

MASTER PROGRAM
FOR
OKANOGAN COUNTY
SHORELINE MANAGEMENT

ADOPTED JULY 7, 1987

OKANOGAN COUNTY PLANNING DEPARTMENT
SHORELINE USE ACTIVITY REGULATIONS

Table of Contents

SECTION	TITLE	PAGE
1.00	STATEMENT OF PURPOSE	3
2.00	ENVIRONMENTAL DESIGNATIONS	3
3.00	CONFLICTING REGULATIONS	3
4.00	VALIDITY	4
5.00	DEFINITION OF TERMS.....	4
6.00	STATE GUIDELINES	9
7.00	General REGULATIONS FOR ALL SHORELINE USES.....	9
8.00	SHORELINES OF STATE WIDE SIGNIFICANCE.....	10
9.00	SHORELINE USES EXEMPT FROM SHORELINE PERMIT REQUIREMENTS	11
10.00	NATURAL ENVIRONMENT REGULATIONS	12
11.00	CONSERVANCY ENVIRONMENT REGULATIONS.....	15
12.00	RURAL ENVIRONMENT REGULATIONS	21
13.00	SUBURBAN ENVIRONMENT REGULATIONS	27
14.00	URBAN ENVIRONMENT REGULATIONS.....	30
15.00	DIKED SHORELINES	33
16.00	CONDITIONAL USE PERMITS.....	33
17.00	VARIANCES.....	34
18.00	NONCONFORMING USES	36
19.00	COMPENSATION FOR RESTRICTED USE OF PRIVATE PROPERTY.....	37
20.00	SHORELINE PERMITS, FEES AND PROCEDURES.....	37
21.00	SHORELINES HEARINGS BOARD OF APPEAL	37
22.00	ADMINISTRATION AND ENFORCEMENT.....	38
23.00	VIOLATIONS AND PENALTIES	38
24.00	CHANGES AND AMMENDMENT	38
25.00	INTERPRETATION	39
26.00	BOUNDARIES.....	40

SECTION 1.00 STATEMENT OF PURPOSE

The Shoreline Management Act of 1971 states that "It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses." Also "This policy contemplates protecting against adverse effects to the public health, the land, and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

For these reasons, regulations have been prepared to implement the Shoreline Master Program for Okanogan County. They are designed to control the type and manner of activity and development along the shoreline to protect this resource from environmental degradation. It is further the purpose of the Master Program to improve existing conditions along the shorelines by encouraging uses that are compatible with the fragile shoreline environment.

SECTION 2.00 ENVIRONMENTAL DESIGNATIONS

Five (5) environmental designations have been developed which apply to the shorelines of Okanogan County: (1) Natural Environment, (2) Conservancy Environment, (3) Rural Environment, (4) Suburban Environment, and (5) Urban Environment. Each environmental designation is equivalent to zoning in that specific areas are delineated geographically and regulations are promulgated for activities and development within each area.

Maps and descriptive material showing the geographic location and extent of each shoreline environment are hereby adopted as part of these regulations and Master Program. They shall be a supplement to zoning maps for the County of Okanogan and the cities and towns of: Brewster, Conconully, Omak, Okanogan, Oroville, Pateros, Riverside, Tonasket, Twisp, and Winthrop.

SECTION 3.00 CONFLICTING REGULATIONS

Any regulations that have been or hereafter are adopted by Okanogan County or any of the cities or towns listed in Section 2.00 of these regulations for their area of jurisdiction are not repealed and shall apply in all of their requirements. In the event of conflicting regulations, the maximum requirements for protecting the shoreline environment must be met.

SECTION 4.00 VALIDITY

If any section, subdivision, paragraph, clause, phrase or provisions of these regulations be adjudged unconstitutional, the same shall not affect the validity of these regulations in whole or any part or provisions thereof other than the part so decided to be involved or unconstitutional.

SECTION 5.00 DEFINITION OF TERMS

5.01 "Act" means Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

- 5.02 "Accessory Structure or Use" means a structure or use, incidental, appropriate, and subordinate to the main structure or use of the property, and which is located on the same lot or in the same building with the main use.
- 5.03 "Administrative Authority" shall, in the context of these regulations, mean the Okanogan County Planning Department or the city or town clerk for those incorporated municipalities listed in Section 2.00 of these regulations.
- 5.04 "Agriculture" means the tilling of the soil, the raising of crops, horticulture, gardening, keeping or raising of livestock and poultry for commercial purposes, and any agricultural industry or business such as dairies, nurseries, greenhouses, or similar uses.
- 5.05 "Associated Wetlands" is synonymous with "wetlands" or "wetland areas";
- 5.06 "Development" means a use, including the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.
- 5.07 "Dwelling, Single-Family" means a detached building containing one dwelling unit.
- 5.08 "Dwelling, Multi-Family" means a building containing two or more dwelling units.
- 5.09 "Dwelling Unit" means a building or portion thereof designed for occupancy by one family having cooking and toilet facilities.
- 5.10 "Local Government" means any county, incorporated city or town which contains within its boundaries any lands or waters subject to the Shoreline Management Act.
- 5.11 "Master Program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards in accordance with the policies enumerated in the Act.
- 5.12 "Official Map of Shorelines" shall mean all maps adopted as part of the Master Program delineating the geographic boundaries of all designated water bodies of Okanogan County coming under the jurisdiction of the Shoreline Management Act of 1971.
- 5.13 "Ordinary High-Water Mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the

