impact by repairing, rehabilitating, or restoring the
- 7 affected environment

- 8 e. Reducing or eliminating the impact over time by preservation
- 9 and maintenance operations during the life of the action

- 10 f. Compensating for the impact by replacing, enhancing, or
- 11 providing substitute resources or environments

- 12 g. Monitoring the impact and the compensation projects and taking
- 13 appropriate corrective measures

- 14 75. “Mixed-use” or “Mixed-use development” means a combination of uses
- 15 within the same building or site as a part of an integrated development
- 16 project with functional interrelationships and coherent physical design
- 17 that includes a mix of water-oriented and non-water-oriented uses.

- 18 76. “Moderate-intensity land use” includes residential on parcels equal to or
- 19 greater than 2.5 acres per 1 unit, moderate intensity open space (parks),
- 20 and natural resource based uses.

- 21 77. “Monitoring” means the collection of data by various methods for the
- 22 purpose of understanding natural systems and features, evaluating the
- 23 impact of development proposals on such systems, and/or assessing the
- 24 performance of mitigation measures imposed as conditions of
- 25 development.

- 26 78. “Must” means a mandate; the action is required.

- 27 79. “New agricultural activities” are activities that meet the definition of
- 28 agricultural activities that are proposed on land that was converted to a
- 29 non-agricultural use or was never in an agricultural use.

- 30 80. “New construction” means structures for which the start of construction
- 31 commenced on or after the effective date of the ordinance codified in
- 32 this SMP.

- 33 81. “Nonconforming use or development” means a shoreline use or
- 34 development, which was legally constructed or established prior to the
- 35 effective date of the act or the applicable SMP, or amendments thereto,

- 1 but which does not conform to present regulations or standards of the
2 program.
- 3 82. “Non-water-oriented uses” means those uses that are not water-
4 dependent, water-related, or water-enjoyment.
- 5 83. “Normal maintenance” means those usual acts that are necessary to
6 prevent a property’s decline, lapse, or cessation from a legally
7 established condition.
- 8 84. “Normal repair” means to restore a structure or development to a state
9 comparable to its original condition including, but not limited to, its size,
10 shape, configuration, location, and external appearance, within a
11 reasonable period after decay or partial destruction, except where repair
12 causes substantial adverse impacts on shoreline resources or
13 environment. Replacement of a structure or development may be
14 authorized as repair where such replacement is the common method of
15 repair for the type of structure or development, and the replacement
16 structure or development is comparable to the original structure or
17 development including, but not limited to, its size, shape, configuration,
18 location, and external appearance, and the replacement does not cause
19 substantial adverse impacts on shoreline resources or environment.
- 20 85. “Ordinary high-water mark (OHWM)” means that mark that will be
21 found by examining the bed and banks and ascertaining where the
22 presence and action of waters are so common and usual, and so long
23 continued in all ordinary years, as to mark upon the soil a character
24 distinct from that of the abutting upland, in respect to vegetation as that
25 condition exists on June 1, 1971, as it may naturally change thereafter in
26 accordance with permits issued by a local government or the
27 department. Where the OHWM cannot be found, it shall be the line of
28 mean high water. For braided streams, the OHWM is found on the
29 banks forming the outer limits of the depression within which the
30 braiding occurs.
- 31 86. “Physical Access” may consist of a dedication of land or easement and a
32 physical improvement in the form of a walkway, trail, bikeway, park,
33 boat or canoe and kayak launching ramp, dock area, view platform,
34 public right-of-way for county roads and state highways, or other areas
35 serving as means of physical approach to public waters.
- 36 87. “Priority habitat” means a habitat type with unique or significant value
37 to one or more species. A priority habitat may be described by a unique
38 vegetation type or by a dominant plant species that is of primary
39 importance to fish and wildlife. A priority habitat may also be described
40 by old growth, mature forests, or other forest successional stage.
41 Alternatively, a priority habitat may consist of a specific habitat element

- 1 of key value to fish and wildlife. A priority habitat may contain priority
 - 2 and/or non-priority fish and wildlife. An area classified and mapped as
 - 3 priority habitat must have one or more of the following attributes:

 - 4 a. Comparatively high fish or wildlife density
 - 5 b. Comparatively high fish or wildlife species diversity
 - 6 c. Fish spawning habitat
 - 7 d. Important wildlife habitat
 - 8 e. Important fish or wildlife seasonal range
 - 9 f. Important fish or wildlife movement corridor
 - 10 g. Rearing and foraging habitat
 - 11 h. Refugia habitat
 - 12 i. Limited availability
 - 13 j. High vulnerability to habitat alteration
 - 14 k. Unique or dependent species
- 15 88. “Priority species” means species that meet any of the following criteria:
- 16 a. Criterion 1. State-listed or state-proposed species. State-listed
 - 17 species are those native fish and wildlife species legally
 - 18 designated as endangered (WAC 220-610-010), threatened
 - 19 (WAC 220-200-100), or sensitive (WAC 220-200-100). State-
 - 20 proposed species are those fish and wildlife species that will be
 - 21 reviewed by the WDFW (POL-M-6001) for possible listing as
 - 22 endangered, threatened, or sensitive according to the process and
 - 23 criteria defined in WAC 232-610-110.

