Draft 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 policies contained in this SMP shall be considered an element of local comprehensive plans required by the GMA.
D. The Inventory, Analysis, and Characterization Report; Restoration Plan; Cumulative Impacts Analysis Report (which includes the “no net loss of shoreline ecological functions” analysis findings) (to be developed); and Public Participation Plan are supporting documents and are not adopted as part of this SMP or local Comprehensive Land Use Plans.

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

3. Profile of the Shoreline Jurisdiction within Stevens County

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

3.1 Shoreline Jurisdiction Rivers and Lakes

The Partnership’s SMP includes ten streams and 40 lakes that are shorelines of the state. The Partnership’s waterbodies defined as shorelines of the state are listed in Tables 1 and 2.

Table 1. Shorelines of the State: Rivers and Streams

<table>
<thead>
<tr>
<th>Stream Name</th>
<th>Total Length of Proposed Shoreline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chamokane Creek</td>
<td>22.0 miles</td>
</tr>
<tr>
<td>Chewelah Creek</td>
<td>7.6 miles</td>
</tr>
<tr>
<td>Deep Creek</td>
<td>13.5 miles</td>
</tr>
<tr>
<td>Deep Creek (North Fork)</td>
<td>7.5 miles</td>
</tr>
<tr>
<td>Deep Creek (South Fork)</td>
<td>8.9 miles</td>
</tr>
<tr>
<td>Little Pend Oreille River</td>
<td>23.6 miles</td>
</tr>
<tr>
<td>Little Sheep Creek</td>
<td>2.8 miles</td>
</tr>
<tr>
<td>Mill Creek</td>
<td>18.6 miles</td>
</tr>
<tr>
<td>Onion Creek</td>
<td>5.4 miles</td>
</tr>
<tr>
<td>Rocky Creek</td>
<td>0.14 miles</td>
</tr>
</tbody>
</table>

Note:
1 = Includes the length of the North Fork Chewelah Creek
Table 2. Shorelines of the State: Lakes

<table>
<thead>
<tr>
<th>Lake Name</th>
<th>Revised Acreage (acres)</th>
<th>Lake Name</th>
<th>Revised Acreage (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayley Lake</td>
<td>74.2</td>
<td>McCoy Lake</td>
<td>37.0</td>
</tr>
<tr>
<td>Beitey Reservoir</td>
<td>25.1</td>
<td>McDowell Lake</td>
<td>43.2</td>
</tr>
<tr>
<td>Black Lake</td>
<td>69.1</td>
<td>Mission Lake</td>
<td>22.0</td>
</tr>
<tr>
<td>Browns Lake</td>
<td>23.1</td>
<td>Mudgett Lake</td>
<td>24.9</td>
</tr>
<tr>
<td>Cedar Lake South</td>
<td>48.5</td>
<td>Nelson Lake</td>
<td>26.9</td>
</tr>
<tr>
<td>Cedar Lake North (Little Joe Lake)</td>
<td>33.1</td>
<td>Pepoon Lake</td>
<td>31.4</td>
</tr>
<tr>
<td>Clark Lake</td>
<td>24.6</td>
<td>Perkins Lake</td>
<td>20.2</td>
</tr>
<tr>
<td>Coffin Lake</td>
<td>20.6</td>
<td>Phalon Lake</td>
<td>24.7</td>
</tr>
<tr>
<td>Deep Lake</td>
<td>191.7</td>
<td>Pierre Lake</td>
<td>86.1</td>
</tr>
<tr>
<td>Dilly Lake</td>
<td>37.9</td>
<td>Ponderosa Lake</td>
<td>67.2</td>
</tr>
<tr>
<td>Echo Lakes</td>
<td>72.6&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Rocky Lake</td>
<td>20.2</td>
</tr>
<tr>
<td>Fournile Lake (Rainbow Lake)</td>
<td>27.5</td>
<td>Ryan Lake</td>
<td>23.5</td>
</tr>
<tr>
<td>Gillette Lake</td>
<td>48.1</td>
<td>Sherry Lake</td>
<td>25.5</td>
</tr>
<tr>
<td>Grays Lake</td>
<td>31.4</td>
<td>Starvation Lake</td>
<td>26.6</td>
</tr>
<tr>
<td>Hatch Lake</td>
<td>34.7</td>
<td>Thomas Lake</td>
<td>160.9</td>
</tr>
<tr>
<td>Heritage Lake</td>
<td>68.6</td>
<td>Twin Lakes (Spruce Lake)</td>
<td>49.0</td>
</tr>
<tr>
<td>Horseshoe Lake</td>
<td>36.6</td>
<td>Waitts Lake</td>
<td>469.7</td>
</tr>
<tr>
<td>Jumpoff Jim Lake</td>
<td>26.2</td>
<td>White Mud Lake and Keogh Lake&lt;sup&gt;4&lt;/sup&gt;</td>
<td>165</td>
</tr>
<tr>
<td>Jumpoff Joe Lake</td>
<td>114.7</td>
<td>Williams Lake</td>
<td>34.3</td>
</tr>
<tr>
<td>Leo Lake</td>
<td>31.8&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

3.2 Shorelines of Statewide Significance

Shorelines of statewide significance for east of the crest of the Cascades (RCW 90.58.030) are those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the OHWM; and streams or rivers (or segments of natural streams) that have either: a mean annual flow of 200 cubic feet per second or more, or the portion downstream from the first 300 square miles of drainage area. The Partnership’s SMP includes five rivers and two lakes that are shorelines of statewide significance and are listed in Table 3.
Table 3. Shorelines of Statewide Significance: Rivers, Streams and Lakes

<table>
<thead>
<tr>
<th>Waterbody Name</th>
<th>Total Length or Acres of Proposed Shoreline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Sheep Creek</td>
<td>16 miles</td>
</tr>
<tr>
<td>Colville River</td>
<td>57.6 miles</td>
</tr>
<tr>
<td>Columbia River</td>
<td>108.6 miles</td>
</tr>
<tr>
<td>Kettle River</td>
<td>33.6 miles</td>
</tr>
<tr>
<td>Spokane River</td>
<td>59.3 miles</td>
</tr>
<tr>
<td>Deer Lake</td>
<td>1,146.3 acres</td>
</tr>
<tr>
<td>Loon Lake</td>
<td>1,086.0 acres</td>
</tr>
</tbody>
</table>

Note:
1. Includes Lake Spokane

4. Development of Goals and Policies

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

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

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

4.1 Economic Development Element

A. Goals

1. Support the retention and expansion of existing economic activities such as agriculture, transportation, marinas, angling, hunting, and general recreation while protecting the rural character of the County.

2. Develop, as an economic asset, the water-oriented tourism and recreational industry that would enhance the public enjoyment of the shoreline.
3. Promote economic growth that provides for the use of natural resources, conserves open spaces, and maintains the environmental quality and rural character that makes Stevens County and the cities and towns preferred places to live and work.

4. Maintain and enhance natural resource-based industries within the shorelines, including productive agriculture (commodity and specialty crop production and grazing), fisheries, and forest practices, while maintaining environmental quality.

5. Development within shoreline jurisdiction should recognize the economic values of the natural character and aesthetics of views and vistas to the shoreline.

B. Policies

1. Support natural resource uses and industries as a major economic strength of the region. Existing agricultural activities per RCW 90.58 are exempt from the SMA and this SMP.

2. Provide for healthy, orderly economic growth by providing for those economic activities that will be an asset to the local economy and for which the adverse effects on the quality of the shoreline environment can be avoided or, where this is not possible, mitigated to achieve no net loss of ecological functions.

3. Maintain and protect existing water-dependent and water-related uses that support Stevens County’s economy. Provide opportunities for future expansions of such industries. Examples include, but are not limited to, ferries, recreational fisheries, and navigation.

4. Promote tourism and develop and maintain the recreation and tourism industry along shorelines in a manner that will enhance public enjoyment.

5. Work with agencies to support economic growth along the shoreline. Encourage cooperative use of existing waterfront facilities, including docks and piers, where feasible and consistent with public safety.

6. Give preference to economic activities in undeveloped areas, which either leave natural or existing shoreline features (such as trees, shrubs, grasses, and wildlife habitat) unmodified or modify them in a way that enhances human awareness and appreciation of the shoreline and other natural and non-natural surroundings.


8. Preference shall be given to mining uses that result in the creation, restoration, or habitat enhancement.
9. Where possible, developments are encouraged to incorporate low-impact development techniques into new development consistent with the shoreline environment.

10. Support non-water-oriented commercial and recreational development that also provides ecological restoration and public access as appropriate.

11. Support new industrial, commercial, and agricultural uses resulting in no net loss of shoreline ecological functions and that avoids impacts to navigation or recreation.

4.2 Public Access and Recreation Element

A. Goals

1. Promote, protect, and, where practical, enhance physical and visual public access along the shoreline, especially on the publicly owned shorelines, consistent with the SMP Public Access Plan. Increase the amount and diversity of public access along the shoreline consistent with private property rights, public safety, National Park Service, Forest Services, and National Wildlife Refuges’ requirements and the shoreline character.

2. Maintain and, where possible, enhance existing physical and visual public access and provide additional public access consistent with SMP Public Access Plan.

3. Maintain existing public access and encourage where feasible diverse, convenient, and adequate water-oriented recreational opportunities along the shoreline for the public, recognizing the significant sections of privately owned lands on Colville River, Spokane River, Kettle River, and lakes in central and southeast portions of the County. Significant public access is currently available on publicly owned land in many areas of the County and within the City and Towns.


B. Policies

1. Water-oriented recreational uses and activities are preferred in shoreline jurisdiction. Water-dependent recreational uses shall be preferred as a first priority and water-related and water-enjoyment recreational uses as a second priority.

2. Protect and support the enhancement of public access to shorelines consistent with the SMP Public Access Plan.

3. Support developments, uses, and activities on or near the shoreline that do not impair or detract from the public’s access to the water.
4. Design public access to minimize potential impacts to private property and individual privacy.

5. Locate, design, manage, and maintain public access and recreation facilities consistent with the SMP Public Access Plan and in a manner that protects shoreline ecological functions and processes and the public’s health and safety.

6. Support development of opportunities for public access on publicly owned shorelines as provided in the SMP Public Access Plan. Encourage federal, state, and local governments to provide public access and recreational uses on existing shoreline properties according to their management policies and public preferences. Preserve, maintain, and, where possible, enhance public access afforded by shoreline street ends, public utilities, and rights-of-way.

7. Support the protection of historic public access points such as Kettle Falls Marina and maintain the natural character of these areas.

8. Support physical and visual public or community access in association with new multi-unit residential developments, including subdivisions that create five or more parcels, consistent with the SMP Public Access Plan.

9. Support public access and interpretive displays as part of publicly funded restoration or enhancement projects where significant ecological impacts are addressed.

10. Allow for passive and active shoreline recreation that emphasizes location along shorelines consistent with City, Town, County, and other public agency parks, recreation, wildlife habitat, and open-space plans.

11. Support improvements that provide additional public access in suitable areas on the Columbia River, Spokane River, Colville River, Kettle River, and lakes, as described in the SMP Public Access Plan, while also protecting private property rights and avoiding the creation of additional recreation management challenges, such as trespassing on private lands, and protect water quality and resources on these waterbodies.

12. Encourage a variety of compatible recreational experiences and activities to satisfy diverse recreational needs such as parks, boat launches, docks, trails, and viewing platforms.


14. Support the integration and linking of public recreation facilities with public linear systems, such as water and walking trails, bicycle paths, easements, and scenic drives, when feasible, to connect waterbodies, roads, and trails.
4.3 Circulation Element

A. Goals

1. Develop safe, convenient, and multi-modal circulation (transportation) systems that support efficient movement of people, goods, and services, with minimal adverse impacts on the shoreline environment.

B. Policies

1. Allow for safe, reasonable, and adequate road, trail, and water circulation systems to shorelines where routes will minimize adverse effects on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

2. Allow for new roads and accessory parking areas to support shoreline-oriented uses where other locations outside of shoreline jurisdiction are not feasible.

3. Locate land circulation systems that are not shoreline-oriented as far from the land-water interface as practicable to reduce interference with either natural shoreline resources or other appropriate shoreline uses.

4. Allow for maintenance and improvements to existing roads and parking areas.

5. Encourage planning and development of a circulation network that is compatible with the shoreline environment and respects and protects ecological and aesthetic values in the shoreline of the state, as well as private property rights.

6. In the circulation network, promote planning for pedestrian, bicycle, equestrian, and public transportation along with various watercraft where appropriate. Circulation planning and projects should support existing and proposed shoreline uses consistent with this SMP.

7. Promote existing transportation corridors for reuse for water-dependent uses or public access when they are abandoned/vacated, and promote areas for additional access along waterbodies consistent with the SMP Public Access Plan.

8. Encourage relocation or improvement of those circulation elements that are functionally or aesthetically disruptive to the shoreline, public waterfront access, and ecological functions.

9. Encourage parking areas that serve more than one use (e.g., serving recreational use on weekends and commercial uses accessory to a water-dependent use on weekdays).

10. Encourage low-impact parking facilities, such as gravel or permeable pavements that are designed to avoid runoff and increase infiltration.
4.4 Shoreline Uses and Modifications Element

A. Goals

1. Encourage shoreline development that recognizes Stevens County’s natural and cultural values and its unique aesthetic qualities offered by its variety of shoreline environments. These include, but are not limited to, free flowing and reservoir-bound river segments, agricultural development, mining and forestry uses, cliffs and steep slopes, riverine wetlands, lakes, open views, and formal and informal public access.

2. The Partnership recognizes and protects the functions and values of the shoreline environments of statewide and local significance. For shorelines of statewide significance, protection and management priorities are as follows:

   a. Recognize and protect statewide interest over local interest
   b. Preserve the natural character of the shorelines
   c. Provide long-term over short-term benefits
   d. Protect the resources and ecology of shorelines
   e. Increase public access to publicly owned areas of shorelines
   f. Increase recreational opportunities for the public in shoreline areas

B. General Policies

1. Maintain areas within SMP jurisdiction with unique attributes for specific long-term uses, including agricultural, mining, forestry, commercial, industrial, residential, recreational, and open space uses.

2. Support proposed shoreline uses that are distributed, located, and developed in a manner that maintains or improves the health, safety, and welfare of the public when such uses occupy shoreline areas.

3. Support the location of activities and facilities to retain or improve shoreline natural character and ecological function. Encourage new developments to locate in areas already developed with similar uses that are consistent with this SMP.

4. Support proposed shoreline uses that do not infringe upon the rights of others, upon the rights of private ownership, upon the rights of the public under the Public Trust Doctrine or federal navigation, and upon treaty rights of Native American tribes.

5. Policies related to all uses discussed in this section should be conducted in a manner that achieves no net loss of shoreline ecological functions and processes.
C. Shoreline Environment Designation Policies

1. Provide a comprehensive shoreline environment designation system to categorize the Partnership’s shorelines into environments based on the primary characteristics of shoreline areas to guide the use and management of these areas.

2. Designate properties as Natural in order to protect those shoreline areas that are relatively free of human influence or include intact or minimally degraded shoreline functions that are sensitive to potential impacts from human use.

3. Assign properties as Conservancy to conserve existing natural-resource-based uses such as forestry and low-intensity mining, and protect valuable historic and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes and provide low-intensity recreational opportunities.

4. Designate properties as Rural to accommodate low-density rural home sites and natural-resource-based uses such as timber harvesting, mining, and agriculture and rangeland uses, as well as to maintain rural character and provide opportunities for recreational uses.

5. Assign appropriate designations to accommodate a variety of lower and higher intensity recreational uses, consistent with shoreline conditions.

6. Assign properties as High Intensity to support industrial, commercial, transportation, and navigation activities while maintaining ecological functions.

7. Designate properties as Shoreline Residential to accommodate higher density residential development and recognize existing and proposed land uses. This designation is appropriate on lands with residential uses, including multi-family residences.

8. Designate properties as Shoreline Residential – Low Intensity to accommodate residential development in areas planned for low-density residential land use, while protecting ecological functions.

9. Assign appropriate environment designations to preserve riparian, wetland, and upland ecosystems in shorelands, natural resource uses, and public agency operations.

D. Agriculture Policies

1. This SMP recognizes the cultural and historical importance of agriculture to the Partnership and supports its continued viability. This SMP exempts existing agricultural activities and supports protecting agricultural lands from conflicting uses, such as intensive or unrelated residential, industrial, or commercial uses, while also maintaining shoreline ecological functions and processes.
2. Conversion of agricultural lands to other uses should comply with all policies and regulations for non-agricultural uses.

E. Aquaculture Policies

1. Aquaculture is a preferred water-dependent use of the shoreline and, when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is a preferred use of the shoreline.

2. Non-commercial aquaculture undertaken for conservation or native species enhancement, or for recreational fisheries purposes, is a preferred use within the Partnership's shorelines.

3. Give preference to aquaculture operations that avoid or minimize environmental impacts. Aquaculture should control pollution, avoid adverse impacts to the environment, and preserve habitat for native species.

4. Aquaculture should be prohibited in areas where it would significantly conflict with navigation or conflict with other water-dependent uses.

5. Design aquaculture facilities to minimize nuisance odors and noise, as well as visual impacts on surrounding shoreline development.

6. The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant/proponent and the tribe is encouraged.

F. Boating Facilities Policies

1. Locate and design boating facilities so their structures and operations will be compatible with the area’s environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.

2. Public boating facilities should provide physical and visual public shoreline access and provide for multiple water-oriented uses, to the extent compatible with shoreline ecological functions and processes and adjacent shoreline use.

3. Boating facilities should be located and designed to avoid adverse effects on riverine processes, such as erosion, littoral transport, accretion, sediment transport, and channel migration.

4. Location and design of boating facilities should not unduly obstruct navigable waters and should avoid adverse effects to recreational opportunities, such as fishing, pleasure boating, swimming, beach walking, picnicking, and shoreline viewing, and to private lands.

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

H. Dredging and Dredge Material Placement Policies

1. Dredging and dredge material placement should avoid and minimize significant ecological impacts. Impacts that cannot be avoided should be minimized and mitigated.

2. Design and locate new shoreline development to minimize the need for dredging.

3. Limit dredging and dredge material disposal to the minimum necessary to allow for shoreline restoration, flood hazard reduction, and maintenance of existing legal moorage and navigation.

4. Support planning and conducting of dredging activities to minimize interference with navigation and avoid adverse impacts to shoreland natural character and ecological functions.

I. Fill Policies

1. Limit fill waterward of the OHWM to support ecological restoration or to facilitate water-dependent or public access uses.

2. Allow fill consistent with the SMP and associated floodplain regulations upland of the OHWM provided it is located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and is the minimum necessary to implement an approved project.

3. Allow fill for cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan, disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Washington State Department of Natural Resources (DNR).

4. Allow fill for expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.

J. Forest Practices

1. When there is a likelihood of forested land being converted to non-forest uses, support activities consistent with the Forest Practices Act that maintain the ecological quality of hydrologic systems for watersheds in the County.
K. Industrial Development Policies

1. Prioritize future industrial facilities that are dependent on a shoreline location in areas where the shoreline is already characterized by industrial development or planned for such uses.

2. Locate and design industrial developments in a manner that does not have significant adverse impacts to other shoreline resources and values.

3. Discourage new non-water-oriented industrial development in the shoreline environment.

L. In-stream Structures Policies

1. Locate, plan, and permit in-stream structures consistent with existing plans, including the National Park Service (NPS) water diversions on Lake Roosevelt. For in-stream structures on Lake Roosevelt and other areas in the County, consider public interests, ecological functions and processes, environmental concerns, and protecting and restoring priority habitats and species in the permitting review process.

M. Mining Policies

1. Locate mining facilities outside shoreline jurisdiction whenever feasible.

2. Design and locate mining facilities and associated activities to prevent loss of ecological function.

3. Mining operations should be located, designed, and managed to avoid adverse impacts from operations.

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

1. For Lake Roosevelt, provide for Community Access Points consistent with NPS criteria and requirements.

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

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

4. As an alternative to continued proliferation of individual private moorage, mooring buoys are preferred over docks or floats. Shared moorage facilities are preferred over single-user moorage where feasible.
5. Docks, piers, and mooring buoys should avoid locations where they will adversely impact shoreline ecological functions or processes, such as high-velocity currents.

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

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

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

O. Recreational Development Policies

1. Shoreline recreational development should be given priority for shoreline location to the extent that the use facilitates the public’s ability to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline.

2. Recreational developments should facilitate appropriate use of shoreline resources while conserving them.

P. Residential Development Policies

1. Make single-family residential development a priority use.

2. Locate and construct residential development in a manner that maintains shoreline ecological functions.

3. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with local comprehensive plans and development regulations.

4. New residential development should be set back from the water to protect ecological functions and ecosystem-wide processes, preserve shoreline aesthetic characteristics, protect the privacy of nearby residences, and minimize use conflicts.

5. Plan for services and infrastructure necessary to support residential development.

6. Design and locate residential development to preserve existing shoreline vegetation, control erosion, and protect water quality.

