

CHAPTER 14.15: OKANOGAN COUNTY SHORELINE MASTER PROGRAM

ARTICLE I: AUTHORITY AND PURPOSE.....	6
14.15.010 SHORELINE MANAGEMENT ACT	6
14.15.020 AUTHORITY.....	6
14.15.030 APPLICABILITY.....	6
14.15.040 PURPOSE AND INTENT.....	7
14.15.050 RELATIONSHIP TO OTHER CODES AND ORDINANCES	8
14.15.060 LIBERAL CONSTRUCTION	8
14.15.070 SEVERABILITY.....	8
14.15.080 EFFECTIVE DATE.....	8
14.15.090 DEFINITIONS	9
ARTICLE II GENERAL REGULATIONS.....	39
14.15.100 ARCHEOLOGICAL, CULTURAL AND HISTORIC RESOURCES	39
14.15.110 CONSERVATION AREAS	43
14.15.120 SHORELINE BULK AND DIMENSIONAL STANDARDS.....	5958
14.15.130 VEGETATION CONSERVATION	6160
14.15.140 WATER QUALITY	6362
ARTICLE III GENERAL USE REGULATIONS.....	6564
14.15.150 ACCESSORY UTILITIES	6564
14.15.160 AGRICULTURE	6665
14.15.170 AQUACULTURE.....	6766
14.15.180 BOATING FACILITIES (INCLUDING DOCKS, MARINAS, LAUNCHES, MOORAGE).....	7170
14.15.190 BULKHEADS, BREAKWATERS, JETTIES, GROINS, AND WEIRS.....	7776
14.15.200 CLEARING AND GRADING	7776
14.15.210 COMMERCIAL USES AND ACTIVITIES	7978
14.15.220 DREDGING.....	8180
14.15.230 FILL.....	8483
14.15.240 FOREST MANAGEMENT.....	8685
14.15.250 INDUSTRIAL USES.....	8786
14.15.260 MINING	9088
14.15.270 MUNICIPAL USES (INCLUDES ALL LOCAL GOVERNMENTS)	9394
14.15.280 PARKING	9492
14.15.290 PUBLIC ACCESS	9492
14.15.300 UTILITIES	9694
14.15.310 RECREATIONAL USES	9795
14.15.320 RESIDENTIAL DEVELOPMENT	9997
14.15.330 SIGNAGE	9997
14.15.340 TRANSPORTATION	10098
14.15.350 SHORELINE STABILIZATION	10199
14.15.360 TABLE 11: USE AND ACTIVITY TABLE.....	104102
ARTICLE IV SHORELINE DESIGNATION REGULATIONS.....	108106
14.15.370 AQUATIC DESIGNATION	108106
14.15.380 CONSERVANCY DESIGNATION	109107
14.15.390 NATURAL DESIGNATION	111109
14.15.400 RIVERINE/LACUSTRINE DESIGNATION	113111
14.15.410 RURAL RESIDENTIAL DESIGNATION	116114
14.15.420 RURAL RESOURCE DESIGNATION.....	118116

14.15.430 SHORELINE RECREATION DESIGNATION.....	120+18
14.15.440 SHORELINE RESIDENTIAL DESIGNATION	122+20
14.15.450 URBAN CONSERVANCY DESIGNATION	125+23
ARTICLE V ADMINISTRATION.....	127+25
14.15.460 MINIMUM APPLICATION REQUIREMENTS	127+25
14.15.470 PRE-APPLICATION CONFERENCE.....	132+29
14.15.480 PLAN REVIEW.....	132+30
14.15.490 APPLICATION VESTING	133+31
14.15.500 NOTICE OF APPLICATION	133+31
14.15.510 LIMITED ADMINISTRATIVE REVIEW	134+32
14.15.520 FULL ADMINISTRATIVE REVIEW.....	135+33
14.15.530 QUASI-JUDICIAL REVIEW OF APPLICATIONS	136+34
14.15.540 LEGISLATIVE REVIEW OF APPLICATIONS.....	137+35
14.15.550 NOTICE OF FINAL DECISION.....	138+36
14.15.560 SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS	139+37
14.15.570 EXEMPTIONS FROM SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT PROCESS	139+37
14.15.580 SHORELINE CONDITIONAL USE PERMITS.....	146+44
14.15.590 SHORELINE VARIANCE REVIEW CRITERIA.....	147+45
14.15.600 APPEALS	148+46
14.15.610 REASONABLE USE EXCEPTION	149+47
14.15.620 NON-CONFORMING STRUCTURES.....	150+48
14.15.630 NON-CONFORMING USES.....	150+48
14.15.640 NON-CONFORMING LOTS	152+50
14.15.650 ENFORCEMENT	152+50

| [08/3011/21/2011](#)

Chapter 14.15 Shoreline Master Program

Article I: Authority and Purpose

14.15.010 The Shoreline Management Act

14.15.020 Authority

14.15.030 Applicability

14.15.040 Purpose and Intent

14.15.050 Relationship to other Codes and Ordinances

14.15.060 Liberal Construction

14.15.070 Severability

14.15.080 Effective Date

Article II: General Regulations

14.15.100 Archeologic, Cultural, and Historic Resources

14.15.110 ~~Conservation~~Critical Areas

14.15.120 Shoreline Bulk and Dimensional Standards

14.15.130 Vegetation Conservation

14.15.140 Water Quality

Article III: Shoreline Modification and Use Regulations

14.15.150 Accessory Utilities

14.15.160 Agriculture

14.15.170 Aquaculture

14.15.180 Boating Facilities

14.15.190 Bulkheads, Breakwaters, Jetties, Groins, and Weirs

14.15.200 Clearing and Grading

14.15.210 Commercial Uses and Activities

14.15.220 Dredging

| [08/30/11/21/2011](#)

14.15.230 Fill

14.15.240 Forest Management

14.15.250 Industrial Uses

14.15.260 Mining

14.15.270 Municipal Uses

14.15.280 Parking

14.15.290 Public Access

14.15.300 Utilities

14.15.310 Recreational Uses

14.15.320 Residential Development

14.15.330 Signage

14.15.340 Transportation

14.15.350 Shoreline Stabilization

14.15.360 Use and Activity Table

Article IV: Shoreline Designations

14.15.370 Aquatic Designation

14.15.380 Conservancy Designation

14.15.390 Natural Designation

14.15.400 Riverine/Lacustrine Designation

14.15.410 Rural Residential Designation

14.15.420 Rural Resource Designation

14.15.430 Shoreline Recreation Designation

14.15.440 Shoreline Residential Designation

14.15.450 Urban Conservancy Designation

Article V: Administration

| [08/30/11/21/2011](#)

14.15.460 Minimum Application Requirements

14.15.470 Pre-application Conference

14.15.480 Plan Review

14.15.490 Application Vesting

14.15.500 Notice of Application

14.15.510 Limited Administrative Review

14.15.520 Full Administrative Review

14.15.530 Quasi-judicial Review of Applications

14.15.540 Legislative Review of Applications

14.15.550 Notice of Final Decision

14.15.560 Shoreline Substantial Development Permits

14.15.570 Exemptions form Shoreline Substantial Development Permits

14.15.580 Shoreline Conditional Use Permit

14.15.590 Shoreline Variance Review Criteria

14.15.600 Appeals

14.15.610 Reasonable Use exemption

14.15.620 Non-conforming Structures

14.15.630 Non-conforming uses

14.15.640 Non-conforming Lots

14.15.650 Enforcement

1 **Article I: Authority and Purpose**

2 **14.15.010 Shoreline Management Act**

3
4 Washington State’s citizens voted to approve the Shoreline Management Act of 1971 in
5 November 1972. The adoption of the Shoreline Management Act (Act) recognized “that the
6 shorelines of the state are among the most valuable and fragile of its natural resources and
7 that there is great concern throughout the state relating to their utilization, protection,
8 restoration, and preservation” and that “coordinated planning is necessary in order to protect
9 the public interest associated with the shorelines of the state while, at the same time,
10 recognizing and protecting private property rights consistent with the public interest” (RCW
11 90.58.020). The Act seeks to foster all appropriate uses of the state’s shorelines; provide
12 environmental protection for shorelines, preserve and enhance priority uses, including
13 shoreline public access, and provide opportunity for substantial numbers of people to enjoy
14 the shorelines of the state, consistent with appropriate environmental protection. ~~encourage~~
15 ~~appropriate development that supports water-oriented uses.~~

16 Under the Act, shoreline master programs are created and implemented based on a
17 “cooperative program of shoreline management between local government and the state”
18 (RCW 90.58.050). The roles of local governments and the state are:

19 “Local government shall have the primary responsibility for initiating the
20 planning required by this chapter and administering the regulatory program
21 consistent with the policy and provisions of this chapter. The department [of
22 Ecology] shall act primarily in a supportive and review capacity with an emphasis
23 on providing assistance to local government and on insuring compliance with the
24 policy and provisions of this chapter.” (RCW 90.58.050)
25

26 **14.15.020 Authority**

27 The Shoreline Management Act of 1971, Chapter 90.58 RCW, is the authority for
28 the enactment and administration of this SMP.
29

30 **14.15.030 Applicability**

31 All proposed uses and development occurring within the shoreline jurisdiction
32 must conform to Chapter 90.58 RCW, the Shoreline Management Act and this
33 Program whether or not a permit is required.
34

35 **14.15.040 Purpose and Intent**

36

37

The purposes of this SMP are to:

38

39

40

A. To promote the public health, safety, and general welfare of the community by providing comprehensive policies and effective, reasonable regulations for development and use and protection of Okanogan County shorelines; and

41

B. Recognize and protect private property rights; and

42

43

44

C. Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon private property or upon the rights of private ownership as guaranteed by the U. S. and State Constitutions, land deeds and abstracts.

45

46

D. Promote reasonable and appropriate use of the shorelines which will not jeopardize public and private interests; and

47

E. Protect rights of navigation; and

48

F. Preserve and protect fragile natural resources and cultural significant features; and

49

50

G. Increase public access to publicly owned areas of the shorelines where increased use levels are desirable; and

51

H. To manage shorelines in a positive, effective and equitable manner; and

52

53

54

55

I. To further assume and carry out the local government responsibilities established by the Act in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the Act in RCW 90.58.020; and

56

J. To adopt and promote the following policy contained in RCW 90.58.020

57

58

59

60

61

62

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

63

64

65

66

67

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;

94 **14.15.090 Definitions**

95 This chapter lists the official (legal) definitions of terms used in this SMP. As
96 used in this SMP, unless the context requires otherwise, the following definitions
97 and concepts apply:

98 **A**

- 99 1. "Accessory Building or Use" means a subordinate building or use which is located
100 on the same legal lot as the principal building or use.
- 101 2. "Act" means Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.
- 102 3. "Administrative Authority" shall, in the context of these regulations, mean the
103 Okanogan County Office of Planning and Development; the city or town clerk for
104 those incorporated municipalities listed in Section 2.00 of these regulations; or, the
105 Tribal Planning Department within the exterior boundary of the Colville Indian
106 Reservation.
- 107 4. "Administrator" shall, in the context of this master program, mean the duly appointed
108 representative of the County, city, town or Tribe with jurisdiction.
- 109 5. "Advertising Sign" Any device, structure, fixture or placard that is visible from a
110 public right-of-way or surrounding properties and which uses graphics, symbols or
111 written copy for the purpose of advertising or identifying any establishment, product,
112 goods or service.
- 113 6. "Agriculture" and "Agricultural Activities" means agricultural uses and practices
114 including, but not limited to: Producing, breeding, or increasing agricultural products;
115 rotating and changing agricultural crops; allowing land used for agricultural activities
116 to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for
117 agricultural activities to lie dormant as a result of adverse agricultural market
118 conditions; allowing land used for agricultural activities to lie dormant because the
119 land is enrolled in a local, state, or federal conservation program, or the land is
120 subject to a conservation easement; conducting agricultural operations; maintaining,
121 repairing, and replacing agricultural equipment; maintaining, repairing, and replacing
122 agricultural facilities, provided that the replacement facility is no closer to the
123 shoreline than the original facility; and maintaining agricultural lands under
124 production or cultivation;
- 125 7. "Agricultural Equipment" and "Agricultural Facilities" includes, but is not limited to:
126 (i) The following used in agricultural operations: Equipment; machinery; constructed
127 shelters, buildings, and ponds; fences; upland finfish rearing facilities; water
128 diversion, withdrawal, conveyance, and use equipment and facilities including, but
129 not limited to, pumps, pipes, tapes, canals, ditches, and drains; (ii) Corridors and
130 facilities for transporting personnel, livestock, and equipment to, from, and within
131 agricultural lands; (iii) Farm residences and associated equipment, lands, and
132 facilities; and (iv) Roadside stands and on-farm markets for marketing fruit or
133 vegetables.

- 134 8. "Agricultural Land" means those specific land areas on which agriculture activities
135 are conducted as of the date of adoption of a local master program pursuant to these
136 guidelines as evidenced by aerial photography or other documentation. After the
137 effective date of the master program land converted to agricultural use is subject to
138 compliance with the requirements of the master program.
- 139 9. "Agricultural Products" includes, but is not limited to, horticultural, viticultural,
140 floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary
141 products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar
142 hardwood trees grown as crops and harvested within twenty years of planting; and
143 livestock including both the animals themselves and animal products including, but
144 not limited to, meat, upland finfish, poultry and poultry products, and dairy products;
- 145 10. "Amendment" means a revision, update, addition, deletion, and/or reenactment to an
146 existing shoreline master program.
- 147 11. "Animal feeding operation" or "AFO" means a lot or facility (other than an aquatic
148 animal production facility) where the following conditions are met:
- 149 A. Animals (other than aquatic animals) have been, are, or will be stabled or
150 confined and fed or maintained for a total of 45 days or more in any 12-month
151 period, and
- 152 B. Crops, vegetation forage growth, or post-harvest residues are not sustained in
153 the normal growing season over any portion of the lot or facility.
- 154 12. "Approval" means an official action by a local government legislative body agreeing
155 to submit a proposed shoreline master program or amendments to the department for
156 review and official action pursuant to this chapter; or an official action by the
157 department to make a local government shoreline master program effective, thereby
158 incorporating the approved shoreline master program or amendment into the state
159 master program.
- 160 13. "Appurtenance" means development that is necessarily connected to the use and
161 enjoyment of a single family residence and is located landward of the OHWM and/or
162 the perimeter of a wetland. Appurtenances include a garage, deck, driveway, utilities,
163 fences, installation of a septic tank and drain field, swimming pools, hot tubs, saunas,
164 landscaping retaining walls outside Zone 1 buffer, and grading which does not exceed
165 250 cubic yards and which does not involve placement of fill in any wetland or
166 waterward of the ordinary high water mark.
- 167 14. "Associated Wetlands" Wetlands that are in proximity to tidal waters, lakes, rivers or
168 streams that are subject to the Act and either influence or are influenced by such
169 waters. Factors used to determine proximity and influence include, but are not limited
170 to: location contiguous to a shoreline waterbody, formation by tidally influenced geo-
171 hydraulic processes, presence of a surface connection including through a culvert or
172 tide gate, location in part or whole within the floodplain of a shoreline, periodic
173 inundation, and/or hydraulic continuity.

- 174 15. “Aquaculture” means the culture or farming of food fish, shellfish, or other aquatic
175 plants or animals. Aquaculture is an activity of statewide interest. It is a water-
176 dependent use and, when consistent with control of pollution and prevention of
177 damage to the environment and undertaken in conformance with the provisions of this
178 SMP, is a preferred use of the water area.
- 179 16. “Aquifer Recharge Area” Area with a critical recharging effect on aquifers used for
180 potable water where an aquifer that is a source of drinking water is vulnerable to
181 contamination that would effect the potability of the water.
- 182 17. “Archaeological resource/site” means archaeological and historic resources that are
183 either recorded at the state historic preservation office and/or by local jurisdictions or
184 have been inadvertently uncovered, are located on Okanogan County shorelands and
185 including, but not limited to, submerged and submersible lands and the bed of the
186 rivers sea within the state’s jurisdiction, that contains archaeological objects.
- 187 18. “Average Grade Level” means the average of the natural or existing topography of
188 the portion of the lot, parcel, or tract of real property which will be directly under the
189 proposed building or structure; provided that in the case of structures to be built over
190 water, average grade level shall be the elevation of ordinary high water. Calculation
191 of the average grade level shall be made by averaging the ground elevations at the
192 center of all exterior walls of the proposed building or structure.

193 **B**

- 194 1. “Best management practices” means (BMP’s) means conservation practices or
195 systems of practices and management measures that:
- 196 A. Control soil loss and reduce water quality degradation caused by nutrients,
197 animal waste, toxins, and sediment:
- 198 B. Minimize adverse impacts to surface water and ground water flow, circulation
199 pattern, and to the chemical, physical, and biological characteristics of waters,
200 wetlands, and other fish and wildlife habitats.
- 201 C. Control site runoff, spillage or leaks, sludge or water disposal, or drainage
202 from raw material.
- 203
- 204 2. “Boating facilities” Developments and uses that support public access to shoreline
205 waters for purposes of boating, including community docks serving more than 4
206 single family dwelling units, marinas, boat launches, and moorage.
- 207 3. “Boat launch ramp” means a structure constructed of concrete or other material,
208 which extends waterward of the ordinary high-water mark.

- 209 4. "Buffer, Wetland" means the vegetation area adjacent to a wetland that separates and
210 protects the wetland aquatic area from adverse impacts associated with adjacent land
211 uses.
- 212 5. "Buffer, Zone 1" means the vegetation area adjacent to a shoreline that separates and
213 protects the shoreline aquatic area from adverse impacts associated with adjacent land
214 uses.
- 215 6. "Buffer, Zone 2" means an area that is contiguous to and protects a ~~critical~~
216 conservation area that is required for the continued maintenance, functioning, and/or
217 structural stability of a ~~critical~~conservation area.
- 218 7. "Building" Any permanent structure built for the shelter or enclosure of persons,
219 animals, chattels, or property of any kind and not including advertising signboards or
220 fences.
- 221 8. "Bulkhead" A solid wall erected generally parallel to and near the OHWM for the
222 purpose of protecting adjacent uplands from waves or current action.
- 223 9. "Bulk storage" means non-portable storage of bulk products in fixed tanks.

224 **C**

- 225 1. "CAFO" As defined by the Code of Federal Regulations 122.23.
- 226 2. "Channel migration zone (CMZ)" means the area along a river within which the
227 channel(s) can be reasonably predicted to migrate over time as a result of natural and
228 normally occurring hydrological and related processes when considered with the
229 characteristics of the river and its surroundings.
- 230 3. "Clearing". The destruction or removal of vegetation ground cover, shrubs and trees
231 including, but not limited to, root material removal and/or topsoil removal.
- 232 4. "Commercial use" Facilities used or established to provide goods, merchandise or
233 services for compensation or exchange, excluding facilities for the growth,
234 production, or storage of agricultural products.
- 235 5. "Community boating facilities" including docks, piers, ramps, marinas, etc...are
236 typically designed and constructed to serve all or a significant component of the
237 members of a residential development; which typically include waterfront property
238 owners and often include non-water front property owners.
- 239 6. "Community dock" means a dock intended for the common use of the residents of
240 adjoining parcels or subdivision, shore subdivision, or community located on adjacent
241 uplands.

- 242 7. "Conditional use" means a use, development, or substantial development which is
243 classified as a conditional use or is not classified within the applicable master
244 program;
- 245 8. "~~Critical Conservation~~ Areas" ~~Critical Conservation~~ Areas include the following
246 areas and ecosystems, as designated by the County, city, town or Tribe with
247 jurisdiction: Wetlands, Critical Aquifer Recharge Areas, Geologically Hazardous
248 Areas, Frequently Flooded Areas, and Fish and Wildlife Habitat Conservation Areas.
- 249 9. "Cumulative Impacts" means the impact on the environment resulting from the
250 incremental impact of an action when added to other past, present, and reasonably
251 foreseeable future actions regardless of who undertakes such other actions.
252 Cumulative impacts can result from individually minor but collectively significant
253 actions taking place over a period of time.

254 **D**

- 255 1. "Daylighting Streams" daylighting is the redirection of a stream into an above-ground
256 channel. Typically, the goal is to restore a stream of water to a more natural state.
257 Daylighting is intended to improve the riparian environment for a stream which had
258 been previously diverted into a culvert, pipe, or a drainage system.
- 259 2. "Density" An expression of the intensity of use of property, usually indicated in the
260 following manner: For residential uses: Minimum acreage or square footage required
261 for each residential unit; for non-residential uses: Maximum amount of use and/or
262 floor area expressed as a percentage or fraction of the size of the lot.
- 263 3. "Development" means a use consisting of the construction or exterior alteration of
264 structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or
265 minerals; bulkheading; driving of piling; placing of obstructions; or any project of a
266 permanent or temporary nature which interferes with the normal public use of the
267 surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water
268 level. (RCW 90.58.030(3)(d).)
- 269 4. "Development regulations" means the controls placed on development or land uses by
270 a local or tribal government in Okanogan County, including, but not limited to,
271 zoning ordinances, critical areas ordinances, all portions of a shoreline master
272 program other than goals and policies approved or adopted under chapter 90.58
273 RCW, planned unit development ordinances, subdivision ordinances, and binding site
274 plan ordinances, together with any amendments thereto.
- 275 5. "Dike" an artificial embankment or revetment normally set back from the bank or
276 channel in the floodplain for the purpose of keeping floodwaters from inundating
277 adjacent land.

- 278 6. "Dock" means all platform structures or anchored devices in or floating upon water
279 bodies to provide moorage for pleasure craft or landing for water-dependent
280 recreation including but not limited to floats, swim floats, float plane moorages, and
281 water ski jumps. Excluded are boat launch ramps.
- 282 A. "Permanent dock" a dock that is over 120 square feet, usually attached with
283 pilings.
- 284 B. "Seasonal docks" a dock up to 120 square feet so designed and constructed in
285 order that it may be removed on a seasonal basis.
- 286 C. "Shared moorage facility" - Dock facilities that would include joint use and/or
287 community dock facilities.
- 288 7. "Document of record" means the most current shoreline master program officially
289 approved or adopted by rule by the department for a given local government
290 jurisdiction, including any changes resulting from appeals filed pursuant to RCW
291 [90.58.190](#).
292
- 293 8. "Dredge material disposal" means the disposal of material excavated waterward of
294 the ordinary high watermark.
- 295 9. "Dredging" means the removal, displacement, and disposal of unconsolidated earth
296 material such as silt, sand, gravel, or other submerged material from the bottom of
297 water bodies or from wetlands.
- 298 10. "Dwelling, Single-Family" means a detached building containing one dwelling unit.
- 299 11. "Dwelling unit" means a building or portion thereof designed exclusively for
300 residential purposes on a permanent basis; to be used, rented, leased, or hired out to
301 be occupied for living purposes having independent living facilities, including
302 permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor
303 home, travel trailer, tent trailer or other recreational vehicle shall be considered a
304 dwelling unit.

305 **E**

- 306 1. "Ecological functions" or "shoreline functions" means the work performed or role
307 played by the physical, chemical, and biological processes that contribute to the
308 maintenance of the aquatic and terrestrial environments that constitute the shoreline's
309 natural ecosystem. See WAC 173-26-201 (2)(c).

- 310 2. "Ecologically intact" shorelines, means those shoreline areas that retain the majority
311 of their natural shoreline functions, as evidenced by the shoreline configuration and
312 the presence of native vegetation. Generally, but not necessarily, ecologically intact
313 shorelines are free of structural shoreline modifications, structures, and intensive
314 human uses. In forested areas, they generally include native vegetation with diverse
315 plant communities, multiple canopy layers, and the presence of large woody debris
316 available for recruitment to adjacent water bodies.
- 317 3. "Ecological restoration" is an "intentional activity that initiates or accelerates the
318 recovery of an ecosystem with respect to its health, integrity and sustainability. The
319 practice of ecological restoration includes a wide scope of projects including, but not
320 limited to: erosion control, reforestation, removal of non-native species and weeds,
321 revegetation of disturbed areas, daylighting streams, reintroduction of native species,
322 as well as habitat and range improvement for targeted species.
- 323 4. "Ecosystem-wide processes" means the suite of naturally occurring physical and
324 geologic processes of erosion, transport, and deposition; and specific chemical
325 processes that shape landforms within a specific shoreline ecosystem and determine
326 both the types of habitat and the associated ecological functions.
- 327 5. An "emergency" is an unanticipated and imminent threat to public health, safety, or
328 the environment which requires immediate action within a time too short to allow full
329 compliance with this chapter. Emergency construction does not include development
330 of new permanent protective structures where none previously existed. Where new
331 protective structures are deemed by the administrator to be the appropriate means to
332 address the emergency situation, upon abatement of the emergency situation the new
333 structure shall be removed or any permit which would have been required, absent an
334 emergency, pursuant to chapter [90.58](#) RCW, these regulations, or the local master
335 program, obtained. All emergency construction shall be consistent with the policies of
336 chapter [90.58](#) RCW and the local master program. As a general matter, flooding or
337 other seasonal events that can be anticipated and may occur but that are not imminent
338 are not an emergency;
- 339 6. "Emergency construction" is construed narrowly as that which is necessary to protect
340 property from the elements (RCW 90.58.030(3eiii)).
- 341 7. "Erosion hazard areas" are those areas containing soils which, according to the United
342 States Department of Agriculture Natural Resources Conservation Service Soil
343 Survey Program, may experience significant erosion. Erosion hazard areas also
344 include coastal erosion-prone areas and channel migration zones.
- 345 8. "Exempt substantial development" are those set forth in WAC 173-27-040 and RCW
346 90.58.030 (3)(e), 90.58.140(9), 90.58.147,90.58.355 , and 90.58.515 which are not
347 required to obtain a substantial development permit but which must otherwise comply
348 with applicable provisions of the act and the local master program.

349 9. "Experimental aquaculture" means an aquaculture project that uses methods or
350 technologies that are unprecedented or unproven in the State of Washington.

351 **F**

352 1. "Fair Market Value" of a development is the expected price at which the
353 development can be sold to a willing buyer. For developments which involve
354 nonstructural operations such as dredging, dumping or filling, the fair market value is
355 the expected cost of hiring a contractor to perform the operation or where no such a
356 value can be calculated, the total of labor, equipment use, transportation, and other
357 costs incurred for the duration of the permitting project.

358 2. "Feasible" means, for the purpose of this chapter, that an action, such as a
359 development project, mitigation, or preservation requirement, meets all of the
360 following conditions:

361 A. The action can be accomplished with technologies and methods that have
362 been used in the past in similar circumstances, or studies or tests have
363 demonstrated in similar circumstances that such approaches are currently
364 available and likely to achieve the intended results;

365 B. The action provides a reasonable likelihood of achieving its intended purpose;
366 and

367 C. The action does not physically preclude achieving the project's primary
368 intended legal use. In cases where this SMP requires certain actions unless
369 they are infeasible, the burden of proving infeasibility is on the applicant. In
370 determining an action's infeasibility, the local or tribal government reviewing
371 the application may weigh the action's relative public costs and public
372 benefits, considered in the short- and long-term time frames.

373 3. "Feedlot" A feedlot shall be an enclosure or facility used or capable of being used for
374 feeding livestock hay, grain, silage, or other livestock feed, but shall not include land
375 for growing crops or vegetation for livestock feeding and/or grazing, nor shall it
376 include normal livestock wintering.
377

378 4. "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining
379 structure, or other material to an area waterward of the OHWM, in wetlands, or on
380 shorelands in a manner that raises the elevation or creates dry land.

- 381
382
383
384
385
386
387
388
5. "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.
- 389
390
391
392
393
6. "Floating homes" A structure designed and operated substantially as a permanently based over water residence. Floating homes are not vessels and typically lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi permanent anchorage/moorage facilities.
- 394
395
396
397
7. "Floats" means a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.
- 398
399
400
401
8. "Floodplain" is synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon the flood ordinance regulation maps of the local or tribal government with jurisdiction.
- 402
403
404
405
9. "Floodplain management" means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.
- 406
407
408
409
410
411
412
413
414
415
416
10. "Floodway" means that area either established in the federal emergency management agency flood insurance rate maps or floodway maps; or those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

- 417 11. "Forest land" is land primarily devoted to growing trees for long-term commercial
418 timber production on land that can be economically and practically managed for such
419 production, including Christmas trees subject to the excise tax imposed under RCW
420 [84.33.100](#) through [84.33.140](#), and that has long-term commercial significance. These
421 lands are referred to in this chapter as forest resource lands to distinguish between
422 formally designated lands, and other lands used for forestry purposes.
- 423 12. "Forest practices" means any activity conducted on or directly pertaining to forest
424 land and relating to growing, harvesting, or processing timber, including but not
425 limited to: road and trail construction, harvesting, final and intermediate,
426 precommercial thinning, reforestation, fertilization, prevention and suppression of
427 diseases and insects, salvage of trees, and brush control. "Forest practice" shall not
428 include: Forest species seed orchard operations and intensive forest nursery
429 operations; or preparatory work such as tree marking, surveying and road flagging; or
430 removal or harvest of incidental vegetation from forest lands such as berries, ferns,
431 greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be
432 expected to result in damage to forest soils, timber or public resources.
- 433 13. "Frequently flooded areas" are lands in the flood plain subject to at least a one
434 percent or greater chance of flooding in any given year, or within areas subject to
435 flooding due to high groundwater. These areas include, but are not limited to,
436 streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater
437 forms ponds on the ground surface.
- 438 14. "Frontage" is the distance measured along the ordinary high water mark.

G

- 439
- 440 1. "Geologically hazardous areas" are areas that because of their susceptibility to
441 erosion, sliding, earthquake, or other geological events, are not suited to siting
442 commercial, residential, or industrial development consistent with public health or
443 safety concerns. Any area meeting the definition of "Geological Hazardous Area"
444 including the following:
- 445 A. Channel migration zones;
- 446 B. Erosion hazard areas: areas containing soils which, according to the United
447 States Department of Agriculture Natural Resources Conservation Service
448 Soil Survey Program, may experience significant erosion. Erosion hazard
449 areas also include coastal erosion-prone areas and channel migration zones.

- 450 C. Landslide hazard areas: areas that have the potential of risk of mass movement
451 resulting from a combination of geologic, topographic, and hydrologic factors;
452 They include any areas susceptible to landslide because of any combination of
453 bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other
454 factors, and include, at a minimum, the following:
- 455 i. Areas of historic failures, such as:
 - 456 (a) Those areas delineated by the United States Department of
457 Agriculture Natural Resources Conservation Service as
458 having a significant limitation for building site development;
 - 459 (b) Those coastal areas mapped as class u (unstable), uos
460 (unstable old slides), and urs (unstable recent slides) in the
461 department of ecology Washington coastal atlas; or
 - 462 (c) Areas designated as quaternary slumps, earthflows,
463 mudflows, lahars, or landslides on maps published by the
464 United States Geological Survey or Washington department
465 of natural resources.
 - 466 ii. Areas with all three of the following characteristics:
 - 467 (a) Slopes steeper than fifteen percent;
 - 468 (b) Hillsides intersecting geologic contacts with a relatively
469 permeable sediment overlying a relatively impermeable
470 sediment or bedrock; and
 - 471 (c) Springs or groundwater seepage.
 - 472 iii. Areas that have shown movement during the holocene epoch (from ten
473 thousand years ago to the present) or which are underlain or covered
474 by mass wastage debris of this epoch;
 - 475 iv. Slopes that are parallel or subparallel to planes of weakness (such as
476 bedding planes, joint systems, and fault planes) in subsurface
477 materials;
 - 478 v. Slopes having gradients steeper than eighty percent subject to rockfall
479 during seismic shaking;
 - 480 vi. Areas potentially unstable as a result of rapid stream incision, stream
481 bank erosion, and undercutting by wave action, including stream
482 channel migration zones;
 - 483 vii. Areas that show evidence of, or are at risk from snow avalanches;
 - 484 viii. Areas located in a canyon or on an active alluvial fan, presently or
485 potentially subject to inundation by debris flows or catastrophic
486 flooding; and
 - 487 ix. Any area with a slope of forty percent or steeper and with a vertical
488 relief of ten or more feet except areas composed of bedrock. A slope is
489 delineated by establishing its toe and top and measured by averaging
490 the inclination over at least ten feet of vertical relief.

- 491 D. Seismic hazard areas: areas that are subject to severe risk of damage as a
492 result of earthquake-induced ground shaking, slope failure, settlement, or soil
493 liquefaction; Seismic hazard areas must include areas subject to severe risk of
494 damage as a result of earthquake induced ground shaking, slope failure,
495 settlement or subsidence, soil liquefaction, surface faulting, or tsunamis.
496 Settlement and soil liquefaction conditions occur in areas underlain by
497 cohesionless soils of low density, typically in association with a shallow
498 groundwater table. One indicator of potential for future earthquake damage is
499 a record of earthquake damage in the past. Ground shaking is the primary
500 cause of earthquake damage in Washington, and ground settlement may occur
501 with shaking. The strength of ground shaking is primarily affected by:
- 502 i. The magnitude of the earthquake;
 - 503 ii. The distance from the source of an earthquake;
 - 504 iii. The type or thickness of geologic materials at the surface; and
 - 505 iv. The type of subsurface geologic structure.
- 506 E. Mine hazard areas: areas that are directly underlain by, adjacent to, or affected
507 by mine workings such as adits, tunnels, drifts, or air shafts;
- 508 F. Volcanic hazard areas: areas subject to pyroclastic flows, lava flows, and
509 inundation by debris flows, mud flows, or related flooding resulting from
510 volcanic activity.
- 511
- 512 2. "Geotechnical report" or "geotechnical analysis" means a scientific study or
513 evaluation conducted by a qualified expert that includes a description of the ground
514 and surface hydrology and geology, the affected land form and its susceptibility to
515 mass wasting, erosion, and other geologic hazards or processes, conclusions and
516 recommendations regarding the effect of the proposed development on geologic
517 conditions, the adequacy of the site to be developed, the impacts of the proposed
518 development, alternative approaches to the proposed development, and measures to
519 mitigate potential site-specific and cumulative geological and hydrological impacts
520 of the proposed development, including the potential adverse impacts to adjacent
521 and down-current properties. Geotechnical reports shall conform to accepted
522 technical standards and must be prepared by qualified professional engineers or
523 geologists-who have professional expertise about the regional and local shoreline
524 geology and processes.
- 525 3. "Grading" means the movement or redistribution of the soil, sand, rock, gravel,
526 sediment, or other material on a site in a manner that alters the natural contour of
527 the land.