 - 24 b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations
 - 25 include those species or groups of animals susceptible to
 - 26 significant population declines, within a specific area or
 - 27 statewide, by virtue of their inclination to congregate.

 - 28 c. Criterion 3. Species of recreational, commercial, and/or tribal
 - 29 importance. Fish and wildlife species of recreational or
 - 30 commercial importance and recognized species used for tribal
 - 31 ceremonial and subsistence purposes that are vulnerable to
 - 32 habitat loss or degradation.

- 1 d. A qualified professional with flood and CMZ expertise must be a
2 hydrologist or fluvial geomorphologist.

 - 3 e. A qualified professional for vegetation management must be a
4 registered landscape architect, certified arborist, biologist, or
5 professional forester with a corresponding degree or certification.

 - 6 f. A qualified archaeologist must be a person qualified for
7 addressing cultural and historic resources protection and
8 preservation, with a degree in archaeology, anthropology,
9 history, classics, or other germane disciplines with a
10 specialization in archaeology and/or historic preservation and
11 with experience in preparing cultural resource site assessments
12 reports.
-
- 13 95. “Recreational development” means the modification of the natural or
14 existing environment to accommodate commercial and public facilities
15 designed and used to provide recreational opportunities to the public.
16 Commercial recreational development should be consistent with
17 commercial development defined herein.

 - 18 96. “Research and Monitoring” includes activities associated with
19 identifying collecting, monitoring, and evaluating scientific data and
20 information to support water, fisheries and other ecological services
21 management, restoration, and operational activities. Example activities
22 that could be included under this category include installing and
23 operating stream and water quality monitoring gages, collecting fisheries
24 data using a trap or other devices, setting up and using equipment to
25 collect sediment data, and other data collection activities that need to
26 utilize the shoreline and waters of the state to meet public objectives.

 - 27 97. “Residential development” entails one or more buildings, structures,
28 lots, parcels, or portions thereof that are designed, used, or intended to
29 be used as a place of abode for human beings. These include single-
30 family residences, residential subdivisions, short residential
31 subdivisions, attached dwellings, and all accessory uses or structures
32 normally associated with residential uses. Normal appurtenances are
33 garages, decks, driveways, utilities, gardens, landscaping, or typical
34 gardens that do not require significant land clearing.

 - 35 98. “Restore,” “Restoration,” or “Ecological restoration” means the
36 reestablishment or upgrading of impaired natural or enhanced ecological
37 shoreline processes or functions. This may be accomplished through
38 measures including, but not limited to, revegetation, removal of intrusive
39 shoreline structures, and removal or treatment of toxic materials.
40 Restoration does not imply a requirement for returning the shoreline area
41 to pre-aboriginal or pre-European settlement conditions.

- 1 99. “Riparian habitat” means areas adjacent to aquatic systems with flowing
2 water that contains elements of aquatic and terrestrial ecosystems that
3 mutually influence each other.
- 4 100. “Salmonid” means a member of the fish family Salmonidae, including:
5 Chinook, Coho, chum, sockeye, and pink salmon; cutthroat, brook,
6 brown, rainbow, and steelhead trout; kokanee; and bull trout and Dolly
7 Varden.
- 8 101. “Section 404 Permit” means a permit issued by the U.S. Army Corps of
9 Engineers for the placement of dredge or fill material waterward of the
10 OHWM or clearing in waters of the United States, including wetlands,
11 in accordance with 33 United States Code (USC) Section 1344.
- 12 102. “Shall” means a mandate; the action must be done.
- 13 103. “Shoreline Administrator” means the Stevens County Land Services
14 Director or the designated administrator or planner for the City of Kettle
15 Falls, Town of Marcus, or Town of Northport.
- 16 104. “Shoreline areas” and “shoreline jurisdiction” means all “shorelines of
17 the state” and “shorelands” as defined in RCW 90.58.030.
- 18 105. “Shoreline Master Program” means the comprehensive use plan for a
19 described area and the use regulations together with maps, diagrams,
20 charts, or other descriptive material and text, a statement of desired
21 goals, and standards developed in accordance with the policies
22 enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the
23 goals and policies of an SMP for a county or city approved under RCW
24 90.58 shall be considered an element of the county or city’s
25 comprehensive plan. All other portions of the SMP for a county or city
26 adopted under RCW 90.58, including use regulations, shall be
27 considered a part of the county or city’s development regulations.
- 28 106. “Shoreline modifications” means those actions that modify the physical
29 configuration or qualities of the shoreline area, usually through the
30 construction of a dike, breakwater, pier, weir, dredged basin, fill,
31 bulkhead, or other shoreline structure. They can include clearing,
32 grading, application of chemicals, or other actions.
- 33 107. “Shoreline stabilization” means actions taken to address erosion impacts
34 to property and dwellings, businesses, or structures caused by current,
35 flood, wind or wave action, or natural processes. These actions include
36 structural and non-structural methods. Non-structural methods include
37 building setbacks, relocation of the structure to be protected,
38 groundwater management, and planning and regulatory measures to
39 avoid the need for structural stabilization.