7. Residential development over water shall not be permitted.
8. Design and locate new residences so shoreline stabilization will not be necessary to protect structures and associated developments. Planning for new residential lots should demonstrate the lots can be developed without the following results:
   
a. Constructing shoreline stabilization structures (such as bulkheads)
   
b. Causing significant erosion or slope instability
   
c. Removing existing native vegetation within shoreline buffers, except as necessary for water access, and then only with offsetting mitigation

Q. Shoreline Habitat and Natural Systems Enhancement Projects Policies

1. Encourage implementation of projects and programs included in the SMP Shoreline Restoration Plan (to be developed), including provisions for shoreline vegetation restoration or enhancement, fish and wildlife habitat rehabilitation, low-impact development techniques, and other applicable actions.

R. Shoreline Stabilization Policies

1. Locate and design new development, including subdivisions, to avoid potential future impingement on channel migration zones (CMZs) and floodways to reduce the need for new shoreline modification or stabilization.

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

3. Give preference to non-structural shoreline stabilization measures over structural shoreline stabilization, and give preference to soft structural/biotechnical shoreline stabilization design approaches over hard/fixed structural shoreline stabilization such as riprap or bulkheads, recognizing there are situations where hard engineering solutions are the only effective solutions.

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

S. Utilities Policies

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

2. Plan, design, and locate new utility facilities to avoid or minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and future planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
3. Do not permit new non-water-oriented utility infrastructure, such as power plants, solid waste storage, or disposal facilities, within shoreline jurisdiction unless no other options are available. Non-water-oriented utility facilities, such as wastewater treatment plants, and expansion of existing facilities may be located in shoreline jurisdiction only if no practical upland alternative or location exists. Such facilities and expansions should be designed and located to avoid or minimize impacts to shoreline ecological functions, including riparian, floodplain, and aquatic areas, and to the natural landscape and aesthetics. Public health and safety should be the highest priority for the planning, development, and operation of primary utility facilities.

4. Locate utility transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of shoreline jurisdiction where possible. Where permitted within shoreline jurisdiction, such facilities should be located within existing road crossings, and rights-of-way located in such a way to avoid or minimize potential adverse impacts on shoreline areas. Joint use of rights-of-way and corridors in shoreline areas should be encouraged.

5. Locate new utility facilities in a manner that avoids extensive new shoreline protections.

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

T. Existing Uses and Structures Policies

1. Allow nonconforming, existing legal uses and structures to continue in accordance with this SMP. Residential structures and appurtenant structures, excluding bulkheads, other shoreline modifications, or overwater structures, that were legally established and are used for a conforming use but do not meet standards for setbacks, buffers, yards, area, bulk, height, or density are considered conforming structures.

2. Allow redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the SMP, including requirements for no net loss of shoreline ecological functions.

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

4. Encourage transitions from nonconforming uses to conforming uses.

5. Allow for nonconforming structures to expand when they do not increase the level of nonconformity.

6. Allow for existing roads, driveways, and utility lines to continue and expand when they do not increase the nonconformity.
4.5 Conservation Element

A. Goals

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

B. Policies

1. Preserve native ecosystems and other critical areas.

2. Protect shoreline processes and ecological functions through regulatory and nonregulatory means that may include acquiring key properties, conservation easements, and regulation of development within shoreline jurisdiction. These measures should encourage ecologically-sound design and best management practices (BMPs).

3. Protect and manage associated wetlands in shorelands, including maintaining sufficient volumes of surface and subsurface drainage into wetlands, to sustain existing vegetation and wildlife habitat.

4. Work with other agencies and private entities to deal effectively with regional and watershed-wide natural environment issues to protect and preserve shorelands and fish and wildlife habitats.

5. Manage development to reduce risk and damage to property and loss of life from biophysical limitations, including flooding potential and geological hazards such as landslides, channel avulsion, frequent and periodic movement of woody debris, and similar natural events and processes.

6. Regulate development within the SMP area of the 100-year floodplain to reduce risk and damage to property and loss of life.

7. Encourage the removal of noxious and invasive weeds and trees. Support measures that protect, enhance, and maintain native plant communities.

8. Support restoration of areas that are biologically and aesthetically degraded while maintaining appropriate uses of the shoreline.

C. Critical Area Goals

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

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

2. Implement protection measures that protect critical areas from future development proposals. However, these regulations shall not prohibit uses legally existing on any parcel prior to their adoption.

3. Recognize risks from geologic hazards can be avoided, minimized, or mitigated through engineering design or optimized construction practices. In other cases, where technical efforts are not sufficient to reduce associated risks, building is best avoided.

4. Coordinate with federal, state, and private agencies and individuals who have primary authority to manage specific fish and wildlife habitat conservation areas within certain parts of the County to protect ecological functions and CMZs in floodplains.

5. Protect with riparian buffers and other provisions land necessary for aquatic and terrestrial wildlife species survival, including, but not limited to, seasonal migration and daily wildlife movements for feeding, watering, resting, breeding, and thermal and escape cover.

4.6 Historic, Cultural, Scientific, and Educational Resources Element

A. Goals

1. Conserve and protect historical, cultural, and archaeological resources found to be significant by recognized local, state, or federal processes. [WAC 173-26-221, (1)(a)].

2. Encourage educational and scientific projects and programs that foster a greater appreciation for the importance of local historic connections with the Partnership’s shoreline.

B. Policies

1. Support efforts to identify, protect, preserve, and restore important archeological, historic, and cultural sites located in shoreline areas. [WAC 173-26-221, (1)(a)(b) and (c)].

2. Public or private uses and activities should avoid damaging, altering, removing, or destroying any site having historic, cultural, scientific, or educational value, as identified by the appropriate authorities, including affected Indian tribes and the Department of Archaeology and Historic Preservation.
4.7 Flood Hazard Management Element

A. Goals

1. Protect public safety within river and creek floodways and floodplains, and protect natural systems by preserving the flood storage and channel migration functions of floodplains.

2. Prevent potential hazards that may be caused by development in areas where severe and costly flooding is anticipated to occur in floodways and floodplains.

B. Policies

1. Manage development proposed within floodplains and floodways consistent with flood protection standards and regulations.

2. Work with cities, towns, and state and federal agencies to deal effectively with regional flooding issues.

3. Control stormwater runoff in a manner consistent with low-impact development practices, which utilize natural detention, retention, and recharge techniques.

4.8 Private Property Right

A. Goals

1. Recognize and protect private property rights in shoreline uses and developments.

B. Policies

1. Shoreline uses should be located and designed to respect private property rights, maintain privacy of private property, be compatible with the shoreline environment, and protect ecological functions and processes.

2. Public access to shoreline, such as trails, bikeways, or roads, should be designed and located to protect the privacy of adjacent private property owners.
SECTION II: Environment Designation

03.00.010 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 designs 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. 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.

C. 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.

D. Interpretation of Environment Designation Boundaries

1. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the
boundaries. Appeals of such interpretations may be filed pursuant to SMP 03.10.720, Appeals.

2. All shoreline areas waterward of the OHWM shall be designated Aquatic.

3. Only one shoreline area designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature. Such linear features shall be clearly noted in the metadata associated with the Official Shoreline Map.

4. All areas within shorelines that are not mapped and/or designated are automatically assigned a “Rural” designation in the unincorporated area of the County and “Conservancy” in incorporated areas.

03.00.020 Aquatic

A. Purpose

1. The purpose of the Aquatic shoreline designation is to protect and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. Designation Criteria

1. An Aquatic environment designation is assigned to lands and waters waterward of the OHWM.

C. Management Policies

1. New overwater structures should be permitted only for water-dependent uses, public access, recreation, or ecological restoration.

2. In-water uses should be permitted where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.

3. Through the environment designation process, the Partnership should reserve shoreline space for shoreline preferred uses. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, and critical habitats, aesthetics, public access and views.

4. On navigable waters or their beds, all uses and developments should be located and designed to:

   a. Minimize interference with surface navigation

   b. Consider impacts to public views; and
c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

5. Multiple or shared use of overwater and water-access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.

6. Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use.

03.00.030 Natural

A. Purpose

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

B. Designation Criteria

1. Use the following criteria when applying a Natural environment designation:

a. The shoreline includes undisturbed portions of shoreline areas such as wetlands and ecologically intact shoreline habitats, and currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by high intensity development.

b. The shoreline is generally in public ownership.

c. The shoreline contains little or no development, or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety.

d. The shoreline has a high potential for low-impact or passive or public recreation.

e. The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.

C. Management Policies
1. Any use that would substantially degrade shoreline ecological functions is prohibited. Limit fill, except where associated with an associated permitted allowed use.

2. Scientific, historical, cultural, educational research, and low-impact, passive recreational uses are anticipated.

3. Single-family residential development may be permitted as a conditional use if the density and intensity of such use is limited as necessary to protect ecological functions and is consistent with the purpose of the environment.

4. New agricultural uses of a very low-intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to ensure the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

5. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is prohibited. The subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions is not allowed.

6. Uses that would deplete physical or biological resources should be prohibited.

7. Approve only physical alterations that serve to protect a significant or unique physical, biological, or visual shoreline feature that might otherwise be degraded or destroyed, or those alterations that are the minimum necessary to support a permitted use.

23 **03.00.040** Conservancy

A. Purpose

1. The purpose of the Conservancy environment designation is to protect shoreline ecological functions; restrict intensive development along undeveloped spaces; and conserve existing natural-resource-based uses such as lower intensity agriculture (e.g., non-cultivated crops or pasture), forestry, and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes where applicable, and provide recreational opportunities.

B. Designation Criteria

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

   a. The property could be in a conservancy ownership or under covenant, easement, or a conservation tax program.
b. The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or floodplains or other flood-prone areas.

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

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

C. Management Policies

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

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

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

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

03.00.050 Recreation Conservancy

A. Purpose

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

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

b. Conserve existing natural resources and valuable historical and cultural areas in order to provide for sustained resource use, and achieve natural floodplain processes where applicable. Examples of uses that are appropriate in a Recreation Conservancy shoreline designation include public lands with low-impact recreation and water-oriented commercial development.

B. Designation Criteria

1. The following criteria are used to consider a Recreation Conservancy environment designation:
a. The shoreline is typically publicly owned and includes areas such as Lake Roosevelt National Recreation area, Colville National Forest, and Little Pend Oreille area lakes that provide aquatic habitat and water supply benefits;

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

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

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

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

C. Management Policies

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

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

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

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

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

A. Purpose

1. The purpose of the Recreation environment designation is to provide for water-oriented recreational uses with some commercial uses and residential mixed-uses to support recreational uses while protecting existing ecological functions.

B. Designation Criteria

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

   a. The shoreline has low to moderate ecological function with low to moderate opportunity for restoration.

   b. The shoreline is highly developed, and most development is recreation-related with potential for additional recreation and recreation-related commerce or is suitable or planned for water-oriented uses.

   c. For the Lake Roosevelt area, shoreline is designated Concentrated Recreation or Developed Recreation Zone in the Lake Roosevelt National Recreation Area Plans.

   d. The shoreline has existing recreation uses or moderate to high potential for public and private water-oriented recreation.

   e. The shoreline has limited scientific or educational value or unique historic or cultural resources values.

C. Management Policies

1. For uses in the Recreation environment, first priority should be given to water-dependent recreational uses. Second priority should be given to water-related and water-enjoyment recreational uses, including commercial uses. Non-water-oriented uses should be limited to mixed-use developments with a recreation focus.

2. In the Lake Roosevelt’s Concentrated Recreation Zone, resources will be primarily managed to enhance visitor experience. Maintaining native plant species will continue to be an emphasis, but non-native species can be considered to resolve landscape problems.

3. Recreational objectives should be enhanced by combining physical and visual public access opportunities with other recreational opportunities where feasible.
4. Aesthetic objectives should be implemented by means such as appropriate development siting, screening, and maintenance of natural vegetative buffers.

03.00.070 Rural

A. Purpose

1. The purpose of the Rural environment designation is to protect and conserve existing natural and resource-based uses, including moderate and higher intensity resource based uses such as rural agricultural and working forest lands, large lot home sites, other privately owned large parcels, and lands in public ownership; and protect shoreline ecological functions and valuable historic and cultural areas to provide for sustained resource use, maintenance of natural processes, and recreational opportunities. Forest and resource lands identified under the GMA were also considered. In addition to existing and future agricultural, rangeland, and forest uses, examples of uses that are appropriate in Rural shoreline environment include low-intensity and higher intensity recreational uses, natural-resource-based uses, development in support of agricultural uses, and larger lot residential development.

B. Designation Criteria

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

a. The shoreline is located outside of incorporated municipalities.

b. The shoreline is not highly developed and most development is agriculture, rangeland, or low-density residential. Unimproved land is used for livestock grazing, forestry, logging, and other resource-based uses and is designated agricultural or forest lands under GMA.

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

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

e. The shoreline has existing agricultural and other resource-based uses.

f. Shoreline includes larger parcels with several hundred feet or more of contiguous shoreline.

C. Management Policies
1. New shoreline uses should sustain the shoreline area’s physical and biological resources and not substantially degrade shoreline ecological functions.

2. New development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation (e.g., residential developments shall maintain low density development; and adequate buffer and building setbacks from the water and wetlands).

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

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

03.00.080  High Intensity

A. Purpose

1. The purpose of the High Intensity environment designation is to provide for water-dependent public and private commercial, transportation and mixed uses. The preferred use emphasis is on water-dependent or water-oriented commerce. Examples of uses that are appropriate in a High Intensity shoreline environment include transportation, ferry terminal, navigation uses, water-dependent industries, fish hatcheries, marinas, resorts and restaurants (when designed with water-enjoyment features), and similar uses. This environment may also provide for recreation, while protecting existing ecological functions.

B. Designation Criteria

1. Apply the following criteria for a High Intensity environment designation:
   a. The shoreline has low ecological function with low opportunity for ecological enhancement or rehabilitation.
   b. The shoreline is highly developed, and most development is related to public utility, infrastructure, navigation, industry, or commerce with potential for additional related development and facility rehabilitation or other modifications.
c. The uses depend on proximity to water, including high-intensity uses related to industrial production, conveyance, transportation, wastewater treatment, or navigation.

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

C. Management Policies

1. For uses in the High Intensity environment, first priority should be given to water-dependent commercial or public facility uses. Second priority should be given to water-related and water-enjoyment uses that are not in conflict with the surrounding commercial uses. Non-water-oriented uses are permitted as part of commercial or public facility operational needs.

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

3. Where feasible and appropriate, visual and physical public access provisions may be included as consistent with SMP 03.10.160 Public Access.

4. Aesthetic objectives should be implemented by means such as appropriate development siting, screening, and maintenance of natural vegetative buffers.

03.00.090 Shoreline Residential

A. Purpose

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

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 (e.g., Loon, Deer, and Deep lakes), 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 in-home small businesses should be limited to water-oriented uses. Non-water-oriented commercial uses other than in-home businesses should only be permitted as part of mixed-use developments.

03.00.100 Shoreline Residential – Low Intensity

A. Purpose

1. The purpose of the Shoreline Residential – Low Intensity designation is to accommodate residential development in areas planned for low-density residential land use (primarily around lakes and along rivers with existing low-intensity residential development), while protecting ecological functions. An additional purpose is to provide appropriate public access and recreational uses.
B. Designation Criteria

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

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

b. The shoreline is mostly outside of UGAs or limited areas of more intensive rural development (LAMIRD) and currently have limited development.

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

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

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

C. Management Policies

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

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

3. Public access and joint (rather than individual) use of recreational facilities should be promoted.

4. Access, utility, 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. Low-intensity public or private outdoor recreation facilities should be provided with proposals for subdivision development, if compatible with
the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
SECTION III: Shoreline Regulations

Article I. Authority and Purpose

03.10.010 Authority

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

03.10.020 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.

03.10.030 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, including planning and administering the regulatory program consistent with the preferred uses, policies, and provisions of the SMA in RCW 90.58.020.
3. To provide a high-quality shoreline environment where:
   a. Recreational opportunities are abundant.
   b. The public enjoys access to and views of shoreline areas.
   c. Ecological functions of the shoreline are maintained and improved over time.
   d. Water-dependent uses are promoted consistent with the shoreline character and environmental functions.

4. To apply special conditions to those uses that are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent on use of the state’s shoreline.

5. To ensure no net loss of ecological functions associated with the shoreline.

03.10.040 Relationship to Other Codes, Ordinances, and Plans

A. All applicable federal, state, and local laws shall apply to properties within shoreline jurisdiction. Where this SMP references any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

B. In the event provisions of this SMP conflict with provisions of federal, state, or local regulations, the provision that is most protective of shoreline resources shall prevail.

C. This SMP contains critical area regulations in SMP Article IV, applicable only in shoreline jurisdictions that provide a level of protection to critical areas ensuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources (RCW 36.70A.480). In the event of a conflict between the requirements of this code and any other code or ordinance of the Partnership members, the regulation that provides the greater protection for the particular critical area within shoreline jurisdiction shall apply.

D. Projects in the shoreline jurisdiction that have either been deemed technically complete through the application process or have been approved through local and state reviews prior to the adoption of this SMP are considered accepted. Major changes or new phases of projects that were not included in the originally approved plan will be subject to the policies and regulations of this SMP.

03.10.050 Liberal Construction

A. As provided in RCW 90.58.900, SMA is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.
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<td>1</td>
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<td><strong>Severability</strong></td>
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<td>Should any Section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole.</td>
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<td>4</td>
<td><strong>03.10.070</strong></td>
<td><strong>Effective Date</strong></td>
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<td>5</td>
<td>A.</td>
<td>This SMP is hereby adopted on the <strong>XX day of XX 201X</strong>. This SMP and all amendments thereto shall become effective 14 days after final approval and adoption by Ecology.</td>
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</table>
Article II. General Regulations

03.10.100 Shoreline Use and Modification

A. Regulations

1. Table 03.10.100 (B) indicates which shoreline activities, uses, developments, and modifications require a substantial development permit, a shoreline exemption, a conditional use permit or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

a. “SSDP” require a Shoreline Substantial Development Permit.
   i. The use or modification may also qualify for a Shoreline Exemption per Table 03.10.100 (C)(3) and SMP 03.10.670 (Exemptions from Shoreline Substantial Development Permits).

b. “CUP” require a Shoreline Conditional Use Permit per SMP 03.10.650.

c. “X” are prohibited activities, uses, developments, and modifications that are not allowed and cannot be permitted through a Variance or Shoreline Conditional Use Permit.

d. SMP Article II, General Regulations, and Article III, Shoreline Modification and Uses Regulations shall be considered for additional limitations.

2. All uses shall comply with the written provisions and regulations in this SMP and the shoreline use and modification matrix in Table 03.10.100 (B). Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

B. Shoreline Use and Modification Matrix:
### Table 03.10.100 (B). Shoreline Use and Modification Matrix

<table>
<thead>
<tr>
<th>Abbreviations</th>
<th>Aquatic</th>
<th>Natural</th>
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<th>Shoreline Residential</th>
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#### Resource Uses

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<td>Boat launch (non-motorized boats—canoe/kayak)</td>
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#### Piers, Docks, Buoys, Platforms and Other Types of Moorage Facilities

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#### Dredging Activities
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<td>Fill waterward of OHWM and in floodways</td>
<td>Follows upland designation or primary permitted use</td>
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<td>SSDP</td>
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<td>SSDP</td>
</tr>
<tr>
<td>N/A = Not Applicable</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
</tbody>
</table>

**Use/Modification**

<table>
<thead>
<tr>
<th>Use/Modification</th>
<th>Aquatic</th>
<th>Natural</th>
<th>Conservancy</th>
<th>Rural</th>
<th>Recreation</th>
<th>Conservancy</th>
<th>Recreation</th>
<th>High Intensity</th>
<th>Shoreline Residential</th>
<th>Shoreline Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-water-oriented</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Recreational Development</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Water-dependent</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Water-related and water-enjoyment (trails and accessory buildings)</td>
<td>N/A</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Non-water-oriented</td>
<td>X</td>
<td>X</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Residential Development</td>
<td>X</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
</tbody>
</table>

**Shoreline Habitat and Natural Systems Enhancement Projects**

See Table 03.10.100 (C)(3) and SMP 03.10.670 for shoreline exemptions related 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

<table>
<thead>
<tr>
<th>Modification of existing flood control facilities</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
<th>SSDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>New flood control facilities (dams, dikes, and levees)</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>SSDP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
</tbody>
</table>

**Shoreline Stabilization** *(also see Table 03.10.100 (C)(3) for exemptions)*

<table>
<thead>
<tr>
<th>Type</th>
<th>New</th>
<th>Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard (conventional, bulkheads, and riprap)</td>
<td>Follow upland designation</td>
<td>X</td>
</tr>
<tr>
<td>Soft (biotechnical)</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
</tbody>
</table>
### Abbreviations

<table>
<thead>
<tr>
<th>SSDP = Shoreline Substantial Development Permit</th>
<th>CUP = Conditional Use Permit</th>
<th>X = Prohibited</th>
<th>N/A = Not Applicable</th>
</tr>
</thead>
</table>

### Use/Modification

<table>
<thead>
<tr>
<th>Use/Modification</th>
<th>Aquatic</th>
<th>Natural</th>
<th>Conservancy</th>
<th>Rural</th>
<th>Recreation</th>
<th>High Intensity</th>
<th>Shoreline Residential</th>
<th>Low Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highways, arterials, and railroads (parallel to OHWM)</td>
<td>NA</td>
<td>X</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Secondary/public access roads and paved trails (parallel to OHWM)</td>
<td>NA</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Roads and paved trails perpendicular to the OHWM</td>
<td>X</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Bridges (perpendicular to shoreline)</td>
<td>SSDP</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>Existing bridges, trails, roads, and parking facilities (improvement or expansion)</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td>New parking, accessory</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
<tr>
<td><strong>Utilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboveground and underground utilities (parallel and across shoreline)</td>
<td>CUP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
<td>SSDP</td>
</tr>
</tbody>
</table>

### Notes:

1. Low intensity only.
2. For non-commercial net pens or rearing ponds supporting native-species recovery efforts or public recreational fisheries.
3. Low-intensity mining activities do not require a permit, but must comply with the WDFW Gold and Mining Pamphlet requirements. See SMP 03.10.290(B).
4. New uses are permitted as part of mixed use or according to SMP 03.10.240 or as part of an existing use according to SMP Article V, Existing Uses, Structures, and Lots.
5. SSDP outside of identified channel migration zones and CUP within channel migration zone areas.
6. Minimum amount to support the associated permitted use, with associated mitigation, as applicable.
7. Low-intensity, water-oriented industrial uses may be permitted in the limited instances where those uses have been located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use.