Department of Ecology. The following criteria clarify this mark on lakes and streams:

- A. Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water.
- B. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

5.14 "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

5.15 "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local government unit however designated.

5.16 "Responsible Official" shall mean the duly elected County Commissioners of Okanogan County and the Mayors or City Managers of the cities and towns listed in Section 2.00 of these regulations.

5.17 "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the land underlying them; except (i) shorelines of statewide significance (ii) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than 20 acres in size and wetlands associated with small lakes.

5.18 "Shorelines of State-wide Significance" in Okanogan County means:

- A. Those lakes, whether natural, artificial or a combination thereof with a surface acreage of one thousand acres or more measured from the ordinary high-water mark.
- B. Those natural rivers or segments thereof that are downstream of a point where the mean annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers downstream from the first three hundred square miles of drainage area, whichever is longer.
- C. Those wetlands associated with such water bodies.

5.19 "Shorelines of the State" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

5.20 "Subdivision" is the division and redivision of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, any one of which is less than forty (40) acres in size.

5.21 "Short Subdivision" is the division or redivision of land into four (4) or fewer lots, parcels, tracts, sites or divisions for the purpose of sale, lease or transfer of ownership when any one of which is less than ten and one-half (10.5) acres in size.

5.22 "Substantial Development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purposes of this program:

- A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
- B. Construction of the normal protective bulkhead common to single family residences;
- C. Emergency construction necessary to protect property from damage by the elements;
- D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands 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;
- E. Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this program;
- F. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars;
- G. 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 for the irrigation of lands;
- H. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface water;
- I. 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 part of an agricultural drainage or diking system.

5.23 "Use" means the purpose for which land or a structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained.

5.24 "Wetlands" or "Wetlands Areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water marks and all marshes, bogs, swamps, floodways, river deltas and floodplains associated with streams and lakes which are subject to the provisions of Chapter 90.58 RCW.

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

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

- A. Black's Law Dictionary by Henry Campbell Black, 3rd Edition, Publisher's Editorial Staff, St. Paul, West Publishing Company 1933, and subsequent amendments thereto.
- B. Webster's New Collegiate Dictionary, G. & C. Merriam Company, Springfield, Massachusetts, U.S.A., and subsequent amendments thereto.

SECTION 6.00 STATE GUIDELINES

The Final Guidelines Shoreline Management Act of 1971, Chapter 173-16 WAC, are to be used by the responsible official in determining the intent of the State.

SECTION 7.00 GENERAL REGULATIONS FOR ALL SHORELINE USES

7.01 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.

7.02 Any development or use activity which occurs within the shoreline areas of Okanogan County or incorporated municipalities coming under the jurisdiction of the Act, whether it requires a permit or not, must be consistent with the intent of the Act, current zoning, floodplain ordinances, subdivision regulations, and building codes.

7.03 Before a substantial development permit can be granted it must be shown by the developer, with the use of soil maps and interpretation available from the Conservation Districts, that the soils are suitable for the proposed use. These maps must meet the standards of the National Cooperative Soil Survey. Characteristics which will be evaluated may include, but not be limited to slope, depth to bedrock, hardpan, slide hazard, flood hazard and degree of limitation for septic tank filter fields, shallow excavations, roads and dwellings.

7.04 All developments must conform to all current county, state, or municipal regulations in regard to construction, sanitation and health requirements.

7.05 Upon completion of construction, installation or maintenance, projects on shorelines must include restoration of banks and shorelines to as near preproject configuration as possible and vegetation reestablished. If native species cannot be obtained, acceptable substitutes may be used for stabilization purposes.

7.06 Emergency construction designed for shoreline protection is permitted when life and/or property is in danger.

7.07 When chemical fertilizers and spray material are used, provisions shall be made to minimize their entry into any body of water.

7.08 Archeologic areas and historic sites may be developed and protected or preserved when:

- A. Its importance for retention is established by an archeologist, historian or Historical Society.
- B. A shoreline permit is issued when the cost of excavation associated with retrieval of data exceeds \$2,500.

7.09 Agricultural land that requires cultivation shall have a buffer strip of native vegetation no less than 20 feet in width established and maintained along shorelines to assure the integrity of the bank and to protect associated water bodies from sedimentation.