- 1 108. “Should” means that the particular action is required unless there is a
2 demonstrated, compelling reason, based on policy of the SMA and this
3 SMP, against taking the action.
- 4 109. “Shrub-steppe” communities form a landscape of open sagebrush
5 (*Artemisia* spp.) plains and basalt outcropping, and includes vegetation
6 communities consisting of one or more layers of perennial grass with a
7 discontinuous overstory layer of shrubs. For the purposes of this SMP,
8 shrub-steppe areas have only scattered, individual trees, if any, and are
9 typified by the presence of bunchgrasses and sagebrush species.
- 10 110. “Significant adverse environmental impacts” (as used in SEPA) means a
11 reasonable likelihood of more than a moderate adverse impact on
12 environmental quality.
- 13 111. “Significant vegetation removal” means the removal or alteration of
14 trees, shrubs, and/or ground cover by clearing, grading, cutting, burning,
15 chemical means, or other activity that causes significant ecological
16 impacts on functions provided by such vegetation. The removal of
17 invasive or noxious weeds does not constitute significant vegetation
18 removal. Tree pruning, not including tree topping, where it does not
19 affect ecological functions, and other vegetation removal in accordance
20 with SMP 12.10.420 (A)(2) are not considered significant vegetation
21 removal.
- 22 112. "Single-family residence" means a detached dwelling designed for and
23 occupied by one family including those structures and developments
24 within a contiguous ownership which are a normal appurtenance.
- 25 a. An "appurtenance" is necessarily connected to the use and
26 enjoyment of a single-family residence.
- 27 b. “Normal appurtenances” include a garage; deck; driveway;
28 utilities; fences; septic tank and drainfield and grading which
29 does not exceed 250 cubic yards and which does not involve
30 placement of fill in any wetland or waterward of the OHWM.
- 31 113. “SMA Rule” means those standards adopted by the department to
32 implement the policy of RCW 90.58 for regulation of use of the
33 shorelines of the state prior to adoption of SMPs. Such standards shall
34 also provide criteria for local governments and the department in
35 developing and amending SMPs.
- 36 114. “SMP Approval” means an official action by a local government
37 legislative body agreeing to submit a proposed SMP or amendments to
38 Ecology for review and official action pursuant to this SMP or an
39 official action by Ecology to make a local government SMP effective,
40 thereby incorporating the approved SMP or amendment into this SMP.

- 1 115. “Special flood hazard area” means an area subject to a base or 100-year
2 flood; areas of special flood hazard are shown on a flood hazard
3 boundary map or FIRM as Zone A, AO, A1-30, AE, A99, and AH.
- 4 116. “Species, threatened and endangered” means those species that are listed
5 by WDFW pursuant to RCW 77.12.070 as threatened (WAC 220-200-
6 100) or endangered (WAC 220-610-010 232-12-014), or that are listed
7 as threatened or endangered under the ESA (16 USC 1533).
- 8 117. “Start of construction” includes substantial improvement and means the
9 date the building permit was issued, provided the actual start of
10 construction, repair, reconstruction, placement, or other improvement
11 was within 180 days of the permit issuance date. For cumulative
12 tracking, the permit may extend beyond the specified time frame to the
13 time of permit completion. The actual start means either the first
14 placement of permanent construction of a structure on a site or any work
15 beyond the stage of excavation, or the placement of a manufactured
16 home on a foundation. Permanent construction does not include land
17 preparation nor does it include the installation of streets and/or
18 walkways, nor does it include excavation for a basement, footings, piers,
19 or foundation or the erection of temporary forms, nor does it include the
20 installation on the property of accessory buildings not occupied as
21 dwelling units or not part of the main structure. For a substantial
22 improvement, the actual start of construction means the first alteration of
23 any wall, ceiling, floor, or other structural part of a building, whether or
24 not that alteration affects the external dimensions of the building.
- 25 118. “Steep slopes” means those slopes (excluding County-approved
26 geotechnical engineered slopes) 40% or steeper within a vertical
27 elevation change of at least 10 feet. A slope is defined by establishing
28 its toe and the top and is measured by averaging the inclination over at
29 least 10 feet of vertical relief.
- 30 119. “Stream” means any portion of a channel, bed, bank, or bottom
31 waterward of the OHWM of waters of the state, including areas in which
32 fish may spawn, reside, or pass, and tributary waters with defined bed or
33 banks, which influence the quality of fish habitat downstream. This
34 includes watercourses that flow on an intermittent basis or fluctuate in
35 level during the year and applies to the entire bed of such watercourse
36 whether or not the water is at peak level. This definition does not
37 include irrigation ditches, canals, stormwater runoff devices, or other
38 entirely artificial watercourses, except where they exist in a natural
39 watercourse that has been altered by humans.
- 40 120. “Structure” means a permanent or temporary edifice or building, or any
41 piece of work artificially built or composed of parts joined together in