8. CUP; SSDP for those structures installed to protect or restore ecological functions.

9. Only when no other alternatives are available.

10. Exempt for protective bulkhead common to existing single-family residences. See Table 03.10.100 (C)(3) and SMP 03.10.670.
C. Shoreline Exemptions

1. Shoreline uses or modifications that require a Shoreline Substantial Development Permit per Table 03.10.100 (B) and this SMP may also qualify for a Shoreline Exemption. SMP 03.10.670 (Exemptions from Shoreline Substantial Development Permits) shall be referred to for purpose, intent, and criteria for Shoreline Exemptions.

2. The Shoreline Administrator shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed in SMP 03.10.670 (D) and summarized in Table 03.10.100 (C)(3). The entirety of SMP 03.10.670 shall be referred to for specific exemption intent and criteria.

   a. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements.

3. Shoreline Exemptions Summary Table:

Table 03.10.100 (C)(3). Shoreline Exemptions Summary Table

<table>
<thead>
<tr>
<th>SMP 03.10.670 (D)</th>
<th>Use or Modification Exempt from requirement for a Shoreline Substantial Development Permit</th>
<th>Criteria¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Fair Market Value of Development is less than $6,416²</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Development does not materially interfere with the normal public use of the water or shorelines of the state</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Normal Maintenance and Repair</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Applies to existing structures or developments, including maintenance and repair of damage by accident, fire, or elements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Normal maintenance includes those usual acts to prevent a decline, lapse or cessation from a legally established condition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Normal repair means to restore and replace a structure or development to a state comparable to its original size, shape, configuration and external appearance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Further replacement exemption criteria per SMP 03.10.670 (D)(2)</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Bulkheads to protect single-family residences</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A normal protective bulkhead is exempt only if:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It is installed at or near the ordinary high water mark, and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It is for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion</td>
<td></td>
</tr>
<tr>
<td>SMP 03.10.670 (D)</td>
<td>Use or Modification Exempt from requirement for a Shoreline Substantial Development Permit</td>
<td>Criteria¹</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>(4)</td>
<td>Emergency construction</td>
<td>- 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</td>
</tr>
<tr>
<td>(6)</td>
<td>Construction or modification of navigational aids</td>
<td>- Includes channel markers and anchor buoys - Excludes moorage structures such as buoys or dolphins that are not considered “navigational aids” and would require a substantial development permit</td>
</tr>
<tr>
<td>(7)</td>
<td>Single-family residence</td>
<td>- Includes appurtenances⁴ connected to single-family residence - Construction meets development standards criteria (Table 03.10.110 (B)) - Construction is located landward of OHWM</td>
</tr>
<tr>
<td>(8)</td>
<td>Docks for pleasure crafts</td>
<td>- Includes construction of a dock, including a 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:  - $10,000 for new docks; or  - $20,000 for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced - Excludes decks</td>
</tr>
<tr>
<td>(10)</td>
<td>Marking property lines</td>
<td>- Applies to state-owned lands for markings that do not significantly interfere with normal public use of the surface of the water</td>
</tr>
<tr>
<td>(12)</td>
<td>Governor certified projects</td>
<td>- Applies to energy facilities pursuant to RCW 80.50</td>
</tr>
<tr>
<td>(13)</td>
<td>Site exploration</td>
<td>- Includes activities for exploration and investigation that are prerequisites to preparation of an application for shoreline development, provided the criteria per SMP 03.10.670 (D)(13) are met</td>
</tr>
<tr>
<td>(14) (15) (16) (17)</td>
<td>Environmental projects</td>
<td>- Aquatic noxious weeds management, per SMP 03.10.670 (D)(14) - Watershed restoration projects, per SMP 03.10.670 (D)(15) - Fish and wildlife habitat improvements, per SMP 03.10.670 (D)(16) - Hazardous and toxic cleanups, per SMP 03.10.670 (D)(17)</td>
</tr>
</tbody>
</table>

1. SMP 03.10.670 (D) shall be referred to for specific and detailed criteria.
2. Total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c).
3. Lands for growing crops or vegetation for livestock feeding and/or grazing, or normal livestock wintering operations are not considered feedlots.

4. Single-family appurtenances must be connected to the use and enjoyment of a single family residence.

D. General

1. Accessory uses shall be subject to the same shoreline permit process as their primary use.

2. Permit authorized uses and modifications in shoreline jurisdictions where the underlying zoning provides for it and subject to the policies and regulations of this SMP.

3. An unclassified use may be reviewed as a conditional use, provided the applicant can demonstrate consistency with the policies and regulations of the SMA and this SMP. The Partnership will coordinate with Ecology on unclassified uses.

4. If any part of a proposed activity, use, modification, or development is not eligible for exemption per SMP 03.10.670 (Exemptions from Shoreline Substantial Development Permits), then a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit shall be required for the entire proposed development project.

5. When a specific use or modification extends into the Aquatic environment and an abutting upland environment without clear separation (e.g., private moorage facility, shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

6. Administrative interpretation of these regulations shall be done according to SMP 03.10.610.

03.10.110 Development Standards

A. Regulations

1. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in the Table 03.10.110 (B). These standards apply to all uses and modifications unless indicated otherwise.

2. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP or is not otherwise permitted through administrative reduction or administrative modification, such development or use can only be authorized by approval of a Shoreline Variance.
3. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

B. Shoreline Development Standards Matrix

**Table 03.10.110 (B). Shoreline Development Standards Matrix**

<table>
<thead>
<tr>
<th>Standards</th>
<th>Aquatic</th>
<th>Natural</th>
<th>Conservancy</th>
<th>Rural</th>
<th>Recreation Conservancy</th>
<th>Recreation</th>
<th>High Intensity</th>
<th>Shoreline Residential</th>
<th>Shoreline Low Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height(^1)</td>
<td>15</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35; or as required for hydropower facilities</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>NA</td>
<td>N/A</td>
<td>Per the technical design standards and best management practices (BMPs) recommended latest version of Ecology's Stormwater Management Manual for Eastern Washington.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riparian buffer width in feet (forested areas) (^2,3,4,5)</td>
<td>NA</td>
<td>N/A</td>
<td>Entire area managed for vegetation conservation</td>
<td>150</td>
<td>85</td>
<td>100</td>
<td>75</td>
<td>50</td>
<td>65</td>
</tr>
<tr>
<td>Riparian Buffer Width in feet (shrub-steppe habitat) (^5,6,7)</td>
<td>NA</td>
<td>100</td>
<td>75</td>
<td>65</td>
<td>65</td>
<td>50</td>
<td>35</td>
<td>50</td>
<td>65</td>
</tr>
<tr>
<td>Trail Width in feet</td>
<td>NA</td>
<td>5</td>
<td>Public trails are up to 10 feet or the minimum as required by ADA regulations. Private trails may be up to 5 feet wide</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Or as allowed by zoning code and SMP 03.10.110 (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. 130 feet for new agricultural activities on slopes 15% or greater within shoreline jurisdiction.
7. 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).
ADA = Americans for Disabilities Act

03.10.120 Archaeological and Historic Resources

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

B. Developers and property owners shall stop work immediately and notify the local government, the office of archaeology and historic preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.

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

03.10.130 Environmental Protection

A. All project proposals, including those for which a Shoreline Substantial Development Permit is not required, shall comply with RCW 43.21C, the Washington State Environmental Policy Act (SEPA).

B. Applicants shall apply the following mitigation sequencing steps in order of priority to avoid or minimize adverse effects and significant ecological impacts (with number 1 being top priority):

1. Avoid the adverse impact altogether by not taking a certain action or parts of an action.

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

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

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

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

6. Monitor the adverse impact and the compensation projects and take appropriate corrective measures.
C. Projects that cause significant adverse environmental impacts, as defined in WAC 197-11-794 and SMP 03.10.770, Definitions, as part of the permitting process, must be mitigated according to SMP 03.10.130(B) above, to avoid reduction or damage to ecosystem-wide processes and ecological functions.

D. When compensatory measures are appropriate pursuant to the mitigation priority sequence in SMP 03.10.130(B), preferential consideration shall be given to measures that replace the adversely impacted functions directly and in the immediate vicinity of the adverse impact. However, alternative compensatory mitigation may be authorized within the affected drainage area or watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or resource management plans, including the Shoreline Restoration Plan, applicable to the area of adverse impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

03.10.140 Shoreline Vegetation Conservation

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

B. Regulations specifying establishment and management of shoreline buffers are located in the SMP Article IV, Section 3.10.470. Vegetation within shoreline buffers, other stream buffers, and wetlands and wetland buffers shall be managed consistent with SMP Article IV, Critical Areas.

C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and wetland buffers within shoreline jurisdiction shall be managed according to this SMP 03.10.130, Environmental Protection, and any other regulations specific to vegetation management contained in other sections of this SMP.

D. Vegetation clearing outside of wetlands and streams and their associated buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing per SMP 03.10.130, Environmental Protection, shall be applied so the design and location of the structure or development minimizes native vegetation removal.

E. Removal of noxious weeds and other invasive species, or vegetation removal for wildfire fuel management within shoreline jurisdiction and buffers shall be incorporated in management and mitigation plans, when these plans are required, to facilitate establishment of a stable community of native plants. See SMP 03.10.470 (A)(2)(b) for vegetation management activities within critical area buffers that are allowed without a shoreline permit or letter of exemption.
A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and groundwater adjacent to the site.

B. When applicable, stormwater plans for all shoreline development shall use the technical design standards and BMPs recommended latest version of Ecology's Stormwater Management Manual for Eastern Washington.

C. BMPs for control of erosion and sedimentation shall be implemented for all shoreline development.

D. Potentially harmful materials, including, but not limited to, oil, chemicals, tires, or hazardous materials, shall be prohibited from entering any body of water or wetland, or discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.

E. Within 25 feet of a waterbody, herbicides, fungicides, fertilizers, and pesticides shall be applied in strict conformance to the manufacturer’s recommendations and in accordance with relevant state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject waterbodies and shall be applied by a qualified professional in accordance with state and federal law.

F. When required, new development shall provide stormwater management facilities designed, constructed, and maintained consistent with County requirements in SCC.03.04.020 (D), Environmental Performance Standards to prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities or recreational opportunities. Where multiple regulations apply that address water quality and stormwater quantity, including public health, stormwater, and water discharge standards, the regulations that are most protective of ecological functions shall apply.

G. For development activities with the potential for adverse impacts on water quality or quantity in a stream or Fish and Wildlife Habitat Conservation Area, a Critical Areas Report as prescribed in this SMP, Article IV, Critical Areas, shall be prepared. Such reports should discuss the project’s potential to exacerbate water quality parameters, which are impaired, and for which total maximum daily loads for that pollutant have been established, and prescribe any necessary mitigation and monitoring.

H. All materials that may come in contact with water shall be constructed of materials such as untreated wood, concrete, and approved plastic composites or steel that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by

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**Stevens County Partnership Shoreline Master Program**

**Draft**

**Anchor QEA**
applicable state agencies for contact with water to avoid discharge of pollutants from wave or boat wake splash, rain, or runoff.

I. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies.

03.10.160 Public Access

A. Applicants required to provide shoreline public access shall provide physical access—or if this is not appropriate for safety or similar reasons, visual access—consistent with SMP Public Access Plan, or other agencies’ management plans when applicable, unless specifically exempted in this Section. Examples of physical and visual access are as follows:

1. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual access to shorelines of the state.

2. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, public right-of-way for county roads and state highways, or other areas serving as means of physical approach to public waters.

B. Public access shall be located and designed to respect private property rights, be compatible with the shoreline environment, protect ecological functions and processes, protect aesthetic values of shoreline, and provide for public safety.

C. General Performance Standards

1. Uses, activities, and developments shall not interfere with the regular and established public use.

2. Shoreline substantial development or conditional uses shall avoid or minimize the impact on views of shoreline waterbodies from public land or substantial numbers of residences.

3. Public access easements, trails, walkways, corridors, and other facilities may encroach upon any buffers required in SMP Article IV, Critical Areas, or under other provisions of this SMP, provided such encroachment does not conflict with other policies and regulations of this SMP and no net loss of ecological function can be achieved, as determined through shoreline substantial development permit per SMP Table 03.10.100 (B).

4. Off-site public access consistent with the SMP Public Access Plan may be permitted by the Shoreline Administrator where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, compatibility, or feasibility are present. Off-site public access may include, but is not limited to, adequate
access on public lands in proximity to the site, opportunity to increase public lands and access with adjoining or proximate public area, enhancing a County- or City/Town-designated public property (e.g., existing public recreation site, existing public access, road abutting a body of water, or similar) in accordance with local standards, or other related measures as described in the SMP Public Access Plan.

5. Public access shall make adequate provisions, such as screening, buffer strips, fences, and signs, to discourage trespass on adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.

D. Except as provided in SMP 03.10.160(E), new uses shall provide for safe and convenient public access to and along the shoreline consistent with the SMP Public Access Plan where any of the following conditions are present:

1. The development is proposed by a public entity or on public lands.
2. The nature of the proposed use, activity, or development will likely result in an increased demand for public access to the shoreline.
3. The proposed use, activity, or development is not a water-oriented or other preferred shoreline use, activity, or development under the SMA, such as a non-water-oriented commercial or recreational use.
4. The proposed use, activity, or development may block or discourage the use of customary and legally established and accessible public access paths, walkways, trails, public transportation rights-of-way for roads and highways or corridors.
5. The proposed use, activity, or development will interfere with the public use, activity, and enjoyment of shoreline areas or waterbodies subject to the public trust doctrine.
6. The proposed activity is a publicly financed shoreline erosion-control measure that can accommodate public access without sacrificing long-term performance of the control measure and public safety.

E. An applicant shall not be required to provide public access where one or more of the following conditions apply, provided such exceptions shall not be used to prevent implementing the access and trail provisions mentioned in local and other agencies’ management plans. In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the Shoreline Administrator shall consider alternative methods of providing public access, such as adjacent off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access. The conditions are as follows:
1. Proposed use, activity, or development involves single-family residential development, or a development that involves four or fewer single-family or multifamily dwellings, that does not reduce visual access to the shoreline from public rights-of-way, including roads and highways.

2. Proposed use is agricultural/ranching/forestry activities.

3. Proposed use is within an area where public visual or physical access is not present, and the use will not increase demand for public access or reduce public access.

4. The nature of the use, activity, or development or the characteristics of the site make public access requirements inappropriate due to health, safety (including consistency with Crime Prevention Through Environmental Design [CPTED] principles, where applicable), or environmental hazards. The proponent shall carry the burden of demonstrating by substantial evidence the existence of unavoidable or unmitigable threats or hazards to public health, safety, or the environment that would be created or exacerbated by public access on the site.

5. An existing, new, or expanded road or utility crossing through shoreline jurisdiction shall not create the need for public access if the development being accessed or served by the road or utility is located outside of shoreline jurisdiction.

6. The economic cost of providing for public access at the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity, or development.

7. Safe and convenient public access already exists in the general vicinity, such as on the same reach of the stream or river, and/or the Partnership’s and agencies’ plans show adequate public access already exists for the area.

8. Public access has reasonable potential to threaten or harm the natural functions and native characteristics of the shoreline and/or is deemed detrimental to threatened or endangered species under the Endangered Species Act (ESA).

9. The site is within or part of an overall development, a binding site plan, or a planned unit development that has previously provided public access adequate to serve the project in full build-out through other application processes.

F. For any development where public access is not required, the applicant may include a shared community access proposal if there is no existing or planned public access along the shoreline. Where provided, community access shall be subject to all applicable development standards of this Section. Shared
community access is not required when any of the conditions under SMP 03.10.160(E) applies

G. Trails

1. Existing improved and primitive public trails shall be maintained.

2. Where public access is to be provided by dedication of public access easements along the OHWM, the minimum width of such easements shall be the maximum width of trail to be dedicated.

3. The total width of trails, including shoulders in all environments except for Natural environment, shall be 10 feet maximum or as required by Americans with Disabilities Act (ADA) regulations. In Natural environments, only primitive and low-impact trails shall be allowed and have a maximum width of 5 feet.

4. Pervious surfaces are encouraged for all trails.

5. Trails should make use of an existing constructed grade such as those formed by an abandoned rail grade, road, or utility when feasible.

6. Trails shall be located, constructed, and maintained so as to avoid, to the maximum extent possible, removal and other impacts to native vegetation.

7. Trails on private properties and not open for public use may be up to 5 feet wide or the minimum required for private ADA access, as applicable, and shall meet applicable setbacks from the OHWM.

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

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

2. The public easements required pursuant to this Section, for the purpose of providing access across or through the site to the OHWM, shall be maintained by the property owner to provide for reasonable and safe public access to the OHWM.

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

I. Signage

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

2. When required by the Shoreline Administrator, signage:
   a. Shall be conspicuously installed along public access easements, trails, walkways, corridors, and other facilities to indicate the public’s right of use and, if applicable, the hours of operation.
   b. Shall be located and designed to minimize interference with vistas, viewpoints, and visual access to shoreline.
   c. Over-water signs should be related to water-dependent uses only and shall be on floats, piles, or part of the water-dependent use.

03.10.170 Flood Hazard Reduction

A. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with SMP 03.10.440, Frequently Flooded Areas, and the Stevens County Flood Damage Prevention Ordinance or applicable City/Town Code.

B. The CMZ is considered to be that area of a stream channel that may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). Applicants for shoreline development or modification may submit a site-specific CMZ study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, historical aerial photographs, topographic mapping, flooding records, and field verification. The CMZ must be prepared by a licensed geologist or engineer with demonstrated experience in assessing fluvial geomorphic processes and channel response.

C. The following uses and activities may be authorized within the CMZ or floodway:
   1. New development or redevelopment landward of existing legal, publicly owned, and maintained structures, such as levees, that prevent active channel movement and flooding.
   2. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. The evaluation of cost differences between options within the CMZ or floodway and outside of the CMZ or floodway shall include the cost of design, permitting, construction, and long-term maintenance or repair. For the purposes of this section “unreasonable and disproportionate” means that locations outside of the floodway or CMZ would add more than 20%
to the total project cost. Where such structures are permitted, mitigation
shall address impacted functions and processes in the affected shoreline.

3. New or redeveloped measures to reduce shoreline erosion when
demonstrated that the erosion rate exceeds that which would normally
occur in a natural condition, provided the measures do not interfere with
fluvial hydrological and geo-morphological processes occurring in natural
conditions and the measures include appropriate mitigation of adverse
impacts on ecological functions associated with the river or stream.

4. Actions that protect or restore the ecosystem-wide processes or ecological
functions or development with a primary purpose of protecting or
restoring ecological functions and ecosystem-wide processes.

5. Mining when conducted in a manner consistent with SMP 03.10.290,
Mining, and the shoreline environment designation.

6. Modifications or additions to an existing legal use, provided channel
migration is not further limited and new development includes appropriate
protection of ecological functions.

7. Repair and maintenance of existing legal use, provided such actions do not
cause significant ecological impacts or increase flood hazards to other
uses.

D. Existing structural flood hazard reduction measures, such as levees, may be
repaired and maintained as necessary to protect legal uses on the landward side of
such structures. Increases in height of an existing levee, with any associated
increase in width, that may be needed to prevent a reduction in the authorized
level of protection of existing legal structures and uses shall be considered an
element of repair and maintenance.

E. Flood hazard reduction measures shall not result in channelization of normal
stream flows, interfere with natural hydraulic processes such as channel
migration, or undermine existing structures or downstream banks.