7.10 The use of car bodies, uprooted tree stumps, scraps of building materials, asphalt from street work, or any discarded pieces of equipment or appliances for the stabilization of shorelines is prohibited.

7.11 The disposal of solid waste in all shoreline environments is prohibited except in temporary containers designed to collect litter.

7.12 Commercial developments not of a recreational or agricultural nature must locate in proximity of established commercial districts.

7.13 Bridges, piers and similar structures must be designed in a manner that does not significantly constrict the flow of the rivers and streams.

7.14 Any development designed for human habitation is not permitted on or over water. (e.g. Floating homes or cantilever type construction.)

SECTION 8.00 SHORELINES OF STATE-WIDE SIGNIFICANCE

These regulations shall apply to both "SHORELINES" and "SHORELINES OF STATE-WIDE SIGNIFICANCE."

SECTION 9.00 SHORELINE USES EXEMPT FROM SHORELINE PERMIT REQUIREMENTS

In the Conservancy, Rural, Suburban, and Urban, shoreline environments, the following uses are permitted outright in addition to those guaranteed by the U. S. Constitution and land deeds and abstracts. However, exemptions pursuant to this section shall not preclude compliance with the development standards set forth in the aforementioned environments or provide an exemption from any permit processes other than the substantial development permit.

9.01 Normal maintenance or repair of existing structures or developments, including damage by fire, accident or elements where the cost of maintenance or repair does not exceed 50% of fair market value.

9.02 Construction of the normal protective bulkhead, common to single-family residences.

9.03 Emergency construction necessary to protect property from damage by the elements.

9.04 Construction of a barn or similar agricultural structure.

9.05 Construction or modification of navigational aids, such as channel markers and anchor buoys.

9.06 Construction by an owner, lessee, or contract purchaser, of a single-family dwelling unit, for his own use or for the use of his family, which dwelling unit does not exceed a height of 35 feet above the average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof.

9.07 Any development of which the total cost or fair market value does not exceed \$2,500 and does not materially interfere with normal public use of the water.

9.08 The construction of a dock, designed for pleasure craft only, for the private, noncommercial use of the owner, lessee or contract purchaser of a single-family dwelling unit the cost, or fair market value, whichever is higher does not exceed \$2,500.

SECTION 10.00 NATURAL ENVIRONMENT REGULATIONS

The Natural Environment is an area along the shoreline existing relatively free of human influence. These are areas where there is the actual presence of some unique natural or cultural feature considered valuable in their natural or original condition and relatively intolerant of intensive human use.

10.01 Agricultural Practices:

- A. Agriculture in the Natural Environment shall be limited to those practices which involve no extensive alteration of the physical characteristics of the area.
- B. Grazing and watering of livestock is permitted.
- C. Those agricultural practices are permitted which are in effect at the time of the adoption of this ordinance.

10.02 Forest Management Practices:

- A. Harvesting of timber in the Natural Environment shall be permitted only for the protection of existing timber from insects or less desirable growth or for clean-up and restoration following a fire or windstorm and must be done in compliance with the Forest Practices Act of 1974.

10.03 Commercial Development:

- A. Commercial development shall be prohibited in the Natural Environment.

10.04 Marinas:

- A. Marinas shall be prohibited in the Natural Environment.

10.05 Mining:

- A. Mining shall be prohibited in the Natural Environment.

10.06 Outdoor Advertising, Signs, and Billboards:

- A. All outdoor advertising, signs and billboards shall be prohibited in the Natural Environment except:
 - 1. Those which are necessary to protect the health, safety, and welfare of the public.
 - 2. Those necessary to give direction or identify a natural or cultural feature.

10.07 Residential Development:

- A. Residential subdivision and short subdivision in the Natural Environment shall be prohibited.
- B. The construction of a single-family dwelling unit shall be allowed only upon the issuance of a conditional use permit.
- C. The construction of a multi-family dwelling unit shall be prohibited.

10.08 Utilities:

- A. Only utilities serving permitted uses within the Natural Environment are allowed subject to:
 - 1. Utilities shall be placed underground whenever feasible.
 - 2. Clearing for the installation or maintenance of utilities shall be kept to a minimum.
 - 3. Disturbed areas shall be restored as nearly as possible to preproject condition.

10.09 Water-related Industry:

- A. Water-related industry shall be prohibited in the Natural Environment.

10.10 Bulkheads:

- A. Bulkheads shall be prohibited in the Natural Environment.

10.11 Landfill:

- A. Landfills shall be prohibited in the Natural Environment.

10.12 Solid Waste Disposal:

- A. Solid Waste disposal shall be prohibited in the Natural Environment.

10.13 Dredging:

- A. Dredging shall be prohibited in the Natural Environment.