528 4. "Guidelines" means those standards adopted by the department to implement the
529 policy of chapter [90.58](#) RCW for regulation of use of the shorelines of the state
530 prior to adoption of master programs. Such standards shall also provide criteria for
531 local governments and the department in developing and amending master
532 programs.
533
534

535 **H**

- 536 1. "Habitat" means the specific area or environment in which a particular type of plant
537 or animal lives.
- 538 2. "Hard shoreline stabilization" means shore erosion control practices using hardened
539 structures that armor and stabilize the shoreline landward of the structure from further
540 erosion including but not limited to, bulkheads, rip-rap, jetties, groins, breakwaters,
541 and stone reinforcement.
- 542 3. "Height, building" is measured from average grade level to the highest point of a
543 structure: Provided, That television antennas, chimneys, and similar appurtenances
544 shall not be used in calculating height, except where such appurtenances obstruct the
545 view of the shoreline of a substantial number of residences on areas adjoining such
546 shorelines, or the applicable master program specifically requires that such
547 appurtenances be included: Provided further, That temporary construction equipment
548 is excluded in this calculation;
- 549 4. "Historic Site" means those sites that are eligible or listed on the Washington
550 Heritage Register, National Register of Historic Places, or any locally developed
551 historic registry formally adopted by the responsible local government.
- 552 5. "Houseboat" A vessel, principally used as an over water residence. Houseboats are
553 licensed and designed for use as a mobile structure with detachable utilities or
554 facilities, anchoring and the presence of adequate self-propulsion and steering
555 equipment to operate as a vessel. Principal use as an over-water residence means the
556 occupant resides on the vessel in a specific location, and/or in the same area on more
557 than a total of thirty days in any forty-day period or on more than a total of ninety
558 days in any three hundred sixty-five-day period. "In the same area" means within a
559 radius of one mile of any location where the same vessel previously moored or
560 anchored on state-owned aquatic lands. This definition includes liveaboard vessels.

561 **I**

- 562 1. "Industrial use" means a use including manufacturing, processing, warehousing,
563 storage, distribution, shipping and other related uses.

564 2. "In-stream Structure" means a structure placed by humans within a stream or river
565 waterward of the ordinary high-water mark that either causes or has the potential to
566 cause water impoundment or the diversion, obstruction, or modification of water
567 flow. In-stream structures may include those for hydroelectric generation, irrigation,
568 water supply, flood control, transportation, utility service transmission, fish habitat
569 enhancement, or other purpose.

570 **L**

571 1. "Landfill" see fill

572 2. "Land Use, High Impact" "High Intensity Land Use" means land use that includes the
573 following uses or activities: commercial, urban, industrial, institutional, retail sales,
574 residential (more than 1 unit/acre), high intensity new agriculture (dairies, nurseries,
575 greenhouses, raising and harvesting crops requiring annual tilling, raising and
576 maintaining animals), high intensity recreation (golf courses, ball fields), and hobby
577 farms.

578 3. "Land Use, Low Impact" means land use that includes the following uses or
579 activities, forestry (cutting of trees only), low-intensity open space (hiking, bird-
580 watching, preservation of natural resources, etc.), unpaved trails, utility corridor
581 without a maintenance road and little or no vegetation management.

582 4. "Land Use Medium Impact" means land use that includes the following uses or
583 activities, residential (1 unit/acre or less), moderate-intensity open space (parks with
584 biking, jogging, etc.), conversion to moderate-intensity agriculture (orchards, hay
585 fields, etc.), paved trails, building of logging roads, utility corridor or right-of-way
586 shared by several utilities and including access/maintenance road.

587 5. "Large Woody Debris" or "LWD" means all wood greater than four inches (4") in
588 diameter naturally occurring or artificially placed in streams, including, branches,
589 stumps, logs and logjams.

590 6. "Litter container" means a container provided on public or private property for
591 temporary disposal of wastepaper, used beverage or food containers, and other small
592 articles of rubbish, trash, or garbage by users of the site. Every litter container shall
593 be closed with a well-fitting lid or designed to reasonably prevent its contents from
594 becoming litter.

595 7. "Local Government" means any county, incorporated city or town or Tribal
596 corporation which contains within its boundaries any lands or waters subject to the
597 Shoreline Management Act.

598 8. "Lot Coverage" is the percentage of the parcel within shoreline jurisdiction, less the
599 required Zone 1 and Zone 2 buffers, to be covered with impervious surfaces.

600

M

601
602

1. “May” means an action is acceptable, provided it conforms to the provisions of this SMP.

603

2. “Must” means an action is required.

604
605
606
607

3. “Marina” means a facility which provides boat launching, storage, supplies and services for small pleasure craft. There are two basic types of Marinas; open type construction (floating breakwater and/or open pile work) and solid type construction (bulkhead and/or landfill).

608
609
610
611
612
613

4. “Mineral extraction” means the removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this Program.

614
615
616

5. “Mineral prospecting” Mineral prospect(-ing) – To excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

617
618
619
620
621
622
623

6. “Mining” The act of extracting from the earth minerals and/or ores via open pit, shaft, leaching, hydraulic, or other methods, except dredging and sand and gravel. Note that mining activities are subject to zoning regulation and approval processes; however, prospecting and exploration activities that are conducted with minimal disturbance of the subject property are not considered mining and are not restricted by zoning. Surface mining operations are also regulated by Department of Natural Resources.

624
625
626

7. “Mitigation” means avoiding, minimizing, rectifying, reducing, compensating for, and/or monitoring an impact as defined in Washington State’s SEPA rules, 197-11-768 WAC.

627
628
629
630
631
632

8. “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. Mixed use developments, which incorporate non-water oriented uses, must include water dependent use(s), except commercial uses complying with WAC 173-26-241(3)(d).

- 633 9. “Monitoring” means evaluating the impacts of development on the environment
634 (which may include biology, geology, hydrology, hydraulics, and other factors related
635 to safety and shoreline ecological function) and determining how well any required
636 mitigation measures are functioning through the monitoring period. Monitoring may
637 also include collection and analysis of data by various methods for the purpose of
638 understanding and documenting changes in natural ecosystems and features; and does
639 also include gathering baseline data.
- 640 10. “Multi-family dwelling (residence)” means a single building, or portion thereof,
641 designed for or occupied by three (3) or more families living independently of each
642 other in separate dwelling units on one lot of record and, for the purpose of this code,
643 includes triplexes, fourplexes, apartment buildings, and residential condominiums.
- 644 11. “Municipal uses” are those in support of local government functions and services.
645 For the purposes of this SMP, recreational uses and utility facilities are excluded.

646 **N**

- 647 1. "Natural or existing topography" means the topography of the lot, parcel, or tract of
648 real property immediately prior to any site preparation or grading, including
649 excavation or filling;
- 650 2. “Navigable waters of the United States” means a water body that in its ordinary
651 condition, or by being united with other water bodies, forms a continued route over
652 which commerce is or may be carried on with other states or foreign countries in the
653 customary modes in which such commerce is conducted by water.
- 654 3. “Nonconforming lot” a lot which was lawful prior to the adoption, revision, or
655 amendment of the SMP, but which fails, by reason of such adoption, revision or
656 amendment, to conform to the current requirements of the SMP.
- 657 4. “Nonconforming Structure” a building or structure which was lawful prior to the
658 adoption, revision, or amendment of the SMP, but which fails, by reason of such
659 adoption, revision or amendment, to conform to the current requirements of the SMP.
- 660 5. “Nonconforming Use” a use of the land which was lawful prior to the adoption,
661 revision, or amendment of the SMP, but which fails, by reason of such adoption,
662 revision, or amendment, to conform to the current requirements of the SMP.
- 663 6. “Non-structural shoreline stabilization” includes building setbacks, and planning and
664 regulatory measures to avoid the need for structural stabilization, vegetation
665 stabilization and bioengineered stabilization.
- 666 7. “Non-water-oriented use” means a use that is not a water-dependent, water-related,
667 or water-enjoyment use.

668

O

669
670

1. "Office of Financial Management" means the Office of Financial Management of the State of Washington.

671
672
673
674
675
676
677

2. "Official Map of Shorelines" means all maps adopted as part of the Master Program delineating the approximate geographic boundaries of all designated water bodies of Okanogan County, coming under the jurisdiction of the Shoreline Management Act of 1971. Streams and Lakes are naturally fluctuating systems and are not static, therefore, the actual boundaries of the shoreline jurisdiction are determined on the ground at the time of application using the definition of "Shoreline Jurisdiction" found in RCW 90.58.030(2).

678
679
680
681
682

3. "Open Space, Common" Land within or related to a development, not individually owned (undivided interest), which remains undeveloped (except for approved trails and accessory structures as allowed by this SMP and approved by the Dept. of Fish and Wildlife) and that is dedicated to one or more of the following purpose: Historical/architectural preservation and/or wildlife habitat and/or recreation.

683
684
685
686
687
688
689
690
691
692
693
694
695

4. "Open Space, Conservation" Land retained in an open or unimproved condition, which has been set aside, dedicated, designated, or reserved for fish and wildlife preservation or enhancement purposes. Mechanisms for preservation of Conservation Open Space include but are not limited to: Subdivision, Planned Development (PD), or Planned Destination Resort (PDR) process. Lands within this type of an open space dedication may include portions and combinations of forest, agricultural and grazing lands, priority fish and wildlife habitats, on-site watersheds, 100 year floodplains, county shorelines or shorelines of state-wide significance and riparian areas and wetlands. Land so designated shall not include areas of human impact and shall contain no structures or impervious surfaces other than those which are approved by the Administrator e.g., part of an organized trail system, structure approved by the Dept. of Fish and Wildlife, and structures of historical/architectural preservation significance or used as designated Conservation open space.

696
697
698
699
700
701
702

5. "Open space, Individual Ownership" Land within or related to a development owned individually, which remains undeveloped (except for trails) and that is dedicated for use in the development and is retained or restored to its native state or used for agricultural or recreational purposes as allowed by this SMP, e.g., part of an organized trail system, structure approved by the Dept. of Fish and Wildlife, and structures of historical/ architectural preservation significance or used as designated wildlife open space.

703
704

6. "Open Space, Public" Any land which has been acquired, set aside, dedicated, designated or reserved for general public use or enjoyment.

705 7. "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that
706 will be found by examining the bed and banks and ascertaining where the presence
707 and action of waters are so common and usual, and so long continued in all ordinary
708 years, as to mark upon the soil a character distinct from that of the abutting upland, in
709 respect to vegetation as that condition exists on June 1, 1971, as it may naturally
710 change thereafter, or as it may change thereafter in accordance with permits issued by
711 a local government or the department: PROVIDED, That in any area where the
712 ordinary high water mark cannot be found, the ordinary high water mark adjoining
713 salt water shall be the line of mean higher high tide and the ordinary high water mark
714 adjoining fresh water shall be the line of mean high water.

715 8. "Over-water structures" Any structure located waterward of the OHWM. Common
716 examples include, but are not limited to, residential piers, marinas, and bridges.

717

P

718 9. "Party of record" includes all persons, agencies or organizations who have submitted
719 written comments in response to a notice of application; made oral comments in a
720 formal public hearing conducted on the application; or notified local government of
721 their desire to receive a copy of the final decision on a permit and who have provided
722 an address for delivery of such notice by mail;

723 10. "Permit" means any form of permission required under the act or this shoreline
724 master program, or the Colville Tribes Shoreline Management Plan, prior to
725 undertaking activity on shorelines of the state, including substantial development
726 permits, variances, conditional use permits, permits for oil or natural gas exploration
727 activities, permission which may be required for selective commercial timber
728 harvesting, and shoreline exemptions.

729 11. "Person" means an individual, partnership, corporation, association, organization,
730 cooperative, public or municipal corporation, or agency of the state or local
731 governmental unit however designated.

732 12. "Placer mining" the mining (by panning or dredging) of alluvial (waterborne) or
733 glacial deposits of precious metals or minerals, usually in stream beds or valleys
734 adjacent to uplands rich in these minerals.

735 13. "Pier" means a fixed platform above the water, perpendicular to the shoreline.

736 14. "Primary utilities" are transmission, collection, production, or treatment facilities that
737 are generally regional or area wide in scope and provide the primary service to a large
738 area and may or may not be connected directly to the uses along the shoreline.
739 Utilities include primary transmission facilities related to a hydropower and
740 communications, and distribution or collection systems for water, sewer mains, gas
741 and oil pipelines, and wastewater and water treatment plants.

- 742 15. “Priority Habitat” means a habitat type with unique or significant value to one or
743 more species. An area classified and mapped as priority habitat must have one or
744 more of the following attributes:
- 745 A. Comparatively high fish or wildlife density;
 - 746 B. Comparatively high fish or wildlife species diversity;
 - 747 C. Fish spawning habitat;
 - 748 D. Important wildlife habitat;
 - 749 E. Important fish or wildlife seasonal range;
 - 750 F. Important fish or wildlife movement corridor;
 - 751 G. Rearing and foraging habitat;
 - 752 H. Important marine mammal haul-out;
 - 753 I. Refugia habitat;
 - 754 J. Limited availability;
 - 755 K. High vulnerability to habitat alteration;
 - 756 L. Unique or dependent species; or
 - 757 M. Shellfish bed.
- 758 A priority habitat may be described by a unique vegetation type or by a dominant
759 plant species that is of primary importance to fish and wildlife (such as oak
760 woodlands or eelgrass meadows). A priority habitat may also be described by a
761 successional stage (such as, old growth and mature forests). Alternatively, a priority
762 habitat may consist of a specific habitat element (such as a consolidated
763 marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and
764 wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.
765
766

767 16. "Priority Species" means a species requiring protective measures and/or management
768 guidelines to ensure its persistence at genetically viable population levels. Priority
769 species are those that meet any of the criteria listed below.

770 A. Criterion 1. State-listed or state proposed species. State-listed species are those
771 native fish and wildlife species legally designated as endangered (WAC 232-12-
772 014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State
773 proposed species are those fish and wildlife species that will be reviewed by the
774 department of fish and wildlife (POL-M-6001) for possible listing as endangered,
775 threatened, or sensitive according to the process and criteria defined in WAC 232-
776 12-297.

777 B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those
778 species or groups of animals susceptible to significant population declines, within
779 a specific area or statewide, by virtue of their inclination to congregate. Examples
780 include heron colonies, seabird concentrations, and marine mammal
781 congregations.

782 C. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native
783 and nonnative fish, shellfish, and wildlife species of recreational or commercial
784 importance and recognized species used for tribal ceremonial and subsistence
785 purposes that are vulnerable to habitat loss or degradation.

786 D. Criterion 4. Species listed under the federal Endangered Species Act as either
787 proposed, threatened, or endangered.

790 17. "Provisions" means policies, regulations, standards, guideline criteria or environment
791 designations.

792 18. "Public Access" means the public's right to get to and use the State's public waters
793 the water/land interface and associated shoreline area. It includes physical access that
794 is either lateral (areas paralleling the shore) or perpendicular (an easement or public
795 corridor to the shore), and/or visual access facilitated by means such as scenic roads
796 and overlooks, viewing towers and other public sites or facilities.

Q

797
798 1. "Qualified professional" means a person with experience and training in the pertinent
799 scientific discipline, and who is a qualified scientific expert with expertise appropriate
800 for the relevant ~~critical~~ conservation area subject in accordance with WAC 365-195-
801 905(4). A qualified professional will have obtained a B.S. or B.A. or equivalent
802 degree in biology, engineering, environmental studies, fisheries, geomorphology or
803 related field, and have at least two years of related work experience. A geologist must
804 have a state license.

805

R

806
807
808
809

1. "Recreation, low-intensity" means recreation that does not require developed facilities other than un-improved trails and can be accommodated without change to the area or resource other than development of trails and placement of litter containers and directional and interpretive signs. Examples are hiking, shore fishing, and bicycling.

810
811
812
813

2. "Recreation, high-intensity" means uses with specially built facilities, or occurs in such density or form that it requires or results in a modification of the area of resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

814
815
816
817
818
819

3. "Recreational development" "Recreational Development" means the modification of the natural or existing environment to accommodate recreation. This includes clearing land, earth modifications, structures and other facilities such as parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, wildlife enhancement (wildlife ponds are considered excavation), and other low intensity use outdoor recreation areas.

820
821
822
823
824
825
826
827

4. "Recreational uses" Uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, and other low intensity use outdoor recreation areas. Recreational Uses that do not require a shoreline location, nor are related to the water, nor provide significant public access are considered nonwater-oriented. For example, a recreation uses solely offering indoor activities would be considered nonwater-oriented.

828
829
830

5. "Recreational Vehicle (RV) Park" A tract of land developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

831
832
833
834

6. "Residential development" means one or more buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, mobile homes, short/long subdivisions of land and other structures that serve to house people.

835
836

7. "Responsible Official" shall mean the duly elected County Commissioners of Okanogan County, or the Shoreline Administrator within the County.

837
838
839
840
841
842

8. "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired 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 aboriginal or pre-European settlement conditions.

843 9. "Riparian Areas" are transitional between terrestrial and aquatic ecosystems and are
844 distinguished by gradients in biophysical conditions, ecological processes, and biota.
845 They are areas through which surface and sub surface hydrology connect water bodies
846 with their adjacent uplands. They include those portions of terrestrial ecosystems that
847 significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a
848 zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral
849 streams, lakes, and estuarine-marine shorelines.

850 10. "Riprap" means broken stone or other hardening material placed along the shoreline of a
851 lake, river, or stream to prevent erosion or provide stability.

852 **S**

853 1. "Sanitary landfill" means a disposal facility or part of a facility at which solid waste is
854 permanently placed in or on land and which is not a land spreading disposal facility.

855 2. "Seasonal" A temporary use the duration of which is related to an identifiable climatic,
856 cultural, or recreational period. (i.e., summer, winter, fall, spring, Christmas, ski season).

857 3. "Setback" means the required minimum distance between the landward limit of the
858 shoreline area or, where relevant, any other lot or property line, and the outer-most
859 vertical plane of any building, structure, device, fence, swimming pool, landscaped or
860 graded area, or other improvement causing a disturbance to the natural landscape.

861 4. "Shall" means a mandate; the action must be done.

862 5. "Shorelands" or "shoreland areas" means those lands extending landward for two hundred
863 feet in all directions as measured on a horizontal plane from the ordinary high water
864 mark; floodways and contiguous floodplain areas landward two hundred feet from such
865 floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal
866 waters which are subject to the provisions of this chapter; the same to be designated as to
867 location by the department of ecology.

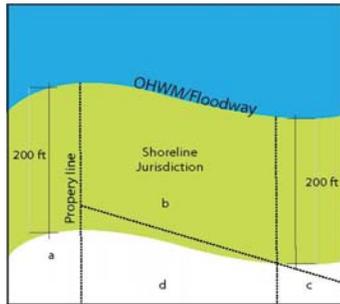
868 6. "Shoreline Administrator" means the Director of Planning & Development Department
869 or staff member designated by the Director to perform and review functions required in
870 this program.

871 7. "Shorelines" means all of the water areas of the state, including reservoirs, and their
872 associated shorelands, together with the lands underlying them; except

873 A. Shorelines of statewide significance;

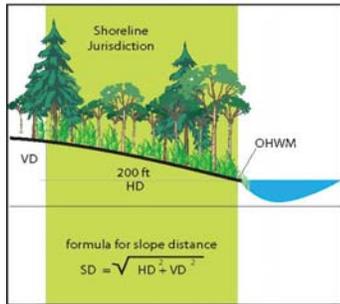
874 B. Shorelines on segments of streams upstream of a point where the mean annual
875 flow is twenty cubic feet per second or less and the wetlands associated with such
876 upstream segments; and (iii) shorelines on lakes less than twenty acres in size and
877 wetlands associated with such small lakes;

- 878 8. "Shoreline ecological function" see "Ecological function"
- 879 9. "Shoreline frontage" means the land that lies adjacent to the lake, river, or stream subject
- 880 to this program.
- 881 10. "Shoreline Jurisdiction or "Shoreline Area" means all "shorelines of the state" and
- 882 "shorelands" as defined in RCW 90.58.030.

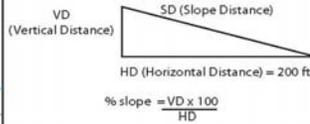


Shoreline Jurisdiction

- a & d. Parcels partially within Shoreline Jurisdiction
- b. Parcel wholly within Shoreline Jurisdiction
- c. Parcel outside Shoreline Jurisdiction

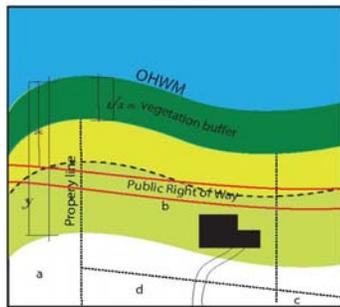


Shoreline jurisdiction as measured on the horizontal from the ordinary high watermark



$$\% \text{ slope} = \frac{VD \times 100}{HD}$$

slope distance is the measurement on the ground where the shoreline jurisdiction, setback and buffer are established



Development on lot b is not subject to use buffer standards because it is physically separated from buffer by a public right-of-way which is greater than the buffer width.

- 883 11. "Shoreline Master Program" or "SMP" means the comprehensive use plan for the
884 shoreline area of a jurisdiction subject to this title, and the use regulations together with
885 maps, diagrams, charts, or other descriptive material and text, a statement of desired
886 goals, and standards developed in accordance with the policies enunciated in RCW
887 [90.58](#);
- 888 12. "Shoreline Modifications" means those actions that modify the physical configuration or
889 qualities of the shoreline area, usually through the construction of a physical element
890 such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline
891 structure. They can include other actions, such as clearing, grading, or application of
892 chemicals.
- 893 13. "Shoreline permit" means a shoreline substantial development permit, a shoreline
894 conditional use, or a shoreline variance, or any combination thereof issued by Okanogan
895 County, Brewster, Pateros, Omak, Okanogan, Twisp, Winthrop, and Oroville, and
896 Tonasket pursuant to RCW 90.58.
- 897 14. "Shorelines of the State" are the total of all "shorelines" and "shorelines of state-wide
898 significance" within the state
- 899 15. "Shorelines of State-wide Significance" in Okanogan County means:
- 900 A. Those lakes, whether natural, artificial or a combination thereof with a surface
901 acreage of one thousand acres or more measured from the ordinary high-water
902 mark.
- 903 B. Those natural rivers or segments thereof that are downstream of a point where
904 the mean annual flow is measured at two hundred cubic feet per second or more,
905 or those portions of rivers downstream from the first three hundred square miles
906 of drainage area, whichever is longer.
- 907 C. Those wetlands and shorelands associated with such water bodies.
- 908 16. "Shoreline of Tribal Significance" means *any Shoreline Area within the Colville Indian*
909 *Reservation*.
- 911 17. "Short Subdivision" means the division or redivision of land into four or fewer lots,
912 tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership,
913 including any remaining portion of the parent parcel for any lot created through the use of
914 OCC 16.04.070(B). (Ord 95-7§ 1,1995)
- 915 18. "Should" means that the particular action is required unless there is a demonstrated,
916 compelling reason, based on policy of the Shoreline Management Act and this chapter,
917 against taking the action.

- 918 19. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or
919 ground cover by clearing, grading, cutting, burning, chemical means, or other activity
920 that causes significant ecological impacts to functions provided by such vegetation. The
921 removal of invasive or noxious weeds does not constitute significant vegetation removal.
922 Tree pruning, not including tree topping, where it does not affect ecological functions,
923 does not constitute significant vegetation removal.
- 924 20. "Soft shoreline stabilization" means shore erosion control and restoration practices using
925 only plantings or organic materials to restore, protect or enhance the natural shoreline
926 environment.
- 927 21. "Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes,
928 including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition
929 and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.
930 This includes all liquid, solid and semisolid, materials which are not the primary products
931 of public, private, industrial, commercial, mining, and agricultural operations. Solid
932 waste includes but is not limited to sludge from wastewater treatment plants and septage,
933 from septic tanks, woodwaste, dangerous waste, and problem wastes.
- 934 22. "Structural shoreline stabilization" means shore erosion control practices using hardened
935 structures that armor and stabilize the shoreline landward of the structure from further
936 erosion, examples include, bulkheads, concrete walls, rip-rap, jetties, groins, breakwaters,
937 stone reinforcement.
- 938 23. "Structure" Anything constructed in the ground, or anything erected which requires
939 location on the ground or water, or is attached to something having location on or in the
940 ground, but not including fences or paved areas, or standard roof mounted antennas.
- 941 24. "Subdivision" division or redivision of land into five or more lots, tracts, parcels, sites or
942 divisions for the purpose of sale, lease or transfer of ownership including any remaining
943 portions of the parent parcel. (Ord. 95-7 § 1, 1995).
- 944 25. "Substantial accessory use facilities" Substantial accessory including but not limited to
945 rest rooms, recreation halls and gymnasiums, commercial services, access roads, and
946 parking areas associated with recreational development.
- 947

948 26. "Substantial development" shall mean any development of which the total cost or fair
949 market value exceeds five thousand seven hundred eighteen dollars (\$5718) or the dollar
950 value as amended by the State of Washington Office of Financial Management, or any
951 development which materially interferes with the normal public use of the water or
952 shorelines of the state. The dollar threshold established in this subsection (3)(e) must be
953 adjusted for inflation by the office of financial management every five years, beginning
954 July 1, 2007, based upon changes in the consumer price index during that time period.
955 "Consumer price index" means, for any calendar year, that year's annual average
956 consumer price index, Seattle, Washington area, for urban wage earners and clerical
957 workers, all items, compiled by the bureau of labor and statistics, United States
958 department of labor. The office of financial management must calculate the new dollar
959 threshold and transmit it to the office of the code reviser for publication in the
960 Washington State Register at least one month before the new dollar threshold is to take
961 effect. The uses and activities listed below shall not be considered substantial
962 developments for the purpose of this chapter. All development, including the uses and
963 activities listed below, is subject to Tribal Historic and Cultural Office regulations in
964 accordance with the Tribal Cultural Artifacts Code.

- 965 A. Normal maintenance or repair of existing structures or developments, including
966 damage by accident, fire, or elements;
- 967 B. Construction of the normal protective bulkhead common to single family
968 residences;
- 969 C. Emergency construction necessary to protect property from damage by the
970 elements;
- 971 D. Construction and practices normal or necessary for farming, irrigation, and
972 ranching activities, including agricultural service roads and utilities on shorelands,
973 and the construction and maintenance of irrigation structures including but not
974 limited to head gates, pumping facilities, and irrigation channels. A feedlot of any
975 size, all processing plants, other activities of a commercial nature, alteration of the
976 contour of the shorelands by leveling or filling other than that which results from
977 normal cultivation, shall not be considered normal or necessary farming or
978 ranching activities. A feedlot shall be an enclosure or facility used or capable of
979 being used for feeding livestock hay, grain, silage, or other livestock feed, but
980 shall not include land for growing crops or vegetation for livestock feeding and/or
981 grazing, nor shall it include normal livestock wintering operations;
- 982 E. Construction or modification of navigational aids such as channel markers and
983 anchor buoys;
- 984 F. Construction on shorelands by an owner, lessee, or contract purchaser of a single
985 family residence for his own use or for the use of his or her family, which
986 residence does not exceed a height of thirty-five feet above average grade level
987 and which meets all requirements of the state agency or local government having
988 jurisdiction thereof, other than requirements imposed pursuant to this chapter;

- 989 G. Construction of a dock, including a community dock, designed for pleasure craft
990 only, for the private noncommercial use of the owner, lessee, or contract
991 purchaser of single and multiple family residences. This exception applies if the
992 fair market value of the dock does not exceed ten thousand dollars, but if
993 subsequent construction having a fair market value exceeding two thousand five
994 hundred dollars occurs within five years of completion of the prior construction,
995 the subsequent construction shall be considered a substantial development for the
996 purpose of this chapter;
- 997 H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs,
998 or other facilities that now exist or are hereafter created or developed as a part of
999 an irrigation system for the primary purpose of making use of system waters,
1000 including return flow and artificially stored ground water for the irrigation of
1001 lands;
- 1002 I. The marking of property lines or corners on state owned lands, when such
1003 marking does not significantly interfere with normal public use of the surface of
1004 the water;
- 1005 J. Operation and maintenance of any system of dikes, ditches, drains, or other
1006 facilities existing on September 8, 1975, which were created, developed, or
1007 utilized primarily as a part of an agricultural drainage or diking system;
- 1008 K. Site exploration and investigation activities that are prerequisite to preparation of
1009 an application for development authorization under this chapter, if:
- 1010 v. The activity does not interfere with the normal public use of the surface
1011 waters;
 - 1012 vi. The activity will have no significant adverse impact on the environment
1013 including, but not limited to, fish, wildlife, fish or wildlife habitat, water
1014 quality, and aesthetic values;
 - 1015 vii. The activity does not involve the installation of a structure, and upon
1016 completion of the activity the vegetation and land configuration of the site
1017 are restored to conditions existing before the activity;
 - 1018 viii. A private entity seeking development authorization under this section
1019 first posts a performance bond or provides other evidence of financial
1020 responsibility to the local jurisdiction to ensure that the site is restored to
1021 preexisting conditions; and
 - 1022 ix. The activity is not subject to the permit requirements of RCW [90.58.550](#);
- 1023 L. The process of removing or controlling an aquatic noxious weed, as defined in
1024 RCW [17.26.020](#), through the use of an herbicide or other treatment methods
1025 applicable to weed control that are recommended by a final environmental impact
1026 statement published by the department of agriculture or the department jointly
1027 with other state agencies under chapter [43.21C](#) RCW.
- 1028 27. "Substantially degrade" means cause significant ecological impact.

1029

T

- 1030 1. “Temporary” means having a specific, short-term duration. (See Seasonal).
1031 2. “Temporary sign” means a sign not intended to be permanently installed.
1032 3. “Temporary Use” A use that is limited in scope, duration, and frequency.

1033

U

- 1034 1. “Upland”, when used as an adjective, means outside of the shoreline area.
1035 2. “Uplands” means those lands outside of the shoreline area and not under shoreline
1036 jurisdiction.
1037 3. “Urban Growth Areas” means a regional boundary, set in an attempt to control urban
1038 sprawl by encouraging that the area inside the boundary be used for higher density urban
1039 development and the area outside is used for lower density development.
1040 4. "Use" means the purpose for which land or a structure is primarily designed, arranged or
1041 intended, or for which it is primarily occupied or maintained.

1042

V

- 1043 1. “Variance” is a means to grant relief from the specific bulk, dimensional or performance
1044 standards set forth in the applicable master program nad not a means to vary a use of a
1045 shoreline. A variance permit is strictly limited to the adjustment of the bulk, height and
1046 setback regulations of the shoreline master program applicable to a particular piece of
1047 property, in a situation where the property, because of special circumstances found to
1048 exist on the land, and where the strict implementation of the shoreline regulations would
1049 result in a hardship on the applicant and significantly interfere with commonly enjoyed
1050 by other properties in the same vicinity and shoreline designation.
1051 2. “Vegetation conservation areas” includes activities to prevent the loss of plant
1052 communities that contribute to the ecological functioning of shoreline areas. Vegetation
1053 conservation deals with the protection of existing diverse plant communities along the
1054 shorelines, aquatic weed control, and the restoration of altered shorelines by
1055 reestablishing natural plant communities as a dynamic system that stabilizes the land
1056 from the effects of erosion.
1057 3. “Visual public access” see public access.

1058

W

1059
1060
1061
1062

1. “Water-dependent use” means a use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include marinas, water intake systems and sewer outfalls.

1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075

2. “Water-enjoyment use” means a recreational or similar use facilitating public access to the shoreline as a primary character 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 character of use and which, through location, design and operation assures the public’s ability to enjoy physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that foster enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts, and mixed use commercial; PROVIDED that such uses conform to the above water-enjoyment requirements and the provisions of the Master Program.

1076
1077

3. “Water-oriented use” means any one or combination of water-dependent, water-related or water-enjoyment uses.

1078
1079
1080
1081
1082
1083
1084

4. “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 chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

1085
1086
1087

5. “Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location because:

1088
1089

M. 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

1090
1091
1092
1093
1094

N. 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.

1095 6. "Wetlands" means areas that are inundated or saturated by surface water or ground water
1096 at a frequency and duration sufficient to support, and that under normal circumstances do
1097 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
1098 Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not
1099 include those artificial wetlands intentionally created from nonwetland sites, including,
1100 but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention
1101 facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those
1102 wetlands created after July 1, 1990, that were unintentionally created as a result of the
1103 construction of a road, street, or highway. Wetlands may include those artificial wetlands
1104 intentionally created from nonwetland areas to mitigate the conversion of wetlands.

1105 7. "Woody Debris" means all wood naturally occurring or artificially placed in streams,
1106 including, branches, stumps, logs and logjams.