F. New development and subdivisions. Approve new development or subdivisions
when it can be reasonably foreseeable that the development or use would not
require structural flood hazard reduction measures within the CMZ or floodway
during the life of the development or use consistent with the following
(WAC 173-26-221(3)(c)(i)):

1. Floodway:

   a. New development and subdivisions shall be subject to applicable
      floodway regulations in SMP 03.10.440, frequently flooded areas,
      and SCC 03.10, Flood Damage Prevention.
2. Channel Migration Zone (CMZ):
   
a. New development in the CMZ is permitted subject to the following conditions:
   
i. Structures will be located on an existing legal lot created prior to effective date of this program;
   
   ii. A feasible alternative location outside of the CMZ is not available on site;
   
   iii. To the extent feasible, the structure and supporting infrastructure is located the farthest distance from the OHWM, unless the applicant can demonstrate that an alternative location is the least subject to risk; and
   
   iv. All residential structures shall be located outside the CMZ, except that an on-site septic system is permitted in the CMZ if: a feasible alternative location is not available on-site, and to the maximum extent practical, the septic system is located the farthest distance from the OHWM.

G. New public and private structural flood hazard reduction measures shall be approved when a scientific and engineering analysis demonstrates the following:

   1. They are necessary to protect existing development;
   
   2. Non-structural measures, such as setbacks, land-use controls, wetland restoration, dike removal, use or structure removal or relocation, biotechnical measures, and stormwater management programs are not feasible;
   
   3. Adverse impacts on ecological functions and priority species and habitats can be successfully mitigated to ensure no net loss; and
   
   4. Appropriate vegetation conservation actions are undertaken consistent with SMP 03.10.140, Shoreline Vegetation Conservation.

H. Flood hazard reduction measures shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the Shoreline Administrator.

I. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant adverse
ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

J. In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in state, federal, or other flood hazard agency documents governing the Partnership’s-authorized, legal flood hazard reduction measures, the vegetation requirements of this SMP will not apply. However, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications and shall comply with all other provisions of this section and this SMP that are not strictly prohibited by the approving flood hazard agency.

K. The removal of gravel or other riverbed material for flood management purposes shall be consistent with the SMP 03.10.250, Dredging and Dredge Material Disposal, and SMP 03.10.290, Mining, and must also demonstrate extraction will have a long-term benefit to flood hazard reduction and not result in a net loss of ecological functions.

L. Roads, except temporary roads during construction, shall be located outside the floodway, except necessary crossings, which shall be placed perpendicular to the waterbody as much as is physically feasible. New transportation facilities shall be designed so the effective base flood storage volume of the floodplain is not reduced. The applicant shall provide all necessary studies, reports, and engineering analysis, which shall be subject to review and modification by the Shoreline Administrator.
Article III. Shoreline Modifications and Use Regulations

03.10.200 Agriculture

A. This SMP, “shall not require modification of or limit agricultural activities occurring on agricultural lands,” consistent with RCW 90.58.065.

B. A Substantial Development Permit shall be required for all new agricultural developments not specifically exempted by the provisions of SMP 03.10.670(D)(5).

C. SMP provisions shall apply to:

1. New agricultural activities on land not meeting the definition of agricultural land

2. Conversion of agricultural lands to other uses

3. Development on agricultural land that does not meet the definition of agricultural activities

D. New agricultural uses and activities, and developments in support of existing agricultural uses shall be located and designed to ensure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.

E. New feedlots are prohibited within critical area buffers. Feed lots shall be located in such a manner as to prevent waste runoff from entering waterbodies or groundwater.

F. Agricultural uses and activities shall not exacerbate erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

G. Agricultural chemicals shall be applied in a manner consistent with BMPs for agriculture and SMP 03.10.150, Water Quality, Stormwater, and Nonpoint Pollution.

H. New agricultural lands created by diking, draining, or filling wetlands or CMZs is prohibited.

03.10.210 Aquaculture

A. 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.
B. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life or establish new nonnative species, which cause significant ecological impacts.

C. Aquaculture facilities shall be located in areas that minimize impacts to navigation, water-dependent and other existing uses and designed to minimize nuisance, odors, and noise, and control pollution, as well as minimize visual impacts on surrounding shoreline development.

D. **Submittal Requirements.** In addition to standard application requirements, proponents of an aquaculture use or activity shall supply, at a minimum, the following information in their application for shoreline permit(s):

1. Species to be reared
2. Aquaculture method(s)
3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals, and their predicted adverse impacts
4. Harvest and processing method and timing
5. Method of waste management and disposal
6. Best available background information and probable adverse impacts on water quality, biota, and any existing shoreline or water uses
7. Method(s) of predator control
8. A description of the proposed use of lights and noise-generating equipment and an assessment of adverse impacts upon surrounding uses
9. Other pertinent information as required by the Shoreline Administrator

03.10.220 **Boating and Vessel Facilities**

A. **General Requirements**

1. All boating uses, development, and facilities shall protect the rights of navigation and shall demonstrate they result in no net loss of ecological functions.
2. Shared moorage serving single-family use consisting of docks and piers with more than four berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as marinas under this section.
3. Joint-use/shared docks and piers with four or fewer berths or any number of mooring buoys are regulated as single- or multi-family mooring facilities under this section.

4. Boating facilities are prohibited where:
   a. Braided or meandering river channels where the channel is subject to change in alignment or on point bars or other accretion beaches.
   b. Areas where shoreline modification is required for approach and other upland facilities.
   c. Fish spawning areas.
   d. Locations where they would adversely affect flood channel capacity or create a flood hazard.
   e. Locations where water depths for vessels are not adequate without dredging.

5. Boating facilities, except those accessory to single-family residences, shall provide public access in accordance with SMP 03.10.160 and shall be located and designed such that existing public access to public shorelines is not obstructed nor made hazardous.

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

7. All in- and over-water structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term. Wood treated with creosote, pentachlorophenol, or other similarly toxic materials is prohibited. Docks generally shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

8. Vessels shall be restricted from extended mooring on waters of the state, except as allowed by state regulations and unless a lease or other permission is obtained from the state and impacts to navigation and public access are mitigated.

B. Boat Launches
1. Public boat launch facilities may be permitted in areas where no public launching opportunities exist within close proximity of a site (within less than 2 miles’ distance by road).

2. Design and construct boat launch and haul-out facilities (e.g., ramps, marine travel lifts, and marine railways) and minor accessory buildings in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation, and neighboring uses.

3. Access and parking for public boat launches shall not produce traffic hazards, shall not result in excessive noise or other impacts, and shall minimize traffic impacts on nearby roads and shall be consistent with SMP 3.10.350 (E) and (F).

4. Boat ramps, when permitted on privately owned, non-commercial properties, shall demonstrate that other public launch sites are not within 2 miles or less by road and open to the public, the launch site footprint has been reduced to the minimum area necessary, and impacts will be mitigated according to SMP Section 03.10.230, Environmental Protection.

C. Marinas

1. Marinas shall be designed to meet all the following requirements:
   a. Provide flushing of all enclosed water areas
   b. Allow the free movement of aquatic life in shallow water areas
   c. Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms

2. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

3. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.

4. To the maximum extent possible, marinas and accessory uses shall share parking facilities consistent with SMP 3.10.350 (E) and (F).

5. New marina development shall provide public access amenities such as viewpoints, interpretive displays, and public access to accessory water-enjoyment uses (e.g., restaurants).
6. If a marina is to include gas- and oil-handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazards, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage and the containment, recovery, and mitigation of spilled petroleum, sewage, toxic products, and other potentially harmful or hazardous materials.

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

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

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

1. The facility serves a water-dependent use.

2. The facility is the minimum size required to serve the proposed use, provided provisions for expansion or future joint use may be provided.

3. The facility minimizes impacts to the extent feasible.

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

F. Commercial or industrial moorage facilities shall demonstrate the following requirements are met:

1. The dock or pier shall be the minimum length required to serve the use.

2. Floats shall be constructed and attached so they do not ground out on the substrate.

3. Pile spacing shall be the maximum feasible to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms or result in structural damage from driftwood impact or entrapment.

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

5. For commercial or industrial moorage facilities on the Columbia and Spokane rivers:
a. Access from the shore to piers or floats shall minimize water cover in order to minimize impacts to shallow-water habitat.

b. Piers and ramps shall be elevated to provide the maximum feasible light penetration.

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

G. Covered facilities may be permitted only to serve a water-dependent use where it is demonstrated adequate upland sites are not feasible and the area covered is the minimum necessary to serve the use.

03.10.230 Breakwater, Jetties, Groins, and Weirs

A. New, expanded, or replacement groins and weirs shall be permitted if the applicant demonstrates the proposed groin or weir will not result in a net loss of shoreline ecological functions and the structure is necessary for water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

B. As noted in Table 03.10.100 (B), groins and weirs shall require a Conditional Use Permit, except when such structures are installed to protect or restore ecological functions, such as installation of groins that may eliminate or minimize the need for hard shoreline stabilization.

03.10.240 Commercial Development

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

B. Commercial development shall be designed and maintained in a manner compatible with the character and features of surrounding areas.

C. Non-water-oriented commercial uses shall be prohibited over water in any shoreline environment.

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

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

F. Where commercial use is proposed for land in public ownership, public access shall be required.
G. Non-water-oriented commercial uses shall be permitted if they can demonstrate at least one or more of the following requirements:

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

2. Navigability is severely limited at the proposed site.

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

H. Non-water-oriented uses, including, but not limited to, residential uses, may be located with water-oriented commercial uses provided all the following requirements are met:

1. The mixed-use project includes one or more water-dependent uses.

2. Water-dependent commercial uses, as well as other water-oriented commercial uses, have preferential locations along the shoreline.

3. The underlying land use permits residential or other uses together with commercial uses.

4. Public access, ecological restoration, or other element addressing SMA objectives is provided as a public benefit.

**03.10.250 Dredging and Dredge Material Disposal**

A. Dredging

1. Dredging shall be permitted only:

   a. For navigation or navigational access;

   b. In conjunction with a water-dependent use of waterbodies or adjacent shoreline areas;

   c. As part of an approved stream or river rehabilitation or habitat improvement project; or

   d. In conjunction with a bridge, navigational structure, or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.

2. New dredging shall be permitted only where it is demonstrated the proposed water-dependent or water-related uses will not result in ongoing adverse impacts to water quality, shoreline ecological functions, fish and wildlife habitat conservation areas and other critical areas, flood holding
capacity, natural fluvial processes, drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

3. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.

4. Dredging for fill is prohibited, except where the material is necessary for restoration related to a Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration project. A Shoreline Conditional Use Permit is required when dredging for fill is related to any other significant habitat enhancement project.

5. Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this SMP.

B. Dredge Material Disposal

1. Upland dredge material disposal within shoreline jurisdiction is prohibited, except under the following circumstances and conditions:

   a. Existing shoreline ecological functions and processes will be protected.

   b. The site will ultimately be suitable for a use permitted by this SMP.

2. Dredge material disposal shall not occur in wetlands nor within a stream’s CMZ, except as authorized by Conditional Use Permit or as part of a shoreline restoration project.

3. Dredge material disposal within areas assigned an Aquatic environment designation may be approved only when no net loss of ecological functions is demonstrated and when one of the following conditions apply:

   a. Land disposal is not feasible, is inconsistent with this SMP, or prohibited by law.

   b. Disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

4. Upland disposal sites shall be planted with vegetation native to the shoreline location or that which would be present in an undisturbed condition.
C. **Submittal Requirements:** In addition to standard application requirements, the following information shall be required for all dredging applications:

1. A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.

2. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:

   a. A site plan map outlining the perimeter of the proposed dredge area, including the existing bathymetry (water depths that indicate the topography of areas below the OHWM), and having data points at a minimum of 2-foot depth increments

   b. A Critical Areas Report

   c. A mitigation plan, if necessary, to address any identified adverse impacts on ecological functions or processes

   d. Information on stability of areas adjacent to proposed dredging and spoils disposal areas

   e. A detailed description of the physical amount to be removed, along with the chemical, and biological characteristics of the dredge materials

3. A description of the method of materials removal, including facilities for settlement and movement.

4. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.

5. Frequency and quantity of project maintenance dredging.

6. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited, to:

   a. Dredge material disposal area

   b. Physical characteristics, including location, topography, existing drainage patterns, and surface and groundwater

   c. Size and capacity of disposal site

   d. Means of transportation to the disposal site

   e. Proposed dewatering and stabilization of dredged material
03.10.260 Fill and Excavation

A. Fill and excavation may be permitted in association with a permitted use. Where permitted, fill and excavation shall be the minimum necessary to accommodate the development.

B. Fill below the OHWM, except fill to support ecological restoration, requires a Conditional Use Permit and may only be permitted in one of the following circumstances:

1. In conjunction with water-dependent or public access uses permitted by this SMP

2. In conjunction with a bridge or transportation facility of statewide significance, for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist

3. In conjunction with implementation of an interagency environmental cleanup plan to clean up and dispose of contaminated sediments

4. In conjunction with any other environmental restoration or enhancement project

C. Waterward of the OHWM, pile or pier supports shall be used whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.

D. Fill, including in non-watered side channels, shall demonstrate that the proposed action will not:

1. Result in significant ecological damage to water quality, fish, and/or wildlife habitat

2. Adversely alter natural drainage and circulation patterns, currents, or river flows or significantly reduce flood water capacities

3. Alter channel migration, geomorphic, or hydrologic processes

4. Significantly reduce public access to the shoreline or significantly interfere with shoreline recreational uses

E. Fills are prohibited in the floodway, except when required in conjunction with uses permitted by this SMP.
F. Fills are permitted in floodplains outside of the floodway only where they would not alter the hydrologic characteristics or flood storage capacity or inhibit channel migration.

G. Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill.

03.10.270 Forest Practices

A. Forest practice applications shall meet all local, state, and federal regulations regarding forest practices and land clearing and per WAC 173-26-241 (3)(e), especially the State’s Forest Practices Act for all forest management activities including Class IV, general forest practices, where shorelines are being converted or are expected to be converted to non-forest uses.

03.10.280 Industry

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

B. Non-water-oriented industrial uses shall be allowed if they can demonstrate one or more of the following:

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

2. Navigability is severely limited at the proposed site, including opportunities for non-motorized boating or other water-oriented uses.

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

C. Where industrial use is proposed for location on land in public ownership, public access should be required unless such public access is demonstrated by the proponent to be infeasible or inappropriate for the shoreline pursuant to SMP 03.10.160, Public Access.

D. Non-water-oriented industrial uses shall not be allowed over water in any shoreline environment.

E. All industrial loading and service areas shall be located upland or away from the shoreline, except when loading services are water-dependent such as barge facilities. Provisions shall be made to screen upland loading areas with walls, fences, and landscaping and to minimize aesthetic impacts.
F. The new storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 100 feet of the OHWM, whichever boundary extends farthest landward.

03.10.280 In-Stream Structures

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

B. General

1. The location, planning, and design of in-stream structures shall be compatible with the following:
   a. The full range of public interests, existing agricultural operations, demand for public access to shoreline waters, desire for protection from floods, and need for preservation of historical and cultural resources; and
   b. Protection and preservation of ecosystem-wide processes and ecological functions.

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

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

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

C. Submittal Requirements – In addition to the standard requirements listed in SMP 03.10.630, Application Requirements, all permit applications for in-stream structures shall contain, at a minimum, the following additional information:

1. A site suitability analysis, which provides sufficient justification for the proposed site; the analysis must address alternative sites for the proposed development.
2. Proposed location and design of primary and accessory structures, transmission equipment, utility corridors, and access/service roads.

3. A plan that describes the extent and location of vegetation, which is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required by this SMP.

4. A hydraulic analysis prepared by a licensed professional engineer that sufficiently describes the project’s effects on streamway hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

5. A hydrologic analysis prepared by a qualified professional that analyzes the project’s effects on ecological processes, including delivery and rate of water and sediment, geomorphology, and recruitment of organic material.

6. Biological resource inventory and analysis prepared by a qualified professional that sufficiently describes the project’s effects on fish and wildlife resources, prepared by a qualified professional as defined in the Critical Areas section of this SMP.

7. Provision for erosion control, protection of water quality, and protection of fish and wildlife resources during construction.

8. Long-term management plans that describe, in sufficient detail, provisions for protection of in-stream resources during construction and operation; the plan shall include means for monitoring its success.

03.10.290 Mining

A. All gold and other mineral prospecting, including, but not limited to, panning, dredging, placer mining, and related concentration, and extraction activities shall strictly conform to requirements of most recent version of the Washington Department of Fish and Wildlife's Hydraulic Project Approval (HPA) pamphlet titled Gold and Fish, Rules for Mineral Prospecting and Placer Mining for those activities which are limited to the scope, techniques, and equipment specified in the pamphlet.

1. Compliance with the Gold and Fish Pamphlet does not necessarily preclude the requirement for a Shoreline Substantial Development Permit for mineral prospecting, concentration, and extraction activities and regulations administered by all other local, state, and federal agencies.

2. Low-intensity mining activities can occur in all shorelines except for the Natural environment. Mining activities addressed in the Gold and Fish Pamphlet or as updated shall not require a shoreline permit, but should be conducted in conformance with the pamphlet provisions.
3. More intensive mining proposals are addressed through substantial development or conditional use permitting in this SMP and through the WDFW Hydraulic Permit Approval process.

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

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

D. Determining when mining facilities may or may not be located within Shorelands shall be based on an evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction; the need for such mineral resources; and economic, transportation, and land use factors. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations and may be integrated with any relevant environmental review conducted under SEPA (RCW 43.21C) or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a), as amended.

E. Application for approval of mining operations shall be accompanied by operation plans, reclamation plans, and analysis of environmental impacts sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes. These evaluations and plans shall address these functions and processes during the course of mining and after reclamation, and how impacts will be mitigated to achieve no net loss of these functions. Creation, restoration, and habitat enhancement and the future productivity of the site may be considered in determining no net loss of ecological functions.

03.10.300 Piers and Docks

A. General

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

2. Shared moorage serving single-family use consisting of docks and piers with more than four berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as Boating Facilities under SMP 03.10.220.

3. Docks and piers with four or fewer berths or any number of mooring buoys are regulated under “Piers and Docks”.

4. Only one private dock shall be permitted per contiguous waterfront ownership.
5. If moorage is to be provided or planned as part of a new residential development of two or more waterfront dwelling units or lots or as part of a subdivision or short subdivision occurring after the effective date of this SMP, joint-use or community dock facilities shall be required when feasible, rather than allow individual docks for each residence.

6. In order to evaluate the feasibility of a joint community dock in a new residential development of two or more waterfront dwelling units, the applicant/proponent shall demonstrate the following:

   a. Existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for use; and

   b. Abutting property owners are not willing to share an existing dock or develop a shared moorage.

7. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve the development. The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

8. Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming, and pleasure boating. The length of piers and docks shall be limited in constricted waterbodies to ensure navigability and public use. The Shoreline Administrator may require reconfiguration of pier and dock proposals where necessary to protect navigation, public use, or ecological functions.

9. Shared residential docks and piers shall generally meet the standards for single-family docks, except the number of floats and the size of piers and other facilities may be increased to serve additional slips.

10. Docks and piers shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe facilities or materials, including treated wood, pilings, derelict structures, vessels, buoys, and equipment, shall be repaired promptly by the owner or removed after obtaining any necessary permits.

11. Private moorage for float planes may be permitted accessory to existing or concurrently proposed moorage where construction and operation would not adversely affect shoreline functions or processes, including wildlife use, or interfere with navigation.

12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the
aquatic habitat in the affected area can be returned to its original (pre-construction) condition.

13. Covered docks or piers are prohibited.

14. Bulk storage (non-portable storage in fixed tanks) of gasoline, oil and other petroleum products for any use or purpose is prohibited on any dock or pier.

B. Dock dimensional and materials standards. The following dimensional standards shall apply to all new docks serving four or fewer residential dwellings. Deviations from the dimensional standards must be approved through a Shoreline Variance.

1. Width:
   a. Piers and floats shall not exceed 8 feet in width. Ramps shall not exceed 4 feet in width.
   b. Dock finger extensions shall not exceed 6 feet in width.

2. Length:
   a. The length of the dock shall not exceed the length necessary in order for the end of the dock to reach a minimum water depth of 4 feet measured at ordinary high water.

3. Area:
   a. The area of new docks shall be limited by the maximum width and length as described in 1. and 2. above. Only one float is allowed per single-use dock. A maximum of two floats is allowed for joint-use docks.
   b. 450 square feet for single-use docks, excluding the ramp, pier and all associated appurtenances.
   c. 550 square feet for joint-use docks, excluding the ramp, pier and all associated appurtenances.

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

5. Dock Support Piles:
a. Piling shall be structurally sound and cured prior to placement in the water.

b. Pilings shall not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds.

c. Pilings shall not extend beyond the end of the dock.

d. Use the smallest diameter and number of pilings required to construct a safe facility.

e. Pilings or piling sleeves shall be white in color on Spokane and Columbia rivers.

f. All pilings on Spokane and Columbia rivers must be fitted with devices to prevent perching by fish eating birds.

6. Dock and Watercraft Lift Spacing:

a. Private docks and watercraft lifts shall be spaced a minimum of 10 feet from the side property lines for individual properties. Joint-use facilities may abut or overlap property lines provided the adjacent property owners have mutually agreed to the location.

b. For those new docks located adjacent to larger existing overwater facilities, such as marinas or community docks, the responsible local government may require a greater separation between moorage facilities to reduce potential navigation and use conflicts.