- 1 some definite manner, whether installed on, above, or below the surface
2 of the ground or water.
- 3 121. “Substantially degrade” means to cause significant ecological impact.
- 4 122. “Transportation facilities” are those structures and developments that
5 provide for the movement of people, goods, and services. These include
6 roads and highways, railroad facilities, bridges, parking facilities,
7 bicycle paths, trails, and other related facilities.
- 8 123. “Trees” means any living woody plant characterized by one main stem
9 or trunk and many branches and having a diameter of 4 inches or more
10 measured 24 inches above ground level.
- 11 124. “Unavoidable” means adverse impacts that remain after all appropriate
12 and practicable avoidance and minimization have been achieved.
- 13 125. “Utility” means a service and/or facility that produces, transmits, carries,
14 stores, processes, or disposes of electrical power, gas, potable water,
15 stormwater, communications, sewage, oil, and the like.
- 16 126. “Vadose” means of, relating to, or being water and solutions in the
17 earth’s crust above the permanent groundwater level.
- 18 127. “Vegetation” means plant life growing below, at, and above the soil
19 surface.
- 20 128. “Visual Access” includes view corridors, viewpoints, or other means of
21 visual access to shorelines of the state.
- 22 129. “Water-dependent use” means a use or portion of a use that cannot exist
23 in a location that is not adjacent to the water and that is dependent on the
24 water by reason of the intrinsic nature of its operations.
- 25 130. “Water-enjoyment use” means a recreational use or other use that
26 facilitates public access to the shoreline as a primary characteristic of the
27 use or a use that provides for recreational use or aesthetic enjoyment of
28 the shoreline for a substantial number of people as a general
29 characteristic of the use, and which through location, design, and
30 operation ensures the public’s ability to enjoy the physical and aesthetic
31 qualities of the shoreline. In order to qualify as a water-enjoyment use,
32 the use must be open to the general public and the shoreline-oriented
33 space within. The project must be devoted to the specific aspects of the
34 use that foster shoreline enjoyment.
- 35 131. "Water-oriented use" means a use that is water-dependent, water-related,
36 or water-enjoyment, or a combination of such uses.

- 1 132. "Water quality" means the physical characteristics of water within
2 shoreline jurisdiction, including water quantity, hydrological, physical,
3 chemical, aesthetic, recreation-related, and biological characteristics.
4 Where used in this SMP, the term water quantity refers only to
5 development and uses regulated under this SMP and affecting water
6 quantity. Water quantity, for purposes of this SMP, does not mean the
7 withdrawal of groundwater or diversion of surface water pursuant to
8 RCW 90.03.250 through 90.03.340.

- 9 133. "Water-related use" means a use or portion of a use, which is not
10 intrinsically dependent on a waterfront location but whose economic
11 viability is dependent on a waterfront location because:
 - 12 a. The use has a water withdrawal or other functional requirement
13 for a waterfront location; or
 - 14 b. The use provides a necessary service supportive of the
15 water-dependent uses and the proximity of the use to its
16 customers makes its services less expensive and/or more
17 convenient.

- 18 134. "Weir" means a structure generally built perpendicular to the shoreline
19 for the purpose of diverting water or trapping sediment or other moving
20 objects transported by water.

- 21 135. "Wetlands" are areas that are inundated or saturated by surface or
22 groundwater at a frequency and duration sufficient to support and that
23 under normal circumstances do support a prevalence of vegetation
24 typically adapted for life in saturated soil conditions. Wetlands
25 generally include swamps, marshes, bogs, and similar areas. Wetlands
26 do not include those artificial wetlands intentionally created from non-
27 wetland sites, including, but not limited to, irrigation and drainage
28 ditches, grass-lined swales, canals, detention facilities, wastewater
29 treatment facilities, farm ponds, and landscape amenities, or those
30 wetlands created after July 1, 1990, that were unintentionally created as
31 a result of the construction of a road, street, or highway. Wetlands may
32 include those artificial wetlands intentionally created from non-wetland
33 areas to mitigate the conversion of wetlands.

34 **12.10.780 Shoreline Environment Designation Map**