1107 Words used in the present tense shall include the future; the singular shall include the plural and the
1108 plural the singular; the word "shall" is mandatory and not permissive.

1109 Definitions for terms requiring definitions not found herein shall be determined from the following
1110 sources, and if a conflict should arise between sources, such definition shall be established in the
1111 following priority:

1112 RCW 90.58, WAC 173-26, WAC 173-27, WAC 173-22

1113 Black's Law Dictionary by Henry Campbell Black, 3rd Edition, Publisher's Editorial Staff, St. Paul,
1114 West Publishing Company 1933, and subsequent amendments thereto.

1115 Webster's New Collegiate Dictionary, G. & C. Merriam Company, Springfield, Massachusetts,
1116 U.S.A., and subsequent amendments thereto.

1117 **Article II General Regulations**

1118 Except when specifically exempted by statute, all proposed uses and development occurring within
1119 shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this
1120 master program.

1121 **14.15.100 Archeological, Cultural and Historic Resources**

1122 The following regulations apply to all shoreline uses and activities in all shoreline
1123 designations and on all sites within shoreline jurisdiction having archaeological, cultural, or
1124 historic resources that are recorded at the Washington Department of Archaeology and
1125 Historic Preservation (DAHP) and/or with local jurisdictions, including Okanogan County,
1126 cities and towns within the county, the Colville Confederated Tribes (CCT), and affected
1127 Indian tribes and bands; or that have been or may be inadvertently uncovered.

1128 A. Archaeological sites are subject to the National Historic Preservation Act, as
1129 amended (16USC470), RCW 27.44 (Indian Graves and Records), RCW 27.53
1130 (Archaeological Sites and Resources), and WAC 25-48 (Archaeological
1131 Excavation and Removal Permit).

1132 B. All sites documented by the DAHP or the CCT as having a high probability of
1133 containing significant archaeological and historic resources shall be considered
1134 suspected historic, cultural, or archaeological resources.

1135 C. Documented historic, cultural, and archaeological sites

1136 1. An evaluation and a report meeting the minimum reporting standards of
1137 the DAHP, prepared by a cultural resource management professional who
1138 meets the qualification standards promulgated by the National Park
1139 Service and published in 36 CFR Part 61, shall be required before the start
1140 of any ground disturbance work in any area known to contain
1141 archaeological, cultural, or historic resources, regardless of whether a
1142 shoreline permit or exemption is required.

1143 2. Upon receipt of application for a shoreline permit or request for a
1144 statement of exemption for development on properties within a site known
1145 to contain an historic, cultural or archaeological resource(s), the local
1146 government with jurisdiction shall require an evaluation and a report
1147 meeting the minimum reporting standards of the DAHP, prepared by a
1148 cultural resource management professional who meets the qualification
1149 standards promulgated by the National Park Service and published in 36
1150 CFR Part 61; provided that, the provisions of this section may be waived if
1151 the Administrator determines that the proposed development activities do
1152 not include any ground disturbing activities and will not impact a known
1153 historic, cultural or archaeological site.

- 1154 a. The fee for the services of the cultural resource management
1155 professional shall be paid by the applicant. The applicant shall
1156 submit a minimum of five (5) copies of the site assessment to the
1157 Administrator for distribution to the applicable parties for
1158 review.
- 1159 b. If the evaluation identifies the presence of significant historic,
1160 cultural, or archaeological resources, a Cultural Resource
1161 Management Plan (CRMP) shall be prepared by a cultural
1162 resource management professional who meets the qualification
1163 standards promulgated by the National Park Service and
1164 published in 36 CFR Part 61. The fee for the services of the
1165 cultural resource management professional shall be paid by the
1166 applicant. In the preparation of such plans, the cultural resource
1167 management professional shall solicit comments from the
1168 DAHP, the History and Archeology Department of the CCT, and
1169 any Indian or First Nations tribes or bands known to be affected.
1170 Comments received shall be incorporated into the conclusions
1171 and recommended conditions of the CRMP to the maximum
1172 extent practicable. The applicant shall submit a minimum of five
1173 (5) copies of the CRMP to the Administrator for distribution to
1174 the applicable parties for review.
- 1175 c. The recommendations and conclusions of the CRMP shall be
1176 used to assist the Administrator in making final administrative
1177 decisions concerning the presence and extent of historic, cultural,
1178 and archaeological resources and appropriate mitigating
1179 measures. The Administrator shall consult with the DAHP, the
1180 History and Archeology Department of the CCT, and any
1181 affected Indian or First Nations tribes or bands prior to approval
1182 of the CRMP.
- 1183 d. The Administrator may reject or request revision of the
1184 conclusions reached in a CRMP when the Administrator can
1185 demonstrate that the assessment is inaccurate or does not fully
1186 address the historic, cultural, and archaeological resource
1187 management concerns involved.
- 1188 3. Upon receipt of a complete development permit application in an area of
1189 documented historic, cultural, or archaeological resources, the local
1190 government with jurisdiction shall notify and request a recommendation
1191 from appropriate agencies, including the DAHP, the CCT, and any Indian
1192 or First Nations tribes or bands known to be affected. Recommendations
1193 of such agencies and other affected persons shall be duly considered and
1194 adhered to whenever feasible. Notification shall include the following
1195 information:
- 1196 a. The date of application, the date of notice of completion of the
1197 application, and the date of the notification;

- 1198 b. A site map including the street address, tax parcel number,
1199 township, range, and section of the proposed project area;
- 1200 c. A description of the proposed project action and a list of the
1201 project permits included in the application, and, if applicable, a
1202 list of any studies requested by the local government with
1203 jurisdiction;
- 1204 d. The identification of other permits not included in the
1205 application, to the extent known by the local government with
1206 jurisdiction;
- 1207 e. The identification of existing environmental documents that
1208 evaluate the proposed project and, if not otherwise stated on the
1209 document providing notice of application, the location where the
1210 application and any studies can be reviewed;
- 1211 f. Any other information determined appropriate by the local
1212 government with jurisdiction;
- 1213 g. A statement indicating those development regulations that will
1214 be used for project mitigation or a determination of consistency,
1215 if they have been identified at the time of notice;
- 1216 h. A statement of the limits of the comment period and the right of
1217 each agency to comment on the application within a fifteen (15)
1218 day time period, request a copy of the decision once made, and
1219 appeal a decision when allowed by law.
- 1220 4. In granting shoreline permits or statements of exemption for development
1221 on properties within a site documented to contain a historic, cultural or
1222 archaeological resource(s), the local government with jurisdiction may
1223 attach conditions to provide sufficient time and/or conditions for
1224 consultation with the DAHP, the CCT, and any affected Indian or First
1225 Nations tribes or bands, and to ensure that historic, cultural, and
1226 archaeological resources are properly protected. Permit or other
1227 requirements administered by the DAHP pursuant to RCW 27.44 and
1228 RCW 27.53 may apply in addition to the provisions of this SMP.

1229 D. Inadvertent Discovery

- 1230 1. All shoreline permits shall contain provisions requiring that, whenever
1231 historic, cultural or archaeological sites or artifacts are discovered in the
1232 process of development in shoreline areas, work on that portion of the
1233 development site shall be stopped immediately, the site secured, and the
1234 find reported as soon as possible to the Administrator.
- 1235 2. Upon notification of such find, the property owner shall notify the DAHP,
1236 the History and Archaeology Department of the CCT, and any Indian or
1237 First Nations tribes or bands known to be affected. Notification to
1238 agencies shall include the information specified for notification under the
1239 heading, "Documented" historic, cultural, and archaeological sites" above.

- 1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
3. Upon notification of such find, the Administrator shall conduct a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the parties listed above, the Administrator may require that an immediate evaluation be conducted or may allow stopped work to resume. The evaluation shall meet the minimum reporting standards of the DAHP and shall be conducted by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61, to determine the presence of significant historic, cultural, or archaeological resources. The fee for the services of the cultural resource management professional shall be paid by the landowner or responsible party. The applicant shall submit a minimum of five (5) copies of the evaluation and accompanying report to the Administrator for distribution to the applicable parties for review.
- 1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
4. If an evaluation is required, the area of inadvertent discovery shall be stabilized, contained or otherwise protected until the evaluation is completed. The evaluation shall be distributed to the DAHP, the History and Archaeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected for a fifteen (15) day review period or, in the case of inadvertent discovery of human remains, a thirty (30) day review period to determine the significance of the discovery. If the above listed agencies or governments have determined that the site is not significant, or if the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, stopped work may resume.
- 1265
1266
1267
5. Upon receipt of a positive determination of a site's significance, the Administrator may invoke the provisions for known sites, above, for a Cultural Resource Management Plan.
- 1268
1269
1270
1271
- E. The requirements of this section shall not apply where an applicant has obtained an approved Archeological Excavation and Removal permit from the DAHP pursuant to WAC 25-48-060, provided that the applicant must adhere to the requirements of said approved permit.

1272 | **14.15.110 Critical-Conservation Areas**

1273 | **A. Flood Hazard Reduction**

- 1274 | 1. All development shall conform to the provisions of the Okanogan County
1275 | Flood Hazard Ordinance, the Zoning Code, and the 2006 International
1276 | Building Code, all of which contain safeguards to reduce the risk of
1277 | damage from flooding.
- 1278 | 2. Any use or development shall maintain the pre-development movement
1279 | (volume and velocity) of surface water and prevent or minimize the
1280 | unnatural diversion of flood water to otherwise flood-free areas which
1281 | could necessitate expensive and environmentally disruptive flood control
1282 | methods.
- 1283 | 3. All development applications shall clearly delineate the 100 year flood
1284 | plain boundary.
- 1285 | 4. In-stream structures shall provide for the protection and preservation, of
1286 | ecosystem-wide processes, ecological functions, and cultural resources,
1287 | including, but not limited to, fish and fish passage, wildlife and water
1288 | resources, shoreline ~~critical-conservation~~ areas, hydro geological
1289 | processes, and natural scenic vistas. The location and planning of in-
1290 | stream structures shall give due consideration to the full range of public
1291 | interests, watershed functions and processes, and environmental concerns,
1292 | with special emphasis on protecting and restoring priority habitats and
1293 | species.
- 1294 | 5. Normal and routine repair and maintenance of flood control structures¹ in
1295 | existence on the date of adoption of this SMP shall be exempt from permit
1296 | requirements.
- 1297 | 6. All shoreline uses and activities shall be located and designed to minimize
1298 | or prevent the need for shoreline stabilization measures, flood protection
1299 | works, filling, or substantial site re-grading. The use of car bodies, scraps
1300 | of building materials, tires, asphalt or concrete from street work, or any
1301 | discarded pieces of equipment, appliances or other debris for the
1302 | stabilization of shorelines is prohibited. See 14.15.350, for specific
1303 | shoreline stabilization regulations and standards.
- 1304 | 7. Development in floodplains should not significantly or cumulatively
1305 | increase flood hazards or be inconsistent with comprehensive flood hazard
1306 | management plans adopted pursuant to Chapter 86.12 RCW.

¹ As required and authorized by the US Army Corps of Engineers

- 1307
1308
1309
1310
1311
1312
1313
1314
8. New structural flood hazard reduction measures are allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with section 14.15.130 Vegetation Conservation and WAC 173-26-221(5).
- 1315
1316
1317
1318
1319
1320
1321
1322
9. New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
- 1323
1324
1325
1326
1327
1328
1329
10. New structural public flood hazard reduction measures, such as dikes and 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 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.
- 1330
1331
1332
1333
1334
1335
1336
1337
1338
11. The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan be consistent with section 14.15.220 Dredging and section 14.15.260 Mining and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

1339 B. Aquifer Recharge Areas

- 1340
1341
1342
1343
1344
1. Commercial and industrial uses involving the processing, use, storage, or production of hazardous, toxic, or dangerous materials shall meet applicable federal, state, and local regulations within critical aquifer recharge areas because of the potential for introduction of those materials to ground water.

- 1345
1346
1347
1348
2. Agricultural and forest practices shall adhere to all applicable local, state, and federal laws regarding feedlots, pesticide and fertilizer application, forest conversions, and shall be conducted in a manner so as to limit introduction of contaminants to ground water.
- 1349
1350
1351
1352
3. All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the federal Environmental Protection Agency, state Department of Health and the Okanogan County Health District.
- 1353
1354
1355
4. The County Health District shall comply with any state or federally required well-head protection program for the County's public water supplies.
- 1356
1357
1358
1359
5. Any application for a county permit for a use that utilizes or generates hazardous or toxic materials, shall be required to comply with state and federal regulations (the Clean Drinking Water Act and the Clean Water Act) that pertain to hazardous or toxic materials.
- 1360
1361
1362
6. All household hazardous waste shall be disposed of according to Okanogan County Comprehensive Solid Waste Management Plan, Adopted November 2004 as amended.
- 1363
1364
1365
1366
1367
1368
7. All new development activity shall comply with the maximum lot coverage required in that zone. When no maximum lot coverage is specified, and the proposed development is in an area identified as a critical aquifer recharge area, then a maximum of 50% of the land area within the boundaries of the aquifer recharge area shall be maintained in pervious surfaces. This allows for the continued recharging of the aquifer.

1369 C. Geologically Hazardous Areas

- 1370
1371
1372
1373
1374
1. Lots containing geologically hazardous areas, as defined by 14.15.030G(1), shall not be developed, or subdivided, where the proposed development would
- 1375
1376
1377
1378
1379
- a. cause a foreseeable risk to people or improvements from the geological condition;
- b. or require structural shoreline stabilization, during the life of the development, unless demonstrated during subdivision that the geological hazard can be reduced or mitigated by engineering, design or modified construction, e.g. such as lots created have safe buildable areas.
- 1380
1381
1382
1383
1. Hazards to developments proposed in or near geologically hazardous areas can be reduced or mitigated by engineering, design, or modified construction so that risks to public health and safety are minimized.

- 1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
- c. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas must be avoided. Development, structures, or uses in or near geologically hazardous areas shall not be approved unless certified as safe and lot development is designed and constructed so as not to pose a foreseeable risk to people or improvements, or require structural shoreline stabilization during the life of the development as designed by a qualified engineer or geologist, licensed in the state of Washington. Additionally, any shoreline stabilization proposal and the structure will not increase the hazard risk, such that:
 - 1. New structural flood hazard reduction measures in shoreline jurisdiction may be allowed only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC [173-26-221\(5\)](#).
 - 2. A reasonable setback or design standards shall be developed based on the geotechnical report for the structure on or next to a geologically hazardous area on a case by case basis.
 - 3. Existing uses legally established in geologically hazardous areas shall be allowed to continue. Expansion of any existing use shall meet structural standards that ensure the safety of the structure.
 - 4. A storm water management plan may be required of anyone proposing to develop in a geologically hazardous area.
 - 5. A geotechnical report and mitigation plan may be required to ensure no net loss of ecological function. See section 14.15.350, Shoreline Stabilization, and 14.15.320 Residential Development.
 - D. [Fish and Wildlife](#) Habitat Conservation Areas
 - 1. [Riparian Fish and Wildlife Habitat Conservation Areas](#) shall be comprised of Zone 1 and Zone 2 vegetation conservation areas.
 - a. Zone 1-Riparian [Fish and Wildlife](#) Habitat Conservation Area. The area with existing riparian vegetation, or one-half the distance of the setback (14.15.120(E)), whichever is greater, in all shoreline areas is designated as a Vegetation [Buffer Conservation Area](#). In these areas, existing native vegetation must be maintained, except as provided for in section 14.15.130, 14.15.130(L), and 14.15.240.
- ~~.Riparian Fish and Wildlife Habitat Buffers~~[Conservation Areas](#)

| 08/30/11/21/2011

1426 | ~~and buffers conservation areas² in shoreline areas~~
1427 | ~~a. Vegetation Buffer~~

Formatted: Default Paragraph Font

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Formatted: Bullets and Numbering

² -As defined and established in the local jurisdiction's Critical Areas regulations

1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471

a.1. In cases where there is less than 25' of existing riparian vegetation, the width of the Vegetation Buffer may be reduced, subject to the Riparian Buffer Conservation Area Width Averaging (section 14.15.110D(3)) or Administrative Buffer Reduction (section 14.15.110D(4)) a ~~critical areas~~habitat management report (14.15.460(C) and mitigation management plan (14.15.460(D) prepared by a qualified professional. To support a claim that the Vegetation Buffer Conservation Area should be reduced, proof may include, but is not limited to, photographs of the undisturbed site, and opinions of qualified professionals. In no case shall the buffer be reduced to less than 10' in width. There is an exception for water dependent portion of development.

2-b. ~~Zone 2-Use Buffer~~Riparian Fish and Wildlife Habitat Conservation Area. The area between the Vegetation Buffer Conservation Area and setback line (14.15.120(E)) in all shoreline areas is designated as Zone 2, Use Buffer. In these areas, removal of existing native vegetation shall be limited as provided in 14.15.120(E) and 14.15.130, 14.15.130(L), and 14.15.240 and uses limited to low intensity recreation, agricultural, accessory residential uses and water-dependent and permitted accessory water-related commercial uses.

3-2. ~~Riparian buffer fish and wildlife habitat conservation area width averaging~~

- a. The total required (Zone 1 + Zone 2) ~~buffer-riparian area~~ widths may be modified by the Administrator for single family dwellings, for existing legal lots of record in place at the time of adoption of this Program, by averaging ~~buffer-riparian area~~ widths based on a report submitted by the applicant and prepared by a qualified professional biologist. ~~Buffer-Riparian area~~ width averaging shall only be allowed where the applicant demonstrates all of the following:
 - i. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;
 - ii. The designated habitat conservation area contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;
 - iii. The width averaging shall not adversely affect the designated habitat conservation area's ~~and-buffer's~~ functional value;

Formatted: Level 1, Space After: 6 pt, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 2.13" + Tab after: 2.38" + Indent at: 2.38", Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: 0.5", Left + 0.75", Left + 1.25", Left

Formatted: Bullets and Numbering

1472
1473
1474
1475
1476

1477
1478
1479
1480

1481
1482
1483
1484
1485
1486
1487
1488

1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502

1503
1504
1505
1506

1507
1508
1509
1510

1511
1512
1513
1514
1515

- iv. The total area contained within the ~~buffer-riparian fish and wildlife habitat conservation area~~ after averaging is no less than that contained within the standard ~~buffer riparian fish and wildlife habitat conservation area~~ prior to averaging.
- v. The minimum ~~buffer-riparian fish and wildlife habitat conservation area~~ width at its narrowest point shall not be less than seventy-five (75) percent of the ~~buffer-habitat conservation area~~ width established under 14.15.120(E).
- vi. Sites which have had ~~buffer-riparian fish and wildlife habitat conservation area~~ widths reduced or modified, by any prior action administered by the local government are not eligible for the provisions of this section. Sites which utilize this provision are not eligible for any future buffer width reductions, under any provision of this Program, except as administered under Section 14.15.590 Variances, of this Program.

4.3. Administrative ~~Buffer-Riparian Fish and Wildlife Habitat Conservation Area Reduction.~~

The Administrator shall have the authority to reduce ~~riparian fish and wildlife habitat conservation area~~~~buffer~~ widths established in 14.15.120(E) on a case-by-case basis for single family dwelling units which would be placed on existing legal lots of record in place at the time of adoption of this Program; provided that the general standards for avoidance and minimization per 14.15.460(D) shall apply, and when the applicant demonstrates to the satisfaction of the Administrator that all of the following criteria have been met:

- a. The ~~riparian fish and wildlife habitat conservation area~~~~buffer~~ reduction shall not result in a net loss of functions of the habitat conservation area or buffer.
- b. The maximum buffer width reduction allowed shall not exceed twenty-five (25) percent total required ~~riparian fish and wildlife habitat conservation area~~~~buffer~~ established in Section 14.15.120(E).
- c. The ~~riparian fish and wildlife habitat conservation area~~~~buffer~~ width reduction is contingent upon the submittal and approval of a ~~critical habitat managment~~~~area~~ report and mitigation plan in conformance with 14.15.460 section C and D.
- d. Sites which have had ~~riparian fish and wildlife habitat conservation area~~~~buffer~~ widths reduced or modified, by any prior action administered by local jurisdiction are not eligible for the provisions of this section. Sites which utilize this provision are not eligible for any future ~~riparian fish and wildlife habitat~~

Formatted: Bullets and Numbering

conservation area~~buffer~~ width reductions, under any provision of this Program, except as administered under 14.15.590, Variances of this Program.

4. State and Federal Habitat Conservation Areas for Threatened and Endangered Species, and Sensitive Species.

- a. Habitat Conservation areas will be left undisturbed unless the development proposal incorporates a habitat management plan and/or mitigation plan.
- b. Development occurring within 1000 feet of a state or federal threatened, endangered, or sensitive species den, nesting, or breeding site, migration corridors or feeding areas of terrestrial species shall require a habitat management and mitigation plan.
- c. Rocky Mountain Mule Deer Habitat, habitat connectivity and migration corridors for mule deer shall be considered in habitat management and/or mitigation plans.
- d. Development in or over all surface waters shall require a habitat mitigation plan.
- e. The Administrator may waive management and/or mitigation plan requirements for parcels of record five acres or less that are contained within a final plat of a short subdivision or major subdivision filed for record before (insert date of adoption of this ordinance).
- f. Subdivision proposals involving habitat conservation areas shall comply with the following minimum standards:
 - i. A habitat management and mitigation plan shall be required for developments within or containing habitat conservation areas.
 - ii. Designated habitat conservation areas and their associated buffers created within habitat management or mitigation plans shall be delineated and disclosed on final plat maps, document, etc., as habitat conservation area tracts, nonbuildable lots, buffer areas or common areas. Ownership and control may be transferred to a homeowner's association or designated as an easement or covenant encumbering the property.

E. Wetlands

1. Wetland buffers in shoreline areas shall be as follows:

- ~~b-a.~~ The Administrator may waive the delineation requirement if the use or structure is greater than 300 feet away from the OHWM of the wetland.
- ~~e-b.~~ Alternative I- (Table 2): Buffer width based only on the category

1558
1559
1560
1561
1562

of wetland impacted. The wetland shall be delineated and categorized by a qualified professional using the Washington State Delineation Manual for Eastern Washington as amended.

i. Table 2

Category of Wetland	Widths of Buffers
IV	50 ft
III	150 ft
II	200 ft
I	250 ft

1563
1564
1565
1566
1567
1568
1569

~~d.c.~~ Alternative II-(Table 3) Wetland buffers based on intensity of land use³, providing the wetland is delineated and categorized by a qualified professional using the Washington State Wetland Identification and Delineation Manual for Eastern Washington as amended:

i. Table 3

Category of Wetland	Land Use with Low Impact *	Land Use with Moderate Impact *	Land Use with High Impact*
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	100 ft	150 ft	200 ft
I	125 ft	190 ft	250 ft
* See Table 4 for types of land uses that can result in low, moderate, and high impacts to wetlands.			

1570
1571

³ See Table 4 for a list of uses and their intensity.

1572

1573

i. Table 4

Level of Impact from Proposed Change in Land Use	Types of Land Use
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.) • High-intensity recreation (golf courses, ball fields, etc.) • Hobby farms
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	<ul style="list-style-type: none"> • Forestry (cutting of trees only) • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.

1574

1575

1576

1577

1578

1579

1580

1581

1582

1583

1584

1585

1586

e.d. Alternative III-Applicants may alternatively evaluate and determine wetland buffer width based on the intensity of the impacts, wetland function, or special characteristics located in the tables below. A ~~critical areas~~ habitat management report and mitigation management plan that shows that such a reduction will result in no net loss of wetland function will be required. Such report and plan must be prepared by a qualified professional and be based on the most current, accurate, and complete scientific and technical information and site specific conditions and analysis.

1587
 1588
 1589
 1590

i. Table 5: Widths of buffers needed to protect Category I wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)	Other Measures Recommended for Protection
Natural Heritage Wetlands	Low - 125 ft Moderate - 190 ft High - 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate - 190 ft High - 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low - 100 ft Moderate - 150 ft High - 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
High level of function for habitat (score for habitat 29 - 36 points)	Low - 100 ft Moderate - 150 ft High - 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate - 110 ft High - 150 ft	No recommendations at this time
High level of function for water quality improvement (24 - 32 points) and low for habitat (less than 20 points)	Low - 50 ft Moderate - 75 ft High - 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low - 50 ft Moderate - 75 ft High - 100 ft	No recommendations at this time

1591
 1592
 1593

1594
1595
1596
1597

ii. Table 6: Widths of Buffers Needed to Protect Category II Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)	Other Measures Recommended for Protection
High level of function for habitat (score for habitat 29 - 36 points)	Low - 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 24 - 32 points; habitat less than 20 points)	Low - 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Vernal pool	Low - 100 ft Moderate – 150 ft High – 200 ft OR Develop a regional plan to protect the most important vernal pool complexes – buffers of vernal pools outside protection zones can then be reduced to: Low - 40 ft Moderate – 60 ft High – 80 ft	No intensive grazing or tilling in the wetland
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or sub-basin scale (protection of the water regime in the watershed) Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low - 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

1598
1599

1600
1601
1602
1603

iii. Table 7: Widths of Buffers Needed to Protect Category III Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
Not meeting above characteristic	Low - 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time

1604
1605
1606
1607
1608
1609
1610
1611

iv. Table 8: Widths of Buffers Needed to Protect Category IV Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 30 points	Low - 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time

1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627

2. Standard Wetland Buffer Width Averaging. Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:
 - a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.
 - b. That the wetland and its buffer contain variations in sensitivity due to existing physical characteristics;
 - c. That low intensity land uses would be located adjacent to areas where buffer width is reduced, and that such low intensity land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism to not be converted to a high intensity use; and
 - d. That width averaging will not materially degrade the wetland functional values.

- 1628 e. The minimum buffer width at its narrowest point shall not be less
1629 than 75 percent of the buffer width established under alternative
1630 I, II, or III.
- 1631 f. The total area contained within the buffer after averaging is no
1632 less than that contained within the standard buffer prior to
1633 averaging.
- 1634 g. Sites which have had buffer widths reduced or modified, by any
1635 prior action administered by local jurisdiction are not eligible for
1636 the provisions of this section. Sites which utilize this provision
1637 are not eligible for any future buffer width reductions, under any
1638 provision of this Program, except as administered under Section
1639 14.15.590, Variances of this Program.
- 1640 h. The variation of buffer widths on a site, via buffer width
1641 averaging, must be supported by the most current technical and
1642 scientific information as demonstrated by the submittal and
1643 approval of a fish and wildlife habitat conservation area
1644 management and mitigation plan in conformance with
1645 14.15.360(D).
- 1646 3. Administrative Reduction of Standard Wetland Buffer Area Width: The
1647 Administrator shall have the authority to reduce buffer widths established
1648 through Alternative I, II or III on a case-by-case basis for single family
1649 dwelling units which would be placed on existing legal lots of record in
1650 place at the time of adoption of this Program; provided that the general
1651 standards for avoidance and minimization per Section 14.15.110(E)(6)
1652 shall apply, and when the applicant demonstrates to the satisfaction of the
1653 Administrator that all of the following criteria have been met:
- 1654 a. The buffer reduction shall not result in a net loss of functions of
1655 the habitat conservation area or buffer.
- 1656 b. The maximum buffer width reduction allowed shall not exceed
1657 twenty-five (25) percent total required buffer established in
1658 section
- 1659 c. The buffer width reduction is contingent upon the submittal and
1660 approval of a ~~critical area~~ habitat management -report and
1661 mitigation plan in conformance with 14.15.460 section C and D.
- 1662 d. Sites which have had buffer widths reduced or modified, by any
1663 prior action administered by local jurisdiction are not eligible for
1664 the provisions of this section. Sites which utilize this provision
1665 are not eligible for any future buffer width reductions, under any
1666 provision of this Program, except as administered under
1667 14.15.590 Variances, of this Program.

- 1668 4. Buffer Integrity. Except as otherwise specified, wetland buffer zones shall
 1669 be retained in their natural condition. Where buffer disturbance has
 1670 occurred during construction, revegetation with native vegetation shall be
 1671 required based on the Mitigation Ratio Table 9.

1672 **a. Table 9: Wetland Mitigation Ratios**

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ⁴	Re-establishment or Creation (R/C) and Rehabilitation (RH) ⁴	Re-establishment or Creation (R/C) and Enhancement (E) ⁴	Enhancement Only ⁴
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal pool	2:1 Replacement has to be seasonally ponded wetland	4:1 Replacement has to be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible ⁵	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible ⁵	R/C Not considered possible ⁵	Case-by-case
Category I Alkali	Not considered possible ⁵	6:1 rehabilitation of an alkali wetland	R/C Not considered possible ⁵	R/C Not considered possible ⁵	Case-by-case
Category I Bog	Not considered possible ⁵	6:1 Rehabilitation of a bog	R/C Not considered possible ⁵	R/C Not considered possible ⁵	Case-by-case

NOTE: Preservation is discussed in the following section.

⁴ These ratios are based on the assumption that 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, while 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.

⁵ Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some special 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.

1673
1674

5. **Permitted Uses** in a Wetland Buffer Zone. Activities shall not be allowed in a buffer zone except for the following:

1675
1676
1677
1678
1679

a. Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include but are not limited to: low intensity, passive recreational activities such as unpaved trails, wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;

1680
1681
1682

b. With respect to Category III and IV wetlands, storm water management facilities having no reasonable alternative on-site location; or

1683
1684

c. With respect to Category II, III, and IV wetlands, low-intensity development having no feasible alternative location.

1685
1686
1687

d. Existing agricultural activities, normal or necessary to general farming conducted according to best management practices including the raising of crops or grazing of livestock.

1688
1689
1690
1691
1692
1693

e. Uses and activities on parcels physically separated from the OHWM by a parcel under separate ownership, flood control levee, or a public right-of-way are exempt from the buffer requirements providing the physical separation is greater than the width of the required buffers for the wetland or shoreline designation buffers at the location.

1694

6. Mitigation

1695
1696

a. The mitigation measures will be considered as outlined below in order of priority with :

1697
1698

i. Avoiding the impact altogether by not taking a certain action or parts of an action;

1699
1700
1701
1702

ii. 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;

1703
1704

iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

1705
1706
1707

iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

1708
1709

v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

1710
1711

vi. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

- b. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
 - i. Consistent with WAC 173-26-186 (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:
 - (a) Application of the mitigation sequence achieves no net loss of ecological functions for each new development; and
 - (b) does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions; and
 - (c) not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

14.15.120 Shoreline Bulk and Dimensional Standards

- A. Table 1 establishes the minimum dimensional requirements for development. Dimensional standards for ~~critical-conservation~~ areas are governed by the provisions of 14.15.110.
- B. No new structures within the shoreline shall exceed a height of 35 feet above average grade level without a shoreline variance provided for in 14.15.590.
- C. Lot frontage shall be measured along the OHWM.
- D. All uses and activities, including those exempt from the requirement to obtain a shoreline substantial development permit, shall adhere to all required setbacks and other development standards, and shall retain all required buffers, in accordance with the provisions of this master program.
- E. Table 1: Building setbacks, height limits, and lot frontage.

All uses and activities must comply with all applicable standards for the shoreline designation where the use or activity will occur. All development standards are subject to modification based on a site specific assessment, but in no case shall the standards be reduced greater than 25% of the minimums stated below without the approval of a Shoreline Variance.

1749 **TABLE 1 SHORELINE DEVELOPMENT STANDARDS**

Standards	Aquatic	Natural	Riverine/ Lacustrine	Conservancy	Rural Resource	Rural Residential	Shoreline Recreation	Urban Conservancy	Shoreline Residential
Zone 1 + Zone 2 Combined buffer and use setbacks ⁶									
Non-Water Related Uses and Activities	N/A	200'	150'	150'	50'	50'	50' 25'	100'	50'
Water-Related/ Water-Oriented Uses and Activities	N/A	150'	100'	100'	50'	50'	30' 25'	30'	30'
Water Dependent Uses and Activities ⁷	N/A	100'	50'	50'	30'	20'	10'	10'	20'
Zone 1 Buffers ⁸									
Non-Water Related Uses and Activities	N/A	100'	75'	75'	25'	25'	25' 15'	50'	25'
Water-Related/ Water-Oriented Uses and Activities	N/A	75'	50'	50'	25'	25'	15'	15'	15'
Water Dependent Uses and Activities	N/A	50'	25'	25'	15'	10'	5'	5'	10'
Zone 2 Use Buffer ⁹									
Non-Water Related Uses and Activities	N/A	100'	75'	75'	25'	25'	25' 10'	50'	25'
Water-Related/ Water-Oriented Uses and Activities	N/A	75'	50'	50'	35'	35'	45' 10'	15'	15'
Water Dependent Uses and Activities	N/A	50'	25'	25'	15'	10'	5'	5'	10'
% of Use Buffer that may be altered	N/A	5% or 500 sq ft whichever is less	10% or 1,000 sq ft whichever is less	10% or 1,000 sq ft whichever is less	15% or 1,500 sq ft whichever is less	20% or 2,000 sq ft whichever is less	20% or 2,500 sq ft whichever is less	10% or 2,500 sq ft whichever is less	25% or 2,500 sq ft whichever is less
Dimensions/Lot Coverage									

⁶ All setbacks are measured on a horizontal plane from the ordinary high water mark (OHWM).

⁷ The setback may be reduced to 0' for those water-dependent uses (e.g. aquaculture, marinas) that require location adjoining the water, but in all cases such a setback shall be limited to the smallest area possible.

⁸ Uses and activities on parcels physically separated from the OHWM by a parcel under separate ownership or a public right of way are exempt from the buffer requirements providing the physical separation is greater than the width of the required buffers.

⁹ The area between the Zone 1 Vegetation Buffer and the setback line.