7. Decking Materials:

a. Use of materials specified for freshwater use is required.

8. Floats:

a. Float components shall not exceed the dimensions of 8 by 20 feet, or an aggregate total of 160 square feet, for all float components.

i. Private swim floats should be no longer than 8 feet and no wider than 8 feet.

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

c. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water (e.g., rectangular float tubs).
d. Project construction shall cease under high-flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.

e. For the Columbia and Spokane rivers the following additional float provisions apply:

   i. Grating shall cover 100% of the surface area of the float(s). The open area of the grating shall be no less than 50%, as rated by the manufacturer.

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

   iii. Nothing shall be placed on the overwater facility that will reduce natural light penetration.

9. Other:

   a. If a dock is provided with a safety railing, such railing shall meet International Building Code requirements, shall be an open framework, and be consistent with appropriate safety standards.

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

   c. Exterior finish shall be generally non-reflective.

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

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

   2. The maximum width for the portion of the dock located within 30 feet of the OHWM shall not be greater than the width identified for new docks under SMP 03.10.300(B) above;

¹ Nonconforming dock facilities are governed by regulations found in SMP 03.10.520, Nonconforming Structures or Other Improvements.
3. Replacement piles shall meet the spacing and material specifications under SMP 03.10.300 (B) above; and

4. Decking and deck materials shall meet the specifications under SMP 03.10.300 (B) above.

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

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

2. Enlarged portions of docks must comply with the dimensional, design, materials, and mitigation standards for new private docks as described in SMP 03.10.300 (F). Dock additions that result in the completed facility exceeding the area limits may only be approved through a Shoreline Variance.

E. Repair of Existing Private Dock

1. Repair proposals which replace 75% or greater of the existing dock-support piles are considered replacement docks and must comply with requirements for Replacement Docks.

2. All proposed replacement piles shall be the minimum size allowed by site-specific specifications, engineering or design considerations, and meet provisions in SMP 03.10.300 (B)(5).

F. Mitigation

1. Applicants should consult with other permit agencies, such as WDFW and/or U.S. Army Corps of Engineers, for additional specific mitigation requirements beyond those discussed in this section.

2. Consistent with the mitigation sequencing steps outlined in SMP 03.10.130, Environmental Protection, new or expanded overwater and in-water facilities, including watercraft lifts and mooring buoys, should be first designed to avoid and then minimize impacts, prior to pursuing mitigation.

3. Mitigation proposals shall provide mitigation at a 1:1, at a minimum, by area of overwater cover to mitigation action using any of the potential measures listed under SMP 03.10.300(F (5) below.

4. Applicants wishing to propose an alternate mitigation strategy may submit a mitigation plan prepared by a qualified professional that provides one unit of mitigation for each unit of lost function unless justified as outlined
in SMP 03.10.130, Environmental Protection. The type and degree of potential adverse impacts typically associated with private moorage varies considerably by waterbody, location within a waterbody, and design. Potential adverse impacts may include substrate disturbance and alteration, vegetation disturbance or alteration, increases in sensitive species predation, increases in shoreline hardening, or reduction in presence or benefit of terrestrial vegetation adjacent to the water, among others. The mitigation provided shall be consistent with SMP 03.10.130, Environmental Protection. The proposed mitigation plan shall include a discussion of how the proposed mitigation adequately compensates for any lost or modified functions.

5. For new development and modification or reconstruction of legally existing facilities, appropriate mitigation may include one or more of the following measures, or other measures when consistent with objective of compensating for adverse impacts to ecological function:
   a. Removal of any additional existing overwater and/or in-water facilities that are not the subject of the application or are not otherwise required to be removed because they are not legal.
   b. For dock additions, partial dock replacements, or other modifications approved under this section, replacement of areas of existing, solid overwater cover with grated material or use of grating on those altered portions of piers if they are not otherwise required to be grated.
   c. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of trees and/or shrubs native to the County and typically found in undisturbed areas adjacent to the subject waterbody. When shoreline plantings are the only mitigation option for a given dock proposal, the additional overwater cover shall be compensated for at a 1:1 planting area ratio (unless modified as described in SMP 03.10.130, Environmental Protection) with required trees planted on 10-foot centers and/or shrubs planted on 5-foot centers. Native groundcover can be supplemental to the planted shoreline area, but does not count toward the total square footage requirement. Applicants may utilize species found on the native plant list on file at each respective jurisdiction.
   d. Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel, and/or cobbles and incorporating vegetation or organic material.
e. Removal of manmade debris waterward of the OHWM such as oil drums, concrete or asphalt debris, remnant docks, or other material detrimental to ecological functions and ecosystem-wide processes.

f. Recruitment of organic material if consistent with local, state, and/or federal regulations.

g. Participation in an approved mitigation banking or in-lieu-fee program.

03.10.310 Recreational Development

A. Public recreational development shall be consistent with the SMP Public Access Plan.

B. The potential adverse impacts of all recreational uses shall be mitigated, and adequate provisions for shoreline rehabilitation shall be made part of any proposed recreational use or development to ensure no net loss of shoreline ecological function.

C. Recreational developments shall make adequate provisions for all the following items:

1. On-site and off-site access and, where appropriate, equestrian access

2. Appropriate water supply and waste disposal methods

3. Security and fire protection

03.10.320 Residential Development

A. Single-family residential development is a preferred use when it is developed in a manner consistent with SMP provisions.

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

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

D. New shoreline residences and appurtenant structures shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other shoreline stabilization and flood-control structures, are not necessary to protect proposed residences and associated uses.
E. New floating residences and overwater residential structures are prohibited in shoreline jurisdiction.

F. New, multi-unit residential development, including duplexes, fourplexes, and subdivisions that create five or more parcels, shall make adequate provisions for public access consistent with the regulations set forth in SMP 03.10.160, Public Access.

G. All new residential development shall meet the vegetation management provisions contained in SMP 03.10.140, Shoreline Vegetation Conservation, and SMP 03.10.420, fish and wildlife habitat conservation areas.

03.10.330 Shoreline Habitat and Natural Systems Enhancement Projects

A. Shoreline restoration and enhancement activities designed to restore or enhance shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species, and shall be given priority.

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

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

D. Fish habitat enhancement projects meeting the criteria of RCW 77.55.181 will be authorized through a Letter of Exemption from the requirement for a Substantial Development Permit, pursuant to SMP 03.10.670 (D)(16).

E. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the SMP Shoreline Restoration Plan.

F. Habitat and beach creation, expansion, restoration, and enhancement projects may be permitted when the applicant has demonstrated that:

1. The primary objective is clearly restoration or enhancement of the natural character or ecological function of the shoreline;

2. The project will not adversely impact spawning, nesting, or breeding in fish and wildlife habitat conservation areas;

3. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected;

4. Water quality will not be permanently degraded;
5. Flood storage capacity will not be permanently degraded;

6. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and

7. The project will not interfere with the normal public use of the navigable waters of the state.

03.10.340 Shoreline Stabilization

A. New shoreline stabilization measures for erosion control are permitted when the structure will not result in a net loss of shoreline ecological functions and when necessary to:

1. Protect existing structures that are in danger from shoreline erosion as documented by:
   
a. A structure that has been damaged by shoreline erosion caused by wind/wave action or other hydraulic forces; or

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

2. In support of water-dependent development, new non-water-dependent development, including single-family residences, when all of the conditions below apply:
   
a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

b. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents, and waves, or as the result of reservoir management, such as fluctuating reservoir heights.

3. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D when
nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

B. Except for existing dam facilities and operations, new shoreline stabilization for new development is prohibited unless one or more of the following apply:

1. It can be demonstrated reasonable use of a lot or parcel legally created prior to the effective date of this program is:
   a. Precluded without shoreline protection,
   b. Is necessary to restore ecological functions, or h
   c. Is necessary for hazardous substance remediation.

2. Is associated with existing dam facilities and operations.

C. Proposed designs for new or expanded shoreline stabilization shall be designed using biotechnical design approaches and techniques unless a geologic hazard qualified professional demonstrates that only conventional riprap or bulkheading will stabilize the shoreline.

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

E. Land subdivisions or short subdivisions shall be designed to ensure future development of the newly created lots will not require structural stabilization for subsequent development to occur.

F. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures, or public facilities, including roads, bridges, railways, irrigation, and utility systems from erosion caused by stream undercutting or wave action. The existing shoreline stabilization structure will be removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the facility was occupied prior to January 1, 1992 (per WAC 173-231(3)(iii)(C), and there are overriding safety or environmental concerns.

G. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 will be authorized through an exemption from the requirement for a Shoreline Substantial Development Permit.
03.10.350 Transportation: Trails, Roads, and Parking

A. New routes for transportation, trails and parking facilities shall be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline features, and shall not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

B. New roads and trails or road and trail expansions within shoreline jurisdiction shall be planned, located, and designed to achieve the mitigation sequencing provisions of SMP 03.10.230, Environmental Protection.

C. Transportation facilities and services for motor vehicles and rail shall use existing transportation corridors whenever possible.

D. Public pedestrian and bicycle transportation facilities and trails shall be designed, located, and constructed consistent with the policies and regulations for public access as provided in SMP 03.10.160, Public Access, of this SMP. Linkage among shoreline parks, recreation areas, and public access points is encouraged, when feasible.

E. Parking facilities are not a preferred use and shall only be permitted in the shoreline jurisdiction to support an authorized use where it can be demonstrated there are no feasible alternative locations away from the shoreline. Accessory parking facilities shall be subject to the same permit type as the primary use.

F. Parking facilities shall be located upland of the principal structure, building, or development they serve, except:

1. Where the proponent demonstrates that an alternate location would reduce adverse impacts on the shoreline and adjacent uses,

2. Where another location is not feasible, and/or

3. Except when ADA standards require otherwise.

In such cases, the applicant shall demonstrate use of measures to reduce adverse impacts of parking facilities in shoreline jurisdiction, such as low-impact development techniques, buffering, or other measures approved by the Shoreline Administrator.

G. Minimized, unavoidable adverse impacts to shoreline resources and ecological function associated with developing ADA-compliant parking shall be fully mitigated under the provisions of this SMP.

H. Parking facilities shall be landscaped in a manner to minimize adverse visual and aesthetic impacts on adjacent shoreline and abutting properties.
I. Shoreline crossings and culverts shall be designed to minimize adverse impacts on upland, riparian, and aquatic habitat within shoreline jurisdiction, and shall be designed and constructed to maintain or re-establish fish passage. See SMP 03.10.420, fish and wildlife habitat conservation areas, for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

**03.10.360 Utilities**

A. Non-water-oriented utility production, processing, and transmission facilities are permitted in shoreline jurisdiction only if no practical upland alternative or location exists.

B. Expansion of existing primary utility facilities within shoreline jurisdiction must demonstrate:

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

2. The project is planned to fit existing natural topography or existing functional breaks, such as roads, as much as practical and avoid alteration of the existing natural environment.

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

C. New primary utility facilities and expansions shall include provisions to control the quantity and quality of surface water runoff to natural waterbodies, using BMPs to retain natural flow rates. A maintenance program to ensure continued proper functioning of such new facilities shall be required.

D. Where feasible, utilities shall be consolidated within a single easement and use existing rights-of-way.

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

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

G. New utilities, which must be constructed across shoreline jurisdiction in previously undisturbed areas, must submit a mitigation plan demonstrating the restoration of the shoreline to its existing condition. Upon completion of utility installation or maintenance, disturbed areas shall be regraded to be compatible with the existing terrain of the area and revegetated with appropriate native plants to prevent erosion.
H. Outside of the High Intensity environment, all underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the waterbody except for public sanitary sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.

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

J. Minor trenching to allow the installation of necessary underground pipes or cables is permitted if no alternative, including boring, is feasible, and if:

1. Shoreline impacts are avoided to the maximum extent possible.
2. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
3. Appropriate BMPs are employed to prevent water quality impacts or other environmental degradation.

K. In addition to standard application requirements, applications for installation of utility facilities shall include all the following (at a minimum):

1. Proposed method(s) of construction
2. Plans for reclamation of areas to be disturbed during construction
3. Landscape plans
4. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation
5. A list of BMPs to protect water quality.
Article IV. Critical Areas

(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 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.

03.10.400 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.

   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.

3. "Classifying and designating critical areas" does not necessarily imply a change in a landowner's right to use his or her land. "Limiting incompatible uses" does not mean a prohibition of all development, but means governing new development(s) that could adversely affect designated critical areas.
This Article provides specific protection requirements for each category of critical areas. While preservation and protection of critical areas is of paramount importance, it is not the intent of this Article to totally prohibit alteration or impacts to critical areas or associated buffers. Rather, this Article defines a process and protection requirements intended as a framework to manage the Partnership's critical area lands responsibly, while achieving no net loss of ecological function.

B. Jurisdiction – Critical Areas in Shoreline Jurisdiction

1. Critical areas within shoreline jurisdiction, as defined in WAC 365-190-030, include:
   a. Wetlands
   b. Aquifer recharge areas
   c. Fish and wildlife habitat conservation areas
   d. Frequently flooded areas
   e. Geologically hazardous areas

C. Applicability and Intent

1. This Article shall be consistently applied to development proposals. The regulations shall be liberally construed to serve intended purposes. It is the intent that these regulations shall be interpreted to respect constitutionally protected rights of private property to the full extent recognized by the law of the United States of America and the State of Washington.

2. Any development proposal as defined herein shall require review under this Article. The Shoreline Administrator shall have responsibility for enforcement of this Article, as specified in SMP 03.10.740, Enforcement.

3. Exemption from a Shoreline Substantial Development Permit, per SMP 03.10.670, is not an exemption from compliance with the provisions in SMP Article IV, Critical areas, the SMA or this SMP, or from any other regulatory requirements.

D. Most Current Scientific and Technical Information

1. WAC 173.26.201(2)(a) requires the Partnership to identify and assemble the most current, accurate, and complete scientific and technical information available regarding the development of policies related to identification of and policies governing management recommendations for critical areas.
2. Critical area reports, mitigation plans, and decisions to permit the alteration of critical areas within the shoreline jurisdiction shall rely on the most current scientific and technical information to ensure the protection of the ecological functions and values of critical areas, and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat. See also SMP 03.10.460 and 470 for critical areas mitigation and review requirements.

3. The most current scientific and technical information that is consistent with criteria established in WAC 173.26.201 (2)(a) and may include the following:

   a. Maps and reference documents in the Partnership’s SMP Inventory, Characterization, and Analysis Report, as applicable

   b. Aerial photographs

   c. Critical area maps:

      i. The Partnership is relying on the GIS data and associated mapping products from the SMP update as the basis for designating critical areas. Protection requirements have been designed to be applied upon submittal of an application for land-use and development activities.

      d. The following maps are used as a guide to evaluate the potential presence of critical areas:

         i. WDFW Priority Habitats and Species maps

         ii. WDFW Wildlife Heritage Point Observations

         iii. Washington DNR water types

         iv. FEMA Flood Insurance Rate Maps (FIRMs)

         v. U.S. Geological Survey topographic quadrangle maps

         vi. Soil Survey of Stevens County, Washington, by the U.S. Department of Agriculture, Soil Conservation Service;

         vii. National Wetland Inventory (NWI) maps

         viii. Inventory, Analysis, and Characterization Report mapping products and associated GIS dataset
E. Use of Qualified Professionals

1. In order to adequately assess potential impacts of proposed development to critical areas, the Shoreline Administrator may require an applicant to submit special reports, studies, surveys, mitigation and management plans, or tests. The reports will provide environmental information and may contain strategies and recommendations for maintaining critical areas and mitigating unavoidable impacts. Any such report shall be prepared by a qualified professional with documented expertise, as defined in SMP 03.10.770, Definitions, in the specified field.

2. Each report shall include a summary of the qualifications of the person or persons preparing the report, that document expertise in the requisite field. Where licensing, registration, or certification is required or available from the state, a federal agency, or a professional organization, such licensing, registration or certification, shall be accepted as demonstrating the required expertise. The applicant shall pay the costs incurred in the preparation of special reports, studies, surveys, plans, or tests. The applicant shall also pay the costs incurred by the Partnership jurisdiction when the Shoreline Administrator finds it necessary to engage technical consultants or staff for peer review and interpretation of data and findings submitted by or on behalf of the applicant.

3. When the Shoreline Administrator determines a special report or peer review or other technical assistance is required in order to appropriately review and assess impacts to critical areas, the applicant shall be notified and may be required to submit a monetary deposit to cover costs and/or sign a letter agreement ensuring payment of costs. The Partnership shall withhold issuance of permits or approvals until payment has been made.

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

1. If more than one development regulation applies to any development proposal or land-use activity identified in this Article, then the most restrictive regulation shall apply.

2. If any referenced RCW or WAC is amended after adoption of this SMP, the most current language or intent shall apply.

03.10.410 Critical Area Report

A. An applicant may be requested to provide a report prepared by a qualified professional. The report should:

1. Include name and contact information:
   a. The name and contact information of the applicant.
   b. The name, qualifications, and contact information for the primary author(s) of the critical area report.

2. Document that a critical area does not exist on the development site or immediately adjacent to the site, or

3. Include a written description and site plan that identify, locate/delineate, and describe:
   a. The proposed development
   b. The critical area(s) on or adjacent to the development site
   c. The relationship between the proposed development and the critical area, associated buffer, and applicable setbacks
   d. The existing condition of the critical area and buffer within and adjacent to the project area. This assessment must include, when appropriate, a wetland delineation, categorization, and acreage.
   e. The amount and type of encroachment into the critical area(s) or associated buffer.

4. The report shall also:
   a. Describe how protection requirements for the specific critical area will be implemented and monitored.
   b. Include applicable site evaluations by appropriate agency(ies) of expertise, including but not limited to the Department of Energy and WDFW.
c. Address other provisions as described in Sections 03.10.420 to 470.

03.10.420 Wetlands

A. Classification

1. Classification and rating of wetlands will be done using the Washington State Wetlands Rating System for Eastern Washington, Ecology Publication #14-06-030 (October 2014), which may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).

B. Designation

1. All areas within the County meeting the wetland designation criteria in WAC 173-22-035 as revised, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this section. Planning staff uses the NWI maps in the planning office as a basis to identify the location of wetlands in the County.

2. The NWI Maps will be used as guidance to determine the approximate distribution and extent of wetlands. Project proponents are responsible for determining whether a wetland area exists and is regulated pursuant to this section.

C. Delineation

1. Wetlands shall be identified and delineated using the methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements.

D. Protection Requirements

1. Minimum Wetland Buffer Widths

a. The width of the wetland buffer shall be determined according to the proposed land use per Table 03.10.420 (D)(1)(b) and wetland category per Table 03.10.420(D)(1)(c). The minimum standard wetland buffers shall be required in accordance with the General Buffer Requirements of SMP 03.10.470.

b. The Land Use Intensity table describes the types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

Table 03.10.420 (D)(1)(b). Land Use Intensity Table
<table>
<thead>
<tr>
<th>Level of Impact from Proposed Change in Land Use</th>
<th>Types of Land Use Based on Common Zoning Designations</th>
</tr>
</thead>
</table>
| High                                          | • Commercial  
• Urban  
• Industrial  
• Institutional  
• Residential (more than one unit/acre)  
• High-intensity recreation (e.g., golf courses and ball fields) |
| Moderate                                      | • Residential (1 unit/acre or less, up to 1/unit per 4.99 acres)  
• Moderate-intensity recreation (e.g., parks with biking and jogging)  
• Paved driveways and high usage gravel driveways  
• Paved trails |
| Low                                           | • 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 |

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

**Table 03.10.420 (D)(1)(c). Wetland Buffer Widths**

<table>
<thead>
<tr>
<th>Wetland Characteristics</th>
<th>Buffer Width by Impact of Proposed Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</strong></td>
<td></td>
</tr>
</tbody>
</table>
| 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 |
<table>
<thead>
<tr>
<th>Wetland Characteristics</th>
<th>Buffer Width by Impact of Proposed Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>High level of function for water quality improvement and low for habitat</td>
<td>Low – 50 feet&lt;br&gt;Moderate – 75 feet&lt;br&gt;High – 100 feet</td>
</tr>
<tr>
<td>(score for water quality 8 to 9 points; habitat less than 5 points)</td>
<td></td>
</tr>
<tr>
<td>Riparian forest</td>
<td>Buffer width to be based on score for habitat functions or water quality functions</td>
</tr>
<tr>
<td>Not meeting above characteristic</td>
<td>Low – 50 feet&lt;br&gt;Moderate – 75 feet&lt;br&gt;High – 100 feet</td>
</tr>
<tr>
<td>Vernal pool</td>
<td>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:&lt;br&gt;Low – 40 feet&lt;br&gt;Moderate – 60 feet&lt;br&gt;High – 80 feet</td>
</tr>
</tbody>
</table>

**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<br>Moderate – 190 feet<br>High – 250 feet                                                                                                                                                                                |
| High level of function for habitat (score for habitat 8 to 9 points)                  | Low – 100 feet<br>Moderate – 150 feet<br>High – 200 feet                                                                                                                                                                                |
| Moderate level of function for habitat (score for habitat 5 to 7 points)               | Low – 75 feet<br>Moderate – 110 feet<br>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<br>Moderate – 75 feet<br>High – 100 feet                                                                                                                                                                                |
| Not meeting above characteristics                                                     | Low – 50 feet<br>Moderate – 75 feet<br>High – 100 feet                                                                                                                                                                                |

1. **E. Wetlands Critical Area Report**

1. If the Shoreline Administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland, a wetland critical area report, prepared by a qualified professional, shall be required.
2. NWI-mapped wetlands. A field investigation must be conducted for development proposals within 200 feet of a wetland as shown on the NWI maps. If field investigation verifies existence of a wetland, then a Washington State Wetlands Rating System for Eastern Washington shall be completed by a qualified professional.