10.14 Shoreline Protection:

- A. Shoreline protection operations shall be prohibited in the Natural Environment except in emergency situations where life and/or property is in peril.

10.15 Road and Railroad Design and Construction:

- A. Only roads directly related to serving permitted uses in the Natural Environment shall be allowed provided their construction has a minimum of alteration to the natural condition of the area.

10.16 Piers and Docks:

- A. Piers and docks shall be prohibited in the Natural Environment.

10.17 Archaeological areas and historic sites may be protected and developed in the Natural Environment provided:

1. The activity does not substantially alter the natural character of the area.
2. The restoration of historic sites shall be permitted only to the minimum necessary to preserve such sites for posterity.
3. If, in the course of development, material of archeologic or historic interest is discovered, work on the development shall cease for a reasonable period of time until an examination by a professional archaeologist, historian, or historical society has been made and its value determined.

10.18 Recreation:

- A. Only low intensity recreation such as hiking and fishing shall be permitted in the Natural Environment.
- B. Trails may be developed in the Natural Environment for hiking and fishing.

SECTION 11.00 CONSERVANCY ENVIRONMENT REGULATIONS

The conservancy Environment is an area containing a resource capable of sustained yield. Forest products, hunting, fishing, agriculture, and many types of recreation are examples of uses compatible with this environment. The intent of this environment is to maintain the existing character of the shoreline.

All uses permitted in the Natural Environment are also permitted in the Conservancy Environment.

11.01 Agricultural Practices:

- A. Agriculture in the Conservancy Environment shall be limited to those practices which result in no substantial construction or alteration of the physical characteristics of the area.
- B. Grazing and watering of livestock is permitted.
- C. Cultivation and irrigation of land where it is compatible with the terrain is permitted.
- D. Permanent structures for irrigation installations are permitted.

11.02 Forest Management Practices:

- A. Harvesting of timber in the Conservancy Environment shall be permitted to provide for a sustained yield of forest products.
- B. Along "shorelines of state-wide significance" commercial timber harvesting shall not exceed thirty percent of all merchantable trees in any ten year period of time.
- C. All forest practices shall comply with the Forest Practices Act of 1974.

11.03 Commercial Development:

- A. Commercial development shall be prohibited in the Conservancy Environment except for those diffuse outdoor recreation activities which will not substantially alter the natural characteristics of the area, and subject to:
 - 1. All commercial structures shall be set back a minimum of 100 feet from the ordinary high-water mark.
 - 2. No commercial structure shall be built higher than 35 feet as measured from the average grade level to the peak of the roof.

11.04 Marinas:

- A. Marinas are not permitted in the Conservancy Environment.

11.05 Mining:

- A. Mining is permitted in the Conservancy Environment provided:
 - 1. It is not strip mining.
 - 2. It does not cause harm to adjacent lands used for agriculture or recreational purposes.
 - 3. It is conducted in conformance with Washington State laws, RCW 78.44 and RCW 43.51.685.
 - a. RCW 78.44 Washington State Surface Mining Act, provides for the restoration and protection of all lands and waters involved in surface mining within the state.
 - b. RCW 43.51.685 Parks and Recreation, refers to the jurisdiction of the Department of Natural Resources and the State Parks and Recreation Commission over oil, gas, and mining leases on accreted or conservation area lands. Also the sale of sand; and lease and removal permits for such operations.

11.06 Outdoor Advertising, Signs and Billboards:

- A. All outdoor advertising, signs and billboards shall be prohibited in the Conservancy Environment except:
 - 1. Those also permitted in the Natural Environment.
 - 2. Those necessary to identify and give direction to recreational areas and boat launching sites.
 - 3. Permitted signs shall not exceed 8 square feet in surface area.
 - 4. Permitted signs shall not exceed 10 feet in height.

11.07 Residential Development:

- A. All subdivision and short subdivision in the Conservancy Environment shall be prohibited.
- B. Multi-family dwelling units shall be prohibited.
- C. Single-family dwelling units are permitted in the Conservancy Environment subject to:
 - 1. Minimum lot size: 5 acres.
 - 2. Minimum lot frontage: 200 feet waterfront.
 - 3. No dwelling unit shall be constructed closer than 50 feet to the ordinary high-water mark as measured on the slope of the land.

4. No structure shall be constructed over 35 feet in height, as measured from the average grade level to the peak of the roof.