Standards	Aquatic	Natural	Riverine/ Lacustrine	Conservancy	Rural Resource	Rural Residential	Shoreline Recreation	Urban Conservancy	Shoreline Residential
Minimum Lot size (acres) ¹⁰	N/A	Per the underlying zoning district OCC 17							
Minimum Water Frontage ¹¹	N/A	1000'	500'	500'	200'	200'	70'	100'	70'
Maximum lot Coverage	N/A	N/A	N/A	30%	30%	30%	30%	40%	50%
Maximum Structure Height									
Non-Water Related Uses and Activities	N/A	35'	35'	35'	35'	35'	35'	35'	35'
Water-Related/ Water-Oriented Uses and Activities	N/A	35'	35'	35'	35'	35'	35'	35'	35'
Water Dependent Uses and Activities	10'	35'	35'	35'	35'	35'	35'	35'	35'

1750

1751 **14.15.130 Vegetation Conservation**

- 1752 A. Restoration or enhancement of any shoreline area that has been disturbed or degraded
- 1753 shall use plant materials from the recommended list (Appendix H) or other species
- 1754 approved by agencies or organizations operating within the jurisdiction, such as the
- 1755 departments of Ecology, County Extension, Fish and Wildlife or the Native Plant
- 1756 Society.

- 1757 B. Stabilization of erosion-prone surfaces along shorelines shall primarily use vegetative,
- 1758 non-structural means and shall comply with the provisions of 14.15.350. More intensive
- 1759 measures may be permitted providing the project will result in no net loss in shoreline
- 1760 function and if compliant with the provisions of 14.15.350.

- 1761 C. Vegetation removal that would be likely to result in significant soil erosion or the need
- 1762 for structural shoreline stabilization measures is prohibited. This does not preclude the
- 1763 removal of noxious weeds.

- 1764 D. Weed abatement shall comply with all provisions of this SMP.

- 1765 E. Non-destructive pruning and trimming of vegetation for maintenance purposes shall be
- 1766 permitted.

¹⁰ Minimum lot size may be increased based on applicable comprehensive plan and zoning regulations, but in no case shall be reduced without the approval of a variance. In addition minimum lot size only applies to lots or parcels created subsequent to the date of adoption of this SMP, lots existing at the time of adoption shall be considered existing conforming parcels.

¹¹ Minimum water frontage only applies to lots or parcels created subsequent to the date of adoption of this SMP, lots existing at the time of adoption shall be considered existing conforming parcels. Lot frontage shall be measured along the ordinary high water mark.

- 1767 F. Topping of trees shall be prohibited, except where required to maintain overhead utility
1768 lines.
- 1769 G. Permits issued for projects in ecologically degraded areas shall include a condition that
1770 appropriate shoreline vegetation shall be planted or enhanced, to contribute to the
1771 restoration of ecological processes and functions.
- 1772 H. If weather does not permit immediate restoration of disturbed areas, replanting shall be
1773 completed during the next planting season, and the soil shall be protected until replanting
1774 is complete.
- 1775 I. Vegetation from the recommended list (see Chapter 14) or other species authorized by
1776 the local government with jurisdiction shall be used. Native plants are preferred. Plants
1777 that may compromise shoreline values shall be prohibited. If necessary, a temporary
1778 sterile cover crop (e.g., a sterile non-persistent member of the grass family such sterile
1779 Triticale, barley, or oats) shall be planted to prevent erosion during the establishment
1780 period; said cover crop shall be maintained until the permanent vegetation is sufficiently
1781 established to prevent erosion.
- 1782 J. Replanted areas shall be maintained until desired vegetation is well established (a
1783 minimum of three years). In the case of transportation, utility, or other capital facility
1784 construction, the agency or developer constructing the facility shall also be responsible
1785 for maintaining the vegetation until it is established.
- 1786 K. All clearing and grading activities shall be limited to the minimum necessary for the
1787 allowed or permitted development and shall comply with the provisions of 14.15.130,
1788 14.15.200, and 14.15.230.
- 1789 L. View Corridor Provision.
- 1790 1. View corridors may be allowed, subject to the provisions of this section, to
1791 provide the general public and property owners of single family residences
1792 with opportunities for visual access to water bodies associated with
1793 shoreline lots. No more than one view corridor will be allowed per parcel.
- 1794 2. Vegetation removal that would be likely to result in significant soil
1795 erosion or the need for structural shoreline stabilization measures is
1796 prohibited.
- 1797 3. In creating a view corridor, removal of vegetation shall be limited to the
1798 minimum necessary to preserve or enhance views. In no case shall the
1799 view corridor exceed 15 feet of width with no more than 10 feet in
1800 impervious surfaces.
- 1801 4. Removal of noxious weeds on the state list.

- 1802 5. Pruning
- 1803
 - 1804 A.a. Non-destructive thinning of lateral branches to enhance views
 - 1805 is allowed, but in no circumstance shall removal of more than
 - 1806 half of the live crown be permitted.
 - 1807 B.b. Native Shrubs shall not be pruned to a height less than 6 feet.
 - 1808 C.c. Pruning of vegetation waterward of the ordinary high
 - watermark is prohibited.

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 2.13" + Tab
after: 2.38" + Indent at: 2.38"

- 1809 M. Where impacts to buffers are permitted, new developments shall be required to develop
- 1810 and implement a management and mitigation plan. When required , management and
- 1811 mitigation plans shall be prepared by a qualified professional and shall be consistent with
- 1812 the requirements in 14.15.360(D).

- 1813 1. Management and mitigation plans shall describe actions that will ensure
- 1814 no net loss of ecological functions. Vegetation shall be maintained over
- 1815 the life of the use and /or development by means of a conservation
- 1816 easement or similar legal instrument recored with the County Auditor.
- 1817 2. Mitigation measures will be considered as outlined in 14.15.110(D)(6).
- 1818 3. Application of mitigation sequence shall achieve no net loss for each new
- 1819 development; and
- 1820 4. Does not require mitigation in excess of that necessary to assure that
- 1821 development will result in no net loss of shoreline ecological functions;
- 1822 and
- 1823 5. The development shall not have a significant adverse impact on other
- 1824 shoreline functions fostered by the policy of the act.

1825 14.15.140 Water Quality

- 1826 A. Dumping and/or burning of residential, commercial or municipal yard waste within the
- 1827 shoreline setback is prohibited in all shoreline designations.
- 1828 B. All shoreline development shall be conducted so as to minimize the effects on water
- 1829 quality from the addition of suspended solids, leaching of contaminants, or disturbances
- 1830 to habitat, and shall be consistent with this Master Program as well as the requirements of
- 1831 applicable regulatory agencies, including but not limited to the Washington departments
- 1832 of Ecology and of Fish and Wildlife and the U. S. Army Corps of Engineers. See
- 1833 following sections for activity specific regulations and standards.
- 1834 C. The disposal or dumping of solid waste is strictly prohibited in all shoreline areas, except
- 1835 in litter containers, which shall be regularly emptied, with the contents collected for
- 1836 transportation to an approved sanitary landfill or transfer station.

1837 D. Okanogan County or the local government with jurisdiction shall give preference to
1838 biological or mechanical means rather than herbicides or insecticides for weed and pest
1839 control in shoreline areas. When agricultural chemicals, fertilizers and other spray
1840 materials are used, provisions shall be made to minimize their entry into any body of
1841 water by following guidance found in Eastern Washington Storm water manual and
1842 seeking guidance provided by WS Dept of Agriculture and Appendix B. Spraying over
1843 open water is prohibited except to control known risks to public health or as approved by
1844 the State for treatment of aquatic weeds. Herbicides and pesticides shall not be applied
1845 or allowed to directly enter water bodies or wetlands unless approved for such use by the
1846 appropriate agencies.

1847 E. All shoreline uses and activities shall comply with the Storm water Management Manual
1848 for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as
1849 amended). Specific requirements include, but are not limited to:

- 1850 1. Solid and liquid wastes, untreated effluents, oil, chemicals, and other
1851 hazardous materials shall not be allowed to enter any body of water or to
1852 be discharged onto land. Equipment for the transportation, storage,
1853 handling, or application of such materials shall be maintained in a safe and
1854 leak-proof condition. If there is evidence of leakage, the further use of
1855 such equipment shall be suspended until the deficiency has been
1856 satisfactorily corrected.
- 1857 2. All shoreline uses and activities in all shoreline designations, both during
1858 construction and for the life of the project, shall use best management
1859 practices to minimize any increase in surface water runoff and to control,
1860 treat, and release surface water runoff so that receiving water quality and
1861 shoreline ecological functions are not adversely affected. Such measures
1862 may include but are not limited to low impact development, dikes, catch
1863 basins, settling ponds, oil/water separators, grassy swales, interceptor
1864 drains, and landscaped buffers. All measures shall be adequately
1865 maintained to insure proper functioning over time. The *Storm water*
1866 *Management Manual for Eastern Washington* (Washington Department of
1867 Ecology Publication 04-10-076, as amended) shall provide the preferred
1868 guidance for surface water runoff best management practices.

1870 F. All shoreline areas disturbed by transportation, utility or other facility maintenance in all
1871 shoreline designations shall be restored in compliance with an approved mitigation
1872 management plan (if required) and be subject to posting a reclamation bond. Vegetation
1873 from the recommended list (Appendix H) or other species authorized by the County, City
1874 or Town with jurisdiction shall be used. Planting of non-native plant species shall be
1875 prohibited in Zone 1 buffer areas. Plants that may compromise shoreline values shall be
1876 prohibited. The permit application submittal shall identify the size, location, and species
1877 of plants that will be used. The agency or developer maintaining the facility shall also be
1878 responsible for maintaining the vegetation until it is established. See 14.15.130 for
1879 specific regulations and standards.

1880 G. All shoreline areas disturbed by residential, commercial or industrial development in all
1881 shoreline designations shall be restored in compliance with an approved mitigation
1882 management plan (if required) and be subject to posting a reclamation bond. Vegetation
1883 from the recommended list (Appendix H) or other species authorized by the County, City
1884 or Town with jurisdiction shall be used. Planting of non-native plant species shall be
1885 prohibited within Zone 1 buffer areas. Plants that may compromise shoreline values shall
1886 be prohibited. The permit application submittal shall identify the size, location, and
1887 species of plants that will be used. The owner or manager of the use shall also be
1888 responsible for maintaining the vegetation until it is established. See 14.15.130 for
1889 specific regulations and standards.

1890 Article III General Use Regulations

1891 14.15.150 Accessory Utilities

1892 Accessory utilities are small-scale distribution facilities connected directly to the uses along
1893 the shoreline. Electrical, gas, telephone, cable, water and sewer lines serving a residential
1894 development or a commercial establishment are examples of utilities accessory to shoreline
1895 uses. Transmission facilities related to a hydropower generating facility are not accessory
1896 utilities—they are primary utility facilities.

1897 ~~D.A.~~ Sites disturbed for utility installation shall be stabilized during and immediately
1898 following construction to avoid adverse impacts from erosion.

1899 ~~E.B.~~ Sites disturbed for utility installation shall be replanted using native species from the
1900 recommended list (Appendix H), with a diversity and type similar to or better than that
1901 which originally occurred on the site. Questions about appropriate diversity, plant type,
1902 and plant species shall be directed to agencies with expertise, such as the departments of
1903 Ecology and Fish and Wildlife.

1904 ~~F.C.~~ Utilities shall be placed landward of the primary structural setback requirements
1905 found in 14.15.120(E). Compliance with local health district standards for the placement
1906 of onsite sewer systems shall be indicated on pre-application drawings. If feasible, utility
1907 lines shall be placed underground. Where lines must be placed aboveground,
1908 consideration shall be given to the maintenance of trees in the vicinity of the lines, and
1909 the utility line located to eliminate the need for topping or pruning trees.

1910 ~~G.D.~~ Except where no other feasible alternative exists, accessory utilities that require
1911 continued maintenance (i.e. no growth over septic systems, electrical transmission lines
1912 that require removal of undergrowth) shall not be placed in Zone 1 or Zone 2 Buffers
1913 (between OHWM and structure setback), and;

1914 ~~H.E.~~ Accessory Utilities should not result in a net loss of shoreline ecological functions or
1915 significant impacts to other shoreline resources and values.

1916 **14.15.160 Agriculture**

- 1917 A. New agricultural activities on lands that did not have agricultural activities in place at the
1918 time of adoption of this Master Program; conversion of agricultural lands or the
1919 development of non-agricultural activities on agricultural lands; and uses in support of
1920 agricultural activities are governed by the provisions of this Master Program and subject
1921 to the following criteria:
- 1922 1. Non-Agricultural land¹² converted to an agricultural use shall preserve
1923 pre-existing riparian habitat and will have a buffer strip of native
1924 vegetation no less than the use setback for the shoreline designation where
1925 it is located. Said buffer will be established and maintained along
1926 shorelines to protect shoreline ecological functions.
 - 1927 2. Uses and activities shall be consistent with regulations specific to the
1928 shoreline designation in which the site is located, including regulations in
1929 section 14.15.120 and 14.15.360;
 - 1930 3. Uses and activities shall be located and designed to ensure no net loss of
1931 ecological functions;
 - 1932 4. Uses and activities shall not have a significant impact on other shoreline
1933 ecological function.
- 1934 B. Discharge of any manure storage facility into ground or surface water is prohibited.
- 1935 C. Fertilizers shall be applied in a manner which will minimize entry into an adjacent water
1936 body.
- 1937 D. All pesticides shall be handled in accordance with provisions of the Washington
1938 Pesticides Application Act (RCW 17.21) and the Washington Pesticides Act (RCW
1939 15.57).
- 1940 E. Nothing in this section limits or changes the terms of the current exception to the
1941 definition of substantial development. A substantial development permit shall be required
1942 for all agricultural development not specifically exempted by the provisions of RCW
1943 90.58.030(3)(a)(vi).
- 1944 F. The provisions of this Master Program do not require modification of or limitations on
1945 agricultural activities legally underway on agricultural lands as of the date of adoption of
1946 this SMP.
- 1947 G. All agricultural practices shall comply with all current state and local regulations.
- 1948

¹² - Non-agricultural lands are those lands that have not been subject to agriculture uses as defined in Chapter 2.

1949 **14.15.170 Aquaculture**

- 1950 A. Aquaculture projects that involve minimal or no substrate modification shall be given
1951 preference over those that involve substantial modification. The applicant shall
1952 demonstrate that the degree of proposed substrate modification is the minimum necessary
1953 for feasible aquaculture operations at the site. The installation of submerged structures
1954 and floating structures shall be allowed only when the applicant demonstrates that no
1955 alternative method of operation is feasible.
- 1956 B. Aquaculture projects that involve minimal or no impact on the aesthetic qualities of the
1957 shoreline shall be given preference over those that involve substantial impact. The
1958 applicant shall demonstrate that the aesthetic impact is the minimum necessary for
1959 feasible aquaculture operations at the site.
- 1960 C. Aquaculture projects that would have a significant adverse impact on natural, dynamic
1961 shoreline processes, or that would result in a net loss of shoreline ecological functions
1962 (including spreading disease to native aquatic life or establishing new nonnative species
1963 that cause significant ecological impacts), shall be prohibited.
- 1964 D. Aquaculture practices shall be designed to minimize use of artificial substances and shall
1965 use chemical compounds that are least persistent and have the least impact on plants,
1966 animals and water quality. Herbicides and pesticides shall be used only in conformance
1967 with state and federal standard and to the minimum extent needed for the health of the
1968 aquaculture activity.
- 1969 E. Aquaculture projects that would significantly conflict with navigation or with established
1970 water-dependent uses shall be prohibited.
- 1971 F. Applications for aquaculture projects shall include all information necessary to conduct a
1972 thorough evaluation of the proposed aquaculture activity, including but not limited to the
1973 following:
- 1974 1. A site plan map including:
- 1975 a. The perimeter of the proposed aquaculture operations area.
- 1976 b. Existing bathymetry depths based on the Ordinary High Water
1977 Mark (OHWM).
- 1978 c. Adjacent upland use, vegetation, presence of structures, docks,
1979 bulkheads and other modifications. If there are shore stabilization
1980 structures, provide the beach elevation at the toe of the structure
1981 and the top of the structure (OHWM datum).
- 1982 d. Areas where specific substrate modification will take place or
1983 structures will be constructed or installed.
- 1984 e. Access provisions.
- 1985 f. Location of storage or processing structures or facilities.

- 1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2. A baseline description of existing conditions, including best available information on:
 - a. Water quality
 - b. Prevailing storm wind conditions
 - c. Current flows
 - d. Flushing rates
 - e. Areas of differing substrate composition.
 - f. Areas of aquatic and upland vegetation complexes.
 - g. Existing shoreline or water uses and structures.
 - h. Aquatic and benthic organisms.
 - i. Assessment of aquatic species, and spawning and other lifecycle use of, or adjacent to, the site. Further baseline studies including surveys and sampling may be required depending upon the adequacy of available information, existing conditions, and the nature of the proposal.
 3. A detailed description of the project proposal including:
 - a. Species to be reared.
 - b. Substrate modification or vegetation removal.
 - c. Planting, harvest and processing location, method and timing, including work proposal and construction techniques proposed (list all hand tools, machinery used (such as track hoes, trucks or barges), type of work, frequency, and duration.
 4. Anticipated use of any feed, pesticides, herbicides, antibiotics, vaccines, growth stimulants, antifouling agents, or other chemicals, and an assessment of predicted impacts. No such materials shall be used until approval is obtained from all appropriate State and Federal agencies, including but not limited to the U.S. Food and Drug Administration, and the Washington State departments of Ecology, Fish and Wildlife, and Agriculture, as required, and proof thereof is submitted to the local government with jurisdiction. Compounds with the least persistence shall be used. An annual report of antibiotic use shall be submitted to the Okanogan County Health District. The report shall indicate the type and amount of antibiotics used during the previous calendar year. Actual usage data for all chemicals and antibiotics shall be maintained for review by Health District staff at all times.
 5. Number of employees/workers necessary for the project, including average and peak employment.
 6. Methods of waste disposal and predator control.
 7. Methods to address pollutant loading, including biological oxygen demand

- 2025 (BOD).
- 2026 8. Assessment of potential impacts on shoreline ecological functions and
- 2027 processes addressing the baseline conditions identified in the *Shoreline*
- 2028 *Characterization*, including but not limited to watershed-level, indirect
- 2029 and cumulative effects.
- 2030 9. For floating culture facilities or other structures, the local government with
- 2031 jurisdiction may require a visual impact analysis. (See the Department of
- 2032 Ecology's "Aquaculture Siting Study" 1986 for general approach.)
- 2033 Depending on the size and complexity of the proposal, such analysis may
- 2034 be prepared by the applicant without professional assistance, provided that
- 2035 it includes an adequate assessment of impacts.
- 2036 10. Information demonstrating that the site has natural potential for the type(s)
- 2037 of aquaculture proposed, due to necessary substrate or other conditions, as
- 2038 well as water quality suitable for the type(s) of aquaculture proposed.
- 2039 11. Information demonstrating that the proposed aquaculture activities will not
- 2040 result in a net loss of shoreline ecological functions or processes or
- 2041 adversely affect Critical Conservation Areas.
- 2042 12. Information demonstrating that the proposed aquaculture activities will not
- 2043 substantially and materially conflict with areas devoted to established uses
- 2044 of the aquatic environment. Such uses include but are not limited to
- 2045 navigation, moorage, sport or commercial fishing, underwater utilities, and
- 2046 scientific research. Existing public opportunities for gathering wild stock
- 2047 aquatic resources on public lands shall be addressed in any application for
- 2048 aquaculture on public bedlands. Compensation for loss of public access to
- 2049 public aquatic resources may be required.
- 2050 13. Other pertinent information deemed necessary by the Administrator.
- 2051 Applications for aquaculture activities must demonstrate that the proposed
- 2052 activity will be compatible with surrounding existing and planned uses.
- 2053 14. Aquaculture activities shall comply with all applicable noise, air, and
- 2054 water quality standards. All projects shall be designed, operated and
- 2055 maintained to minimize odor and noise.
- 2056 15. Aquaculture activities shall be restricted to reasonable hours and/or days
- 2057 of operation when necessary to minimize substantial, adverse impacts
- 2058 from noise, light, and/or glare on nearby residents, other sensitive uses or
- 2059 critical habitat.
- 2060 16. Aquaculture facilities shall not introduce incompatible visual elements or
- 2061 substantially degrade the aesthetic qualities of the shoreline. Aquaculture
- 2062 structures and equipment, except navigation aids, shall be designed,
- 2063 operated and maintained to blend into their surroundings through the use
- 2064 of appropriate colors and materials.
- 2065 G. If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and
- 2066 for all experimental aquaculture activities, unless otherwise provided for, the local

2067 government with jurisdiction shall require baseline and periodic operational monitoring
2068 by a consultant approved by said government, at the applicant's expense, which continue
2069 until adequate information is available to determine the success of the project and the
2070 magnitude of any probable significant adverse environmental impacts. Permits for such
2071 activities shall include specific performance measures and provisions for adjustment or
2072 termination of the project at any time if monitoring indicates significant, adverse
2073 environmental impacts that cannot be adequately mitigated.

2074 H. All aquaculture projects shall be submitted for review to local, state and federal agencies
2075 with expertise, including the Washington departments of Ecology and of Fish and
2076 Wildlife, and to the operators of affected FERC licensed hydro-projects. The local
2077 government with jurisdiction shall make available to those agencies the *Shoreline*
2078 *Inventory and Characterization* and maps developed as part of this SMP and shall request
2079 technical assistance in establishing any conditions that should be required of a project and
2080 in assessing the monitoring plan.

2081 I. New aquatic species that have not previously been cultivated in Washington State shall
2082 not be introduced without prior written approval of the Director of the Washington State
2083 Department of Fish and Wildlife and the Director of the Washington Department of
2084 Health.

2085 J. Except for the sorting or culling of the cultured organism after harvest and the washing or
2086 removal of surface materials or organisms prior to or after harvest, no processing of any
2087 aquaculture product shall occur in or over the water unless specifically approved by
2088 permit. All other processing and processing facilities shall be located landward of the
2089 ordinary high water mark.

2090 K. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance
2091 with all applicable waste disposal standards, including but not limited to the Federal
2092 Clean Water Act, Section 401, and the Washington State Water Pollution Control Act,
2093 RCW Chapter 90.48. No garbage, wastes or debris shall be allowed to accumulate at the
2094 site of any aquaculture operation.

2095 L. Predator control shall not involve killing or harassment of birds or mammals. Approved
2096 controls include, but are not limited to, overhead netting for birds. The use of other non-
2097 lethal, non-abusive predator control measures shall be contingent upon receipt of written
2098 approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife
2099 Service, as required.

2100 M. In the event of a significant fish kill at the site of a net pen facility, the aquaculture
2101 operator shall immediately report to the Okanogan County Health District stating the
2102 cause of death and shall detail remedial action(s) to be implemented to prevent
2103 reoccurrence. Permits shall include provisions for adjustment or termination of the
2104 project at any time if such an event cannot be remediated to the satisfaction of the Health
2105 District may be required.

2106 N. All floating and submerged aquaculture structures and facilities in navigable waters shall

2107 be marked in accordance with U.S. Coast Guard requirements.

2108 O. The rights of treaty tribes to aquatic resources within their usual and accustomed areas
2109 shall be addressed through direct coordination between the applicant and the affected
2110 tribe(s) as part of the permit review process.

2111 P. Aquaculture structures and equipment shall be of sound construction and shall be so
2112 maintained. Abandoned or unsafe structures and equipment shall be removed or repaired
2113 promptly by the owner. Where any such structure constitutes a hazard to the public, the
2114 local government with jurisdiction may, following notice to the owner, abate the structure
2115 if the owner fails to do so within 90 days. Said government may impose a lien on the
2116 associated shoreline property in an amount equal to the cost of the abatement.

2117 **14.15.180 Boating Facilities (including docks, marinas, launches, moorage)**

2118 A. When establishing regulation of motorized vs. non-motorized uses, hours and other
2119 limitations on boating use of waters in Okanogan County the regulations shall be based,
2120 in part, on protection of shoreline functions and values.

2121 B. Mitigation for any adverse development impacts of boating facilities shall be required.
2122 On-site mitigation shall be preferred; however, in cases in which meaningful on-site
2123 mitigation is not feasible, off-site mitigation may be allowed. In such instances a
2124 mitigation management plan shall be required, and shall specify a suitable mitigation site.
2125 Adverse development impacts to adjacent properties shall not be allowed.

2126 C. New boating facilities shall be consistent with the applicable local comprehensive and
2127 recreation plans. When new sites are considered, sufficient evidence must be presented
2128 to show that existing public and commercial marinas, docks, and boat launches are
2129 inadequate and cannot be expanded to meet regional demand.

2130 D. For commercial and public boating facilities, the perimeter of parking and storage areas
2131 shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses
2132 or scenic areas, using primarily native, self-sustaining vegetation from the recommended
2133 list (see Appendix H). Landscaping along the waterward shall also be required. The
2134 permit application submittal shall identify the size, location, and species of plants that
2135 will be used.

2136 E. Boating facilities shall be located where no or minimal shoreline stabilization will be
2137 necessary and where water depths are adequate to eliminate or minimize the need for
2138 offshore or foreshore channel construction dredging, maintenance dredging, spoil
2139 disposal, filling, beach enhancement, and other maintenance activities.

2140 F. Boating facility design shall minimize interference with geohydraulic processes and
2141 disruption of existing shore forms.

2142 G. Parking facilities shall be located outside shoreline jurisdiction, or, if that is not feasible,
2143 shall be located landward of the structure setback provided in section 14.15.120(E).

- 2144 H. Boating facilities, including boat lifts, and navigation aids shall be positioned so as not to
2145 be a hazard to navigation.
- 2146 I. All boating facilities shall be in compliance with the applicable ~~critical conservation areas~~
2147 regulations. A ~~critical areas~~habitat management report shall be prepared according to the
2148 provisions of 14.15.870C. Only when such a report has established conclusively that the
2149 dock will cause no net loss of shoreline ecological functions shall the dock be permitted.
- 2150 J. Boating facilities shall provide public access in accordance with 14.15.290.
- 2151 K. Boating facilities shall be located and designed so their structures and operations will be
2152 aesthetically compatible with the area visually affected and will not unreasonably impair
2153 shoreline views. Use of natural non-reflective materials is encouraged.
- 2154 L. The local government with jurisdiction shall request technical assistance from agencies
2155 with jurisdiction and/or knowledge, including but not limited to the Washington
2156 departments of Ecology, of Fish and Wildlife, and of Health; and shall make available to
2157 those agencies the *Shoreline Inventory and Characterization* and maps developed as part
2158 of this master program. The local government with jurisdiction shall consider the
2159 comments received from those agencies before making a decision on whether or not to
2160 approve the permit, and any conditions or modifications required.
- 2161 M. Marina-specific regulations
- 2162 1. Marinas shall be constructed in accordance with the provisions of all
2163 applicable current state and local regulations.
 - 2164 2. Marinas constructed after the effective date of these regulations that
2165 provide moorage space for watercraft containing toilet facilities shall
2166 provide sewage pump-out facilities.
 - 2167 3. Marinas shall be sited, designed, and built to minimize conflicts with
2168 agriculture.
- 2169 N. Dock-specific regulations. The regulations that follow are applicable to all docks, shared
2170 moorage facilities, and other overwater boating facilities, and the word “dock” shall
2171 apply to all such facilities.
- 2172 1. The Administrator shall require and use the following information in his
2173 or her review of proposals for docks:
 - 2174 a. Description of the proposed structure, including its size, location,
2175 design, materials, and any shoreline stabilization or other
2176 modifications required by the project.
 - 2177 b. Proposed location of the dock relative to property lines and the
2178 ordinary high water mark.
 - 2179 c. Orientation of the dock relative to neighboring docks.

- 2180
2181
- d. Anticipated impacts on views and on access to existing docks, and other reasonably foreseeable impacts on adjacent properties.
 - e. Any provisions for public access, enjoyment and use of the water and shorelines.
- 2182
2183
- 2184
2185
- 2186
2187
2188
2189
2190
- 2191
2192
2193
2194
- 2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
- 2208
2209
2210
2211
2212
2213
- 2214
2215
2216
2217
2. For the installation of seasonal docks, the Administrator shall give the landowner the following choices for application requirements:
 - a. The landowner shall submit a JARPA application and the information provided in section 14.15.180(N)(1). The Administrator will then circulate that information to the appropriate agencies for review and indication of additional permits. Or:
 - b. The applicant shall contact the Department of Natural Resources, Department of Ecology, Department of Fish and Wildlife, and the Army Corp of Engineers directly to discover if additional permits are required from those agencies for seasonal docks.
 3. Docks shall not significantly interfere with the use of navigable waters or with public use of shorelines. The length of any dock shall be the minimum necessary to assure navigability and protect public use of the water body. In no case shall the length of a dock exceed eighty feet (80') from the OHWM or the point at which the depth of the water exceeds seven feet during high water. On "T" or "L" shaped docks, the length of the extension or extensions perpendicular to the main body of the dock shall not exceed 50% of the length of the lot property line at the OHWM, or the upland property line adjacent to the lake. Docks may be prohibited where necessary to protect navigation or public use of the water body. Docks not attached to the shoreline may be allowed where the dock serves a water-dependent or water-oriented use and measures have been taken to reduce the hazard to navigation.
 4. All docks shall be constructed and maintained in a safe condition. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. During maintenance, existing treated wood timbers and pilings shall be replaced with alternative materials, such as untreated wood, steel, concrete, or recycled plastic, or encased in a manner that prevents leaching of contaminants into surface water.
 5. New docks must have unobstructed grating over at least 50 percent of the surface area; grating material must have at least 60 percent open space. Skirting is prohibited. When existing structures undergo maintenance or repair, the replaced portions must meet these standards.

- 2218
2219
2220
2221
2222
2223
- 2224
2225
2226
2227
- 2228
2229
- 2230
- 2231
2232
- 2233
2234
- 2235
2236
2237
2238
2239
- 2240
2241
- 2242
- 2243
2244
2245
2246
2247
- 2248
2249
- 2250
- 2251
2252
2253
- 2254
- 2255
2256
- 2257
6. Abandoned or unsafe docks shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the local government with jurisdiction may, following notice to the owner, abate the structure if the owner fails to do so within 90 days. Said government may impose a lien on the associated shoreline property in an amount equal to the cost of the abatement.
 7. No over-water application of preservative treatment or other chemical compounds shall be permitted. Docks may be painted provided brush application is used and best management practices are followed to prevent paint from coming in contact with the water.
 8. Bulk storage for gasoline, oil, and other petroleum products is prohibited on docks.
 9. No more than two boat lifts shall be allowed on any one dock.
 10. All permanent docks shall be designed and constructed in compliance with the following standards:
 - a. Pilings must be structurally sound prior to placement in the water.
 - b. Piles, floats, or other materials in direct contact with the water must be approved by applicable state agencies, including the Washington Department of Fish and Wildlife and, in the case of navigable waters, the Washington Department of Natural Resources.
 - c. Floating docks shall include stops to keep the floats off the bottom of the water body at low water level.
 - d. Overhead wiring or plumbing is not permitted on docks.
 - e. Lighting shall be the minimum necessary to locate the dock at night and shall focus downward to minimize glare. Any dock extending more than fifty feet (50') beyond the OHWM shall have white lights marking the outer dimensions. In all cases, solar-powered lights shall be preferred.
 - f. Docks with feet or plates that rest on the lakebed or streambed are preferred over those requiring excavation and footings.
 - g. No dock may exceed six feet (6') in width.
 - h. Dock design, placement, and orientation shall allow for access to existing docks in the vicinity and shall minimize impacts on adjacent properties, including impacts on views.
 11. All seasonal docks shall be subject to the following standards:
 - a. Seasonal docks and rafts may be removed during seasonal periods when they are not in use.
 - b. Seasonal docks shall be no more than 6' wide.

- 2258 c. Floating structures and boats must not rest on the substrate.
- 2259 Specific requirements include:
 - 2260 1. New overwater structures must be located in water
 - 2261 sufficiently deep to prevent the structure from grounding
 - 2262 at the lowest low water, or stoppers must be installed to
 - 2263 prevent grounding, keeping the bottom of the structure at
 - 2264 least 1.5 feet (0.5 meters) above the level of the substrate.
- 2265 d. Tires are prohibited as part of above and below water structures
- 2266 (e.g., floatation, fenders, decking). Existing tires must be
- 2267 replaced with inert or encapsulated materials such as plastic or
- 2268 encased foam, during maintenance or repair of the structure.
- 2269 e. Floatation material must be encapsulated within a shell that
- 2270 prevents breakup or loss of the floatation material into the water,
- 2271 and is not readily subject to damage by ultraviolet radiation or
- 2272 abrasion. During maintenance, existing un-encapsulated
- 2273 floatation material must be replaced.

2274 O. All residential moorage facilities shall be subject to the following standards:

- 2275 1. New residential subdivisions or planned developments containing five or
- 2276 more waterfront lots along a shoreline of statewide significance shall be
- 2277 required to provide shared moorage facilities if any moorage facilities are
- 2278 provided.
- 2279 2. All multi-family residences proposing to provide moorage facilities shall
- 2280 be limited to a single shared moorage facility, provided that the
- 2281 Administrator may authorize more than one shared moorage facility if,
- 2282 based on conditions specific to the site, a single facility would be
- 2283 inappropriate for reasons of safety, security, or impact to the shoreline
- 2284 designation; and if the additional facility or facilities will have no net
- 2285 impact on shoreline ecological resources.
- 2286 3. For existing residential lots, no more than one dock shall be permitted for
- 2287 each shoreline lot.
- 2288 4. The length of any dock shall be the minimum necessary to accomplish
- 2289 moorage for the intended boating use and shall be only long enough to
- 2290 accomplish moorage for one boat for each residence served.
- 2291 5. A dock over 480 square feet or 80 feet in length is allowed only by
- 2292 variance in all shoreline designations.
- 2293 6. Side yard setbacks: Docks shall be set back a minimum of five feet (5')
- 2294 from side property lines, except that shared moorage facilities may be
- 2295 located adjacent to or upon a side property line when mutually agreed to
- 2296 by contract or covenant with the owners of both properties. A copy of the
- 2297 contract or covenant must be recorded with the Okanogan County Auditor
- 2298 and filed with the application for permit or shoreline exemption.