3. 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 03.10.410:

a. Identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and 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, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.

d. A description of the methodologies used to conduct the wetland delineations, wetland ratings, or impact analyses including 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.

f. A description of the proposed actions including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey.

g. An analysis of site development alternatives including a no-development alternative.

h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to Mitigation Sequencing (SMP 03.10.130) and measures proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
j. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

k. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.

l. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

   i. Maps (preferably drawn to scale) depicting delineated and surveyed wetland and required buffers on-site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates).

   ii. When required, a depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report and design shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

F. Wetland Mitigation.

1. Wetland Creation, Restoration, and Enhancements. In addition to the mitigation plan requirements per SMP 03.10.470, the following standards apply for wetland restoration, creation and enhancement

   a. Any person who alters wetlands shall restore, create, or enhance equivalent or greater areas of wetlands than those altered, in order to compensate for wetland loss. All wetland restoration, creation, or enhancement projects required pursuant to this Section must receive written approval of the mitigation plan from the Shoreline Administrator prior to commencement of the wetland restoration, creation, or enhancement activity.

   b. The following standard ratios in Table 03.10.420 (F)(1)(b) shall apply to creation or restoration:
<table>
<thead>
<tr>
<th>Category and Type of Wetland Impacts</th>
<th>Re-establishment or Creation</th>
<th>Rehabilitation Only¹</th>
<th>Re-establishment or Creation and Rehabilitation¹</th>
<th>Re-establishment or Creation and Enhancement¹</th>
<th>Enhancement Only¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>1:1 R/C and 1:1 RH</td>
<td>1:1 R/C and 2:1 E</td>
<td>6:1</td>
</tr>
<tr>
<td>All Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>1:1 R/C and 2:1 RH</td>
<td>1:1 R/C and 4:1 E</td>
<td>8:1</td>
</tr>
<tr>
<td>All other Category II</td>
<td>3:1</td>
<td>6:1</td>
<td>1:1 R/C and 4:1 RH</td>
<td>1:1 R/C and 8:1 E</td>
<td>12:1</td>
</tr>
<tr>
<td>Category I based on score for functions</td>
<td>4:1</td>
<td>8:1</td>
<td>1:1 R/C and 6:1 RH</td>
<td>1:1 R/C and 12:1 E</td>
<td>16:1</td>
</tr>
<tr>
<td>Category I Natural Heritage Site</td>
<td>Not considered possible²</td>
<td>6:1 Rehabilitation of a Natural Heritage Site</td>
<td>R/C Not considered possible²</td>
<td>R/C Not considered possible²</td>
<td>Case-by-case</td>
</tr>
</tbody>
</table>

Notes
1 = These ratios are based on the assumption the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, and less-effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.
2 = Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would, therefore, result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:
R/C = Re-establishment or Creation
RH = Rehabilitation
E = Enhancement

2 3 4 c. Increased Replacement Ratio. The standard replacement ratio may be increased under any of the following circumstances:

5 6 i. High degree of uncertainty as to the success of the proposed restoration or creation;

7 8 ii. Significant period of time between destruction and replication of wetland functions;

9 10 iii. Projected losses in functions;

iv. Off-site compensation.
d. Decreased Replacement Ratio. The standard replacement ratio may be decreased under the following circumstances:

i. Findings of special studies coordinated with agencies and/or a qualified professional, which demonstrate no net loss of wetland function or value is attained under the decreased ratio.

ii. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

e. Wetland Enhancement. An applicant proposing to alter wetlands may propose to enhance existing, significantly degraded wetlands as compensation for wetland losses. Applicants proposing enhancement shall identify how the proposal conforms to the overall goal of “no net loss” and the wetland protection requirements of this Title.

2. Location:

a. On-site Compensation. On-site and in-kind compensation is the preferred location for mitigated wetlands. ‘On-site’ means to replace wetlands at or adjacent to the site on which a wetland has been or will be impacted by a proposed development. ‘In-kind’ means to replace or restore wetlands with substitute wetlands whose characteristics resemble those impacted by the proposed development. ‘In-kind’ does not necessarily mean that the replacement is of the same category as the altered wetland.

b. Off-site Compensation. Off-site compensation means to replace wetlands away from the site on which a wetland has been or will be impacted by a proposed development. The preferred location for off-site compensation is the same drainage basin of the same watershed as the impacted wetland. Off-site compensation is subject to the applicant demonstrating that one or more of the following applies:

i. On-site compensation is not scientifically feasible due to hydrology, soils, or other factors;

ii. On-site compensation is not practical due to potentially adverse impacts from surrounding land uses or would conflict with a federal, state, or local public safety directive;

iii. Existing functional values at the site of the proposed location are significantly greater than the lost wetland functional values;
iv. There is a clear potential for a higher degree of success at
the proposed compensation site than at the impacted site;

v. The end result of the proposed compensation is the creation
or restoration of one or more larger or higher category
wetlands as opposed to many small wetlands.

c. In selecting a compensation site, the following siting criteria, in
order of preference, shall be pursued:

i. Upland sites that were formerly wetlands,

ii. Idle upland sites having bare or minimal vegetative cover
consisting primarily of exotic introduced species, weeds, or
emergent vegetation,

iii. Other disturbed upland areas.

03.10.430 Fish and Wildlife Habitat Conservation Areas

A. Classification. The following six areas shall be considered fish and wildlife
habitat conservation areas:

1. Areas within which endangered, threatened, and sensitive species have a
primary association. State-listed species are those native fish and wildlife
species legally designated as Endangered (WAC 232-12-014), Threatened
(WAC 232-12-011), or Sensitive (WAC 232-12-011).

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

3. Priority Habitat and Species Areas identified by the WDFW.

4. Naturally occurring ponds less than 20 acres and their submerged aquatic
beds that provide fish or wildlife habitat. This category does not include
ponds deliberately designed and created from dry sites, such as canals,
detention facilities, wastewater treatment facilities, farm ponds, temporary
construction ponds, and landscape amenities. This category does include
artificial ponds intentionally created from dry areas as part of mitigation.

5. The water type categorization is found in WAC 222-16-030, the Forest
Practices Rules and Regulations, administered by the DNR. There are four
water types within this classification, as provided in Table 03.10.430 (A)(5).

Table 03.10.430 (A)(5). Water Type Designations
<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type &quot;S&quot;=Shoreline</td>
<td>Streams and waterbodies that are designated &quot;shorelines of the state&quot; as defined in RCW 90.58.030. (formerly type 1)</td>
</tr>
<tr>
<td>Type &quot;F&quot;=Fish</td>
<td>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)</td>
</tr>
<tr>
<td>Type &quot;Np&quot;=Non-Fish</td>
<td>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)</td>
</tr>
<tr>
<td>Type &quot;Ns&quot;=Non-Fish Seasonal</td>
<td>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)</td>
</tr>
</tbody>
</table>

6. Lakes, ponds, streams, and rivers planted with game fish by a governmental entity.

7. State Natural Area Preserves and Natural Resource Conservation Areas:

   a. There are no designated state natural area preserves or natural resource conservation areas within Stevens County. However, the Little Pend Oreille Wildlife Refuge is one of the largest National Wildlife Refuges in Washington State. This refuge is the only one with a mixed conifer forest and contains a complete set of Northeast Washington’s diverse forest vegetation zones. The Little Pend Oreille Wildlife Refuge was established May 2, 1939, under Presidential Executive Order #8104 as, “a refuge and breeding ground for migratory birds and other wildlife.” The refuge is located in the central-eastern portion of the County and consists of 40,177 acres with an additional 21 acres in Pend Oreille County.

B. Designation

1. Habitat areas that meet the above classification criteria are designated as Fish and Wildlife Conservation Areas. Designation also includes locally adopted Habitats and Species of Local Importance.

C. Protection Requirements

1. Waters of the State – Minimum Riparian Buffer Widths:

   a. To ensure adequate protection of existing fish and wildlife habitat conservation areas, the buffer requirements in Table 03.10.110 (B)
shall apply to all development proposals, even when a lesser standard might be approved by another agency.

b. The minimum standard riparian buffers shall be required in accordance with Table 03.10.110 (B), Shoreline Development Standards Matrix, and the General Buffer Requirements of SMP 03.10.470, provided that development proposals within a mapped habitat area for Endangered, Threatened, and Sensitive (ETS) species or within 1,000 feet of a documented point observation for ETS species may be subject to additional requirements pursuant to SMP 03.10.430 (C) (4) and (5) below:

2. Riparian Buffers:

a. See Table 03.10.110 (B), Shoreline Development Standards Matrix for the Partnership.

3. For the protection of habitat along rivers, streams, and lakes, the buffer widths for shrub-steppe habitat as provided in Table 3.10.110 (B) are applicable to portions of the following reaches where shrub-steppe habitat characteristics exist along the shoreline:

a. Kettle River – Upper portion of Subreach 1a

b. Columbia River:
   i. Portions of Subreach 3h near Hunter
   ii. Southern portion of Subreach 3i

   c. Spokane River:
      i. Upper portion of Subreach 1d
      ii. Subreach 3d
      iii. Western portion of Subreach 3e
      iv. Subreach 3f

d. Other areas in other reaches within the County where shrub-steppe habitat characteristics exist along the shoreline.

4. Mapped Fish and Wildlife Habitat Conservation Areas:

a. Development proposals within a mapped fish and wildlife habitat conservation area designated under SMP 03.10.430 (A) (1) and (2) will be subject to review by the Shoreline Administrator to
determine if the development proposal will impair the functions and values of the habitat area.

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

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

b. For each development proposal located in a mapped fish and wildlife habitat conservation area that is determined to have an impact on the functions and values of the habitat, the Shoreline Administrator shall require a report from a qualified professional setting forth management recommendations specific to the site and the proposed development.

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

ii. The Shoreline Administrator shall require a Habitat Management Plan for the proposed development based on the report of the qualified professional and the most current scientific information available.

5. Mapped Point Species Observations:

a. For development proposals within 1,000 feet of documented point observations for endangered, threatened, or sensitive species, the Shoreline Administrator shall require a report from a qualified professional to validate the point observation. If the point observation is validated, the report shall also set forth management recommendations specific to the site and the proposed development.

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

c. The Shoreline Administrator shall require a Habitat Management Plan for the proposed development based on the report of the qualified professional and the most current scientific information available for the site and the protected species.

d. The General Buffer Requirements of SMP 03.10.470 shall apply.
03.10.440 Critical Aquifer Recharge Areas

A. Purpose

1. It is the purpose of this section is to provide for review and regulation of land-use activities that pose a potential contamination threat to known critical aquifer recharge areas or that could increase the susceptibility of an aquifer to contamination.

B. Classification

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

2. Aquifer recharge areas shall be classified as follows:

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

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

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

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

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

C. Critical Aquifer Recharge Susceptibility Factors, Rating Systems, and Designations
1. Aquifer recharge areas susceptibility factors, rating systems, and designations are defined in SCC 13.10.042 through 03.10.045.

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

D. Protection Requirements

1. Regulations adopted under this section shall not affect uses legally existing on any parcel prior to the effective date of this SMP; neither shall these regulations affect any right to use or appropriate water as allowed under state or federal law.

2. The following uses require aquifer recharge areas review and a hydrogeologic site evaluation pursuant to SMP 03.10.440 (E):
   a. Chemical manufacturing or reprocessing;
   b. Commercial, industrial, institutional, or other facilities or activities that include storage, use, handling, or production of hazardous substances or waste products as defined by WAC 173-303;
   c. Creosote and asphalt manufacture and treatment;
   d. Electroplating;
   e. Petroleum transmission facilities;
   f. Sawmills producing more than 10,000 board feet per day;
   g. Solid waste landfills;
   h. Any septic or sewage disposal system with design flows of more than 3,500 gallons per day;
   i. Surface mining operations requiring a permit from the State DNR; and
   j. Type II and Type V Injection Wells.

3. The following uses may require aquifer recharge areas review and a hydrogeologic site evaluation pursuant to SMP 03.10.440 (E). The Shoreline Administrator shall waive this requirement if an applicant provides documentation showing compliance with federal, state, and local
laws, along with BMPs designed for the specific project, are sufficient to
protect potentially affected aquifers.

a. Aircraft, automobile, and boat repair and servicing;

b. Dry cleaners;

c. Funeral services;

d. Furniture stripping;

e. Gas stations and petroleum storage tanks (underground or
aboveground) regulated and inspected by the Ecology;

f. Golf courses;

g. Junkyards and auto wrecking;

h. Other projects or activities, including septic or sewage disposal
systems serving commercial and industrial projects as determined
by the Administrator on recommendation from the Stevens County
PUD, the Tri-County Health District, or an affected water
purveyor.

4. When a hydrogeologic site evaluation is required, the applicant shall
document potential impacts on an aquifer and provide a discussion of
approaches under which the impacts could be avoided, reduced, mitigated
or remediated.

5. The Shoreline Administrator shall impose conditions to avoid, reduce,
mitigate, or remediate impacts to an aquifer, as appropriate for the project
and may require monitoring and bonding or other security to ensure
conditions of approval are met. An approval based on compliance with
federal, state, or local, but non-County, regulations shall not shift the
burden of enforcement from the federal, state, or other local agency to the
Partnership.

E. Hydrogeologic Site Evaluation

1. A hydrogeologic site evaluation is a report prepared by a qualified
professional (hydrologist, hydrogeologist, geologist, or soils scientist) with
demonstrated experience in surface water and groundwater analysis. The
report shall address the impact the proposed land use will have on the
quality and quantity of water transmitted to an aquifer and shall include
the following:

a. A description of surficial soil types and the geologic and
hydrogeologic setting including: soil texture, permeability and
contaminant attenuation properties; characteristics of the vadose zone and geologic material including permeability and attenuation properties; and depth to groundwater and/or an impermeable soil layer;

b. The location and identification of wells within 1,000 feet of the site;

c. The location and identification of surface waterbodies and springs with recharge potential within 1,000 feet of the site;

d. A description of underlying aquifers, including water level, gradients, and flow direction;

e. Any available data on surface water and groundwater quality;

f. An assessment of the effects of the proposed development on water quality, quantity, and on the long-term viability of the groundwater resource;

g. Alternatives to avoid, reduce, mitigate, or remediate any substantial impact to the groundwater resource;

h. A summary of other local, state, and federal requirements that apply to protect surface and groundwater quality;

i. Recommendations for appropriate BMPs, monitoring, or other mitigation;

j. Other information as required by the Shoreline Administrator in consultation with the Stevens County PUD, the Northeast Tri-County Health District, or an affected water purveyor; and

2. The cost of preparing a hydrogeologic site evaluation and any County costs incurred to review and evaluate the report shall be paid by the project applicant pursuant to SMP 03.10.400 (E).

03.10.450 Frequently Flooded Areas

A. Classification

1. Frequently flooded areas are identified as Zone A areas by FEMA on FIRMs. These are the official map(s) on which the Federal Insurance Administration has identified areas of potential flood hazards and the risk premium zones.

B. Designation
1. Frequently Flooded Areas include:
   a. Areas identified within the 100-year floodplains (mapped as FEMA FIRM Zone A).
   b. CMZs identified through mapping developed as part of the 2016 SMP update, as mapped on SMP Environment Designation maps, SMP 03.10.780.
      i. CMZs located within the shoreline jurisdiction shall be regulated consistent with provisions in SMP 03.10.170, Flood Hazard Reduction.
      ii. The CMZ is considered to be that area of a stream channel that may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26 221(3)(b).

C. Protection Requirements

1. In addition to the provisions within the SMP, development proposals that require a permit shall comply with:
   a. Stevens County Flood Damage and Prevention Ordinance
   b. Town of Marcus Unified Development Ordinance Section 17.02.1100, Floodplain Management Overlay District
   c. Town of Northport Unified Development Ordinance Section 2.100
   d. City of Kettle Falls Municipal Code Section 17.02.170, Floodplain Management Overlay District
   e. International Residential or Building Codes with regard to structural safeguards to reduce risk to life, health, and property from flooding

03.10.460 Geologically Hazardous Areas

A. Classification

1. Geologically Hazardous Areas are areas that because of their susceptibility to erosion, sliding, earthquake or other geological events are not suited to siting development consistent with public health or safety concerns.

2. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risk to health and safety
are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas shall be avoided.

3. The Natural Resources Conservation Service (NRCS) soils, U.S. Bureau of Reclamation (for Lake Roosevelt) maps will be used to help identify those soils with limiting factors that may affect development.

4. Areas that are susceptible to one or more of the following types of hazards shall be classified as a geologically hazardous area:

a. Erosion Hazard Areas (EHA)
b. Landslide Hazard Areas (LHA)
c. Mine Hazard Areas
d. Seismic Hazard Areas
e. Volcanic Hazard Areas

B. Erosion Hazard Areas and Landslide Hazard Areas

1. Classification:

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

b. LHAs are defined as areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. LHAs generally include one or more of the following:

i. Areas that have historically been prone to landslides.

ii. Areas that have a 30% slope or greater.

iii. Areas containing soil types as unstable and prone to landslide hazard.

iv. Areas potentially unstable as a result of rapid stream incision or stream bank erosion.

v. Areas of uncompacted fill.

vi. Areas with all three of the following characteristics:

• Slopes steeper than 15%;
• Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

• Springs or groundwater seepage.

vii. Areas that have shown movement during the holocene epoch (from ten thousand years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;

viii. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

ix. Slopes having gradients steeper than 80% subject to rockfall during seismic shaking;

x. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;

xi. Areas that show evidence of, or are at risk from snow avalanches;

xii. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and

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

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

2. Designation:

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

3. Protection Requirements:

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

b. A setback for development near an EHA or LHA shall be established on a site-by-site basis, based on the type of development proposed, the type and extent of hazard present, and pursuant to the International Building Code.

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

d. Disturbance of an EHA or LHA requires reseeding or replanting with native vegetation to assist in stabilization of the area and to discourage the infiltration of invasive species.

C. Mine Hazard Areas

1. Classification:

a. Mine Hazard Areas are defined as areas that are directly underlain by, adjacent to, or affected by mine workings such as adits (an almost horizontal passageway into a mine), tunnels, drifts, or air shafts. Factors to be considered shall include proximity to development, depth from ground surface to the mine working, and geologic material.

b. These areas have the potential for creating large underground voids susceptible to collapse. In addition, steep and unstable slopes created by open mines, tailings, and waste rock piles have the potential for being mine hazard areas. Mine hazard areas are based on the identification of active or historic mining activity and site-specific information regarding topography and geology.

2. Designation:

a. Lands that meet the above classification criteria are designated as Mine Hazard Areas.

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

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

ii. The applicant shall comply with any applicable known, previously prepared, and approved site reclamation plan.

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

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

v. Applicants may be required to prepare a reclamation plan for restoration of a site, or portion thereof, with previous mining activity.

4. Seismic Hazard Areas Classification:

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

b. The majority of Stevens County is located within Seismic Zone 2B according to the International Building Code. There are no known active faults in Stevens County.

5. Designation:

a. There is little or no risk of seismic hazard within Stevens County.

6. Protection Requirements:

a. Development activities shall be required to conform to applicable provisions of the International Building Code with respect to structural safeguards to reduce the risks from seismic activity.

D. Volcanic Hazard Areas
Classification:

a. Volcanic hazard areas are defined as areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

b. No Volcanic Hazard Areas are known to exist in Stevens County. There are active volcanoes in the region that could impact Stevens County.

Designation:

a. There is little or no risk of volcanic hazard from pyroclastic action within Stevens County. Minimal impact may occur from fall-out of ash.

Protection Requirements:

a. No specific protection requirements are identified for volcanic hazard areas.

**03.10.470 Buffers and Mitigation**

A. Buffers

1. General Buffer Requirements:

a. Wetland and riparian buffers (hereinafter referred to as ‘buffers’) and/or development setbacks shall be required for all regulated development proposals within the shoreline jurisdiction in or adjacent to designated wetlands or waterbodies, as defined in Table 03.10.110 (B), Shoreline Development Standards Matrix and Table 03.10.420 (D)(1)(c), Wetland Buffer Widths.

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

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

   ii. Provides little (less than 20%) to no biological, geological, or hydrological buffer functions relating to the riparian and upland portions of the buffer.
Buffers shall be measured on a horizontal plane in a landward direction from the wetland edge and/or the OHWM as delineated in the field.