11.08 Utilities:

- A. Utilities, including, but not limited to, water lines, sewers, gas lines, telephone lines, cable-TV lines, irrigation lines, and other similar facilities, including all utilities as defined in WAC 173-16-060(9) (including access roads and appurtenant structures necessary to facilitate the utility use), are permitted where such utilities serve a permitted use within the shoreline or adjacent upland areas, provided:
 1. Utilities shall be placed underground whenever feasible.
 2. Clearing for the installation or maintenance of utilities shall be kept to a minimum.
 3. Disturbed areas shall be restored as nearly as possible to preproject condition.
 4. Utility lines shall utilize existing rights-of-way, corridors, and/or bridge crossings whenever possible.
 5. Utility facilities shall be located and designed to avoid destruction of or damage to marshes, bogs and other swamps; important wildlife areas; and other unique and fragile areas.
 6. 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.
- B. Sewage treatment plants shall be set back a minimum of 200 feet from the ordinary high water mark or the edge of the floodplain, whichever is greater.

11.09 Water Related Industry:

- A. Water-related industry shall be prohibited in the Conservancy Environment.

11.10 Bulkheads:

- A. Bulkheads are permitted in the Conservancy Environment for the purpose of protecting a single-family dwelling unit.
- B. Bulkheads are not permitted in the Conservancy Environment for the purpose of creating land.
- C. Bulkheads must not be a navigational hazard.
- D. Materials used in the construction of a bulkhead must be a type not subject to erosion or siltation.

11.11 Landfills:

- A. Landfills are permitted in the Conservancy Environment provided:
 1. Landfills shall not create land extending into the adjacent water body beyond the ordinary high-water mark.
 2. Landfills shall be composed of materials which will not degrade water quality.
 3. The perimeter of the landfill shall be stabilized in some manner to minimize erosion and siltation.

11.12 Solid Waste Disposal:

- A. Solid waste disposal is not permitted in the Conservancy Environment except in temporary litter containers located at developed public access.

11.13 Dredging:

- A. Dredging is permitted in the Conservancy Environment provided:
 - 1. The applicant demonstrates that the operation is necessary as it relates to a shoreline location for a project, and will not substantially alter the natural characteristics of the area.
 - 2. The dredging is not for the sole purpose of obtaining fill material.
 - 3. A suitable deposit site is selected.
 - 4. A hydraulics permit is obtained from the Department of Fisheries.

11.14 Shoreline Protection:

- A. Shoreline protection operations shall be prohibited except:
 - 1. To protect life and/or property in emergency situations.
 - 2. To stabilize the bank through the use of planted vegetation native to the area.

11.15 Road and Railroad Design and Construction:

- A. Access roads and trails may be developed in the Conservancy Environment provided:
 - 1. They are designed and located so as to fit the topography, allowing for a minimum of alteration to the conditions of the area.
 - 2. All excess or waste material from construction of circulation routes shall be disposed of in such a way as to prevent their entry into a body of water by drainage or high water.
- B. Railroads, bridges, and highways may be constructed in the Conservancy Environment only:
 - 1. When it has been determined that no alternative route exists.
 - 2. When provisions of 11.15 A.1) and 2) are satisfied.
- C. Parking areas serving the public are permitted but shall be located inland away from the immediate water's edge.

11.16 Piers and Docks:

- A. Piers and docks are permitted in association with permitted residential development provided:
 - 1. They shall be designed so as not to restrict the flow of water.
 - 2. Provisions shall be made to protect the navigation rights and safety of the public.
- B. Boat launching sites are permitted at developed public access points provided such developments shall not substantially alter the natural characteristics of the area.

11.17 Archaeological Areas and Historic Sites:

- A. Archaeologic and historic sites may be protected, restored, and developed in the Conservancy Environment subject to the provisions of Section 10.17.

11.18 Recreation:

- A. Development and maintenance of low intensity recreational facilities such as trails for hiking, skiing, photography, viewing, fishing, and equestrian use shall be permitted in the Conservancy Environment provided:
 - 1. All parking shall remain outside the shoreline area unless made impracticable by topography.
 - 2. All access roads shall be limited to 28 surface feet in width or less.
 - 3. All solid waste disposal shall be handled and disposed of outside the shoreline area.
 - 4. Recreation facilities shall be located and designed to avoid destruction of or damage to marshes, bogs and swamps; important wildlife areas; and other unique and fragile areas.
 - 5. In addition to the above regulations, development of active uses such as parks, campgrounds, and golf courses shall be permitted in the Conservancy environment, provided that development shall be set back 100 feet measured on a horizontal plane from the ordinary high water mark.

SECTION 12.00 RURAL ENVIRONMENT REGULATIONS

The Rural Environment is an area where there exists land capable of supporting cultivated and irrigated agriculture with associated activities. It is also an area where recreational activities can take place that do not conflict with agriculture. The purpose of this environmental designation is to protect agricultural land from urban expansion, protect undeveloped shorelines from intensive development, function as a buffer between urban areas, and serve as open space.

All uses permitted in the Conservancy Environment are allowed in the Rural Environment.