- 2299 7. All shared moorage facilities shall be subject to the following standards:
- 2300 a. Shared moorage facilities shall include no more than one
- 2301 moorage space per dwelling unit or lot.
- 2302 b. The size of the moorage facility shall be the minimum necessary
- 2303 to accomplish moorage for one boat for each residence served,
- 2304 and the moorage facility shall be configured to cause minimal
- 2305 disturbance to shoreline resources.
- 2306 c. Any requirement for shared moorage shall be documented with a
- 2307 restriction on the face of the plat. Restrictive covenants
- 2308 prohibiting individual docks and requiring shared moorage, and
- 2309 providing that the covenants shall not be altered without the
- 2310 approval of the Administrator, shall be recorded with the
- 2311 Okanogan County Auditor.
- 2312 d. If shared moorage is provided, the applicant shall file a legally
- 2313 enforceable joint use agreement or other legal instrument at the
- 2314 time the permit application for the mooring facility is submitted.
- 2315 Said instrument shall, at minimum, address the following:
- 2316 1. Provisions for maintenance and operation;
- 2317 2. Easements or tracts for community access; and
- 2318 3. Provisions for joint or community use for all benefiting
- 2319 parties.
- 2320 e. Any site for shared moorage shall be owned in undivided interest
- 2321 by property owners or managed by the homeowners' association
- 2322 as a common easement within the residential development.
- 2323 Shared moorage facilities shall be available to property owners in
- 2324 the residential development for community access.

2325 P. Float-specific regulations.

- 2326 1. No more than one float shall be permitted for each shoreline lot.
- 2327 2. Floats shall not significantly interfere with navigation or with public use
- 2328 of shorelines. No portion of the float shall be placed more than eighty feet
- 2329 (80') from the OHWM or the point at which the depth of the water
- 2330 exceeds seven feet (7') during high water. Floats may be prohibited where
- 2331 necessary to protect navigation or public use of the water body.
- 2332 3. No float shall have more than one hundred (100') square feet of surface
- 2333 area.

- 2334 4. All multi-family residences proposing to provide floats shall be limited to
2335 a single shared float, provided that the Administrator may authorize more
2336 than one shared float if, based on conditions specific to the site, a single
2337 float would be inappropriate for reasons of safety, security, or impact to
2338 the shoreline designation; and if the additional float or floats will have no
2339 net loss on shoreline ecological function.

2340 **14.15.190 Bulkheads, Breakwaters, Jetties, Groins, and Weirs**

- 2341 A. All bulkheads are also subject to the provisions of 14.15.130 and 14.15.350.

- 2342 A. New or enlarged bulkheads for an existing principal structure or use, including
2343 residences and accessory structures, shall not be allowed unless there is
2344 conclusive evidence, documented by a geotechnical report prepared according to
2345 the local jurisdiction's standards for a ~~critical area~~ habitat management report for
2346 geologically hazardous areas, that the principal structure is in danger from
2347 shoreline erosion caused by currents or waves. Normal sloughing, or shoreline
2348 erosion itself, without a scientific or geotechnical analysis, is not demonstration of
2349 need. The geotechnical analysis shall evaluate on-site drainage issues and address
2350 drainage in a manner that does not degrade shoreline function before considering
2351 structural shoreline stabilization. The project design and analysis shall also
2352 evaluate vegetation enhancement as a means of reducing undesirable erosion.
2353 The geotechnical analysis shall demonstrate that the stabilization measure chosen
2354 is the least intrusive means that will be sufficient to achieve stabilization. The
2355 geotechnical analysis shall evaluate impacts that could pose stabilization
2356 problems to neighboring properties.

- 2357 B. An existing bulkhead may be replaced with a similar structure if there is a
2358 demonstrated need to protect principal uses or structures from erosion caused by
2359 currents or waves. In this case, demonstration of need does not necessarily
2360 require a geotechnical report; need must, however, be demonstrated using
2361 documentable information sources. The replacement structure shall be designed,
2362 located, sized, and constructed to ensure no net loss of ecological functions.
2363 Replacement bulkheads shall not encroach waterward of the ordinary high water
2364 mark or existing structure unless the residence was occupied prior to the date of
2365 adoption of this SMP, and there is overriding safety or environmental concerns.
2366 In such cases, the replacement structure shall abut the existing stabilization
2367 structure. The Administrator may permit vegetative stabilization that restores
2368 ecological functions waterward of the ordinary high water mark.

- 2369 C. A bulkhead-type structure used to stabilize a dock may be permitted, but the size
2370 shall be limited to the minimum necessary for the dock. The stabilization
2371 structure shall not exceed 1' wider than the gangplank or pier structure on each
2372 side nor shall it exceed 6' landward in total width along the shoreline.

2373 **14.15.200 Clearing and Grading**

- 2374 A. Clearing and grading shall be addressed in the permit or exemption for the
2375 shoreline use or activity with which it is associated.

2376 B. Clearing or grading within required vegetation and use buffers and/or wetland
2377 buffers beyond the limits set forth in section 14.15.130(L) and 14.15.120(E) shall
2378 require a variance in all shoreline designations.

2379 C. No clearing or grading shall be initiated before the permit, exemption or variance
2380 is issued.

2381 D. Existing native riparian vegetation shall be retained whenever possible.

2382 E. Grading permits shall be required in the following situations:

- 2383 1. Where more than 250 cubic yards of material will be moved within a
2384 shoreline area; or
- 2385 2. Any clearing or grading within building setbacks or buffers.
- 2386 3. Where clearing and grading will modify a percentage of a site’s shoreline
2387 area landward of the building setback that is greater than the percentage
2388 specified in the following table:

2389
2390 **a. Table 10 Shoreline Designation Specific Clearing**
2391 **and Grading Standards¹³**
2392

Shoreline Designation	Percent of site that may be cleared and/or graded ¹⁴
Shoreline Residential	25%
Urban Conservancy	15%
Shoreline Recreation	20%
Rural Residential	20%
Rural Resource	15%
Conservancy	5%
Riverine/Lacustrine	5%
Natural	5%
Aquatic	N/A

2393
¹³ - The standards in the table provide for a percentage that may be cleared outside of Vegetation and Use Buffers.

¹⁴ - The percentages represent the maximum allowable with an increase of up to 25% permitted subject to a ~~critical~~ **critical** ~~habitat management areas~~ report and mitigation management plan that considers present ecological function, cumulative impacts of the development and restoration opportunities, both on and off-site.

- 2394 4. In its review of clearing and grading proposals, the local government with
2395 jurisdiction shall require and utilize a clearing and grading plan that
2396 addresses species removal, replanting, irrigation, erosion and
2397 sedimentation control, and plans for protecting shoreline resources from
2398 harm.
- 2399 5. Grading of a development site shall not alter natural drainage patterns in
2400 manner that would increase the rate or quantity of surface run-off.
- 2401 6. Immediately upon completion of the construction or maintenance activity,
2402 remaining cleared areas shall be restored to a naturalistic condition using
2403 compatible, self-sustaining vegetation in accordance with 14.15.130.
- 2404 7. Clearing by hand-held equipment of invasive non-native vegetation on the
2405 State Noxious Weed List is permitted in shoreline areas provided the
2406 disturbed area is promptly replanted with vegetation from the
2407 recommended list or if the site will fully re-vegetate with plants that will
2408 support healthy shoreline function on its own within three growing
2409 seasons with the submittal of mitigation management plan.
- 2410 8. All shoreline development and activity shall use applicable BMPS from
2411 Eastern Washington Storm water Management to minimize increases in
2412 surface water runoff that may result from clearing and grading activity.
- 2413 9. Soil stabilization associated with clearing and grading shall, whenever
2414 feasible, use bioengineering or other soft stabilization techniques.
- 2415 10. Any significant placement of materials from off site, or substantial
2416 creation or raising of dry upland, shall be considered filling and shall
2417 comply with the fill provisions of 14.15.230.
- 2418 11. Clearing and grading that is not part of an allowed and permitted shoreline
2419 use shall require a conditional use permit except on properties physically
2420 separated from the shoreline by another property or public right of way.

2421 **14.15.210 Commercial Uses and Activities**

- 2422 A. Commercial developments permitted in shoreline areas are, in descending order
2423 of preference:
 - 2424 1. Water-dependent uses;
 - 2425 2. Water-related uses;
 - 2426 3. Water-enjoyment uses; and
 - 2427 4. Non-water-oriented uses
- 2428 B. The Administrator shall require and use the following information in his or her
2429 review of commercial development proposals:
 - 2430 1. Consistency with local comprehensive plan and zoning;
 - 2431 2. Specific nature of the commercial activity;

- 2432 3. Need for shoreline frontage; determination if use qualifies as water-
2433 dependent, water-related or water-enjoyment
- 2434 4. Provisions for public visual and/or physical access to the shoreline;
- 2435 5. Provisions to ensure that the development will not result in loss of
2436 shoreline functions including conditions for ecological restoration;
- 2437 6. Measures for enhancing the relationship of the use to the shoreline,
2438 including aesthetics and landscaping; and
- 2439 7. The *Shoreline Inventory and Characterization* and accompanying maps.
- 2440 C. Non-water-oriented commercial uses are prohibited in all shoreline designations
2441 unless they meet the following criteria:
- 2442 1. The use is part of a mixed-use project that includes water-dependent uses
2443 and provides a significant public benefit with respect to the Shoreline
2444 Management Act's objectives such as providing public access and
2445 ecological restoration; or
- 2446 2. Navigability is severely limited at the proposed site; and the commercial
2447 use provides a significant public benefit with respect to the Shoreline
2448 Management Act's objectives such as providing public access and
2449 ecological restoration.
- 2450 3. In areas designated or zoned for commercial use, non-water-oriented
2451 commercial development may be allowed if the site is physically separated
2452 from the shoreline by another property, flood control structure or public
2453 right of way.
- 2454 4. Non-water-dependent commercial uses should not be allowed over water
2455 except in existing structures or in the limited instances where they are
2456 auxiliary to and necessary in support of water-dependent uses.
- 2457 D. Commercial development shall be designed and maintained in a neat, orderly, and
2458 environmentally-compatible manner, consistent with the character and features of
2459 the surrounding area. To that end, the Administrator may, following a public
2460 hearing, adjust the project dimensions and increase required setbacks established
2461 in 14.15.120(E) and/or prescribe reasonable use-intensity and screening
2462 conditions. Need and special considerations for landscaping and buffer areas
2463 shall also be subject to review and approval.
- 2464 E. All commercial loading and service areas shall be located on the upland
2465 (landward) side of the commercial structure or provisions shall be made to
2466 separate and screen the loading and service areas from the shoreline.

- 2467 F. Commercial developments shall be landscaped to visually enhance the shoreline
2468 area and contribute to shoreline functions and values, using primarily native, self-
2469 sustaining vegetation. Plants from the recommended list (see Appendix H) are
2470 preferred. Plants that may compromise shoreline values shall be prohibited. The
2471 permit application submittal shall identify the size, location, and species of plants
2472 that will be used.

2473 **14.15.220 Dredging**

- 2474 A. The following information shall be provided by the applicant for the County to
2475 use in review of shoreline dredging and dredge material disposal proposals:
- 2476 1. Dredging volumes, methods, schedules, frequency, hours of operation, and
2477 procedures.
 - 2478 2. Method of disposal, including the location, size, capacity, and physical
2479 characteristics of the disposal site, transportation methods and routes,
2480 hours of operation, and schedule.
 - 2481 3. Stability of bedlands adjacent to the proposed dredging site.
 - 2482 4. Stability of geologically hazardous areas in the vicinity of the proposed
2483 dredging site.
 - 2484 5. Assessment of water quality impacts.
 - 2485 6. Habitat ~~assessment-management report~~ meeting the standards prescribed
2486 for Fish and Wildlife Habitat Conservation Areas in ~~Critical Areas~~
2487 ~~regulations 14.15.460(C) - of the local government with jurisdiction,~~
2488 including migratory, seasonal, and spawning use areas.
- 2489 B. In evaluating permit applications for any dredging project, the Administrator
2490 and/or appropriate hearing or review body shall consider the need for and adverse
2491 effects of the initial dredging, subsequent maintenance dredging, and dredge
2492 disposal. Dredging and dredge material disposal shall only be permitted where it
2493 is demonstrated that the proposed actions will not:
- 2494 1. Result in significant and/or on-going damage to water quality, fish, or
2495 other biological elements;
 - 2496 2. Adversely alter natural drainage and circulation patterns, or significantly
2497 reduce flood storage capacities;
 - 2498 3. Affect slope stability; or
 - 2499 4. Otherwise damage shoreline or aquatic resources.
- 2500 C. Proposals for dredging and dredge disposal shall include all feasible mitigation
2501 measures to protect fish and wildlife habitat and minimize adverse impacts such
2502 as turbidity; release of nutrients, heavy metals, sulfides, organic materials, or
2503 toxic substances; dissolved oxygen depletion; or disruption of food chains.

- 2504 D. Dredging and dredge material disposal shall not occur in wetlands except as
2505 authorized by Conditional Use Permit with conditions providing that valuable
2506 functions of the wetland, such as wildlife habitat and natural drainage, will not be
2507 diminished.
- 2508 E. Dredging waterward of the ordinary high water mark shall be allowed by
2509 conditional use permit only when:
- 2510 1. It has been proven that the development cannot be sited elsewhere and has
2511 been designed to avoid and minimize new and maintenance dredging
2512 (WAC 173-26-231(3)(f))
- 2513 2. For navigation or existing navigational access;
- 2514 3. In conjunction with a conforming allowed water-dependent use of water
2515 bodies or adjacent shorelands;
- 2516 4. As part of a habitat management plan that has been approved by the
2517 County, City or Town or other entity with jurisdiction, and has been
2518 accepted by the Washington Department of Fish and Wildlife or other
2519 agency with jurisdiction;
- 2520 5. To improve water quality;
- 2521 6. For mining, mineral extraction, mineral prospecting and placer mining as
2522 provided in 14.15.260;
- 2523 7. In conjunction with a bridge or a navigational channel, basin, or structure
2524 for which there is a documented public need and where other feasible sites
2525 or routes do not exist; or
- 2526 8. To improve water flow and/or manage flooding only when consistent with
2527 an approved flood and/or storm water comprehensive management plan in
2528 conjunction with a habitat mitigation management plan.
- 2529 F. Any impacts of dredging that cannot be avoided shall be mitigated in a manner
2530 that assures no net loss of shoreline ecological functions.
- 2531 G. Dredging shall use techniques that cause the minimum dispersal and broadcast of
2532 bottom material.
- 2533 H. Dredging for the primary purpose of obtaining material for fill is prohibited,
2534 except when the material is necessary for the restoration of ecological functions.
2535 The fill must be associated with a significant habitat enhancement project that is
2536 listed as part of a regional or watershed-scale plan, MTC or CERCLA habitat
2537 restoration project. When allowed, the site where the fill is to be placed must be
2538 located waterward of the OHWM (WAC 173-26-231(3)(f)) and conducted in
2539 accordance with the dredged material management program of the department of
2540 natural resources.

- 2541 I. Dredging to construct canals or basins for boat moorage or launching, water ski
2542 landings, swimming holes, and similar uses shall only be permitted as a
2543 conditional use and shall include a habitat enhancement/mitigation plan.
- 2544 J. Disposal of dredged materials shall be accomplished at approved contained
2545 upland sites in compliance with all Federal, State and local regulations.
- 2546 K. Depositing dredge materials in water areas shall be allowed only by Conditional
2547 Use Permit, for one or more of the following reasons:
- 2548 1. For wildlife habitat improvement.
- 2549 2. To correct problems of material distribution adversely affecting fish
2550 resources.
- 2551 3. For permitted enhancement of beaches that provide public access, where it
2552 has been conclusively demonstrated that no net loss of shoreline
2553 ecological functions will result or for public safety.
- 2554 L. Use of dredged material for beach enhancement shall be conducted so that:
- 2555 1. Erosion from the disposal site is minimized. Erosion of the dredged
2556 material shall not smother emergent vegetation or other shallow
2557 productive areas.

2558 2. To the extent possible, the volume of dredged material and frequency of
2559 disposal maintain a stable beach profile. Dredged material shall be graded
2560 as a uniform slope and contoured to reduce cove and peninsula formation
2561 and to preclude stranding of juvenile fish.

2562 M. Land disposal sites shall be replanted as soon as feasible, and in no case later than
2563 the next planting season, in order to retard wind and water erosion and to restore
2564 the wildlife habitat value of the site. Vegetation from the recommended list
2565 (Appendix H) or other species authorized by the County, City, or Town with
2566 jurisdiction shall be used. Native plants are preferred. Plants that may
2567 compromise shoreline values are prohibited. The permit application submittal
2568 shall identify the size, location, and species of plants that will be used. The
2569 agency or developer responsible for the land disposal shall also be responsible for
2570 maintaining the vegetation as established in the approved mitigation management
2571 plan.

2572 N. Proposals for disposal on Shorelands or wetlands within channel migration zone
2573 is discouraged and only allowed by Conditional Use Permit (WAC 17-26-
2574 231(3)(f)). Disposal in other shoreline areas must show that the site will ultimately
2575 be suitable for a use permitted by this master program.

2576 O. All dredging shall be the minimum required to support an existing permitted or
2577 proposed allowed use and shall be subject to a conditional use permit.

2578

2579 **14.15.230 Fill**

2580 A. The County, City or Town with jurisdiction shall require and use the following
2581 information in its review of fill proposals:

- 2582 1. Proposed use of the fill area.
- 2583 2. Physical characteristics, such as chemical and biological composition if
2584 appropriate, depending on where it is to be placed or will be subject to
2585 inundation.
- 2586 3. Source of the fill material.
- 2587 4. Method of placement and compaction.
- 2588 5. Location of fill relative to existing drainage patterns and wetlands.
- 2589 6. Location of the fill perimeter relative to the ordinary high water mark.
- 2590 7. Perimeter erosion control or stabilization measures.
- 2591 8. Type of surfacing and runoff control devices.

- 2592 B. Fill waterward of the ordinary high water mark or in wetlands shall only be
2593 permitted as a conditional use in all shoreline designations, and only for one of
2594 the following purposes:
- 2595 1. water-dependent use,
 - 2596 2. public access,
 - 2597 3. cleanup and disposal of contaminated sediments as part of an interagency
2598 environmental clean-up plan,
 - 2599 4. disposal of dredged material considered suitable under, and conducted in
2600 accordance with the dredged material management program of the
2601 department of natural resources,
 - 2602 5. Expansion or alteration of transportation facilities of statewide
2603 significance currently located on the shoreline and then only upon a
2604 demonstration that alternatives to fill are not feasible, mitigation action,
2605 environmental restoration, beach nourishment or enhancement project.
 - 2606 6. Fill in wetlands must comply with the wetlands provisions of ~~the Critical~~
2607 ~~Areas regulations of the local government with jurisdiction's Critical~~
2608 ~~Areas Ordinance and section 14.15.110(E) of this chapter and~~ shall result
2609 in no net loss of wetland area in functions including lost time when the
2610 wetland does not perform the function and is subject to mitigation in this
2611 SMP.
- 2612 C. Pier or pile support shall be utilized whenever feasible in preference to filling.
2613 Fills for approved road, bridge or navigational structure development in
2614 floodways or wetlands shall be permitted only if pile or pier supports are proven
2615 infeasible.
- 2616 D. Filling to create dry land is prohibited in floodplains except where it can be
2617 clearly demonstrated that the geo-hydraulic characteristics and floodplain storage
2618 capacity will not be altered to cause increased flood hazard or other damage to life
2619 or property in excess of accepted standards provided by state and/or federal
2620 agencies.
- 2621 E. Fills are prohibited in floodways, except when approved by conditional use permit
2622 and where required in conjunction with a proposed water-dependent or other use,
2623 as specified in Section 14.15.230(B), ~~above, and where permitted by the local~~
2624 ~~jurisdiction's Critical Areas regulations and any other relevant regulations or plan~~
2625 ~~(e.g., flood hazard prevention regulations or Comprehensive Flood Hazard~~
2626 ~~Management Plan).~~
- 2627 F. Fills shall be permitted only when it is demonstrated that the proposed action will
2628 not:
- 2629 1. Result in significant damage to water quality or fish and wildlife habitat;
 - 2630 2. Adversely affect natural drainage and circulation patterns or significantly

- 2631 reduce flood water capacities;
- 2632 3. Affect slope stability; or
- 2633 4. Otherwise damage shoreline or aquatic resources.
- 2634 G. Placing fill in water bodies or wetlands to create usable land for shoreline
2635 development is prohibited and shall not be used to calculate parcel size proposed
2636 for subdivision.
- 2637 H. Fills shall be designed, constructed, and maintained to prevent, minimize, and
2638 control all material movement, erosion, and sedimentation from the affected area.
2639 Perimeters of permitted fill projects shall be designed and constructed with silt
2640 curtains, vegetated buffer areas, or other methods, and shall be adequately sloped
2641 to prevent erosion and sedimentation both during initial fill activities and
2642 afterwards. Such containment practices shall occur during the first growing
2643 season following completion of the fill and shall be maintained until self-
2644 sustaining. The design shall incorporate natural-appearing and self-sustaining
2645 control methods unless they can be demonstrated to be infeasible due to existing
2646 environmental conditions such as currents and weather.
- 2647 I. Fill materials shall be sand, gravel, rock, soil, or similar materials. Use of
2648 polluted dredge spoils, solid waste, and sanitary landfill materials is prohibited.
- 2649 J. Fills shall be designed to allow surface water penetration into ground water
2650 supplies where such conditions existed prior to fill. Fills shall not be permitted in
2651 aquifer recharge areas if they would have the effect of preventing percolation of
2652 the water.
- 2653 K. The timing of fill construction shall be regulated to result in no net loss of
2654 shoreline ecological functions, including water quality and aquatic life.
- 2655 L. Fill on dry land shall not result in substantial changes to patterns of surface water
2656 drainage from the project site and onto adjacent properties; within shoreline areas;
2657 into aquatic areas; or onto steep slopes or other erosion hazard areas.
- 2658 M. All fill is prohibited except the minimum amount required for existing permitted
2659 or proposed allowed uses.
- 2660 N. All permitted fill shall require a conditional use permit or substantial development
2661 permit depending on the shoreline designation.

2662 **14.15.240 Forest Management**

- 2663 A. Forest management includes all practices related to the growing, harvesting, or
2664 processing of timber as defined in RCW 76.09.020.11. Forest management
2665 activities on private timberland in the shoreline jurisdiction shall be governed by
2666 the following state regulatory laws as amended:
- 2667 1. Forest Practices Act RCW 76.09;

- 2668 2. Stewardship of Nonindustrial Forests and Woodlands RCW 76.13;
2669 3. Forest and Fish Law.
- 2670 B. All forest practices in the shorelines in Okanogan County shall be conducted as to
2671 assure no net loss of ecological function.
- 2672 C. Buffer widths for forest management activities in all shoreline jurisdictions shall
2673 be consistent with WAC 222-30-22 as amended.
- 2674 D. Forest practice conversions and other Class IV-General forest practices where
2675 there is a likelihood of conversion to nonforest uses, shall be subject to specific
2676 use regulations in this chapter and new uses must be compatible with the
2677 shoreline designation to assure no net loss of shoreline ecological functions and
2678 shall maintain the ecological quality of the watershed's hydrologic system.
- 2679 E. With respect to timber located in shorelines of statewide significance only
2680 selective harvesting may occur and no more than thirty percent of the
2681 merchantable trees may be harvested in any ten year period of time: PROVIDED,
2682 That other timber harvesting methods may be permitted in those limited instances
2683 where the topography, soil conditions or silviculture practices necessary for
2684 regeneration render selective logging ecologically detrimental: PROVIDED
2685 FURTHER, That clear cutting of timber which is solely incidental to the
2686 preparation of land for other uses authorized by this chapter may be permitted.
- 2687 F. Lands designated as "forest lands" pursuant to RCW 36.70A.170 shall be deemed
2688 consistent with either the "natural," "rural conservancy," or "conservancy"
2689 designation.

2690 **14.15.250 Industrial Uses**

- 2691 A. Industrial developments permitted in shoreline areas are, in descending order of
2692 preference:
- 2693 1. Water-dependent uses;
2694 2. Water-related uses;
2695 3. Water-enjoyment uses; and
2696 4. Non-water-oriented uses
- 2697 B. New non-water-oriented industrial development shall be prohibited in all
2698 shoreline designations except when:
- 2699 1. The use is part of a mixed-use project that includes water-dependent uses
2700 and provides a significant public benefit with respect to the Shoreline
2701 Management Act's objectives such as providing public access and
2702 ecological restoration; or
- 2703 2. Navigability is severely limited at the proposed site; and the industrial use
2704 provides a significant public benefit with respect to the Shoreline

- 2705 Management Act's objectives such as providing public access and
2706 ecological restoration.
- 2707 3. In areas designated or zoned for industrial use, non-water-oriented
2708 industrial uses may be allowed if the site is physically separated from the
2709 shoreline by another property or public right of way.
- 2710 C. The Administrator shall require and use the following information in his or her
2711 review of industrial development proposals:
- 2712 1. Consistency with local comprehensive plans and zoning;
2713 2. Specific nature of the industrial activity;
2714 3. Need for shoreline frontage;
2715 4. Provisions for public visual and/or physical access to the shoreline;
2716 5. Provisions to ensure that the development will not result in loss of
2717 shoreline functions or reduction in shoreline values;
2718 6. Measures for enhancing the relationship of the use to the shoreline,
2719 including aesthetics and landscaping; and
2720 7. The Shoreline Inventory and Characterization and accompanying maps.
- 2721 D. Where industrial development is allowed, it shall be located, designed, or
2722 constructed in a manner that assures no net loss of shoreline ecological functions
2723 and such that it does not have significant adverse impacts to other shoreline
2724 resources and values.
- 2725 E. Industrial development shall be designed and maintained in a neat, orderly, and
2726 environmentally-compatible manner, consistent with the character and features of
2727 the surrounding area. To that end, the Administrator may, following a public
2728 hearing, adjust the project dimensions and increase required setbacks established
2729 in 14.15.120(E) and/or prescribe reasonable use-intensity and screening
2730 conditions. Need and special considerations for landscaping and buffer areas
2731 shall also be subject to review and approval.
- 2732 F. New over-water construction for industrial uses is prohibited unless it can be
2733 shown to be essential to a water-dependent industrial use.
- 2734 G. All loading and service areas shall be located on the upland (landward) side of the
2735 industrial facility or provisions shall be made to separate and screen the loading
2736 and service areas from the shoreline, unless such provisions are infeasible due to
2737 the specific nature of the water-dependent industrial use or the proposed
2738 circulation poses a safety hazard to existing traffic patterns.
- 2739 H. Industrial development on private and public lands shall consider incorporating
2740 public access as mitigation for impacts to shoreline resources and values unless
2741 public access cannot be provided in a manner that does not result in significant
2742 interference with operations or hazards to life or property, as provided in WAC

| ~~08/30~~[11/21](#)/2011

2743

173-26-221(4).

2744 I. Industrial developments shall be landscaped to visually enhance the shoreline area
2745 and contribute to shoreline functions and values, using primarily native, self-
2746 sustaining vegetation. Plants from the recommended list (Appendix H) are
2747 preferred. Plants that may compromise shoreline values shall be prohibited. The
2748 permit application submittal shall identify the size, location, and species of plants
2749 that will be used.

2750 J. Drainage and surface runoff from industrial developments shall be controlled so
2751 that pollutants will not be carried into water bodies.

2752 **14.15.260 Mining**

2753 A. Mineral prospecting and placer mining are allowed subject to compliance with the
2754 current edition of the Washington State Department of Fish and Wildlife's Gold
2755 and Fish pamphlet. This provision does not apply to mining that meets the
2756 definition of a substantial development (See 14.15.090).

2757 B. All surface mining shall be conducted in strict conformance with the Washington
2758 State Surface Mining Reclamation Act, Chapter 78.44 RCW. Surface mining
2759 permits shall be coordinated with state and federal permits.

2760 C. Mining not meeting the definition of mineral prospecting or placer mining shall
2761 require a conditional use permit in the conservancy and rural resource
2762 designation.

2763 D. In all shoreline designations, mining shall only be allowed by Conditional Use
2764 Permit and only when the proposed mine site has been identified as a mineral land
2765 of long term commercial significance.

2766 E. Mining waterward of the ordinary high water mark

2767 1. Mining waterward of the ordinary high-water mark shall not be permitted
2768 unless:

2769 i. Removal of specified quantities of sand and gravel or other
2770 materials at specific locations will not adversely affect the
2771 natural processes of gravel transportation for the river system as
2772 a whole; and

2773 ii. The mining and any associated permitted activities will not have
2774 significant adverse impacts to habitat for priority species nor
2775 cause a net loss of ecological functions of the shoreline.

2776 2. The determinations required by Section 14.15.260(E)(1), above, shall be
2777 made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a) and
2778 shall be integrated with required SEPA review.

- 2779
2780
2781
2782
2783
2784
2785
2786
3. In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, local government shall require compliance with the provisions of 14.15.260(F) and 14.15.260(G) to the extent that no such review has previously been conducted. Where there has been prior review, local government shall review previous determinations comparable to the requirements of this section to assure compliance with the provisions of Section 14.15.260(G) under current site conditions.
- 2787
2788
2789
4. The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)(f).
- 2790
2791
- F. The Administrator shall require and use the following information in his or her review of mining proposals (except mineral prospecting and placer mining):
- 2792
2793
2794
2795
2796
2797
2798
2799
2800
2801
2802
2803
2804
2805
2806
2807
2808
2809
2810
2811
2812
2813
2814
2815
2816
5. Materials to be mined;
 6. Need for those materials;
 7. Need for shoreline location;
 8. Quantity of materials to be mined, by type;
 9. Quality of materials to be mined, by type. For certain minerals, an evaluation by a geologist licensed under the provisions of RCW 18.220 may be required;
 10. Mining technique and equipment to be used;
 11. Depth of overburden and proposed depth of mining;
 12. Lateral extent and depth of total mineral deposit;
 13. Cross section diagrams indicating present and proposed elevations and/or extraction levels;
 14. Existing drainage patterns, seasonal or continuous, and proposed alterations thereof including transport and deposition of sediment and channel changes that may result;
 15. Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation including impacts to banks on both sides of the excavation;
 16. The location and sensitivity of any affected critical-conservation areas;
 17. Subsurface water resources and aquifer recharge areas, including origin, depth, and extent;
 18. Quality analysis of overburden, excavation materials, and tailings, with plans for storage, use, or disposition;
 19. Mining plan and scheduling, including seasonal, phasing, and daily operation schedules;

- 2817 20. Reclamation plan that meets the requirements of this master program and
2818 Chapter 78.44 RCW (for surface mining operations only);
- 2819 21. Screening, earthen berm buffering, and/or fencing plans; and
- 2820 22. Impacts to aquatic and shoreline habitat.
- 2821 G. Mining operations (except mineral prospecting and placer mining) shall be sited,
2822 designed, conducted, and completed (including reclamation) to ensure no net loss
2823 of shoreline ecological functions, including watershed-scale functions and
2824 cumulative impacts. A reclamation plan prepared by a qualified professional and
2825 providing for restoration of slope stability, water conditions, safety conditions,
2826 and, where relevant, vegetative cover shall be required for any new mining and
2827 associated activities. Meeting the “no net loss” standard shall include avoidance
2828 and mitigation of adverse impacts during the course of mining and reclamation,
2829 and shall be based on an evaluation of the final reclamation required for the site.
2830 Preference shall be given to mining proposals that result in the creation,
2831 restoration, or enhancement of habitat for priority species. The proposed
2832 subsequent use of mined property must be consistent with the provisions of the
2833 shoreline designation in which the property is located. Performance security
2834 requirements are as follows:
 - 2835 1. Surface mining operations must comply with the relevant performance
2836 security requirements of RCW 78.44.
 - 2837 2. A public or governmental agency shall not be required to post
2838 performance security.
 - 2839 3. All other approved mining operations shall be required to post
2840 performance security in an amount adequate to complete reclamation,
2841 based on an approved reclamation plan.
- 2842 H. Mining operations shall comply with all local, state, and federal water quality
2843 standards and pollution control laws. Operations shall use effective techniques to
2844 prevent or minimize surface water runoff, erosion and sedimentation; prevent
2845 reduction of natural flows; protect all shoreline areas from acidic or toxic
2846 materials; and maintain the natural drainage courses of all streams. Surface water
2847 runoff shall be impounded as necessary to prevent accelerated runoff and erosion.
- 2848 I. Overburden, mining debris, and tailings shall not be placed in water bodies or
2849 floodways and shall be stored and protected so as to prevent or minimize erosion
2850 or seepage to surface and ground waters.
- 2851 J. Precautions shall be taken to insure that stagnant or standing water especially that
2852 of a toxic or noxious nature does not develop.
- 2853 K. In no case shall mining operations impair lateral support and thereby result in
2854 earth movements extending beyond the boundaries of the site.