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

a. Required buffers shall retain existing vegetation in a natural condition, provided an applicant may submit a vegetation management plan prepared by a qualified professional, consistent with SMP 03.10.140 (E) and Article IV, Critical Areas, that allows ongoing maintenance and re-vegetation, particularly when enhancement of the buffer with native species is proposed.

b. Vegetation management activities allowed within required buffers without a shoreline permit or letter of exemption include:

i. Invasive species/noxious weed control within riparian buffers, if the criteria listed below are met:
   - Hand removal or spraying of plants only;
   - No area-wide vegetation removal/grubbing;
   - Avoid impacts to native vegetation; and
   - Reseed and replant with native plants.

ii. Trimming of tree branches located up to 6 feet vertically off the ground.

iii. Removal of hazard trees as necessary due to dead, dying or disease, danger or impacts to property, provided the removed trees are replaced at a 2:1 ratio with native plants. A determination of a hazard tree must be made by a qualified professional.

c. Fertilizer, pesticides, and herbicides should be used in required buffers only according to appropriate and specific labeling and directions, as provided by state and federal law, and in conjunction with a vegetation management plan.

d. Where buffer disturbance has or will occur in conjunction with regulated activities, re-vegetation with plants, shrubbery, or trees that will maintain the functions and values of the buffer area shall be required as mitigation.

e. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include as part of mitigation, a buffer appropriate to the category of the wetland being created, restored, or enhanced.
f. An applicant may be required to record a notice or deed restriction of the presence of the critical area or associated buffer.

g. The applicant may be required to install permanent edge markers or signs along the boundary of the critical area or associated buffer. These markers may be made of a variety of materials such as fences, rocks, trees, hedgerows, or other permanent vegetation.

3. Buffer Alternatives – Increasing Buffer Areas

a. Standard buffer widths shall be increased on a site-by-site basis when the Shoreline Administrator determines that a larger buffer is necessary to protect the functions and values of a wetland or riparian area. This determination shall be supported by appropriate documentation prepared by a qualified professional showing that an increase is necessary based on one or more of the following to ensure no net loss of shoreline ecological function and value:

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

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

iii. The buffer area has minimal vegetative cover or slopes greater than 15%, or

iv. The proposed development has a density of greater than one dwelling unit per 5 acres.

4. Buffer Modification – Averaging Buffer Areas

a. Averaging buffer widths may modify standard buffer widths. Averaging may be permitted by the Shoreline Administrator where the applicant successfully demonstrates through a report prepared by a qualified professional that either:

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

ii. The character of the buffer varies in slope, soils, or vegetation and it would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places.
1. In addition to meeting the standard described in SMP 03.10.470 (A)(4)(a), all the following shall be met:

   i. Averaging will not result in a net loss riparian or wetland functions and values, and
   
   ii. The total area contained within the buffer after averaging is not less than that contained within the buffer prior to averaging, and
   
   iii. In no instance shall the buffer width be reduced by more than 35% of the standard buffer, and
   
   iv. That low-intensity land uses would be located adjacent to areas where the buffer width is reduced, and
   
   v. A mitigation plan has been prepared by a qualified professional, approved by the Shoreline Administrator, and incorporated into the proposal.

5. Buffer Modification – Standard Buffer Reduction

   a. The standard buffer width may be reduced on a site-by-site basis when it is determined a smaller area is adequate to protect shoreline ecological functions and values based on site-specific characteristics.

   b. Buffer reductions shall be based on the most current science appropriate for the site. Buffer reductions should be used on a limited basis and should be granted only when it has been determined the functions and values of the wetland or riparian habitat can be maintained.

   c. Standard Buffer Reduction. The standard buffer may be reduced by no more than 35% of the standard buffer, if the applicant demonstrates a mitigation plan developed by a qualified professional pursuant to SMP 03.10.470 (B) indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features, or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.

6. Buffer Modification – In-fill development

   a. In an effort to facilitate in-fill development in approved plats, the County may approve requests to reduce the standard shoreline buffers up to a maximum of 50% for a new single-family residence
and appurtenant structures in accordance with the following criteria:

i. Where there are single-family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: 1) a common line drawn between the nearest corners of the nearest residence, 2) a common line calculated by the average of the nearest residence’s existing buffer, or 3) a 50% reduction of the standard buffer.

ii. Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as the greater of a common line drawn between nearest corner of the nearest.

7. Buffer Modifications – Application Requirements:

a. The applicant shall submit a critical area report prepared by a qualified professional with documented expertise. In addition to the requirements in SMP 03.10.410 (A), the applicants shall include:

i. An analysis based on the most current science, of how the reduced buffer area will provide protection that is equal to or better than the administratively determined buffer.

ii. A discussion of whether any other alternative with less impact on the critical area and associated buffer is possible.

iii. Any proposed buffer enhancement using native vegetation, artificial habitat features, buffering, vegetative screen, barrier fencing, grass-lined swales, or other enhancement tools as appropriate to site conditions and the wetland, river, or stream functions.


8. Decision Criteria. Buffer modifications shall be granted only when the following criteria are met.

a. The critical area report provides a sound rationale for a reduced buffer based on most current science.

b. A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available.
c. No direct or indirect, short-term or long-term, adverse impacts to the specific critical area and shoreline ecological function will result from the proposed activity.

d. The need for a reduced buffer is not the result of segregating, subdividing, or adjusting a boundary line after the effective date of this SMP.

e. The applicant has successfully demonstrated the modified buffer will provide protection for the shoreline functions equal to or better than the administratively determined buffer.

f. A mitigation plan has been prepared by a qualified professional, approved by the Shoreline Administrator, and has been incorporated into the proposal.

B. Mitigation

1. General Mitigation Standards:

a. All proposed alterations to critical areas or associated buffers shall require mitigation sufficient to provide for and maintain the functions and values of the critical area or to prevent risk from a critical area hazard and shall give adequate consideration to the reasonable economically viable use of the property. Mitigation of one critical area impact should not result in unmitigated impacts to another critical area.

b. When a development proposal includes land disturbance within 300 feet of the edge of a critical area, the Shoreline Administrator shall determine whether adverse impacts to the critical area are likely. If the Shoreline Administrator determines adverse impacts are likely, a mitigation plan shall be incorporated into the proposal.

c. Mitigation may include development setbacks, limits on clearing and grading, and BMPs for erosion control and maintenance of water quality.

2. Mitigation Sequencing

a. Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated critical areas or their buffers, unless part of a restoration plan for significantly degraded wetland or stream buffer. The preferred sequence of mitigation shall be according to SMP 03.10.130 (B).

3. Mitigation Provisions:
a. The plan shall include the following:
   i. A description of expected impacts to the critical area or associated buffers from the development proposal;
   ii. A detailed plan for mitigation measures following the preferred mitigation sequence set forth SMP 03.10.130 (B). If avoidance and minimization are not the main techniques used to mitigate impacts, the plan must include an explanation and justification for using less-preferable mitigation approaches.
   iii. An implementation schedule for the mitigation plan and a 2-year monitoring program; and
   iv. Performance and/or warranty or maintenance bonds or other forms of surety to ensure the plan achieves its goals and objectives.

b. Each mitigation plan shall include monitoring inspections at least annually. These inspections shall be the responsibility of the applicant and shall be provided for in the mitigation plan. The Shoreline Administrator may hold an assignment of savings from the applicant, or other surety, to be used to hire a qualified professional to complete the monitoring inspections if the applicant fails to do so.

c. If the mitigation plan is not achieving its goals, the Shoreline Administrator shall require appropriate changes to the mitigation plan, based on the recommendations of a qualified professional. The County may collect the proceeds of the mitigation plan bonds or surety and use those proceeds to install or complete the recommended changes when necessary.
Article V. Existing Uses and Structures

03.10.500 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. International 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 (e.g., Shoreline Substantial Development Permit versus a Shoreline Conditional Use Permit) 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 03.10.510, Nonconforming Uses.

E. Residential structures:

1. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following, shall be considered a conforming structure: setbacks, or, buffers; area; bulk; height.

2. For purposes of this section, "appurtenant structures" refer to garages, sheds, and other legally established structures. Appurtenant structures do not include bulkheads and other shoreline modifications or overwater structures.

F. 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
03.10.510 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. Provided that a nonconforming use may be enlarged, increased, or extended in conformance with applicable bulk and dimensional standards of this SMP upon approval of a Shoreline Conditional Use Permit.

2. No nonconforming use shall be moved in whole or in part to any other portion of the lot that does not contain the nonconforming use.

3. If any nonconforming use of land ceases for any reason for a period of 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this SMP.

4. A structure, which is being or has been used for a nonconforming use, may be used for a different nonconforming use only upon a finding that all of the following criteria are met:

   a. No reasonable alternative conforming use is practical.

   b. The proposed use is equally or more appropriate to the shoreline environment than the existing nonconforming use, is as compatible with the uses in the area as the pre-existing use, and is at least as consistent with the policies and provisions of the act and the SMP.

   c. Such a change of use shall be subject to a Shoreline Conditional Use Permit approval. Conditions may be attached to the permit as are deemed necessary to ensure compliance with the above findings and the requirements of the SMP and the SMA, and to ensure the use will not become a nuisance or a hazard.

03.10.520 Nonconforming Structures or Other Improvements

A. If, at the effective date of the SMP or any amendment thereto, a lawful structure or other improvement exists, which is made no longer permissible under the terms of this SMP or amendment thereto, such structure or other improvement may be continued as a nonconforming structure or other improvement so long as it remains otherwise lawful, subject to the following conditions:
1. No nonconforming structure or other improvement shall be altered or changed in a way which increases its nonconformity except as permitted in SMP 03.10.520 (A)(2).

2. All expansion, extension, maintenance, or repair activities of nonconforming structures or improvements shall be consistent with all other provisions of this SMP, provided the cumulative cost of such maintenance or repair within any 12-month period shall not cumulatively increase the land area, size of structure, or impervious surface by more than exceed 75% of the replacement cost of such building, structure, or land (as applicable).

B. Expansions

1. Expansions of structures that are nonconforming and legally conforming per SMP 03.10.500 (E) respect to a required buffer:

a. May not encroach any farther waterward into the required buffer.

b. Any expansion proposal shall be designed to minimize new impervious surface. To the degree feasible, the expansion shall occur on areas already disturbed or developed by driveways, patios, decks, or other appurtenant structures.

c. Expansions parallel to or landward of shoreline may be permitted in the buffer, provided said enlargement does not increase the extent of other applicable bulk and dimension standard nonconformities.

d. Parallel or landward expansion into an undisturbed area within the shoreline buffer shall restore a portion of the shoreline buffer with riparian vegetation at a 1:1 area ratio to offset the potential adverse impact.

e. When expansions occur upland of an existing levee, road, or other structure that provides an ecological break in buffer functions, the applicant's critical areas report, if required, may justify a smaller ratio provided the study demonstrates no net loss of ecological functions.

f. Nothing in this section will prohibit vertical expansion up to the height permitted in the applicable use environment, provided all other applicable requirements of local development regulations are met.

2. Expansion review process. The Shoreline Administrator shall approve an application to expand a nonconforming structure only when the requirements of this section are met.
C. Restoration, Reconstruction, or Repairs

1. When damaged, a nonconforming structure may be restored to the configuration existing immediately prior to the time that the structure was damaged, provided:

   a. The structure is damaged to an extent not exceeding 75% of the replacement cost of the original development.

   b. The applicant obtains permits needed to restore the development within 6 months of the date the damage occurred.

   c. Reconstruction is completed within 2 years of permit issuance, unless an extension of time is granted by the Shoreline Administrator upon written petition substantiating due cause for such extension.

   d. The degree of the nonconforming use, building, or structure is not increased.

2. Upkeep, repairs, and maintenance of a nonconforming structure, including, but not limited to, repair or replacement in kind of roofs, porches, accessory structures, septic tanks, and drainfields, or other improvement shall be permitted.

D. Moving structures. Should such structure or other improvement be moved for any reason and for any distance, it shall thereafter conform to the regulations for the use environment in which it is located. Conformance shall be required when one of the following situations occurs:

1. A change of use is proposed.

2. The use is terminated or discontinued for more than 1 year or the structure(s) that houses the use is vacated for more than 1 year.

3. The structure(s) or activity that occurs on the land in which the use is conducted is proposed for relocation.
Article VI. Administration and Enforcements

03.10.600 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 Shoreline Substantial Development Permit, 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 (where applicable, statutory limitations such as those contained in RCW 82.02 and RCW 43.21C.060) on the regulation of private property.

5. The Shoreline Administrator shall apply SMP 03.10.400, 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 program.
and make recommendations for amendments thereof to the County
Commissioners, or City or Town Councils, as applicable.

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

3. The Town of Marcus and Town of Northport.

D. Hearing Examiner

1. The Hearing Examiner shall have the authority to decide on appeals from
administrative decisions issued by the Stevens County Shoreline
Administrator of this SMP except for Shoreline Variances and Shoreline
Substantial Development Permits, which shall be appealed to the State
Shoreline Hearing Board pursuant to this SMP 03.10.720.

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

1. Initiate an amendment to this SMP according to the procedures prescribed
in WAC 173-26-100.

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

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

1. Approve or deny all Shoreline Variance and Conditional Use Permits
forwarded by the Planning Commission pursuant to SMP 03.10.600 (C),
and by the Hearing Examiner pursuant to SMP 03.10.600 (D).

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

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

03.10.610 Interpretation

A. Under the administrative provisions, the Shoreline Administrator shall have
authority to interpret this SMP consistent with the goals and policies of this SMP
and the SMA, and can also seek input from Ecology staff on areas in question.

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

**03.10.620 Statutory Noticing Requirements**

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

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

**03.10.630 Application Requirements**

A. A complete application for a Shoreline Substantial Development or Shoreline Conditional Use Permit, or Shoreline Variance shall contain the following information, as applicable, per WAC 173-27-180. Additional information may be required as described in other SMP sections, depending on the type of use addressed in the application.

1. The name, address, and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.

2. The name, address, and phone number of the applicant's representative if other than the applicant.

3. The name, address, and phone number of the property owner, if other than the applicant.

4. Location of the property. This shall, at a minimum, include the property address and identification of the section, township, and range to the nearest quarter, quarter section, or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

5. Identification of the name of the shoreline (waterbody) that the site of the proposal is associated with. This should be the waterbody from which jurisdiction of the act over the project is derived.

6. A general description of the proposed project, which includes the proposed use or uses and the activities necessary to accomplish the project.

7. A general description of the property as it now exists, including its physical characteristics and improvements and structures.
8. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development, and physical characteristics.

9. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs, and text which shall include:

a. The boundary of the parcel(s) of land upon the development is proposed.

b. The OHWM of all waterbodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.

c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

d. A delineation of all wetland areas that will be altered or used as a part of the development.

e. A general indication of the character of vegetation found on the site.

f. The dimensions and locations of all existing and proposed structures and improvements, including, but not limited to, buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

g. Where applicable, a landscaping plan for the project.

h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
i. Quantity, source, and composition of any fill material that is placed on the site whether temporary or permanent.

j. Quantity, composition, and destination of any excavated or dredged material.

k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties.

l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

m. On all variance applications, the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

03.10.640 Shoreline Substantial Development Permits

A. A Shoreline Substantial Development Permit shall be required for all development on shorelines, unless the proposal is specifically exempted from the requirement for this permit as set forth in SMP 03.10.670.

1. For Stevens County, applications for Shoreline Substantial Development Permits shall be processed as an administrative permit according to SCC 3.30.050, Administrative decision – Type 2 for Stevens County.

2. For the City of Kettle Falls, applications for Shoreline Substantial Development Permits shall be processed pursuant to Kettle Falls Zoning Code 17.06.037 – Type 1, Administrative review Process.

3. For the Towns of Marcus and Northport, applications for Shoreline Substantial Development Permits shall be processed pursuant to (discuss with Marcus and Northport).

B. The Shoreline Administrator shall review Substantial Development Permit applications, as required in SMP 03.10.630, and approve or deny the permit.

C. The Shoreline Administrator shall provide notice in accordance with SMP 03.10.620 and may provide additional notice, as applicable.

D. A Shoreline Substantial Development Permit shall be granted only when the development proposed is consistent with all the following:

1. The policies and procedures of the Act, RCW 90.58.
2. The applicable provisions of WAC 173-27.

3. This SMP.

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

03.10.650 Shoreline Conditional Use Permits

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the Shoreline Administrator and Ecology.

1. For Stevens County, applications for a Shoreline Conditional Use Permit shall be processed pursuant to SCC 3.30.

2. For the City of Kettle Falls, a Shoreline Conditional Use Permit shall be processed pursuant to Section 17.06.038 – Type II, Quasi-Judicial Review Process of the Kettle Falls Code.

3. For the Town of Marcus and Town of Northport, a Shoreline Conditional Use Permit shall be processed with a Type III permit pursuant to Section XX of the Town XX Code. (discuss with Marcus and Northport)

B. Other uses that are not classified or listed or set forth in this SMP may be authorized as conditional uses, provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.

C. Uses that are specifically prohibited by this SMP per Table 03.10.100 (B), Shoreline Use and Modifications Matrix, may not be authorized as a conditional use.

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

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

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

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

4. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.
5. The public interest suffers no substantial detrimental effect.

E. In the granting of all Shoreline Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

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

03.10.660 Shoreline Variance Permits

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

B. Review Criteria

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

   a. Stevens County:

      i. Shoreline Variance Permits shall be processed pursuant to SMP 03.10.600, Roles and Responsibilities and as provided in the SCC 3.30.050, Administrative decision – Type 2.

   b. City of Kettle Falls:

      i. For the City of Kettle Falls, Shoreline Variance Permits shall also be processed pursuant to SMP 03.10.600, Roles and Responsibilities, and pursuant to City of Kettle Falls Code Section 17.06.038 – Type II, Quasi-Judicial Review Process.

      c. Town of Marcus, and Town of Northport. (Discuss with Marcus and Northport)

2. Variances from the use regulations of this SMP are prohibited.

3. Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in
RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

4. Variance Permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland, as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate of the following criteria:

   a. The strict application of the bulk, dimensional, or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property.

   b. The hardship described in SMP 03.10.660(B)(3)(a) of this subsection is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example, from deed restrictions or the applicant’s own action.

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

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

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

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

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

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

   b. The proposal can meet the criteria established under SMP 03.10.660(B)(2).

   c. The public rights of navigation and use of the shorelines will not be adversely affected.
6. In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

03.10.670 Exemptions from Shoreline Substantial Development Permits

A. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. All proposed 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.

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

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

2. The Shoreline Administrator is authorized to grant or deny requests for letters of exemption from the Shoreline Substantial Development Permit requirement for uses and developments within shorelines that are specifically listed in SMP 03.10.670 (4). The statement shall be in writing and shall indicate the specific exemption of this SMP that is being applied to the development and shall provide a summary of the Shoreline Administrator’s analysis of the consistency of the project with this SMP and the SMA. The letter shall be sent to the applicant and maintained on file in the offices of the Shoreline Administrator.

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

4. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Shoreline Administrator’s decision may be appealed pursuant to SMP 03.10.720, Appeals.

5. Exempt activities requiring a Joint Aquatic Resources Permit Application (JARPA) shall not be conducted until a letter of exemption has been obtained from the Shoreline Administrator.
C. Interpretations of Exemptions

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.

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

3. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit, Conditional Use Permit or Variance, as applicable, is required for the entire proposed development project.

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

D. The Shoreline Administrator shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below:

1. Any development of which the total cost or fair market value does not exceed $6,416 or as adjusted by the State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, as well as equipment or materials.

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

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

4. Emergency construction necessary to protect property from damage by the elements. 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 section. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, and upon abatement of the emergency situation, the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58 these regulations, or this SMP, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this section, RCW 90.58, and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

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

6. Construction or modification of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of 35 feet above average grade level and which meets all other local requirements, other than requirements imposed pursuant to RCW 90.58. Construction authorized under this exemption, shall be located landward of the OHWM. "Single-family residence" means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of a wetland.

8. Construction of a dock, including a community dock designed for pleasure craft only and for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family or multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances. This exception applies when:

a. The fair market value of the dock does not exceed $10,000.

b. The fair market value of the dock does not exceed $20,000 for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced.

c. If subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either (a) or (b), the subsequent construction shall be considered a substantial development.

9. Operation, maintenance, repair, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands.

10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

11. Operation and maintenance of existing and future system of dikes, drains, or other facilities existing on September 8, 1975 (where water is being drained from irrigation runoff or shallow groundwater levels artificially...
recharged through irrigation), which are created, developed or used primarily as a part of an agricultural drainage or diking system.

12. Any project with a certification from the governor pursuant to RCW 80.50 (certification from the State Energy Facility Site Evaluation Council).

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this section, if:

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

   b. The activity will have no significant adverse impact on the environment, including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.

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

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

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

15. Watershed restoration projects as defined in RCW 89.08.460.

16. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all the following apply:

   a. The project has been approved by WDFW.

   b. The project has received HPA by WDFW pursuant to RCW 77.55.

   c. The Shoreline Administrator has determined that the project is substantially consistent with the local SMP. The Shoreline Administrator shall make such determination in a timely manner and provide it by letter to the applicant.
d. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local SMPs.

e. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of WAC 173-27-040(2)(p)(iii)(A) and that are reviewed and approved according to the provisions of this section.