12.01 Agricultural Practices:

- A. All types of agricultural activities are permitted in the Rural Environment.
- B. Animal feedlots are permitted in the Rural Environment provided:
 - 1. Guidelines prepared by the Cooperative Extension Service, College of Agriculture, Washington State University, are followed in handling and disposal of cattle manure.
 - 2. WAC 173-16-200 should also be consulted for appropriate guidelines, (Appendix "A" of the Final Guidelines, Shoreline Management Act of 1971, that have been prepared by the Department of Ecology.)
 - 3. There exists a minimum of 100 feet of vegetated area between the lot and the ordinary highwater mark.
- C. Fertilizers shall be applied in a manner which will minimize entry into an adjacent water body.
- D. All pesticides shall be handled in accordance with provisions of the Washington Pesticides Application Act (RCW 17.21) and the Washington Pesticides Act (RCW 15.57).
- E. All agricultural practices shall comply with all current state and local regulations.

12.02 Forest Management Practices:

- A. Forest Management practices of all types are permitted in the Rural Environment provided:
 - 1. Those forest practices shall be done in compliance with the Forest Practices Act of 1974.
 - 2. Along "shorelines of state-wide significance" commercial timber harvesting shall not exceed thirty percent of all merchantable trees in any ten year period of time.

12.03 Commercial Development:

- A. Commercial development in the Rural Environment shall be permitted subject to the requirements of Section 11.03.

12.04 Marinas:

- A. Marinas are permitted in the Rural Environment provided:
 - 1. They are constructed in accordance with all current state and local regulations.
 - 2. Marinas constructed after the effective date of these regulations which provide moorage space for watercraft which contain toilet facilities shall provide sewage pump-out facilities.
 - 3. They are sited, designed, and built in such a manner as to minimize conflicts with agriculture.
 - 4. Parking areas are set back a minimum of 25 feet from the ordinary highwater mark.
 - 5. They comply with "Criteria Governing the Design of...Marinas...for Protection of Fish and Shellfish Resources: adopted by the Washington State Department of Fisheries in 1971, which criteria are incorporated herein by reference.

12.05 Mining:

- A. Mining is permitted in the Rural Environment subject to the provisions found under Conservancy Environment Section 11.05.

12.06 Outdoor Advertising, Signs and Billboards:

- A. Outdoor advertising, signs and billboards are permitted in the Rural Environment provided:
 - 1. All commercial signs and billboards shall be erected on private property.
 - 2. All signs and billboards shall not exceed 32 square feet in surface area.
 - 3. All illumination is indirect with no flashing or neon lights.
 - 4. All signs shall be limited to 15 feet in height.
 - 5. All signing is done in accordance with all current state, county or municipal ordinances.

12.07 Residential Development:

- A. All subdivision and short subdivision in the Rural Environment shall be prohibited.
- B. Multi-family residences shall be prohibited.

- C. Single-family dwelling units are permitted in the Rural Environment subject to:
 - 1. Minimum lot size: 1 acre.
 - 2. Minimum lot frontage: 200 feet along waterfront.
 - 3. No dwelling unit shall be constructed closer than 50 feet to the ordinary high-water mark as measured on the slope of the land.
 - 4. No structure shall be constructed over 35 feet in height as measured from the average grade level to the peak of the roof.

12.08 Utilities:

- A. Utilities, including, but not limited to, water lines, sewers, gas lines, telephone lines, cable-TV lines, irrigation lines, and other similar facilities, including all utilities as defined in WAC 173-16-060(9) (including access roads and appurtenant structures necessary to facilitate the utility use), are permitted where such utilities serve a permitted use within the shoreline or adjacent upland areas, provided:
 - 1. Utilities shall be placed underground whenever feasible.
 - 2. Clearing for the installation or maintenance of utilities shall be kept to a minimum.
 - 3. Disturbed areas shall be restored as nearly as possible to preproject condition.
 - 4. Utility lines shall utilize existing rights-of-way, corridors, and/or bridge crossings whenever possible.
- A. Utility facilities shall be located and designed to avoid destruction of or damage to marshes, bogs and other swamps; important wildlife areas; and other unique and fragile areas.
 - 6. 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.
- B. Sewage treatment plants shall be set back a minimum of 200 feet from the ordinary high water mark or the edge of the floodplain, whichever is greater.

12.09 Water-related Industry:

- A. Water-related industry shall be permitted in the Rural Environment, subject to:
 - 1. Demonstration by the applicant of compliance with the regulations specified on any federal and state permits required for such facilities and operations.
 - 2. Structures over 35 feet in height shall be prohibited, except where technically, structurally, or economically impractical, and only when overriding considerations of the public interest will be served.

12.10 Bulkheads:

- A. Bulkheads are permitted in the Rural Environment for the purpose of protecting structures otherwise allowed.

- B. Bulkheads are not permitted in the Rural Environment for the purpose of creating land.
- C. Bulkheads must not be a navigational hazard.
- D. Materials used in the construction of a bulkhead shall be of a type not subject to erosion or siltation.