- L. If substantial evidence indicates that mining operations are causing, or continued operation would cause, significant and adverse impacts to water quality, habitat, or any shoreline ecological function, the Administrator shall terminate the shoreline permit for mining or impose further conditions on the mining operation to ensure no net loss of shoreline ecological functions.

14.15.270 Municipal Uses (includes all local governments)

Municipal uses are those in support of local government functions and services. For the purposes of this SMP, recreational uses and utility facilities are excluded.

- A. Non-water-dependent municipal uses will be permitted in shoreline areas only when no other feasible location is available.
- B. The Administrator shall require and use the following information in his or her review of municipal use proposals:
 - 1. Specific nature of the proposed activity;
 - 2. Need for shoreline location;
 - 3. Other locations considered and the reasons for choosing a shoreline site;
 - 4. Provisions for public visual and/or physical access to the shoreline;
 - 5. Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;
 - 6. Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
 - 7. The Shoreline Inventory and Characterization and maps developed as part of this SMP.
- C. Municipal uses shall be designed and maintained in a neat, orderly, and environmentally-compatible manner, consistent with the character and features of the surrounding area and result in no net loss of shoreline function. To that end, the Administrator may, following a public hearing, adjust the project dimensions and increase required setbacks established in Table 8.1 and/or prescribe reasonable use intensity and screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
- D. All loading and service areas shall be located on the upland (landward) side of the principal structure or provisions shall be made to separate and screen the loading and service areas from the shoreline.

2888 E. Municipal uses shall be landscaped to visually enhance the shoreline area and
2889 contribute to shoreline functions and values, using primarily native, self-
2890 sustaining vegetation. Plants from the recommended list (Appendix H) are
2891 preferred. Plants that may compromise shoreline values shall be prohibited. The
2892 permit application submittal shall include a landscape plan identifying the size,
2893 location, and species of plants that will be used.

2894 F. Drainage and surface runoff from municipal uses shall be controlled so that
2895 pollutants will not be carried into water bodies.

2896 G. Public access facilities must be dedicated, improved, and maintained as part of
2897 any shoreline municipal use.

2898 **14.15.280 Parking**

2899 A. Any new parking area in a shoreline area shall directly serve an existing
2900 conforming use or authorized shoreline use.

2901 B. All parking shall be prohibited over water.

2902 C. Parking facilities shall prevent surface water runoff from contaminating water
2903 bodies, using the best available technology and best management practices,
2904 including a maintenance program to assure proper functioning over time of any
2905 storm water facilities required to comply with this regulation.

2906 D. New commercial parking facilities, necessary to support an authorized use, in
2907 shoreline areas shall be sited and designed to minimize visual, pedestrian, and
2908 other transportation network impacts as well as to minimize environmental impact
2909 on shoreline resources.

2910 E. Commercial parking facilities shall be adequately screened and landscaped along
2911 the waterward side with plants from the recommended list (Appendix H).

2912 F. Parking facilities that will serve more than one use, such as recreational use on
2913 weekends and commercial use on weekdays shall be allowed and preferred to
2914 single use parking facilities.

2915 G. Parking as a primary use shall be prohibited in all shoreline designations.

2916 **14.15.290 Public Access**

2917 A. For the purpose of this SMP, local jurisdictions' comprehensive plans shall be
2918 considered the official public access plans.

2919 B. Water-oriented development, uses, and activities shall be designed and operated
2920 to avoid unnecessarily impairing or detracting from the public's physical or visual
2921 access to the water and shorelines.

- 2922 C. Non-water-oriented development, uses, and activities shall be designed and
2923 operated to avoid impairing or detracting from the public's physical or visual
2924 access to the water and shorelines. This regulation does not apply to exempt
2925 single-family residences.
- 2926 D. Impairment of or detraction from physical and visual public access to the water by
2927 exempt single-family residences shall be minimized.
- 2928 E. The Signage regulations in 14.15.330 of this chapter and the Shoreline
2929 Development Standards in 14.15.120(E) have been established in part to prevent
2930 impairment of or detraction from visual public access.
- 2931 F. Provisions for public or community access to the shoreline shall be incorporated
2932 into the shoreline development proposal for any action requiring such access
2933 unless the applicant demonstrates that such access is infeasible because at least
2934 one of the following provisions applies:
- 2935 1. Unavoidable health or safety hazards to the public exist which cannot be
2936 prevented by any practicable means;
 - 2937 2. Inherent security requirements of the use cannot be satisfied through the
2938 application of alternative design features or other solutions;
 - 2939 3. Unacceptable environmental harm will result from the public access which
2940 cannot be mitigated;
 - 2941 4. Significant undue and unavoidable conflict between the proposed access
2942 and adjacent uses would occur and cannot be mitigated;
 - 2943 5. The cost of providing the access or alternative amenity is unreasonably
2944 disproportionate to the long-term cost of the proposed development.
 - 2945 6. All reasonable alternatives have been exhausted, including but not limited
2946 to:
 - 2947 a. Regulating access by such means as limiting hours of use to
2948 daylight hours;
 - 2949 b. Designing separation of uses and activities, i.e., fences, terracing,
2950 hedges, landscaping, signage, etc;
 - 2951 c. Provision of an access at a site physically separated from the
2952 proposal such as a nearby street end, an off-site view point or
2953 trail system.

- 2954
2955
2956
2957
2958
2959
2960
2961
2962
2963
2964
2965
2966
2967
2968
2969
2970
2971
2972
2973
2974
7. Dedication and improvement of physical public access shall be required as part of all shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, with the following exceptions:
 - a. Where an approved public access plan developed as part of a regulatory licensing process is submitted. Said public access plan must provide adequate public access to the shoreline, based on a needs analysis.
 - b. Where more effective public access to the shoreline can be achieved through implementation of the adopted recreation plan of the local government with jurisdiction, the public entity proposing the development may contribute to implementation of the recreation plan in lieu of providing public access on site.
 8. Dedication and improvement of public physical access shall be required in all shoreline areas as follows:
 - a. As part of all primary utility development. The requirement may be waived where an approved public access plan developed as part of a regulatory licensing process is. Said public access plan must provide adequate public access, based on a needs analysis.
 9. Dedication and improvement of public physical access shall be encouraged as part of utility development in all shoreline areas.

2975 **14.15.300 Utilities**

- 2976
2977
2978
2979
2980
2981
2982
2983
2984
2985
2986
2987
2988
2989
2990
2991
2992
2993
- A. Utilities are transmission, collection, production, or treatment facilities that are generally regional or area wide in scope and provide the primary service to a large area and may or may not be connected directly to the uses along the shoreline. Utilities include primary transmission facilities related to a hydropower and communications, and distribution or collection systems for water, sewer mains, gas and oil pipelines, and wastewater and water treatment plants. On-site utility features serving a shoreline property, such as water, sewer or gas line connections to a residence, are "accessory utilities" and shall be considered a part of the primary use and are subject to the regulations contained in 14.15.150.
 - B. Utility development shall be located within public rights-of-ways or existing infrastructure corridors whenever possible and be coordinated with government agencies to provide for compatible multiple uses.
 - C. Utilities shall be located and designed to avoid damage or degradation to shoreline ecological function including wetlands, marshes, bogs and other swamps; important wildlife areas; and other unique and fragile areas.
 - D. Underwater pipelines which transport material intrinsically harmful to aquatic life or potentially injurious to water quality, including sewer lines, shall be provided with automatic shut off valves at each end of the underwater segments.

- 2994 E. Sites disturbed for utility installation shall be stabilized during and immediately
2995 following construction to avoid adverse impacts from erosion and shoreline
2996 ecological function, including protection of water quality using Best Management
2997 Practices. .

- 2998 F. Sites disturbed for utility installation shall be replanted using native species from
2999 the recommended list (Appendix H), with a diversity and type similar to or better
3000 than that which originally occurred on the site. Questions about appropriate
3001 diversity, plant type, and plant species shall be directed to agencies with expertise,
3002 such as the departments of Ecology and Fish and Wildlife.

- 3003 G. The placing of utility lines shall not obstruct or hinder physical or visual access to
3004 shoreline areas from public right-of-ways or public use areas. Utilities shall be
3005 placed landward of the primary structural setback requirements found in
3006 14.15.120(E). Compliance with local health district standards for the placement
3007 of onsite sewer systems shall be indicated on pre-application drawings. If feasible,
3008 utility lines shall be placed underground. Where lines must be placed
3009 aboveground, consideration shall be given to the maintenance of trees in the
3010 vicinity of the lines, and the utility line located to eliminate the need for topping
3011 or pruning trees.

- 3012 H. Except where no other feasible alternative exists, utilities that require continued
3013 maintenance and therefore disrupt ecological processes (i.e. electrical
3014 transmission lines that require removal of undergrowth) shall not be placed in
3015 Vegetation Conservation areas (between OHWM and structure setback).

- 3016 I. Where no other feasible alternative exists or the alternative would result in
3017 unreasonable and disproportionate cost, bridges, utility lines, and other public
3018 utility and transportation structures may be allowed within the channel migration
3019 zone or floodway. Where such structures are allowed, mitigation shall address
3020 impacted functions and processes throughout the affected water body, including
3021 effects upstream and downstream of the project site, and shall be adequate to
3022 ensure no net loss of shoreline ecological function.

3023 **14.15.310 Recreational Uses**

- 3024 A. Shoreline recreational development is given priority and is primarily related to
3025 access to, enjoyment and use of the water and shorelines of the state.

- 3026 B. State-owned shorelines are particularly adapted to providing ecological study
3027 areas and other recreational uses for the public and shall be given special
3028 consideration when developing recreational uses in shoreline areas.

- 3029 C. The location, design and operation of publicly-owned shoreline recreational
3030 developments shall be primarily related to access, enjoyment and use of the water
3031 and shorelines of the state, consistent with the comprehensive plan and recreation
3032 plan of the local government with jurisdiction. All such uses shall not result in a
3033 net loss of shoreline function.

- 3034 D. Commercial recreational development shall comply with the provisions for
3035 commercial development 14.15.210.
- 3036 E. Substantial accessory use facilities, such as rest rooms, , access roads, and parking
3037 facilities in shorelines are not a preferred use and shall be allowed only as
3038 necessary to support an authorized use, and shall be set back from the ordinary
3039 high water mark as specified in the Development Standards Table 14.15.120(E),
3040 unless it can be shown that such facilities are water dependent and the planned
3041 location will not adversely affect shoreline functions. Such facilities may be
3042 linked to the shoreline by walkways.
- 3043 F. Shoreline recreational developments shall maintain, and, when feasible, enhance
3044 or restore desirable shoreline features including those that contribute to shoreline
3045 ecological functions and processes, scenic vistas, and aesthetic values. Removal
3046 of healthy native vegetation to enhance views shall be discouraged.
- 3047 G. Recreational uses shall be designed to complement their environment and
3048 surrounding land and water uses.
- 3049 H. No recreational buildings or structures shall be built over water, other than water-
3050 dependent and/or public access structures such as piers, docks, bridges,
3051 boardwalks, or viewing platforms.
- 3052 I. Each development proposal shall include a landscape plan that uses native, or
3053 native compatible self-sustaining vegetation. Removal of on-site native
3054 vegetation shall be limited to the minimum necessary for the permitted
3055 development or structures.
- 3056 J. For recreational uses such as golf courses or parklands that require the use of
3057 fertilizers, pesticides, or other chemicals, the applicant shall specify the methods
3058 that will be used to ensure that the use complies with all provisions of this master
3059 program, including preventing the chemicals from entering adjacent water bodies
3060 or wetlands. Chemical-free buffer strips may be required at the discretion of the
3061 Administrator.
- 3062 K. Recreational uses shall provide facilities for non-motorized access to the
3063 shoreline, such as pedestrian and bicycle paths, where those facilities will not
3064 result in loss of shoreline ecological functions.
- 3065 L. Recreational uses shall include adequate provisions for water supply, sewage,
3066 garbage disposal, and fire protection.
- 3067 M. Recreational development shall include adequate provisions, such as screening,
3068 buffer strips, fences, and signs, to buffer adjacent private property and natural
3069 areas and protect the value and enjoyment of those sites.
- 3070 N. Trails and paths on steep slopes shall be located, designed, and maintained to
3071 protect bank stability.

- O. Recreational uses shall be consistent with local comprehensive plan provisions and zoning regulations.

14.15.320 Residential Development

- A. No lot shall be created that would not accommodate a reasonable use of the lot, based on the zoning district, comprehensive plan designation and ~~critical~~ conservation areas regulations, that meets the minimum building setback and other standards for the shoreline designation in which the lot is located.
- B. Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.
- C. Plats and subdivisions shall prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
- D. Implement the provisions of WAC 173-26-211 and 173-26-221.
- E. In its review of proposals for multi-lot and or multi-unit subdivisions and/or planned developments and other large developments, Okanogan County or the city or town with jurisdiction shall require and use information about the impacts of the proposed development on shoreline ecological functions, including the cumulative impacts of exempt uses and activities within the development over time, and ensure there will be no net loss of shoreline function.
- F. No development designed for human habitation (e.g. houseboats, floating homes or cantilever type construction) is permitted on or over water.

14.15.330 Signage

The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment; and to temporary and interpretive signs. Highway, public information, and temporary signs are addressed in the Use Chart.

- A. All signs shall comply with applicable regulations of Okanogan County or the city or town in which the sign is located and any other applicable regulations (e.g., Scenic Vistas Act).
- B. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Except as necessary for safe navigation, moorage, or public safety signs shall be located landward of the required building setback.
- C. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.

3109 D. No signs shall be placed on trees or other natural features that will permanently
3110 damage or kill tree or feature.

3111 E. Off premises and non-appurtenant signs shall not be permitted, with the following
3112 exception: temporary signs and interpretive signs related to shoreline uses and
3113 ecological functions shall be allowed where they comply with the other policies of
3114 this SMP and, in the case of temporary signs, where adequate provisions are made
3115 for timely removal.

3116 F. No sign shall have a surface area larger than 36 square feet.

3117 G. Lighting of signs shall be prohibited unless the sign is necessary for safe
3118 navigation, moorage, or public safety. On-demand lighting shall be used
3119 whenever feasible.

3120 **14.15.340 Transportation**

3121 Transportation development serving non-water dependent uses should avoid the shoreline
3122 area where possible to avert damage to shoreline ecological function. Transportation
3123 development serving water oriented and water related uses shall be considered as part of that
3124 use and subject to the following provisions:

3125 A. Plan, locate, and design proposed transportation and parking facilities where
3126 routes will have the least possible adverse effect on unique or fragile shoreline
3127 features, will not result in a net loss of shoreline ecological functions or adversely
3128 impact existing or planned water-dependent uses.

3129 1. Design of roadways through shoreline areas should occupy the least
3130 narrow horizontal profile possible to convey traffic in a safe manner
3131 measured from ditch to ditch or shoulder to shoulder (whichever is largest)
3132 to minimize the footprint of roadway.

3133 2. Storm water runoff from roadways should be contained using Best
3134 Management Practices

3135 3. De-icing, salting, and graveling of roads should be conducted in
3136 accordance with best management practices.

3137 4. Surfacing materials should not input or erode sediment into waterways.

3138 B. Transportation and parking plans and projects shall be consistent with the master
3139 program public access policies, public access plan, and environmental protection
3140 provisions.

3141 C. Circulation system planning shall include integrated corridors for pedestrian,
3142 bicycle, and public transportation where appropriate. Circulation planning and
3143 projects should support existing and proposed shoreline uses that are consistent
3144 with the master program.

- D. Where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost, bridges, utility lines, and other public utility and transportation structures may be allowed within the channel migration zone or floodway. Where such structures are allowed, mitigation shall address impacted functions and processes throughout the affected water body, including effects upstream and downstream of the project site, and shall be adequate to ensure no net loss of shoreline ecological function.

14.15.350 Shoreline Stabilization

- A. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
- B. Emergency construction may be permitted subject to WAC 173-27-040(2)(d) (“Developments exempt from substantial development permit requirement”), when, as determined by Okanogan County Emergency Services life and/or property is in danger. Emergency construction must be consistent with the policies of chapter 90.58 RCW and this master program. Prior to emergency construction, the landowner must agree that, upon abatement of the emergency situation any new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, WAC 173-27, or this master program, obtained.
- C. New structural stabilization measures shall not be allowed except to protect an existing primary structure or for the restoration of ecological functions except when all of the conditions below apply:
 - i. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization;
 - ii. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient;
 - iii. The erosion control structure will not result in a net loss of shoreline ecological functions.
- D. Use of shoreline stabilization measures to create usable land is prohibited including creation of new lots that will require shoreline stabilization in order to allow development.

- 3186 E. New non-water-dependent development, including exempt and non-exempt
3187 single-family residences, that include structural shoreline stabilization shall not be
3188 allowed unless all of the following conditions apply:
- 3189 1. The need for shoreline stabilization is to protect the development from
3190 destruction due to erosion caused by natural processes, such as currents
3191 and waves; This is demonstrated through a geotechnical report; and
 - 3192 2. The erosion is not being caused by upland conditions, such as drainage
3193 and the loss of vegetation; and
 - 3194 3. Non-structural measures (such as placing the development farther from the
3195 shoreline), vegetative methods, or installing on-site drainage, are not
3196 feasible or not sufficient; and
 - 3197 4. The stabilization will not result in a net loss of shoreline ecological
3198 functions.
- 3199 F. An existing shoreline stabilization structure may be replaced with a similar
3200 structure if there is a demonstrated need to protect principal uses or structures
3201 from erosion caused by currents or waves.
- 3202 1. The replacement structure should be designed, located, sized, and
3203 constructed to assure no net loss of ecological functions.
 - 3204 2. Replacement walls or bulkheads shall not encroach waterward of the
3205 ordinary high-water mark or existing structure unless the residence was
3206 occupied prior to January 1, 1992, and there is overriding safety or
3207 environmental concerns. In such cases, the replacement structure shall
3208 abut the existing shoreline stabilization structure.
 - 3209 3. Soft shoreline stabilization measures that provide restoration of shoreline
3210 ecological functions may be permitted waterward of the ordinary high-
3211 water mark.
 - 3212 4. For purposes of this section standards on shoreline stabilization measures,
3213 "replacement" means the construction of a new structure to perform a
3214 shoreline stabilization function of an existing structure which can no
3215 longer adequately serve its purpose. Additions to or increases in size of
3216 existing shoreline stabilization measures shall be considered new
3217 structures.
- 3218 G. A geotechnical report prepared to address the need to prevent potential damage to
3219 a primary structure shall address ~~a local jurisdiction's~~ standards for a ~~critical~~
3220 ~~area~~ habitat management report for geologically hazardous areas.
- 3221 H. Geotechnical reports that address the need to prevent potential damage to a
3222 primary structure shall address the necessity for shoreline stabilization by
3223 estimating time frames and rates of erosion and report on the urgency associated
3224 with the specific situation.
- 3225 I. Hard armoring solutions shall not be authorized except when a geotechnical

- 3226 report confirms that there is a significant possibility that the primary structure will
3227 be damaged within three years as a result of shoreline erosion in the absence of
3228 hard armoring measures, or where waiting until the need is that immediate, would
3229 foreclose the opportunity to use measures that avoid impacts on ecological
3230 functions. Where the geotechnical report confirms a need to prevent potential
3231 damage to a primary structure, but the need is not as immediate as the three years,
3232 the report may still be used to justify more immediate authorization to protect
3233 against erosion using soft measures.
- 3234 J. Shoreline stabilization shall not be allowed for new uses if it would cause a net
3235 loss of shoreline ecological functions on the site, or within the watershed; or if it
3236 would cause significant ecological impacts to adjacent properties or shoreline
3237 areas. Those impacts include accelerated erosion of adjacent properties caused by
3238 the stabilization measures.
- 3239 K. New uses, including exempt uses, in areas above unstable slopes and moderately
3240 unstable slopes shall be set back sufficiently to ensure that shoreline stabilization
3241 will not be needed during the life of the structure, as demonstrated by a
3242 geotechnical analysis.
- 3243 L. Where structural shoreline stabilization measures are shown to be necessary, the
3244 extent of the stabilization measures shall be limited to the minimum necessary.
- 3245 M. Stabilization measures shall be designed to minimize harm to and as much as
3246 possible restore ecological functions. Lost functions shall be mitigated to ensure
3247 no net loss of shoreline ecological functions. Soft approaches shall be used unless
3248 demonstrated to be insufficient to protect the primary structure or structures.
- 3249 N. Where stabilization is necessary to alleviate erosion caused by removal of
3250 vegetation, vegetative stabilization measures shall be the only stabilization
3251 measures allowed. See Section 14.15.130.
- 3252 O. Where feasible, ecological restoration and public access improvements shall be
3253 incorporated into public projects. Publicly financed or subsidized shoreline
3254 erosion control measures shall not restrict appropriate public access to the
3255 shoreline, except where such access is determined to be infeasible because of
3256 incompatible uses, safety, security, or harm to ecological functions.
- 3257 P. All applicable federal, state, and local permits shall be obtained and complied
3258 with in the construction of shoreline stabilization measures. All permits must be
3259 issued before any stabilization work takes place.
- 3260 Q. Dikes/levees, breakwaters, groins and jetties shall require a conditional use
3261 permit.

R. When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions.

- 1. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the County will assist in coordinating shoreline management compliance efforts.

14.15.360 Table 11: Use and Activity Table

All uses and activities must comply with all applicable provisions of this Shoreline Master Program (SMP), including the General, Shoreline Modification, Use-Specific, and Shoreline Designation-Specific regulations in this Chapter. Uses and activities not listed in the Shoreline Use and Activity Chart may be allowed (with a shoreline exemption, substantial development permit, or conditional use permit), subject to approval by the Administrator, if they comply with the standards in this section and with any regulations that apply to similar uses. All shoreline permits and exemptions are subject to conditions providing for maintenance, enhancement, and/or restoration of shoreline functions.

- A = Allowed – requires exemption¹⁵; or, Substantial Development depending on fair market value and/or intensity of use or activity, or designation-specific requirements
- SDP = Shoreline Substantial Development Permit required.
- SCUP = Shoreline Conditional Use Permit required.
- X = Prohibited use
- S = Same as in adjacent shoreline designation landward of the OHWM (applicable to areas designated Aquatic only)
- N/A = Not Applicable
- (-) = Subject to limitations.
- (+) = Subject to conditions.
- (*) = Subject to exceptions.

- (a) In the event that there is a conflict between the use(s) identified in Table 11 and the policies or regulations in this Shoreline Master Program, the policies and regulations shall apply.
- (b) Aquatic: Water-dependent use only, subject to the use and development regulations of the abutting upland shoreline area designation.
 - 1.

¹⁵ - Exempt uses and activities are defined by statute, see definitions in 14.15.090.

3301 **TABLE 11 SHORELINE USE & ACTIVITY TABLE**3302 **Table 11 Use and Activity Chart^(a)**

Uses and Activities	Aquatic ^(b)	Natural	Riverine/ Lacustrine	Conservancy	Rural Resource	Rural Residential	Shoreline Recreation	Urban Conservancy	Shoreline Residential
Agriculture									
Grazing/Cultivation/Orchards	X	A	A	A	A	A	A	A	A
Agricultural Buildings	X	SE	SE	SE	SE	SE	SE	SE	SE
Feedlots (CAFOS/AFOS)	X	X	X	X	A	X	X	X	X
Conversion from non-agricultural land to agricultural land use	X	SDP	SDP	SDP	A	A	SDP	SDP	SDP
Aquaculture									
Floating Net Pen type & Accessory structures	SDP	SDP	SDP	SDP	SDP	X	X	SDP	X
On shore, confined types of facilities & Accessory structures	SDP	SDP	SDP	SDP	SDP	X	X	SDP	X
Forest Management									
Forest Management Activities	X	SCUP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Commercial Development									
Water-dependent	SCUP	X	X	SCUP	SDP	SDP	SDP	SDP	SDP
Water-related/water-enjoyment	X	X	X	SCUP	SDP	SDP	SDP	SDP	SDP
Non-water Oriented	X	X	X	X	X	X	X	X	X
Boating Facilities									
Marinas	S	X	X	X	SDP	SDP	SDP	SDP	SDP
Piers	S	X	X	A	A	A	A	A	A
Docks	S	X	A	A	A	A	A	A	A
Covered Moorage (Boat Garages)	S	X	X	SDP	SDP	SDP	SDP	SDP	SDP
Commercial Wet Moorage	S	X	X	SDP	SDP	SDP	SDP	SDP	SDP
Commercial dry boat storage	S	X	X	X	X	SDP	SDP	X	X
Boat Launch Ramps									
Commercial	S	SCUP	SCUP	SCUP	SDP	SDP	SDP	SDP	SDP
Public	S	SCUP	SCUP	SCUP	SDP	SDP	SDP	SDP	SDP
Private	X	X	X	X	X	X	X	X	X
Mooring buoys/float plane moorage accessory to permitted moorage	S	A	A	A	A	A	A	A	A

Uses and Activities	Aquatic ^(b)	Natural	Riverine/ Lacustrine	Conservancy	Rural Resource	Rural Residential	Shoreline Recreation	Urban Conservancy	Shoreline Residential
Floats	S	A	A	A	A	A	A	A	A
Mining									
Surface Mining	S	X	X	SCUP	SCUP	X	X	X	X
Other Mining	S	X	X	SCUP	SCUP	X	X	X	X
Mineral Prospecting and Placer Mining	A	A	A	A	A	A	A	A	A
Outdoor Advertising, Signs and Billboards									
Commercial Signs	X	X	X	SDP	SDP	SDP	SDP	SDP	SDP
Public Highway, Safety, Directional and Informational Signs	SCUP	A	A	A	A	A	A	A	A
Residential									
Exempt single family dwellings ¹⁶	X	SCUP	A	A	A	A	A	A	A
Non-exempt single family dwellings (e.g. seasonal or year round rentals)	X	SCUP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Multi-family	X	SCUP	SDP	SCUP	A	A	A	SDP	A
Utilities									
Primary	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SDP
Accessory	SCUP	SCUP	A	A	A	A	A	A	A
Industry									
Water-dependent	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SDP	SDP	SDP
Water-related	X	X	SCUP	SCUP	SCUP	SCUP	SDP	SDP	SDP
Non-water Oriented	X	X	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Shoreline Modifications									
Dikes/levees	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Breakwaters, groins and jetties	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Dredging and Material Disposal ¹⁷	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Filling ¹⁸	SCUP	SCUP	SCUP	SDP	SDP	SDP	SDP	SDP	SDP

¹⁶ RCW 90.58.030(3)(e)(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter

¹⁷ All dredging shall be the minimum required to support an existing permitted or proposed allowed use and shall be subject to a conditional use permit.

¹⁸ All fill is ONLY ALLOWED TO the minimum amount NECESSARY for existing permitted or proposed allowed uses

Uses and Activities	Aquatic ^(b)	Natural	Riverine/ Lacustrine	Conservancy	Rural Resource	Rural Residential	Shoreline Recreation	Urban Conservancy	Shoreline Residential
Clearing and Grading ¹⁹	X	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Bulkheads and revetments	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Shoreline Stabilization									
Hardening, Structural approaches	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Bioengineering approaches	SCUP	SCUP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Shoreline Restoration and Enhancement ²⁰	S	SE	SE	SE	SE	SE	SE	SE	SE
Transportation									
Railroads	S	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Roads	S	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Archaeological, Cultural, Educational, Historic and Scientific Resources									
Archaeological Areas, Scientific, Educational and Historic Sites	A	A	A	A	A	A	A	A	A
Recreation									
High Intensity	S	SCUP	SCUP	SCUP	A	A	A	A	A
Low Intensity / Passive	S	SDP	A	A	A	A	A	A	A

3303

3304

which may require a SUBSTANTIAL DEVELOPMENT permit.

¹⁹ Clearing and grading that is not part of an allowed and permitted shoreline use shall require a conditional use permit except on properties physically separated from the shoreline by another property or public right of way.

²⁰ Restoration and enhancement projects may require a Substantial Development Permit.

3305

3306 **Article IV Shoreline Designation Regulations**

3307 **14.15.370 Aquatic Designation**

3308

A. Purpose

3309

Protect, restore, and manage the unique characteristics and resources of areas waterward of the Ordinary High Water Mark (OHWM).

3310

3311

B. Criteria

3312

All shorelines areas waterward of the OHWM of rivers, lakes and streams shall be designated "Aquatic."

3313

3314

C. Permitted Uses

3315

The following uses may be permitted subject to the applicable policies and regulations of this Program:

3316

3317

3318

3319

3320

1. Permitted uses consist of the water-dependent uses permitted in abutting upland shoreline area designations, subject to the exceptions listed in SMP 14.15.570.

3321

D. Conditional Uses

3322

The following may be permitted as conditional uses subject to the applicable policies and regulations of this Program:

3323

3324

3325

3326

3327

3328

3329

3330

3331

3332

3333

3334

1. Conditional uses consist of those water-dependent conditional uses designated in abutting upland shoreline area designations.
2. Bioengineering approaches shall require a conditional use permit.
3. Water-dependent commercial development
4. Public Highway, Safety, Directional and Informational signs
5. Primary and accessory utilities
6. Water-dependent industrial development
7. Filling
8. Dredging and material disposal
9. Shoreline Stabilization

3335

E. Prohibited Uses

3336

The following uses are prohibited:

3337

3338

3339

3340

3341

1. Agriculture
2. Forest Management
3. Non-water dependent, water-related/water-enjoyment Commercial uses
4. Non-water dependent, water-related Industrial uses
5. Clearing and grading

3342 **14.15.380 Conservancy Designation**

3343 A. Purpose

3344 Protect ecological functions and conserve existing natural resources and valuable
3345 historic and cultural areas in places where the shoreline is performing an
3346 important, irreplaceable function or ecosystem-wide process, even though it is
3347 partially developed or supporting human use.

3348 B. Conservancy Designation Criteria

3349 A.1. The shoreline is currently performing an important, irreplaceable
3350 function or ecosystem-wide process, even though partially developed or
3351 supporting human use; and

3352 B.2. The shoreline is either publicly owned; or covered by a conservation
3353 easement or is in platted common area; or subject to severe access
3354 limitation or other environmental limitations that render it unsuitable for
3355 development; and

3356 C.3. The shoreline is either currently supporting lesser-intensity resource-
3357 based uses, such as agriculture, forestry, or recreational uses, or is
3358 designated agricultural or forest lands pursuant to RCW 36.70A.170; or of
3359 high recreational value or with unique historic or cultural resources.

3361 C. Permitted Uses

3362 The following uses may be permitted subject to the applicable policies and
3363 regulations of this Program:

- 3364 1. Accessory utilities serving permitted uses are allowed subject to a
3365 substantial development permit.
- 3366 2. Agriculture shall be limited to those practices which do not require
3367 extensive alteration of the physical characteristics of the shoreline area.
- 3368 3. Grazing and watering of livestock is allowed.
- 3369 4. Those agricultural practices are permitted which are in effect at the time of
3370 the adoption of this ordinance.
- 3371 5. Agricultural structures shall be subject to the same development standards
3372 as residential development, see 14.15.120(E), including the requirement
3373 for a Conditional Use Permit to construct a non-exempt single-family
3374 dwelling (including agricultural workers' housing).
- 3375 6. Conversion from non-agricultural land to agricultural land use.
- 3376 7. All aquaculture upland development and uses shall be permitted only if in
3377 compliance with the other applicable sections of this SMP.
- 3378 8. Forest management
- 3379 9. Docks
- 3380

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

- 3381 10. Piers
- 3382 11. Covered Moorage
- 3383 12. Commercial Wet Moorage
- 3384 13. Mooring buoys/floatplane moorage accessory to permitted moorage.
- 3385 14. Floats
- 3386 15. Mineral prospecting and placer mining.
- 3387 16. Water-oriented, water-related and water-dependent recreational uses shall
- 3388 require a substantial development permit and are subject to the
- 3389 development standards set forth in 14.15.120(E).
- 3390 17. Commercial and public highway, safety, directional and informational
- 3391 signs.
- 3392 18. Exempt and non-exempt single family dwellings.
- 3393 19. Accessory utilities
- 3394 20. Filing
- 3395 21. Clearing and grading
- 3396 22. Bulkheads
- 3397 23. Bioengineering shoreline stabilization
- 3398 24. Shoreline restoration and enhancement
- 3399 D. Conditional Uses
- 3400 The following may be permitted as conditional uses subject to the applicable
- 3401 policies and regulations of this Program:
- 3402 1. Public and commercial boat launch ramps
- 3403 2. Water-dependent and water-related/water-enjoyment commercial uses
- 3404 3. Surface and other mining
- 3405 4. Multi-family residential development
- 3406 5. Dikes/levees
- 3407 6. Breakwaters, groins, and jetties
- 3408 7. Dredging and material disposal.
- 3409 8. Industrial uses shall require a conditional use permit.
- 3410 9. Primary utilities
- 3411 10. High Intensity recreational uses.
- 3412 11. Hard shoreline stabilization approaches shall require a conditional use
- 3413 permit.
- 3414 12. Railroads
- 3415

E. Prohibited Uses

The following uses are prohibited:

1. Feed lots and animal feeding operations
2. Non-water oriented commercial development
3. Marinas
4. Boat lifts
5. Commercial boat launch ramps
6. Commercial dry boat storage
7. Private boat launches

14.15.390 Natural Designation

D.A. Purpose

Provide the highest level of protection to shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use.

E.B. Criteria

A.1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that could be damaged by development over time;

B.2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest or are rare or fragile (for instance, an outcropping that contains fragile plant communities); or

C.3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

D.4. Such shorelines include largely areas such as wetlands, unstable bluffs, islands, and ecologically intact shoreline habitats. Shorelines inside or outside incorporated municipalities and Urban Growth Areas (UGAs) may be designated as "Natural."