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

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

03.10.680 Duration of Permits

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

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

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

03.10.690 Initiation of Development

A. Each permit for a Substantial Development, Shoreline Conditional Use, or Shoreline Variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of receipt of the decision.
1. The date of filing for a Substantial Development Permit is the date of actual receipt by Ecology of a local government’s final decision on the permit.

2. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, date of filing means the date of transmittal of the Ecology’s final decision on the variance or conditional use permit to local government and the applicant.

3. When a Substantial Development Permit and a Conditional Use or Variance Permit are required for a development, the submittal on the permits shall be made concurrently.

03.10.700 Submittal to Ecology and Attorney General

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

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

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

1. A copy of the complete application pursuant to WAC 173-27-180;

2. Findings and conclusions that establish the basis for the decision, including, but not limited to, identification of shoreline environment designation, applicable master program policies, and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

3. The final decision of the local government;

4. The permit datasheet required by WAC 173-27-190; and

5. Where applicable, local government shall also file the applicable documents required by RCW 43.21C, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under RCW 43.21C.

6. When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.
D. Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with Ecology and the attorney general.

03.10.710 Ecology Review Process for Shoreline Conditional Use Permits and Variances

A. For Shoreline Conditional Use Permits and Variance, Ecology shall render and transmit to the County, City, or Town, and the applicant its final decision approving, approving with conditions, or disapproving the Conditional Use or Variance within 30 days of the date of complete submittal by the Shoreline Administrator pursuant to WAC 173-27-130.

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

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

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

1. "Date of filing" of a local government final decision involving approval or denial of a Substantial Development Permit is the date of actual receipt by the department of a local government's final decision on the permit.

2. "Date of filing" involving approval or denial of a Variance or Conditional Use Permit, is the date of transmittal of the department's final decision on the Variance or Conditional Use Permit to local government and the applicant.

03.10.720 Appeals

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

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

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

3. SHB decisions may be appealed to superior court.
4. Superior court decisions may be appealed to the Court of Appeals.

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

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

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

03.10.730 Amendments to Permits

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

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

03.10.740 Enforcement

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

B. The Prosecuting Attorney shall have authority to commence and prosecute any enforcement action authorized by this Section. In determining the appropriate enforcement actions to be commenced and prosecuted, the Shoreline Administrator shall consider the following factors:

1. The nature of the violation.
2. The extent of damage or potential future risk to the shoreline environment and its ecological functions or to the public health and safety, caused by or resulting from, whether directly or indirectly, the alleged violation.

3. The existence of knowledge, intent, or malice on behalf of the violator.

4. The economic benefit or advantage that accrued to the violator(s) as a result of the violation.

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

C. The Prosecuting Attorney may commence and prosecute enforcement action jointly with Ecology. Pursuant to WAC 173-27, Ecology may initiate and prosecute enforcement action separate from the Shoreline Administrator.

03.10.750 Cumulative Effects of Shoreline Developments

A. The Partnership will periodically evaluate the effectiveness of the SMP update for achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions. At the end of the first full year after adoption, and at the end of every other year thereafter, the Shoreline Administrator shall prepare a report documenting shoreline development permits, conditional permits, and variances, including the exempt use activity approvals and the locations and effects of each by type and classifications. The report should include activities involving development, conservation, restoration, mitigation, and enforcement. It should summarize the net change of developments (including new development and decommissioning of structures and protected areas) using indicators such as linear length of stabilization and flood hazard structures, number of overwater structures (e.g., piers and docks), road length within shoreline, number of waterbody road crossings, number of levees/dikes, acres of impervious surface areas, acres of vegetation, acres of permanently protected areas, or areas with limited development. Compliance and enforcement activity will also be tracked.

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

03.10.760 Amendments to Shoreline Master Program

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

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

A. Definitions

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

2. “Act” means the Washington State SMA, RCW 90.58.

3. “Adjacent” for purposes of applying Article IV, Critical Areas, means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located in either of the following areas:

   a. On-site immediately adjoining a critical area.
   
   b. A distance equal to or less than the required critical area buffer width.

4. “Agricultural activities” means agricultural uses and practices, including, but not limited to, producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Also see definition of “New Agricultural Activities” in SMP Section 7.17.

5. “Agricultural equipment” includes, but is not limited to, the following used in agricultural operations:

   a. Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; and water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains.
   
   b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands.
c. Farm residences and associated equipment, lands, and facilities.

d. Roadside stands and on-farm markets for marketing fruit or vegetables.

6. “Agricultural products” includes, but is not limited to, horticultural, viticultural, floricultural, and vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock, including animals and animal products, including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

7. Agricultural facilities. See “Agricultural equipment.”

8. “Agricultural land” means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local SMP pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of this SMP, land converted to agricultural use is subject to compliance with the requirements of this SMP.

9. “Alteration” for purposes of applying Article IV, Critical Areas, means any human-induced change in an existing condition of a critical area or its buffer. Alterations include grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for stormwater management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value of critical areas.

10. “Amendment” means a revision, update, addition, deletion, and/or reenactment to an existing SMP.

11. “Applicant” means a person who files an application for a permit under this SMP and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, corporate entities, agencies, or the authorized agent of such a person.

12. “Approval” means an official action by a local government legislative body agreeing to submit a proposed SMP or amendments to Ecology for review and official action pursuant to this SMP or an official action by Ecology to make a local government SMP effective, thereby incorporating the approved SMP or amendment into this SMP.

13. “Aquaculture” means the culture or farming of fish or other aquatic plants and animals.
14. “Aquifer recharge area” means an area through which precipitation and surface water infiltrate the soil and are transmitted through rocks and soil to create groundwater storage. They are also areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water.

15. “Associated wetlands” are those wetlands that are in proximity to and either influence or are influenced by a stream subject to the SMA.

16. “Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the OHWM. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

17. “Base flood” means a flood having a 1% chance of being equaled or exceeded in any given year.


19. “Best management practices (BMPs)” means conservation practices or systems of practice and management measures that perform the following actions:

   a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment.

   b. Minimize adverse impacts on surface water and groundwater flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands.

   c. Protect trees and vegetation designated to be retained during and following site construction.

   d. Provide standards for proper use of chemical herbicides within critical areas.

20. “Boating facilities” includes boat launches and upland boat storage, marinas, and other boat moorage structures or uses. For the purposes of this SMP, boating facilities excludes docks serving four or fewer single-family residences.
21. “Breakwater” means an offshore structure whose primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave-caused erosion. Breakwaters are generally built parallel to shore, may or may not be connected to land, and may be floating or stationary.

22. “Buffer, Critical Areas” means an area, which provides the margin of safety through protection of slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters, or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

23. “City” means the City of Kettle Falls.

24. “Channel migration zone (CMZ)” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. (The SMP regulatory CMZ is mapped and on file at the County.)

25. “Clearing” means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.

26. “Partnership” refers to Stevens County, and the City of Kettle Falls, Town of Marcus, and Town of Northport.

27. “Community access” means a shoreline access available to a group or community (e.g., homeowners association), which may not be accessible to general public.

28. “Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include land acquisition, planning, construction plans, monitoring, and contingency actions.

29. “Compensatory mitigation” means types of mitigation used to replace project-induced critical areas and buffer losses or impacts.

30. “County” means Stevens County.
31. “Critical aquifer recharge area” means those areas with critical aquifer recharging effect on aquifers user for potable water.

32. “Cultural and historic resources” means buildings, sites, and areas having archaeological, historic, cultural, or scientific value or significance as identified by the appropriate authorities, including federal agencies, affected Indian tribes, and the Department of Archaeology and Historic Preservation.

33. “Delineation” means the determination of an area's boundaries in the field according to the application of specific methodology by an agency(ies) or qualified professional.

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

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

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

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

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

39. “Erosion hazard area” means those areas that, because of natural characteristics, including vegetative cover, soil texture, slope gradient, rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

40. “Feasible” means, for the purpose of this SMP, that an action, such as a development project, mitigation, or preservation requirement, meets all of
the following conditions: a) the action can be accomplished with
technologies and methods that have been used in the past in similar
circumstances, or studies or tests have demonstrated in similar
circumstances that such approaches are currently available and likely to
achieve the intended results; b) the action provides a reasonable likelihood
of achieving its intended purpose; and c) the action does not physically
preclude achieving the project’s primary intended legal use. In cases
where these guidelines require certain actions, unless they are infeasible,
the burden of proving infeasibility is on the applicant. In determining an
action’s infeasibility, the reviewing agency may weigh the action’s
relative public costs and public benefits, considered in the long-term time
frames as required by RCW 90.58.020(3).

41. “Federal Emergency Management Agency (FEMA)” means the agency
that oversees the administration of the National Flood Insurance Program
(44 Code of Federal Regulations).

42. “Fill” means the addition of soil, sand, rock, gravel, sediment,
earth-retaining structure, or other material to an area waterward of the
OHWM, in wetlands or on shoreline areas in a manner that raises the
elevation or creates dry land.

43. “Fish and wildlife habitat conservation areas” means areas necessary for
maintaining species in suitable habitats within their natural geographic
distribution so that isolated subpopulations are not created as designated
by WAC 365-190-080(5). “Fish and wildlife habitat conservation areas”
do not include all attributes of shoreline natural character and ecological
function as defined in the SMA and this SMP. “Fish and wildlife habitat
conservation areas” include the following items:

a. Areas within which state and federal endangered and threatened
species exist, or state sensitive, candidate, and monitor species
have a primary association.

b. Priority Habitat and Species Areas identified by the WDFW.

c. Habitats and species of local importance that have been designated
by the County

d. Naturally occurring ponds less than 20 acres and their submerged
aquatic beds that provide fish or wildlife habitat. These do not
include ponds deliberately designed and created from dry sites
such as canals, detention facilities, wastewater treatment facilities,
farm ponds, temporary construction ponds of less than a 3-year
duration, and landscape amenities. Naturally occurring ponds may
include those artificial ponds intentionally created from dry areas
in order to mitigate conversion of ponds, if permitted by a regulatory authority.

e. Waters of the state as defined by WAC 222-16.

f. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

g. State natural area preserves and natural resources conservation areas.

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

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

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

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


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

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

Geologically Hazardous Areas include Erosion Hazards, Landslide Hazards, Mine Hazards, and Seismic Hazards, as defined herein and specified in Article IV.

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

52. “Geotechnical Report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology; the affected landform and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions, and recommendations regarding the effect of the proposed development on geologic conditions; the adequacy of the site to be developed; the impacts of the proposed development; alternative approaches to the proposed development; and measures to mitigate potential site-specific, cumulative geological, and hydrological impacts of the proposed development, including the potential adverse impacts on adjacent and down-current properties. Geotechnical Reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

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

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

55. “Habitats and species of local importance” means those species that may not be endangered, threatened, or critical from a state-wide perspective but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species may be priority habitats, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

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

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

a. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and
Liability Act; any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act.

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

58. “High-intensity land use” means land uses consisting of commercial, urban, industrial, institutional, retail, residential on parcels less than 5 acres per unit, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, and raising and maintaining animals), high-intensity recreation (golf courses and ball fields), and hobby farms.

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

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

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

62. “Invasive, non-native vegetation species” means the plants listed for Eastern Washington in Washington State Noxious Weed Board Publication # 820-264E (N/6/09) or the latest version of this document.
63. “Landslide” means down slope movement of a mass of soil, rock, snow, or ice, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows, and snow avalanches.

64. “Landslide hazard areas” means those areas potentially subject to landslides based upon a combination of geologic, topographic, and hydrologic factors.

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

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

67. “Low-intensity land use” includes forestry and open space (such as low-intensity recreation and natural resources preservation).

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

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

70. “May” means the action is acceptable, provided it conforms to the provisions of this SMP.

71. “Mining” is the removal of naturally occurring materials from the earth for economic use.

72. “Mitigation sequencing” means the process of avoiding, reducing, or compensating for the adverse environmental impact(s) of a proposal, including the following actions, listed in the order of preference, the first being the most preferred:

a. Avoiding the impact altogether by not taking a certain action or parts of an action

b. Where impact on critical areas or their buffers will not be avoided, demonstrating that the impact meets the criteria for granting a Shoreline Variance or other administratively approved alteration

c. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts
d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment

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

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

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

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

74. “Moderate-intensity land use” includes residential on parcels equal to or greater than 2.5 acres per 1 unit, moderate intensity open space (parks), and agriculture (moderate intensity land uses such as orchards and hay fields).

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

76. “Must” means a mandate; the action is required.

77. “Native vegetation” means plant species that are indigenous to the region.

78. “New agricultural activities” are activities that meet the definition of agricultural activities but are proposed on land not in agricultural use at the adoption date of this SMP.

79. “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this SMP.

80. “Nonconforming use or development” means a shoreline use or development, which was legally constructed or established prior to the effective date of the act or the applicable SMP, or amendments thereto, but which does not conform to present regulations or standards of the program.

81. “Non-water-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.
82. “Normal maintenance” means those usual acts that are necessary to prevent a property’s decline, lapse, or cessation from a legally established condition.

83. “Normal repair” means to restore a structure or development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse impacts on shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location, and external appearance, and the replacement does not cause substantial adverse impacts on shoreline resources or environment.

84. “Ordinary high water mark (OHWM)” means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter in accordance with permits issued by a local government or the department. Where the OHWM cannot be found, it shall be the line of mean high water. For braided streams, the OHWM is found on the banks forming the outer limits of the depression within which the braiding occurs.

85. “Permitted use” is a use that must be approved by the Shoreline Administrator through issuance of a Shoreline Substantial Development permit or Letter of Exemption.

86. “Priority habitat” means a habitat type with unique or significant value to one or more species. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as caves or snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife. An area classified and mapped as priority habitat must have one or more of the following attributes:

a. Comparatively high fish or wildlife density

b. Comparatively high fish or wildlife species diversity
c. Fish spawning habitat

d. Important wildlife habitat

e. Important fish or wildlife seasonal range

f. Important fish or wildlife movement corridor

g. Rearing and foraging habitat

h. Refugia habitat

i. Limited availability

j. High vulnerability to habitat alteration

k. Unique or dependent species

87. “Priority species” means species that meet any of the following criteria:

a. Criterion 1. State-listed or state-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the WDFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

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

c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and non-native fish and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4. Species listed under the ESA as either proposed, threatened, or endangered.

88. “Provisions” means any definition, policy, goal, regulation, requirement, standard, authorization, prohibition, guideline criteria, or environment designations.
89. “Public Access” means physical and visual access. Public access includes the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. See the SMP Public Access Plan for additional detail.

90. “Public agency” means every city, county, state, or federal office; every officer; every institution, whether educational, correctional, or other; and every department, division, board, and commission that provides services or recommendations to the public or other such agencies.

91. “Public view” – see definition for “Public Access.”

92. “Public utility” means a public service corporation performing some public service subject to special governmental regulations or a governmental agency performing similar public services, either of which are paid for directly by the recipients thereof. Such services shall include water supply, electric power, gas, and transportation for persons and freight.

93. “Qualified professional” means a person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or shoreline subject. A qualified professional must have obtained a B.S., B.A., or equivalent degree or certification in biology, engineering, environmental studies, fisheries, geomorphology, landscape architecture, forestry or related field, and related work experience.

a. A qualified professional for wildlife, habitats, or wetlands must have a degree in biology, zoology, ecology, fisheries, or related field, and professional experience in the State of Washington.

b. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.

c. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

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

e. A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.
f. A qualified archaeologist must be a person qualified for addressing cultural and historic resources protection and preservation, with a degree in archaeology, anthropology, history, classics, or other germane disciplines with a specialization in archaeology and/or historic preservation and with a minimum of 2 years of experience in preparing cultural resource site assessments reports.

94. “Recreational development” means the modification of the natural or existing environment to accommodate commercial and public facilities designed and used to provide recreational opportunities to the public. Commercial recreational development should be consistent with commercial development defined herein.

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

96. “Residential development” entails one or more buildings, structures, lots, parcels or portions thereof that are designed, used, or intended to be used as a place of abode for human beings. These include single-family residences, residential subdivisions, short residential subdivisions, attached dwellings, and all accessory uses or structures normally associated with residential uses. Normal appurtenances garages, decks, driveways, and utilities. Accessory residential uses include sheds, parking areas, cabanas, and saunas. Hotels, motels, dormitories, or any other type of overnight or transient housing are excluded from the residential category and must be considered commercial uses depending on project characteristics.

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

98. “Riparian habitat” means areas adjacent to aquatic systems with flowing water that contains elements of aquatic and terrestrial ecosystems that mutually influence each other.
99. “Salmonid” means a member of the fish family Salmonidae, including: Chinook, Coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

100. “Section 404 Permit” means a permit issued by the U.S. Army Corps of Engineers for the placement of dredge or fill material waterward of the OHWM or clearing in waters of the United States, including wetlands, in accordance with 33 United States Code (USC) Section 1344.

101. “Shall” means a mandate; the action must be done.

102. “Shoreline areas” and “shoreline jurisdiction” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

103. “Shoreline Master Program” means the comprehensive use plan for a described area and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of an SMP for a county or city approved under RCW 90.58 shall be considered an element of the county or city’s comprehensive plan. All other portions of the SMP for a county or city adopted under RCW 90.58, including use regulations, shall be considered a part of the county or city’s development regulations.

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

105. “Shoreline stabilization” means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes such as current, flood, wind, or wave action. These actions include structural and non-structural methods. Non-structural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

106. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this SMP, against taking the action.

107. “Significant adverse environmental impacts” (as used in SEPA) means a reasonable likelihood of more than a moderate adverse impact on environmental quality (WAC 197-11-794).
108. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts on functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

109. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

   a. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence.

   b. "Normal appurtenances" include a garage; deck; driveway; utilities; fences; septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

110. "SMA Rule" means those standards adopted by the department to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state prior to adoption of SMPs. Such standards shall also provide criteria for local governments and the department in developing and amending SMPs.

111. "Special flood hazard area" means an area subject to a base or 100-year flood; areas of special flood hazard are shown on a flood hazard boundary map or FIRM as Zone A, AO, A1-30, AE, A99, and AH.

112. "Species, threatened and endangered" means those native species that are listed by WDFW pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the ESA (16 USC 1533).

113. "Start of construction" means and includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of
streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

114. “Steep slopes” means those slopes (excluding County-approved geotechnical engineered slopes) 40% or steeper within a vertical elevation change of at least 10 feet. A slope is defined by establishing its toe and the top and is measured by averaging the inclination over at least 10 feet of vertical relief.

115. “Stream” means any portion of a channel, bed, bank, or bottom waterward of the OHWM of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses that flow on an intermittent basis or fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

116. “Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water.

117. “Substantially degrade” means to cause significant ecological impact.

118. “Transportation facilities” are those structures and developments that provide for the movement of people, goods, and services. These include roads and highways, railroad facilities, bridges, parking facilities, bicycle paths, trails, and other related facilities.

119. “Trees” means any living woody plant characterized by one main stem or trunk and many branches and having a diameter of 4 inches or more measured 24 inches above ground level.

120. “Unavoidable” means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

121. “Utility” means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water,
stormwater, communications (including, but not limited to, telephone and
cable), sewage, oil, and the like.

122. “Vadose” means of, relating to, or being water and solutions in the earth’s
crust above the permanent groundwater level.

123. “Vegetation” means plant life growing below, at, and above the soil
surface.

124. “Water-dependent use” means a use or portion of a use that cannot exist in
a location that is not adjacent to the water and that is dependent on the
water by reason of the intrinsic nature of its operations.

125. “Water-enjoyment use” means a recreational use or other use that
facilitates public access to the shoreline as a primary characteristic of the
use or a use that provides for recreational use or aesthetic enjoyment of the
shoreline for a substantial number of people as a general characteristic of
the use, and which through location, design, and operation ensures the
public’s ability to enjoy the physical and aesthetic qualities of the
shoreline. In order to qualify as a water-enjoyment use, the use must be
open to the general public and the shoreline-oriented space within. The
project must be devoted to the specific aspects of the use that foster
shoreline enjoyment.

126. "Water-oriented use" means a use that is water-dependent, water-related,
or water-enjoyment, or a combination of such uses.

127. "Water quality" means the physical characteristics of water within
shoreline jurisdiction, including water quantity, hydrological, physical,
chemical, aesthetic, recreation-related, and biological characteristics.
Where used in this SMP, the term water quantity refers only to
development and uses regulated under this SMP and affecting water
quantity such as impermeable surfaces and stormwater handling practices.
Water quantity, for purposes of this SMP, does not mean the withdrawal
of groundwater or diversion of surface water pursuant to RCW 90.03.250
through 90.03.340.

128. "Water-related use" means a use or portion of a use, which is not
intrinsically dependent on a waterfront location but whose economic
viability is dependent on a waterfront location because:

a. The use has a functional requirement for a waterfront location such
as the arrival or shipment of materials by water or the need for
large quantities of water; or

b. The use provides a necessary service supportive of the
water-dependent uses and the proximity of the use to its customers
makes its services less expensive and/or more convenient.
129. "Weir" means a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

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

**Shoreline Environment Designation Map**