12.11 Landfill:

- A. Landfills are permitted in the Rural Environment subject to the requirements of Section 11.11.

12.12 Solid Waste Disposal:

- A. Solid waste disposal is not permitted in the Rural Environment except in temporary containers which will be collected for transportation to an approved sanitary landfill.

12.13 Dredging:

- A. Dredging in the Rural Environment is permitted subject to the provisions of Section 11.13.

12.14 Shoreline Protection:

- A. Shoreline protection operations are permitted in the Rural Environment provided:
 1. The operation is in compliance with the regulations specified on any federal or state permit required for such operations.
 2. The operation shall be designed so as to avoid channelization where possible.
 3. Disturbed shoreline areas shall be replanted with suitable types of vegetation where practical.
 4. Where feasible, dikes, and levees shall be located outside of the floodway of the river or stream in order to minimize any attendant increase in water stage and stream flow velocity over existing conditions.

12.15 Road and Railroad Design and Construction:

- A. State highways, county roads, railroads and access roads are permitted in the Rural Environment provided:
 1. Fill material is not used to locate the route through water.
 2. Alternative routes are considered and found to be unfeasible.
 3. Access to the waterfront for pedestrians is provided wherever feasible and desirable.

12.16 Piers and Docks:

- A. Piers and docks are permitted which serve agricultural and/or recreational activities subject to the provisions of Section 11.16.

12.17 Archaeological Areas and Historic Sites:

- A. Archaeologic and historic sites may be protected, restored, and developed in the Rural Environment, subject to the requirements of Section 10.17.

12.18 Recreation:

- A. Recreational activities shall be permitted in the Rural Environment provided:
 - 1. All buildings shall be set back a minimum of 50 feet from the ordinary highwater mark as measured on the slope distance.
 - 2. Pedestrian access to the waterfront shall be provided on public recreational facilities.
 - 3. Requirements for parking, access roads, and waste disposal found in Section 11.18 are met.

SECTION 13.00 SUBURBAN ENVIRONMENT REGULATIONS

The Suburban Environment is an area where there are few biophysical limitations to development. These are areas planned for expansion of nearby residential developments. In addition, these are areas where it is not desirable to locate extensive commercial or industrial development.

13.01 Agricultural Practices:

- A. Agricultural practices are permitted in the Suburban Environment subject to:
 - 1. Provisions of Section 11.01.
 - 2. Commercial animal feedlots are not permitted.

13.02 Forest Management Practices:

- A. Forest management practices are permitted only for the protection of existing timber from insects or less desirable growth or for the clean-up and restoration following a fire or windstorm and shall comply with the requirements of the Forest Practices Act of 1974.

13.03 Commercial Development:

- A. Commercial development in the Suburban Environment shall be subject to the requirements of Section 11.03.

13.04 Marinas:

- A. Marinas are permitted in the Suburban Environment subject to the provisions of Section 12.04.

13.05 Mining:

- A. Mining is not permitted in the Suburban Environment.

13.06 Outdoor Advertising, Signs and Billboards:

- A. Outdoor advertising, signs and billboards are permitted in the Suburban Environment subject to the provisions of Section 12.06.

13.07 Residential Development:

- A. Residential development is permitted in the Suburban Environment subject to the provisions of all applicable subdivision regulations, building, electrical and plumbing codes and subject to:
 - 1. Minimum lot size: 7,200 square feet with public sewer and 12,500 square feet without public sewer systems.
 - 2. No residence shall be constructed closer than 25 feet to the ordinary highwater mark as measured on the slope of the land.

- 3. No structure shall be constructed over 35 feet in height.
 - 4. Residential subdivision and short subdivision is located in proximity of existing residential and/or tourist/commercial developments.
 - B. Minimum lot size for multiple family dwelling units where public sewer is available shall be 7,200 square feet for the first unit and 2,800 additional square feet for each additional unit.
 - C. Where public sewer is not available minimum lot size for multiple family dwelling units shall be 12,500 square feet for the first unit and 8,000 square feet for each additional unit.
 - D. Construction shall comply with all applicable building, electrical and plumbing codes.
- 13.08 Utilities:
- A. Utilities are permitted in the Suburban Environment subject to the provisions of Section 12.08.
- 13.09 Water-related Industry:
- A. Industrial development is not permitted in the Suburban Environment.
- 13.10 Bulkheads:
- A. Bulkheads are permitted in the Suburban Environment subject to the provisions of Section 12.10.
- 13.11 Landfill:
- A. Landfills are permitted in the Suburban Environment subject to the provisions of Section 11.11.
- 13.12 Solid Waste Disposal:
- A. Solid waste disposal is permitted in the Suburban Environment subject to the provisions of Section 12.12.
- 13.13. Dredging:
- A. Dredging operations are permitted in the Suburban Environment subject to the provisions of Section 11.13.
- 13.14 Shoreline Protection:
- A. Shoreline protection operations are permitted in the Suburban Environment subject to the provisions of Section 12.14.
- 13.15 Road and Railroad Design and Construction:
- A. Road and railroad design and construction is permitted in the Suburban Environment subject to the provisions of Section 12.15.
- 13.16 Piers and Docks:
- A. Piers and docks are permitted in the Suburban Environment subject to the provisions of Section 11.16 A. and B.
- 13.17 Archaeological Areas and Historic Sites:
- A. Archaeologic areas and historic sites may be protected, restored and developed in the Suburban Environment subject to the requirements of Section 10.17.