F.C. Permitted Uses

The following uses may be permitted subject to the applicable policies and regulations of this Program:

1. Agriculture shall be limited to those practices which do not require extensive alteration of the physical characteristics of the shoreline area.
2. Grazing and watering of livestock is allowed.
3. Those agricultural practices are permitted which are in effect at the time of the adoption of this ordinance.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

- 3453 4. Agricultural buildings shall be subject to the same development standards
- 3454 as residential development, see Section 14.15.120(E), including the
- 3455 requirement for a Conditional Use Permit to construct a non-exempt
- 3456 single-family dwelling (including agricultural workers' housing).
- 3457 5. Conversion from non-agricultural land to agricultural land use.
- 3458 6. Aquaculture small accessory structures (not greater than 64 sq. feet) shall
- 3459 be allowed as a water-related structure, located no closer than the
- 3460 applicable Zone 1 Vegetative Buffer distance.
- 3461 7. All other aquaculture upland development and uses shall be permitted only
- 3462 if in compliance with the other applicable sections of this SMP.
- 3463 8. Archaeological, Cultural, Educational, Historic and Scientific uses are
- 3464 allowed with a substantial development permit.
- 3465 9. Mooring buoys/float plane moorage accessory to permitted moorage
- 3466 10. Floats
- 3467 11. Clearing and grading
- 3468 12. Bulkheads
- 3469 13. Bioengineering shoreline stabilization
- 3470 14. Shoreline restoration and enhancement
- 3471 15. Roads
- 3472 16. Mineral prospecting and placer mining
- 3473 17. Low Intensity/passive recreational uses shall require a substantial
- 3474 development permit and are subject to the development standards set forth
- 3475 in 14.15.120(E).
- 3476 18. Public Highway, safety, directional and informational signs

3477
3478 G.D. Conditional Uses

3479 The following may be permitted as conditional uses subject to the applicable
3480 policies and regulations of this Program:

- 3481 1. Accessory utilities serving permitted uses are allowed subject to a
- 3482 conditional use permit.
- 3483 2. Agricultural buildings shall be subject to the same development standards
- 3484 as residential development, see 14.15.120(E), including the requirement
- 3485 for a Conditional Use Permit to construct a non-exempt single-family
- 3486 dwelling (including agricultural workers' housing).
- 3487 3. Public and commercial boat launch ramps.
- 3488 4. Primary utilities
- 3489 5. High intensity recreational uses
- 3490 6. Forest management

08/30/21/2011

- 3491 7. Industrial uses
- 3492 8. Non-exempt and exempt single family dwelling
- 3493 9. Multi-family dwellings
- 3494 10. Bioengineering and hardening shoreline stabilization
- 3495 11. Dikes/levees
- 3496 12. Breakwaters, groins and jetties
- 3497 13. Dredging and material disposal
- 3498 14. Filing
- 3499 15. Railroads
- 3500

H.E. Prohibited Uses

The following uses are prohibited:

- 3503 1. Feed lots and animal feeding operations
- 3504 2. Marinas
- 3505 3. Moorage facilities
- 3506 4. Covered moorage (e.g., boat garages)
- 3507 5. Commercial wet moorage
- 3508 6. Commercial dry boat storage
- 3509 7. Boat lifts
- 3510 8. Private boat launch ramps
- 3511 9. Mining is prohibited
- 3512 10. commercial development
- 3513 11. industrial development
- 3514 12. Parking as a primary use
- 3515 13. Piers and docks
- 3516 14. Commercial signs

14.15.400 Riverine/Lacustrine Designation

E.A. Purpose

Protect shoreline areas that include intact or minimally degraded shoreline functions while allowing for continuation of lesser-intensity resource-based uses and for water-oriented recreational uses.

F.B. Criteria

A.1. The shoreline may or may not be ecologically intact; and

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

3524 | ~~B.2.~~ The shoreline is currently performing an important, irreplaceable
3525 function or ecosystem-wide process that could be damaged by intensive
3526 development or activity

3527 | ~~C.3.~~ The shoreline is unable to support intensive development or uses
3528 without significant adverse impacts to ecological functions or risk to
3529 human safety; and

3530 | ~~D.4.~~ The shoreline is privately owned; and

3531 | ~~E.5.~~ The shoreline is currently supporting lesser-intensity resource-based
3532 uses, such as agriculture, forestry, or recreational uses, or is designated
3533 agricultural or forest lands pursuant to RCW 36.70A.170; or

3534

3535 | ~~G.C.~~ Permitted Uses

3536 The following uses may be permitted subject to the applicable policies and
3537 regulations of this Program:

3538

3539 1. Accessory utilities serving permitted uses are allowed subject to a
3540 substantial development permit.

3541 2. Grazing and watering of livestock is allowed.

3542 3. Those agricultural practices are permitted which are in effect at the time of
3543 the adoption of this ordinance.

3544 4. Conversion of non-agricultural lands to agriculture uses and activities
3545 shall require a substantial development permit.

3546 5. Agricultural structures shall be subject to the same development standards
3547 as residential development, see 14.15.120(E), including the requirement
3548 for a Conditional Use Permit to construct a non-exempt single-family
3549 dwelling (including agricultural workers' housing).

3550 6. All aquaculture upland development and uses shall be permitted only if in
3551 compliance with the other applicable sections of this SMP.

3552 7. Archaeological, Cultural, Educational, Historic and Scientific uses are
3553 allowed with a substantial development permit in all shoreline
3554 designations.

3555 8. Forest Management

3556 9. Docks

3557 10. Mooring buoys/float plane moorage accessory to permitted moorage.

3558 11. Floats

3559 12. Mineral prospecting and placer mining

3560 13. Low-intensity recreational uses

3561 14. Public highway, safety, directional and informational signs.

| 08/30/11/21/2011

- 3562 15. Exempt and Non-exempt single family dwellings.
- 3563 16. Accessory utilities
- 3564 17. Clearing and grading
- 3565 18. Bulkheads
- 3566 19. Bioengineering shoreline stabilization
- 3567 20. Shoreline restoration and enhancement
- 3568 21. Roads
- 3569

3570 | H.D. Conditional Uses

3571 The following may be permitted as conditional uses subject to the applicable
3572 policies and regulations of this Program:

- 3573 1. Primary utilities
- 3574 2. Commercial and Public boat launch ramps
- 3575 3. Primary utilities
- 3576 4. Industrial development
- 3577 5. Dikes/levees
- 3578 6. Breakwaters, groins and jetties
- 3579 7. Dredging and material disposal
- 3580 8. filling
- 3581 9. High intensity recreation uses
- 3582 10. Hardening and structural shoreline stabilization approaches shall require a
3583 conditional use permit.
- 3584 11. Railroads

3585 | H.E. Prohibited Uses

3586 The following uses are prohibited:

- 3587 1. Feed lots and animal feeding operations
- 3588 2. Marinas
- 3589 3. piers
- 3590 4. Covered moorage
- 3591 5. Commercial wet moorage
- 3592 6. Commercial dry boat storage
- 3593 7. Boat lifts
- 3594 8. Private boat launch ramps
- 3595 9. Commercial development

- 3596 10. Parking as a primary use
- 3597 11. Bulkheads and revetments shall be prohibited.
- 3598 12. Mining
- 3599 13. Commercial signs

14.15.410 Rural Residential Designation

F.A. Purpose

To accommodate more intensive residential development in areas outside of UGAs that have been developed, planned and platted for such development; and to provide appropriate public access and recreational uses.

G.B. Criteria

- 1. Assigned to shoreline areas outside Urban Growth Areas that support a predominance of single-family residential development, are platted for residential development, or are planned for residential development at densities exceeding 1 dwelling unit per five acres

H.C. Permitted Uses

The following uses may be permitted subject to the applicable policies and regulations of this Program:

- 1. Accessory utilities serving permitted uses are allowed subject to a substantial development permit.
- 2. All types of agricultural activities are allowed except those activities listed in 14.15.610
- 3. Conversion of non-agricultural lands to agriculture uses and activities shall require a substantial development permit.
- 4. Agricultural structures shall be subject to the same development standards as residential development, 14.15.120(E), including the requirement for a Conditional Use Permit to construct a non-exempt single-family dwelling (including agricultural workers' housing).
- 5. Archaeological, Cultural, Educational, Historic and Scientific uses are allowed with a substantial development permit in all shoreline designations.
- 6. Forest management
- 7. Public and commercial boat launch ramp shall require a substantial development permit
- 8. Commercial development is allowed with a substantial development permit provided such development is consistent with local zoning regulations or directly related to an existing conforming or permitted agricultural, recreational or residential use and be subject to the development standards set forth in 14.15.120(E).

- 3635 | A.a. Commercial development shall be water dependent or water-
3636 | oriented except as allowed in 14.15.210(C).
- 3637 | B.b. Commercial development shall be consistent with local
3638 | comprehensive plan provisions and zoning regulations.
- 3639 | 9. Mineral prospecting and placer mining
- 3640 | 10. All recreational uses are allowed with a substantial development permit
3641 | and are subject to the development standards set forth in 14.15.120(E).
- 3642 | 11. Subdivisions (both short and long) shall be subject to a substantial
3643 | development permit and require the division to be processed as a planned
3644 | development under local zoning and platting regulations.
- 3645 | 12. Commercial and public highway, safety, directional and informational
3646 | signs
- 3647 | 13. Bioengineering shoreline stabilization approaches shall require a
3648 | substantial development permit.
- 3649 | 14. Marinas
- 3650 | 15. Piers
- 3651 | 16. Docks
- 3652 | 17. Covered moorage
- 3653 | 18. Commercial wet moorage
- 3654 | 19. Commercial dry boat storage
- 3655 | 20. Mooring buoys/float plane moorage accessory to permitted moorage
- 3656 | 21. Floats
- 3657 | 22. Residential development
- 3658 | 23. Accessory utilities
- 3659 | 24. Filling
- 3660 | 25. Clearing and grading
- 3661 | 26. Bioengineered shoreline stabilization
- 3662 | 27. Bulkheads
- 3663 | 28. Shoreline restoration and enhancement
- 3664 | 29. Roads
- 3665 | D. Conditional Uses
3666 | The following may be permitted as conditional uses subject to the applicable
3667 | policies and regulations of this Program:
3668 | 1. Dikes/levees
3669 | 2. Breakwaters, groins, and jetties
3670 | 3. Moorage facilities

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 2.13" + Tab
after: 2.38" + Indent at: 2.38"

08/30/11/21/2011

- 3671 4. Boat lifts
- 3672 5. Primary utilities
- 3673 6. Dredging and material disposal
- 3674 7. Hardened shoreline stabilization
- 3675 8. Railroads

~~J.E.~~ Prohibited Uses

The following uses are prohibited:

- 3677 1. Feedlots
- 3678 2. Aquaculture
- 3679 3. Non-water oriented commercial development
- 3680 4. Private boat launch ramp
- 3681 5. Mining
- 3682 6. Parking as a primary use
- 3683

14.15.420 Rural Resource Designation

~~C.A.~~ Purpose

Protect ecological functions, conserve existing natural resources, and provide for public safety while accommodating existing and planned rural development patterns

~~D.B.~~ Criteria

- 3689 1. Shoreline areas outside incorporated municipalities and outside urban
- 3690 growth areas, as defined by RCW 36.70A.110, where any of the following
- 3691 characteristics apply:
- 3692
- 3693 2. The shoreline is currently accommodating agricultural and/or residential
- 3694 uses or is planned for such use and is outside any incorporated city, town,
- 3695 or urban growth area; or
- 3696 3. The shoreline is presently supporting human uses and has few
- 3697 environmental limitations

~~E.C.~~ Permitted Uses

The following uses may be permitted subject to the applicable policies and regulations of this Program:

- 3698
- 3699
- 3700
- 3701
- 3702 ~~A.1.~~ Accessory utilities serving permitted uses are allowed subject to a
- 3703 substantial development permit.
- 3704 ~~B.2.~~ All types of agricultural activities are allowed.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

- 3705 | C.3. Animal feedlots are permitted provided:
- 3706 | a. Applicable state (Chapter 90.48 RCW) and federal regulations
- 3707 | (EPA) for CAFOs and AFOs are met.
- 3708 | b. There exists a minimum of the required Zone 1 and Zone 2
- 3709 | buffer or 100 feet (no buffer reduction allowed for this use) of
- 3710 | vegetated area between the lot and the ordinary high water mark.
- 3711 | D.4. Conversion of non-agricultural lands to agriculture uses and activities
- 3712 | shall require a substantial development permit.
- 3713 | E.5. Agricultural structures shall be subject to the same development
- 3714 | standards as residential development, Section 14.15.120(E), including the
- 3715 | requirement for a Conditional Use Permit to construct a non-exempt
- 3716 | single-family dwelling (including agricultural workers' housing).
- 3717 | F.6. All aquaculture uses require a shoreline substantial development
- 3718 | permit.
- 3719 | G.7. Archaeological, Cultural, Educational, Historic and Scientific uses
- 3720 | H.8. Forest management activities
- 3721 | I.9. Public and commercial boat launch ramps are allowed subject to a
- 3722 | substantial development permit
- 3723 | J.10. Moorage buoys/float plan moorage accessory to permitted moorage
- 3724 | K.11. High intensity and low intensity recreational uses
- 3725 | L.12. All outdoor advertising, signs and billboards
- 3726 | M.13. Water-dependent and water-related/water-enjoyment commercial
- 3727 | development shall be allowed subject to a substantial development permit
- 3728 | and the development standards set forth in 14.15.120(E).
- 3729 | N.14. Mineral prospecting and placer mining
- 3730 | O.15. High intensity recreational uses shall require a substantial development
- 3731 | permit and are subject to the development standards set forth in
- 3732 | 14.15.120(E).
- 3733 | P.16. Commercial and public highway, safety, directional and informational
- 3734 | signs
- 3735 | Q.17. Bioengineering shoreline stabilization approaches shall require a
- 3736 | substantial development permit.
- 3737 | R.18. All residential uses
- 3738 | S.19. Marinas
- 3739 | T.20. Piers
- 3740 | U.21. Docks
- 3741 | V.22. Floats

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

- 3742 ~~W-23.~~ Covered moorage
- 3743 ~~X-24.~~ Commercial wet moorage
- 3744 ~~Y-25.~~ Filling
- 3745 ~~Z-26.~~ Clearing and grading
- 3746 ~~AA-27.~~ Bulkheads
- 3747 ~~BB-28.~~ Shoreline restoration and enhancement
- 3748 ~~CC-29.~~ Roads

~~F.D.~~ Conditional Uses

The following may be permitted as conditional uses subject to the applicable policies and regulations of this Program:

1. Primary utilities
2. Industrial development shall be allowed by conditional use permit subject to the provisions of 14.15.250 and the development standards set forth in 14.15.120.
3. Boat lifts
4. Mining shall be allowed subject to a Conditional Use Permit.
5. Mining shall be allowed subject to a Conditional Use Permit.
6. Primary utilities

~~G.E.~~ Prohibited Uses

The following uses are prohibited:

- ~~A-1.~~ Private boat launch ramps
- ~~B-2.~~ Non-water oriented commercial development
- ~~C-3.~~ Commercial dry boat storage

14.15.430 Shoreline Recreation Designation

~~DD-A.~~ Purpose

To accommodate mixed-use recreation-oriented development that is consistent with the goals and purpose of the Shoreline Management Act; and to provide appropriate public access and recreational uses, especially where those uses are part of a master-planned system and support healthy physical activity.

~~EE-B.~~ Criteria

Assigned to shoreline areas within or in close proximity to Urban Growth Areas that support or are planned for mixed-use recreation oriented development. The designation will provide flexibility for water oriented mixed-use development with densities exceeding 1 dwelling unit per acre.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

FF.C. Permitted Uses

The following uses may be permitted subject to the applicable policies and regulations of this Program:

1. Accessory utilities serving permitted uses are allowed subject to a substantial development permit.
2. Bioengineering shoreline stabilization approaches shall require a substantial development permit.
3. All types of agricultural activities are allowed except activities listed in 14.15.710
4. Agricultural structures shall be subject to the same development standards as residential development, Section 14.15.120(E), including the requirement for a Conditional Use Permit to construct a non-exempt single-family dwelling (including agricultural workers' housing).
5. Forest Management
6. Archaeological, Cultural, Educational, Historic and Scientific uses are allowed with a substantial development permit in all shoreline designations.
7. Marinas
8. Piers
9. Docks
10. Covered moorage
11. Commercial wet moorage
12. Commercial dry boat storage
13. Floats shall be allowed subject to a shoreline substantial development permit.
14. Boat lifts shall be allowed subject to a shoreline substantial development permit.
15. Public and commercial boat launch ramps shall be allowed subject to a substantial development permit
16. Mooring buoys/float plane moorage shall be allowed subject to a shoreline substantial development permit.
17. Water-dependent and Water-related/water-enjoyment commercial development is allowed with a substantial development permit provided such development is consistent with local zoning regulations or directly related to an existing conforming or permitted agricultural, recreational or residential use and be subject to the development standards set forth in section 14.15.120(E).
18. Mineral prospecting and placer mining

- 3817 19. Water-dependent and water-related industrial development is allowed with
- 3818 a substantial development permit provided such development is directly
- 3819 related to an existing conforming or permitted agricultural or industrial use
- 3820 and be subject to the development standards set forth in 14.15.120(E).
- 3821 20. Filling
- 3822 21. Clearing and grading
- 3823 22. Bulkheads
- 3824 23. Shoreline restoration and enhancement
- 3825 24. Roads
- 3826 25. High intensity recreational uses shall require a substantial development
- 3827 permit
- 3828 26. Low intensity recreational uses
- 3829 27. Commercial and public highway, safety, directional and informational
- 3830 signs

GG.D. Conditional Uses

The following may be permitted as conditional uses subject to the applicable policies and regulations of this Program:

- 3831 1. Primary utilities
- 3832 2. Non-water oriented industrial uses
- 3833 3. Dikes/levees
- 3834 4. Breakwaters, groins, and jetties
- 3835 5. Hardened shoreline stabilization

HH.E. Prohibited Uses

The following uses are prohibited:

- 3840 Q.1. feedlots
- 3841 P.2. Commercial boat launch ramps
- 3842 Q.3. Private boat launch ramps
- 3843 R.4. Parking as a primary use
- 3844

14.15.440 Shoreline Residential Designation

D.A. Purpose

To accommodate residential development and appurtenant structures that are consistent with the goals and purpose of the Shoreline Management Act; and to provide appropriate public access and recreational uses.

E.B. Criteria

Assigned to shoreline areas within incorporated municipalities or UGAs that support a predominance of single-family residential development with some duplex and multi-family, are platted for residential development, or are planned for residential development exceeding 1 dwelling unit per acre.

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

F.C. Permitted Uses

The following uses may be permitted subject to the applicable policies and regulations of this Program:

1. Accessory utilities serving permitted uses are allowed
2. Primary utilities are allowed subject to a substantial development permit.
3. All types of agricultural activities are allowed except activities listed in 14.15.440(E).
4. Archaeological, Cultural, Educational, Historic and Scientific uses are allowed with a substantial development permit in all shoreline designations.
5. Forest management
6. Moorage facilities shall be allowed subject to a shoreline substantial development permit.
7. Mooring buoys/float plane moorage shall be allowed subject to a shoreline substantial development permit.
8. Floats shall be allowed
9. Boat lifts are allowed subject to a shoreline substantial development permit.
10. Public and commercial boat launch ramps are allowed subject to a shoreline substantial development permit.
11. Water-dependent and Water-related/water-enjoyment commercial development is allowed with a substantial development permit provided such development is consistent with local zoning regulations or directly related to an existing conforming or permitted agricultural, recreational or residential use and be subject to the development standards set forth in section 14.15.120(E).
12. Water-dependent and water-related industrial development is allowed with a substantial development permit subject to the provisions of section 14.15.250 and the development standards set forth in 14.15.120(E).
13. Mineral Prospecting and placer mining are allowed
14. High intensity recreational uses are allowed with a substantial development permit and are subject to the development standards set forth in 14.15.120(E).
15. Low intensity recreational uses.
16. Subdivisions (both short and long) shall be subject to a substantial development permit.
17. Commercial and public highway, safety, directional and informational signs
18. Bioengineering shoreline stabilization approaches shall require a

| ~~08/30~~11/21/2011

- 3894 substantial development permit.
- 3895 19. Marinas
- 3896 20. Piers
- 3897 21. Docks
- 3898 22. Covered moorage
- 3899 23. Commercial wet moorage
- 3900 24. Residential development, non-exempt single family, and multi-family
- 3901 dwellings are allowed with a substantial development permit.
- 3902 25. Filling
- 3903 26. Clearing and grading
- 3904 27. Bulkheads
- 3905 28. Shoreline restoration and enhancement
- 3906 29. Roads
- 3907

3908 | G.D. Conditional Uses

3909 The following may be permitted as conditional uses subject to the applicable
3910 policies and regulations of this Program:

- 3911 1. Dikes/levees
- 3912 2. Breakwaters, groins, and jetties
- 3913 3. Dredging and material disposal
- 3914 4. Hardened shoreline stabilization
- 3915 5. Railroads
- 3916 6. Non-water oriented industrial development
- 3917

3918 | H.E. Prohibited Uses

3919 The following uses are prohibited:

- 3920 1. Feedlots
- 3921 2. Aquaculture
- 3922 3. Non-water oriented commercial development
- 3923 4. Commercial dry boat storage
- 3924 5. Private boat launch ramps
- 3925 6. Parking as a primary use
- 3926 7. Mining
- 3927

3928 **14.15.450 Urban Conservancy Designation**

3929 A. Purpose

3930 Protect and restore ecological functions of open space, floodplains, and other
3931 sensitive lands within incorporated municipalities or Urban Growth Areas, while
3932 allowing a variety of compatible uses.

3933 B. Criteria

3934 ~~F.1.~~ Areas within UGAs that are suitable and planned primarily for public
3935 development that is compatible with maintaining or restoring the
3936 ecological functions of the area, and are not generally suitable for water-
3937 dependent uses, if any of the following characteristics apply:

- 3938 a. They are suitable for water-related or water-enjoyment uses;
- 3939 b. They are publically-owned open space, flood plain or other
- 3940 sensitive areas that may be suited for low levels of development
- 3941 associated with water-related or water-enjoyment uses but are
- 3942 unsuitable for high intensity development;
- 3943 c. They have potential for ecological restoration; or
- 3944 d. They retain important ecological functions (such as riparian or
- 3945 wetland habitat, buffers, storm water and wastewater abatement,
- 3946 and open space) even though partially developed.

3947
3948 C. Permitted Uses

3949 The following uses may be permitted subject to the applicable policies and
3950 regulations of this Program:

- 3951 ~~A.1.~~ Accessory utilities serving permitted uses are allowed
- 3952 ~~B.2.~~ All types of agricultural activities are allowed except activities listed in
3953 14.15.860
- 3954 ~~C.3.~~ Agricultural structures shall be subject to the same development
3955 standards as residential development, 14.15.120(E) including the
3956 requirement for a Conditional Use Permit to construct a non-exempt
3957 single-family dwelling (including agricultural workers' housing).
- 3958 ~~D.4.~~ All aquaculture uses require a shoreline substantial development
3959 permit.
- 3960 ~~E.5.~~ Archaeological, Cultural, Educational, Historic and Scientific uses are
3961 allowed with a substantial development permit in all shoreline
3962 designations.
- 3963 ~~F.6.~~ Forest management uses require a shoreline substantial development
3964 permit.
- 3965 ~~G.7.~~ Public and commercial boat launch ramps
- 3966 ~~H.8.~~ Water-dependent and Water-related/water-enjoyment commercial
3967

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

Formatted: Numbered + Level: 1 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 1.5" + Tab after:
1.75" + Indent at: 1.75"

- 3968 development is allowed with a substantial development permit provided
- 3969 such development is consistent with local zoning regulations or directly
- 3970 related to an existing conforming or permitted agricultural, recreational or
- 3971 residential use and be subject to the development standards set forth in
- 3972 section 14.15.120(E).

- 3973 ~~I~~9. Water-dependent and water-related industrial development is allowed with
- 3974 a substantial development permit subject to the provisions of section
- 3975 14.15.250 and the development standards set forth in 14.15.120(E).

- 3976 ~~J~~10. Mineral prospecting and placer mining are allowed

- 3977 ~~K~~11. Marinas

- 3978 ~~L~~12. Piers

- 3979 ~~M~~13. Docks

- 3980 ~~N~~14. Covered moorage

- 3981 ~~O~~15. Commercial wet moorage

- 3982 ~~P~~16. Mooring buoys/float plane moorage accessory to permitted moorage

- 3983 ~~Q~~17. Floats

- 3984 ~~R~~18. High intensity recreational uses are allowed with a substantial
- 3985 development permit and are subject to the development standards set forth
- 3986 in 14.15.120(E).

- 3987 ~~S~~19. Low intensity recreational uses are allowed

- 3988 ~~T~~20. Commercial and public highway, safety, directional and informational
- 3989 signs are allowed subject to the provisions of 14.15.330.

- 3990 ~~U~~21. Residential development is allowed non-exempt single family and
- 3991 multi-family dwellings are allowed with a substantial development permit.

- 3992 ~~V~~22. Filling

- 3993 ~~W~~23. Clearing and grading

- 3994 ~~X~~24. Bulkheads

- 3995 ~~Y~~25. Bioengineering shoreline stabilization approaches shall require a
- 3996 substantial development permit.

- 3997 ~~Z~~26. Shoreline restoration and enhancement

- 3998 ~~AA~~27. Roads

- 3999

D. Conditional Uses

The following may be permitted as conditional uses subject to the applicable policies and regulations of this Program:

- 4000 1. Primary utilities
- 4001
- 4002
- 4003
- 4004 2. Non water oriented industrial development

- 4005 3. Dikes/levees
- 4006 4. Breakwaters, groins and jetties
- 4007 5. Dredging and material disposal
- 4008 6. Hardening shoreline stabilization
- 4009 7. Railroads
- 4010 E. Prohibited Uses
- 4011 The following uses are prohibited:
- 4012 1. Feedlots
- 4013 2. Non-water oriented commercial development
- 4014 3. Private boat launch ramps
- 4015 4. Mining
- 4016 5. Parking as a primary use

4017 **Article V Administration**

4018 **14.15.460 Minimum Application Requirements**

- 4019 A. Where other approvals or permits are required for a use or development that does
- 4020 not require an open record hearing, such approvals or permits shall not be granted
- 4021 until a shoreline approval or permit is granted. All shoreline approvals and
- 4022 permits shall include written findings prepared by the Administrator documenting
- 4023 compliance with bulk and dimensional standards and other policies and
- 4024 regulations of this Program.
- 4025 B. A complete application for a substantial development, conditional use, or variance
- 4026 permit shall contain, at a minimum, the following information; provided that the
- 4027 Administrator may vary or waive these requirements according to administrative
- 4028 application requirements and may vary or waive these requirements on a case-by-
- 4029 case basis. The Administrator may require additional specific information
- 4030 depending on the nature of the proposal and the presence of sensitive ecological
- 4031 features or issues related to compliance with other county requirements.
- 4032 1. Applicant/Proponent Information
- 4033 a. The name, address and phone number of the applicant/proponent,
- 4034 applicant's representative, agent on behalf of the owner, and /or
- 4035 property owner if different from the applicant/proponent.
- 4036 b. The applicant/proponent should be the owner of the property or
- 4037 the primary proponent of the project and not the representative of
- 4038 the owner or primary proponent.

4039
4040
4041
4042
4043
4044
4045
4046
4047
4048
4049
4050
4051
4052
4053
4054
4055
4056
4057
4058
4059
4060
4061
4062
4063
4064
4065
4066
4067
4068
4069
4070
4071
4072
4073
4074
4075
4076
4077
4078
4079
4080
4081

2. Property Information

- a. 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.
- b. Identification of the name of the shoreline (water body) that the site of the proposal is associated with and the shoreline designation.
- c. A general description of the property as now exists including its use, physical and ecological characteristics, existing improvements and existing structures.
- d. 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.
- e. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

3. A site plan identifying existing conditions consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information, that shall include:

- a. The boundary of the parcel(s) of land upon which the development is proposed. A survey may be required where substantial questions exist regarding the location of property lines or other important features.
- b. The ordinary high water mark of all water bodies 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 ordinary high water mark 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 ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark 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.

- 4082 |
4083
4084
4085
4086
4087
4088
4089
4090
4091
4092
4093
4094
4095
4096
4097
4098
4099
4100
4101
4102
4103
4104
4105
4106
4107
4108 |
4109
4110
4111
4112
4113
4114
4115
4116
4117
4118
4119
4120
- d. Existing ~~critical-conservation~~ areas as designated in 14.15.110 together with any supporting information consistent with the reporting requirements of 14.15.460(C).
 - 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 drain fields, material stockpiles or surcharge, and storm water management facilities.
 - g. A delineation of all wetland areas that will be altered or used as a part of the development.
 - h. Where applicable, landscaping plans for the project.
 - i. 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.
 - j. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
 - k. Quantity, composition and destination of any excavated or dredged material.
 - l. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
 - m. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
 - n. Where applicable, ~~critical area~~ habitat management report and mitigation plans in accordance with Chapter 8 sections 14.15.460(C) and 14.15.460(D).
 - o. 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.
4. A site plan identifying existing conditions consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information, that shall include:
5. Operation and maintenance plan(s) as required pursuant to other applicable sections of this program.

- 4121 | C. When a ~~Critical Areas Report~~Habitat Management Plan is required, “At a
4122 | minimum, the report shall contain the following:
- 4123 | 1. The name and contact information of the applicant, a description of the
4124 | proposal, and identification of the permit requested;
 - 4125 | 2. A copy of the site plan for the development proposal including: A map to
4126 | scale depicting ~~critical-conservation~~ areas, buffers, the development
4127 | proposal, and any areas to be cleared; and a description of the proposed
4128 | storm water management plan for the development and consideration of
4129 | impacts to drainage alterations.
 - 4130 | 3. The dates, names, and qualifications of the persons preparing the report
4131 | and documentation of any fieldwork performed on the site; Public docks-
4132 | are constructed and utilized for use by the general public, typically owned
4133 | and managed by a public agency and may include a boat ramp.
 - 4134 | 4. Identification and characterization of all ~~critical-conservation~~ areas,
4135 | wetlands, water bodies, and buffers 200 feet from adjacent to the proposed
4136 | project area;
 - 4137 | 5. A statement specifying the accuracy of the report, and all assumptions
4138 | made and relied upon;
 - 4139 | 6. An assessment of the probable cumulative impacts to ~~critical-conservation~~
4140 | areas resulting from development of the site and the proposed
4141 | development;
 - 4142 | 7. An analysis of site development alternatives including a no development
4143 | alternative;
 - 4144 | 8. A description of reasonable efforts made to apply mitigation sequencing to
4145 | avoid, minimize, rectify, reduce and mitigate impacts to ~~critical~~
4146 | ~~areas~~conservation areas;
 - 4147 | 9. Plans for adequate mitigation, as needed, to offset any impacts, in
4148 | accordance with Mitigation Plan Requirements 14.15.460(D), including,
4149 | but not limited to: The impacts of any proposed development within or
4150 | adjacent to a ~~critical-conservation~~ area or buffer on the ~~critical~~
4151 | conservation area; and The impacts of any proposed alteration of a ~~critical~~
4152 | conservation area or buffer on the development proposal, other properties
4153 | and the environment;
 - 4154 | 10. A discussion of the performance standards including monitoring
4155 | applicable to the ~~critical-conservation~~ area and proposed activity;
 - 4156 | 11. Financial guarantees to ensure compliance; and
 - 4157 | 12. Any additional information required for the ~~critical-area~~conservation area
4158 | as specified in the corresponding chapter.

4159 | D. When a Mitigation ~~Management~~ Plan is required the plan shall include the
4160 | following:

4161 | 1. "Mitigation plan" shall include a written report identifying environmental
4162 | goals and objectives of the compensation proposed and including:

- 4163 | a. A description of the anticipated impacts to the ~~critical~~
4164 | ~~areas~~conservation area and the mitigating actions
4165 | proposed and the purposes of the compensation measures,
4166 | including the site selection criteria; identification of
4167 | compensation goals; identification of resource functions;
4168 | and dates for beginning and completion of site
4169 | compensation construction activities. The goals and
4170 | objectives shall be related to the functions and values of
4171 | the impacted ~~critical~~conservation area;
- 4172 | b. A review of the best available science the most current,
4173 | accurate, and complete scientific and technical
4174 | information supporting the proposed mitigation and a
4175 | description of the report author's experience to date in
4176 | restoring or creating the type of ~~critical~~conservation area
4177 | proposed; and
- 4178 | c. An analysis of the likelihood of success of the
4179 | compensation project.
- 4180 | d. The mitigation plan shall include measurable specific
4181 | criteria for evaluating whether or not the goals and
4182 | objectives of the mitigation project have been
4183 | successfully attained and whether or not the requirements
4184 | of this Title have been met.
- 4185 | e. The mitigation plan shall include written specifications
4186 | and descriptions of the mitigation proposed, such as: The
4187 | proposed construction sequence, timing, and duration;
4188 | Grading and excavation details; Erosion and sediment
4189 | control features; A planting plan specifying plant species,
4190 | quantities, locations, size, spacing, and density; and
4191 | Measures to protect and maintain plants until established.
4192 | These written specifications shall be accompanied by
4193 | detailed site diagrams, scaled cross-sectional drawings,
4194 | and topographic maps showing slope percentage and final
4195 | grade elevations, and any other drawings appropriate to
4196 | show construction techniques or anticipated final
4197 | outcome.

4200
4201
4202
4203
4204
4205
4206
4207

4208
4209
4210
4211
4212

4213
4214
4215
4216
4217
4218

4219
4220
4221
4222
4223
4224

4225
4226
4227
4228
4229
4230
4231
4232

4233
4234
4235
4236
4237

14.15.470 Pre-application Conference

- A. Prior to filing a permit application for a shoreline substantial development permit, variance or conditional use permit decision, the applicant shall contact the county to schedule a pre-application conference which shall be held prior to filing the application, provided that such meetings may not be required for exempt shoreline development activities associated with shoreline restoration projects, agriculture, commercial forestry, or the construction of a single family residence according to exemptions listed in 14.15.570.
- B. The purpose of the pre-application conference is to review and discuss the application requirements with the prospective applicant and provide initial comments on the development proposal. The pre-application conference shall be scheduled by the county, at the request of an applicant, and shall be held in a timely manner, within thirty (30) days from the date of the applicant's request.
- C. Information presented at or required as a result of the pre-application conference shall be valid for a period of one-hundred-eighty (180) days following the pre-application conference. An applicant wishing to submit a permit application more than one-hundred-eighty (180) days following a pre-application for the same permit application shall be required to schedule another pre-application conference.
- D. At or subsequent to a pre-application conference, the county may issue a preliminary determination that a proposed development is not permissible under applicable county policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the Board of Adjustment as provided for in 14.15.600. As an alternative to proceeding with a complete application.

14.15.480 Plan Review

- A. A plan review shall be conducted to determine if the application is complete. Plan review shall determine if adequate information is provided in or with the application in order to begin processing the application and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.
- B. The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with this Program, applicable comprehensive plans, development regulations and other applicable regulations. Department staff will coordinate the involvement of agencies responsible for the review of the proposed development.

4238 **14.15.490 Application Vesting**

4239 A. An application shall become vested on the date a determination of completeness is
4240 made. Thereafter the application shall be reviewed under the codes, regulations
4241 and other laws in effect on the date of vesting; provided, in the event an applicant
4242 substantially changes his/her proposed development after a determination of
4243 completeness, as determined by the department, the application shall not be
4244 considered vested until a new determination of completeness on the changes is
4245 made.

4246 **14.15.500 Notice of Application**

4247 A. Within fourteen days after issuing a determination of completeness, the
4248 department shall issue a notice of application. The notice shall include, but not be
4249 limited to the following:

- 4250 1. A description of the proposed project action, a list of permits and
4251 decisions (i.e. SEPA) required for the application, and if applicable, a list
4252 of any studies requested;
- 4253 2. The identification of other required permits not included in the
4254 application, to the extent known by the department;
- 4255 3. The identification of existing environmental documents which evaluate the
4256 proposed development and the location where the application and any
4257 studies can be reviewed;
- 4258 4. A statement of the public comment period, which shall be thirty days
4259 following the date of the notice of application, and a statement of the right
4260 of any person to comment on the application, receive notice of and
4261 participate in any hearings, and request a copy of the decision once made,
4262 and a statement of any appeal rights;
- 4263 5. The date, time, location and type of hearing, if applicable and scheduled at
4264 the date of the notice of application;
- 4265 6. Any other information determined by the department to be appropriate.

4266
4267 B. Informing the public

- 4268 1. The notice of application shall be mailed to the latest recorded real
4269 property owners as shown by the records of the county assessor within at
4270 least three hundred feet of the boundary of the property upon which the
4271 development is proposed;

4272 2. In addition to mailing the notice of application, the Administrator may
4273 require the notice to be posted on the subject property for the duration of
4274 the public comment period, where the Administrator finds that such
4275 additional notice may be of benefit for the public. The applicant shall be
4276 responsible for posting and maintaining the posting throughout the entire
4277 public comment period. The applicant shall obtain the notice of
4278 application sign(s) from the department upon payment of all applicable
4279 fees. The sign location and condition shall be the responsibility of the
4280 applicant until the sign(s) are returned to the department. After the public
4281 comment period, the applicant shall sign an affidavit of posting before a
4282 notary public, using the form adopted by the department, and file the
4283 affidavit of posting with the department, together with a photograph of the
4284 notice of application sign(s) posted at the site. Any necessary replacement
4285 of the notice of application sign(s) and post(s) shall be the sole
4286 responsibility of the applicant.

- 4287 C. The notice of application is not a substitute for any required notice of a public
4288 hearing.
- 4289 D. A State Environmental Policy Act (SEPA) threshold determination may be issued
4290 for a proposal concurrent with the notice of application.
- 4291 E. Notice of application and SEPA determination will be published in the Okanogan
4292 County official newspaper of record.

4293 **14.15.510 Limited Administrative Review**

4294 A. Limited administrative review shall be used when the proposed development is
4295 subject to clear, objective and nondiscretionary standards that require the exercise
4296 of professional judgment about technical issues and the proposed development is
4297 exempt from the State Environmental Policy Act (SEPA). Included within this
4298 type of review are those projects that qualify for an exemption under
4299 14.15.570(B) which do not require a letter of exemption. The Department may
4300 approve, approve with conditions, or deny the application after the date the
4301 application is accepted as complete, without public notice. The decision of the
4302 Department is final. There is no administrative appeal of a limited administrative
4303 review decision.
4304

4305

4306 **14.15.520 Full Administrative Review**

4307 | **BB.A.** Full administrative review shall be used when the proposed development is
4308 subject to objective and subjective standards that require the exercise of limited
4309 discretion about non-technical issues and about which there may be limited
4310 public interest. The proposed development may or may not be subject to SEPA
4311 review. Included within this type of review are applications for, shoreline
4312 exemptions which require a letter of exemption, shoreline substantial
4313 development permits, shoreline conditional use permits, shoreline variance
4314 permits, short subdivisions, multifamily, commercial, and industrial and/or office
4315 building permits.

4316 | **CC.B.** This review procedure under full administrative review shall be as
4317 follows:

- 4318 1. Upon the completion of the public comment period and the comment
4319 period required by SEPA, if applicable, the department may approve,
4320 approve with conditions, or deny the application. The department shall
4321 mail the notice of decision to the applicant and all parties of record. The
4322 decision shall include:
- 4323 a. A statement of the applicable criteria and standards in the
4324 development codes and other applicable law;
 - 4325 b. A statement of the findings of the review authority, stating the
4326 application's compliance or noncompliance with each applicable
4327 criterion, and assurance of compliance with applicable standards;
 - 4328 c. The decision to approve or deny the application and, if approved,
4329 conditions of approval necessary to ensure the proposed
4330 development will comply with all applicable laws;
 - 4331 d. A statement that the decision is final unless appealed as provided
4332 in 14.15.600(A) of this Program. The appeal closing date shall be
4333 listed. The statement shall describe how a party may appeal the
4334 decision.
 - 4335 e. A statement that the complete case file, including findings,
4336 conclusions and conditions of approval, if any, is available for
4337 inspection. The notice shall list the name and telephone number
4338 of the department's representative to contact to arrange
4339 inspection.
 - 4340 f. The decision may be appealed to the Board of Adjustment or
4341 City Council pursuant to the process established in 14.15.600(A)
4342 of this Program.

4343 **14.15.530 Quasi-judicial review of applications**

- 4344 A. Quasi-judicial review shall be used when the development or use proposed under
4345 the application requires a public hearing before a hearing body. This type of
4346 review shall be used for shoreline conditional use permits, shoreline variances,
4347 shoreline substantial development permits and other similar applications.
- 4348 B. The review procedure under quasi-judicial review shall be as follows:
- 4349 1. A quasi-judicial review process requires an open record public hearing
4350 before the appropriate hearing body.
 - 4351 2. The public hearing shall be held after the completion of the public
4352 comment period and the comment period required by SEPA, if applicable.
 - 4353 3. At least ten days before the date of a public hearing the department shall
4354 issue public notice of the date, time, location and purpose of the hearing.
 - 4355 4. At least ten days before the date of the public hearing, the department shall
4356 issue a written staff report, integrating the SEPA review and threshold
4357 determination and recommendation regarding the application(s), shall
4358 make available to the public a copy of the staff report for review and
4359 inspection, and shall mail a copy of the staff report and recommendation
4360 to the applicant or the applicant's designated representative. The
4361 Department shall make available a copy of the staff report, subject to
4362 payment of a reasonable charge, to other parties who request it.
 - 4363 5. Public hearings shall be conducted in accordance with the rules of
4364 procedure adopted by the hearing body. A public hearing shall be
4365 recorded. If for any reason, the hearing cannot be completed on the date
4366 set in the public notice, it may be continued during the public hearing to a
4367 specified date, time and location, without further public notice required.
 - 4368 6. Within ten working days after the hearing body adopts their final decision,
4369 the hearing body shall issue a written decision regarding the
4370 application(s).
 - 4371 7. The hearing body may approve, approve with conditions or deny the
4372 application and shall mail the notice of its decision to the department,
4373 applicant, the applicant's designated representative, the property owner(s),
4374 and any other parties of record. The decision shall include:
 - 4375 a. A statement of the applicable criteria, standards and law;
 - 4376 b. A statement of the findings of fact the hearing body made
4377 showing the proposal does or does not comply with each
4378 applicable approval criterion and assurance of compliance with
4379 applicable standards;
 - 4380 c. A statement that the decision is final unless appealed pursuant to
4381 section 14.15.600 of this Program. The appeal closing date shall
4382 be listed;

4383 **14.15.540 Legislative review of applications**

4384 A. Legislative review shall be used to review and amend this master program.

4385 B. Legislative review shall be conducted as follows:

- 4386 1. Legislative review requires at least one public hearing before the planning
4387 commission and one public meeting before the Legislative authority of the
4388 jurisdiction.
- 4389 2. The application shall contain all information and material requirements
4390 required by the appropriate application form.
- 4391 3. At least ten days before the date of the first planning commission hearing
4392 the department shall issue public notice of the date, time, location and
4393 purpose of the hearing. The notice shall include notice of the SEPA
4394 threshold determination issued by the department.
- 4395 4. At least ten days prior to the hearing the Department shall issue a written
4396 staff report, integrating the SEPA review and threshold determination and
4397 recommendation regarding the application(s), shall make available to the
4398 public a copy of the staff report for review and inspection, and shall mail a
4399 copy of the staff report and recommendation to the applicant or the
4400 applicant's designated representative, and planning commission members.
4401 The Department shall make available a copy of the staff report, subject to
4402 a reasonable charge, to other persons who request it.
- 4403 5. Following the public hearing and in accordance with RCW 36.70.630, the
4404 recommendation of the planning commission shall be forwarded to the
4405 legislative authority of the jurisdiction. Upon receiving the
4406 recommendation from the planning commission, the legislative authority
4407 shall set a public meeting to consider the proposal, at which the board may
4408 either accept or reject the recommendation.
- 4409 6. The legislative authority must hold a public hearing to consider any
4410 changes to the recommendation of the planning commission. The
4411 legislative authority may approve, approve with conditions, deny or
4412 remand the proposal back to the planning commission for further review
4413 after such public hearing. The final decision of the legislative authority
4414 shall be adopted by resolution.
- 4415 7. The final decision of the legislative authority shall be in writing and
4416 include:
 - 4417 a. A statement of the applicable criteria and law;
 - 4418 b. A statement of the findings indicating the application's or
4419 proposed development's compliance or noncompliance with each
4420 applicable approval criterion;
 - 4421 c. The decision to approve condition or reject the planning
4422 commission recommendation or remand for further review;

- 4423 d. A statement that the decision is final unless appealed pursuant to
- 4424 the process in 14.15.600 of this Program. The appeal closing
- 4425 date shall be listed.
- 4426 e. A statement that the complete case file, including findings,
- 4427 conclusions and conditions of approval, if any, is available for
- 4428 inspection. The notice shall state the name and telephone number
- 4429 of the department representative to contact.

4430 **14.15.550 Notice of final decision**

- 4431 A. A notice of final decision on an application shall be issued within one hundred
- 4432 twenty days after the date of the declaration of completeness. In determining the
- 4433 number of days that have elapsed, the following periods shall be excluded:
- 4434 1. Any period during which the applicant has been requested by the
- 4435 department to correct plans, perform required studies, or provide
- 4436 additional information or materials. The period shall be calculated from
- 4437 the date the department issues the request to the applicant to, the earlier of,
- 4438 the date the Department determines whether the additional information
- 4439 satisfies its request or fourteen days after the date the information has been
- 4440 received by the Department;
- 4441 2. If the department determines the information submitted by the applicant
- 4442 under 14.15.460 of this Section is insufficient, it shall again notify the
- 4443 applicant of deficiencies, and the procedures of this Section shall apply to
- 4444 the request for information;
- 4445 3. Any period during which an environmental impact statement (EIS) is
- 4446 being prepared following a determination of significance pursuant to
- 4447 RCW 43.21C;
- 4448 4. Any period for administrative appeals.
- 4449 5. Any extension of time mutually agreed upon by the applicant and the
- 4450 Department.
- 4451 B. The time limit by which the jurisdiction must issue a notice of final decision does
- 4452 not apply if an application:
 - 4453 1. Requires an amendment to a comprehensive plan or development
 - 4454 regulation;
 - 4455 2. Is substantially revised by the applicant after a determination of
 - 4456 completeness has been issued, in which case the time period shall start
 - 4457 from the date on which the revised project application is determined to be
 - 4458 complete.

- 4459 C. If the Department is unable to issue its final decision within the time limits
4460 provided for in this Chapter, it shall provide written notice of this fact to the
4461 applicant. The notice shall include a statement of reasons why the time limits have
4462 not been met and an estimated date for issuance of the notice of final decision.
- 4463 D. In accordance with state law, the local jurisdiction is not liable for damages which
4464 may result from the failure to issue a timely notice of final decision.
- 4465 E. The local jurisdiction shall file the final decision with the Department of
4466 Ecology in accordance with WAC 173-27-130, as amended.

4467 **14.15.560 Shoreline Substantial Development Permits**

- 4468 A. A Shoreline Substantial Development Permit shall be required for all
4469 development of shorelines, unless the proposal is specifically exempt per Section
4470 14.15.570(B).
- 4471 B. In order to be approved, the decision maker must find that the proposal is
4472 consistent with the following criteria:
 - 4473 1. All regulations of this Program appropriate to the shoreline designation
4474 and the type of use or development proposed shall be met, except those
4475 bulk and dimensional standards that have been modified by approval of a
4476 shoreline variance under Section 14.15.590.
 - 4477 2. All policies of this Program appropriate to the shoreline area designation
4478 and the type of use or development activity proposed shall be considered
4479 and substantial compliance demonstrated.
- 4480 C. The responsible local government may attach conditions to the approval of
4481 permits as necessary to assure consistency of the project with the Act and this
4482 SMP.
4483

4484 **14.15.570 Exemptions from Shoreline Substantial Development Permit Process**

- 4485 A. Application and Interpretation
 - 4486 1. An exemption from the substantial development permit process is not an
4487 exemption from compliance with the Act or this Program, or from any
4488 other regulatory requirements. To be authorized, all uses and
4489 developments must be consistent with the policies and regulatory
4490 provisions of this Program and the Act.
 - 4491 2. Exemptions shall be construed narrowly. Only those developments that
4492 meet the precise terms of one or more of the listed exemptions may be
4493 granted exemptions from the substantial development permit process.

- 4494 3. The burden of proof that a development or use is exempt is on the
4495 applicant/proponent of the exempt development action.
- 4496 4. If any part of a proposed development is not eligible for exemption, then a
4497 substantial development permit is required for the entire project.
- 4498 5. A development or use that is listed as a conditional use pursuant to this
4499 Program, must obtain a conditional use permit even if the development or
4500 use does not require a substantial development permit.
- 4501 6. A development or use that is an unlisted use, must obtain a conditional use
4502 permit even if the development or use does not require a substantial
4503 development permit.
- 4504 7. When a development or use is proposed that does not comply with the
4505 bulk, dimensional and/or performance standards of the Program, such
4506 development or use shall only be authorized by approval of a shoreline
4507 variance even if the development or use does not require a substantial
4508 development permit.
- 4509 8. All permits or statements of exemption issued for development or use
4510 within shoreline jurisdiction shall include written findings prepared by the
4511 Administrator, including compliance with bulk and dimensional standards
4512 and policies and regulations of this Program. The Administrator may
4513 attach conditions to the approval of exempt developments and/or uses as
4514 necessary to assure consistency of the project with the Act and the
4515 Program.

4516 B. Exemptions Listed from WAC 173.27.040

- 4517 1. Any development of which the total cost or fair market value, whichever
4518 is higher, does not exceed five thousand seven hundred eighteen dollars
4519 (\$5,718) or as amended by the state office of financial management, if
4520 such development does not materially interfere with the normal public use
4521 of the water or shorelines of the state. For the purposes of determining
4522 whether or not a permit is required, the total cost or fair market value shall
4523 be based on the value of development that is occurring on shorelines of the
4524 state as defined in RCW 90.58.030(2)(c). The total cost or fair market
4525 value of the development shall include the fair market value of any
4526 donated, contributed or found labor, equipment or materials.

- 4527
4528
4529
4530
4531
4532
4533
4534
4535
4536
4537
4538
4539
4540
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Normal maintenance includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal repair means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource 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 effects to shoreline resources or the environment.
- 4541
4542
4543
4544
4545
4546
4547
4548
4549
4550
4551
4552
4553
4554
4555
4556
4557
4558
4559
4560
3. Construction of the normal protective bulkhead common to single family residences. A normal protective bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark 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 one (1) cubic yard of fill per one (1) foot of wall may be used for backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark 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 ordinary high water mark. Beach nourishment and 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 the Washington Department of Fish and Wildlife.
- 4561
4562
4563
4564
4565
4566
4567
4568
4569
4570
4571
4572
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 Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, 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, WAC 173-27 or this Program, shall be obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and this Program. As a general

4573
4574

matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

4575
4576
4577
4578
4579
4580
4581
4582
4583
4584
4585
4586
4587
4588
4589
4590

5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels; provided, that this exemption shall not apply to agricultural activities proposed on land not in agricultural use on December 17, 2003, and further provided that a feedlot of any size, all processing plants, other activities of a commercial nature, 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.

4591
4592
4593

6. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

4594
4595
4596
4597
4598
4599
4600
4601

7. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence 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 that meets all requirements of the State agency or local government having jurisdiction thereof. Single family residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance as defined in Chapter 2 of this program.

- 4602
4603
4604
4605
4606
4607
4608
4609
4610
4611
4612
4613
8. 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-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if in fresh waters the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Shoreline Master Program.
- 4614
4615
4616
4617
4618
9. Operation, maintenance, 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 ground water from the irrigation of lands;
- 4619
4620
4621
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;
- 4622
4623
4624
4625
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- 4626
4627
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW, Energy Facilities -Site Locations;
- 4628
4629
4630
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
- 4631
4632
- a. The activity does not interfere with the normal public use of the surface waters;
- 4633
4634
4635
- 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;
- 4636
4637
4638
4639
- 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;
- 4640
4641
4642
4643
- d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the responsible local government to ensure that the site is restored to preexisting conditions; and

- 4644 e. The activity is not subject to the permit requirements of RCW
4645 90.58.550, Oil or natural gas exploration in marine waters;
- 4646 14. The process of removing or controlling aquatic noxious weeds, as defined
4647 in RCW 17.26.020, through the use of an herbicide or other treatment
4648 methods applicable to weed control that are recommended by a final
4649 environmental impact statement published by the department of
4650 agriculture or the department of ecology jointly with other state agencies
4651 under chapter 43.21C RCW;
- 4652 15. Watershed restoration projects as defined below. The responsible local
4653 government shall review the projects for consistency with the Shoreline
4654 Master Program in an expeditious manner and shall issue its decision
4655 along with any conditions within forty-five days of receiving all materials
4656 necessary to review the request for exemption from the applicant. No fee
4657 may be charged for accepting and processing requests for exemption for
4658 watershed restoration projects as used in this section.
- 4659 a. "Watershed restoration project" means a public or private project
4660 authorized by the sponsor of a watershed restoration plan that
4661 implements the plan or a part of the plan and consists of one or
4662 more of the following activities:
- 4663 i. A project that involves less than ten (10) miles of stream
4664 reach, in which less than twenty-five (25) cubic yards of
4665 sand, gravel, or soil is removed, imported, disturbed or
4666 discharged, and in which no existing vegetation is
4667 removed except as minimally necessary to facilitate
4668 additional plantings;
- 4669 ii. A project for the restoration of an eroded or unstable
4670 stream bank that employs the principles of
4671 bioengineering, including limited use of rock as a
4672 stabilization only at the toe of the bank, and with primary
4673 emphasis on using native vegetation to control the erosive
4674 forces of flowing water; or
- 4675 iii. A project primarily designed to improve fish and wildlife
4676 habitat, remove or reduce impediments to migration of
4677 fish, or enhance the fishery resource available for use by
4678 all of the citizens of the state, provided that any structure,
4679 other than a bridge or culvert or instream habitat
4680 enhancement structure associated with the project, is less
4681 than two hundred square feet in floor area and is located
4682 above the OHWM of the stream.

4683 iv. "Watershed restoration plan" means a plan developed or
4684 sponsored by the Washington Departments of Fish and
4685 Wildlife, Ecology, or Transportation; a federally
4686 recognized Indian tribe acting within and pursuant to its
4687 authority; a city; a county; or a conservation district that
4688 provides a general program and implementation measures
4689 or actions for the preservation, restoration, re-creation, or
4690 enhancement of the natural resources, character, and
4691 ecology of a stream, stream segment, drainage area, or
4692 watershed for which agency and public review has been
4693 conducted pursuant to chapter 43.21C RCW, the State
4694 Environmental Policy Act

4695 16. A public or private project that is designed to improve fish or wildlife
4696 habitat or fish passage, when all of the following apply:

- 4697 a. The project has been approved in writing by the State of
4698 Washington department of Fish and wildlife;
- 4699 b. The project has received hydraulic project approval by the State
4700 of Washington Department of Fish and Wildlife pursuant to
4701 chapter 77.55 RCW; and
- 4702 c. The responsible local government has determined that the project
4703 is substantially consistent with the local shoreline master
4704 program. The local government shall make such determination in
4705 a timely manner and provide it by letter to the project proponent.
4706 Fish habitat enhancement projects that conform to the provisions
4707 of RCW 77.55.181 are determined to be consistent with local
4708 shoreline master programs.

4709 C. Letters of Exemption

4710 1. Letters of exemption shall be issued whenever a development is
4711 determined to be exempt from the substantial development permit
4712 requirements pursuant to WAC 173-27-040 and the development is
4713 subject to one or more of the following federal permit requirements:

- 4714 a. A U.S. Army Corps of Engineers section 10 permit under the
4715 Rivers and Harbors Act of 1899; (The provisions of section 10 of
4716 the Rivers and Harbors Act generally apply to any project
4717 occurring on or over navigable waters. Specific applicability
4718 information should be obtained from the Corps of Engineers.) or

4719

4720

4721

4722

4723

4724

4725

4726

4727

4728

4729

- b. A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)
- c. The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the analysis of the consistency of the project with the master program and the act.

4730

14.15.580 Shoreline Conditional Use Permits

4731

4732

4733

4734

4735

4736

4737

4738

4739

4740

4741

4742

4743

4744

4745

4746

4747

4748

4749

4750

4751

4752

4753

4754

4755

4756

4757

4758

- A. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the responsible local government.
- B. Other uses which are not classified 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 which are specifically prohibited by this SMP may not be authorized as a conditional use.
- D. Conditional Use Permit Review Criteria
 - 1. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.
 - 2. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That 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 shoreline master program;

- d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
- e. That the public interest suffers no substantial detrimental effect.

- E. In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use 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.

14.15.590 Shoreline Variance Review Criteria

- A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program and any associated standards appended to this Program such as ~~critical areas~~conservation area buffer requirements where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policy set forth in RCW 90.58.020. Use restrictions may not be varied.
- B. 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.
- C. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (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 all of the following:
 - 1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - 2. That the hardship described in (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 the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - 3. That 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 shoreline master program and will not cause adverse impacts to the shoreline environment;
 - 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

- 4799 5. That the variance requested is the minimum necessary to afford relief; and
4800 6. That the public interest will suffer no substantial detrimental effect.
- 4801 D. Variance permits for development and/or uses that will be located waterward of
4802 the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or
4803 within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized
4804 provided the applicant can demonstrate all of the following:
- 4805 1. That the strict application of the bulk, dimensional or performance
4806 standards set forth in the applicable master program precludes all
4807 reasonable use of the property;
- 4808 2. That the proposal is consistent with the criteria established under
4809 subsection (2) (b) through (f) of this section; and
- 4810 3. That the public rights of navigation and use of the shorelines will not be
4811 adversely affected.
- 4812 E. In the granting of all variance permits, consideration shall be given to the
4813 cumulative impact of additional requests for like actions in the area. For example
4814 if variances were granted to other developments and/or uses in the area where
4815 similar circumstances exist the total of the variances shall also remain consistent
4816 with the policies of RCW 90.58.020 and shall not cause substantial adverse
4817 effects to the shoreline environment.
- 4818 F. Variances from the use regulations of the master program are prohibited.

4819 **14.15.600 Appeals**

- 4820 A. Appeals to Shoreline Administrative Decisions
- 4821 1. Administrative review decisions by the Administrator, based on a
4822 provision of this SMP, may be the subject of an appeal to the Board of
4823 Adjustment by any aggrieved person. Such appeals shall be an open record
4824 hearing before the Board of Adjustment. Where the responsible local
4825 government does not have a Board of Adjustment, the City Council or
4826 Board of County Commissioners shall hold an open record hearing appeal.
4827 Appeals must be submitted within twenty one (21) days after the date of
4828 decision or written interpretation together with the applicable appeal fee.
4829 Appeals submitted by the applicant or aggrieved person shall contain:
- 4830 a. The decision being appealed;
- 4831 b. The name and address of the appellant and his/her interest(s) in
4832 the application or proposed development;
- 4833 c. The specific reasons why the appellant believes the decision to
4834 be erroneous, including identification of each finding of fact,
4835 each conclusion, and each condition or action ordered which the
4836 appellant alleges is erroneous. The appellant shall have the
4837 burden of proving the decision is erroneous;
- 4838 d. The specific relief sought by the appellant; and

e. The appeal fee established by the responsible local government.

B. Appeals to the Shorelines Hearing Board

- i. Appeals to the Shoreline Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Variance, Shoreline Conditional Use Permit, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within twenty-one (21) days of filing the final decision by the responsible local government with Ecology.

14.15.610 Reasonable Use Exception

A. If the application of this chapter would result in denial of reasonable and economically viable use of a property, then a landowner may seek a reasonable use exception from the standards of this chapter. Reasonable use exceptions shall only apply to legal lots of record established prior to the effective date of this chapter. Reasonable use exceptions are intended as a "last resort" when no plan for mitigation can meet the requirements of this chapter and allow the applicant a reasonable economically viable use of his or her property. Requests for reasonable use exception shall only be granted under the following conditions:

1. The application of this chapter would deny all reasonable and economically viable or beneficial uses of the property so that there is no reasonable and economically viable or beneficial use with a lesser impact on the critical-conservation area than that proposed; and
2. The proposed development does not pose a reasonable threat to the public health, safety and welfare on or off the site for which the reasonable use exception is sought; and
3. Any proposed modification to a critical-conservation area will be the minimum necessary to allow reasonable and economically viable and beneficial use of the property; and
4. The applicant has requested and been denied a variance under the provisions of Section 14.15590; and
5. The decision maker may issue, as part of the findings in any decision made under this subsection, conditions of approval, including modifications to the size and placement of structures and facilities to minimize impacts to critical-areasconservation areas and associated buffers. As part of the findings, the decision maker may also specify mitigation requirements that ensure that all impacts are mitigated to the maximum extent feasible.

4875 **14.15.620 Non-Conforming Structures**

4876 A. Non-Conforming Residential Structures considered Conforming when:

- 4877 1. Residential structures and appurtenant structures that were legally established and are
4878 used for a conforming use, but that do not meet standards for the following to be
4879 considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or
4880 density; and
- 4881 2. Redevelopment, expansion, change with the class of occupancy, or replacement of the
4882 residential structure if it is consistent with the master program, including requirements for
4883 no net loss of shoreline ecological functions.
- 4884 3. For purposes of this section, "appurtenant structures" means garages, sheds, and other
4885 legally established structures. "Appurtenant structures" does not include bulkheads and
4886 other shoreline modifications or over-water structures.

4887 ~~A.B.~~ Structures that were legally established and are used for a conforming use, but
4888 which are nonconforming with regard to setbacks, buffers or yards; area; bulk;
4889 height or density may be maintained and repaired and may be enlarged or
4890 expanded provided that said enlargement does not increase the extent of
4891 nonconformity by further encroaching upon or extending into areas where
4892 construction or use would not be allowed for new development or uses.

4893 ~~B.C.~~ A structure for which a Variance has been issued shall be considered a legal
4894 nonconforming structure and the requirements of this section shall apply as they
4895 apply to preexisting nonconformities.

4896 ~~C.D.~~ A nonconforming structure which is moved any distance must be brought into
4897 conformance with this SMP and the Act

4898 ~~D.E.~~ If a nonconforming development is damaged within the foundation lines, it
4899 may be reconstructed to those configurations existing immediately prior to the
4900 time the development was damaged, provided that application is made for the
4901 permits necessary to restore the development within one year of the date the
4902 damage occurred, all permits are obtained, and the restoration is completed within
4903 two years of permit issuance.

4904 ~~E.F.~~ Nothing in this section shall be deemed to prevent the normal maintenance
4905 and repair of a nonconforming structure or its restoration to a safe condition when
4906 declared to be unsafe by any official charged with protecting the public safety.

4907 **14.15.630 Non-Conforming Uses**

4908 A. Uses and developments that were legally established and are nonconforming with
4909 regard to the use regulations of the SMP may continue as legal nonconforming
4910 uses. Such uses shall not be enlarged or expanded, except that nonconforming
4911 single-family residences that are located landward of the OHWM may be
4912 enlarged or expanded in conformance with applicable bulk and dimensional
4913 standards by the addition of space to the main structure or by the addition of
4914 normal appurtenances as defined in 14.15.090(13)

4915 B. An existing use which is listed as a conditional use, but which legally existed
4916 prior to adoption of the SMP or any relevant amendment and which a Conditional

- 4917 Use Permit has not been obtained, shall be considered a legal nonconforming use
4918 and may be continued subject to the provisions of this section without obtaining a
4919 conditional use permit.
- 4920 C. A structure which is being or has been used for a nonconforming use may be used
4921 for a different nonconforming use only upon the approval of a Conditional Use
4922 Permit. A Conditional Use Permit may be approved only upon a finding that:
- 4923 1. No reasonable alternative conforming use is practical; and

- 4924
4925
4926
4927
4928
4929
2. The proposed use will be at least as consistent with the policies and provisions of the Act and the SMP and as compatible with the uses in the area as the preexisting use. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the SMP and the Act, and to assure that the use will not become a nuisance or a hazard.

- 4930
4931
4932
4933
4934
4935
- D. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to 14.15.610 of this Section shall be considered a conforming use for purposes of this section.

4936
4937

14.15.640 Non-Conforming Lots

4938
4939
4940
4941

An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or this SMP, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the responsible local government and so long as such development conforms to all other requirements of this SMP and the Act.

4942

14.15.650 Enforcement

- 4943
4944
4945
4946
4947
4948
4949
4950
4951
4952
4953
4954
4955
4956
4957
4958
- A. If an activity being undertaken on Shorelines of the State is in violation of RCW 90.58 or the local Shoreline Master Program the County shall have the authority to serve upon a person a cease and desist order.
 1. The order shall contain the following:
 2. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
 3. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.
 - a. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
 - b. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

4959 B. A person who fails to conform to the terms of a substantial development permit,
4960 conditional use permit or variance issued under RCW [90.58.140](#), who undertakes
4961 a development or use on shorelines of the state without first obtaining a permit, or
4962 who fails to comply with a cease and desist order issued under these regulations
4963 may be subject to a civil penalty.

4964 1. The County shall issue a notice of correction containing the following
4965 information:

- 4966 a. A description of the condition that is not in compliance and a
4967 specific citation to the applicable law or rule;
- 4968 b. A statement of what is required to achieve compliance;
- 4969 c. The date by which compliance shall be achieved;

4970 2. Amount of penalty. The penalty shall not exceed one thousand dollars for
4971 each violation.

4972 3. Notice of penalty. A civil penalty shall be imposed by a notice in writing,
4973 either by certified mail with return receipt requested or by personal
4974 service, to the person incurring the same from the department and/or the
4975 local government, or from both jointly. The notice shall describe the
4976 violation, approximate the date(s) of violation, and shall order the acts
4977 constituting the violation to cease and desist, or, in appropriate cases,
4978 require necessary corrective action within a specific time.

4979 4. Application for remission or mitigation. Any person incurring a penalty
4980 may apply in writing within thirty days of receipt of the penalty to the
4981 County for remission or mitigation of such penalty. Upon receipt of the
4982 application, the County may remit or mitigate the penalty only upon a
4983 demonstration of extraordinary circumstances, such as the presence of
4984 information or factors not considered in setting the original penalty.

4985
4986 C. Appeals to Enforcement Action

4987 1. Persons incurring a penalty imposed by the County may appeal to the
4988 Board of Adjustment.

4989 2. Appeals should be filed within 30 days of the notice of penalty or the
4990 decision regarding the remission or mitigation by the administrator.

4991
4992
4993
4994
4995
4996
4997
4998
4999
5000
5001
5002
5003
5004
5005
5006

3. Penalties due

- a. Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the administrator's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.
- b. Penalties recovered by the administrator shall be paid to the Okanogan County Treasurer.