13.18 Recreation:

- A. Recreational activities shall be permitted in the Suburban Environment subject to the provisions of Section 12.18.

SECTION 14.00 URBAN ENVIRONMENT REGULATIONS

The Urban Environment is an area of high intensity shoreline land use for residential, commercial, recreational and industrial development. This environment does not necessarily include all shorelines within an incorporated city but it is particularly suitable to those areas which are presently subjected to extremely intense use pressure as well as those areas planned to accommodate urban expansion.

14.01 Agricultural Practices:

- A. Cultivated and irrigated cropland and orchards are permitted in the Urban Environment provided:
 - 1. Fertilizers are applied with caution and not applied directly to the water surface.
 - 2. All pesticides are handled in accordance with provisions of the Washington Pesticides Application Act (RCW 17.21) and the Washington Pesticides Act (RCW 15.57).
- B. Commercial animal feedlots are not permitted.

14.02 Forest Management Practices:

- A. Forest management practices are permitted subject to the provisions of section 13.02.

14.03 Commercial development:

- A. Commercial development is permitted in the Urban Environment subject to the requirements of 11.03.

14.04 Marinas:

- A. Marinas are permitted in the Urban Environment subject to the provisions of Section 12.04.

14.05 Mining:

- A. Mining is not permitted in the Urban Environment.

14.06 Outdoor Advertising, Signs and Billboards:

- A. Outdoor advertising, signs and billboards are permitted in the Urban Environment subject to the requirements of Section 12.06.

14.07 Residential Development:

- A. Residential development is permitted in the Urban Environment subject to the provisions of all applicable subdivision regulations, building, electrical and plumbing codes.

14.08 Utilities:

- A. Utilities are permitted in the Urban Environment subject to the provisions of Section 12.08.

14.09 Water-related Industry:

- A. Water-related industry is permitted in the Urban Environment subject to the provisions of Section 12.09.

14.10 Bulkheads:

- A. Bulkheads are permitted in the Urban Environment subject to the provisions of Section 12.10.

14.11 Landfills:

- A. Landfills are permitted in the Urban Environment subject to the provisions of Section 11.11.

14.12 Solid Waste Disposal:

- A. Solid waste disposal is permitted in the Urban environment subject to the provisions of Section 12.12.

14.13 Dredging:

- A. Dredging is permitted in the Urban Environment subject to the provisions of Section 11.13.

14.14 Shoreline Protection:

- A. Shoreline protection operations are permitted in the Urban Environment subject to the provisions of Section 12.14.

14.15 Road and Railroad Design and Construction:

- A. State highways, county roads, railroads and access roads are permitted in the Urban Environment subject to the provisions of Section 12.15.

14.16 Piers and Docks:

- A. Piers and docks are permitted in association with residential, commercial, industrial, or recreational development which is otherwise permitted subject to the provisions of Section 11.16.

14.17 Archaeological and Historic Sites:

- A. Archaeological areas and historic sites may be protected and developed in the Urban Environment subject to the provisions of Section 10.17.

14.18 Recreation:

- A. Recreational activities shall be permitted in the Urban Environment subject to the provisions of Section 12.18.

SECTION 15.00 DIKED SHORELINES

There are a number of diked segments of shoreline within Okanogan County which come under the jurisdiction of the Shoreline Management Act of 1971. Some of these shorelines are in the rural, unincorporated areas of the county while

many of the shorelines of the cities and towns have also been diked.

This ordinance recognizes the existence and purpose of diked shoreline areas which are for the protection of existing uses.

For the purposes of shoreline environment designation an existing dike is taken into account as perpetuating current uses even though the "natural" character of the shoreline may not be compatible with those uses.

The jurisdiction of the Shoreline Act, by the existence of the dike, is modified in that it extends two-hundred feet landward on a horizontal plane from the ordinary highwater mark or to the apex of the dike, whichever is greater.

SECTION 16.00 CONDITIONAL USE PERMITS

The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: Provided, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government of Department of Ecology to prevent undesirable effects of the proposed use.

16.01 Uses which are classified or set forth in this master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

- A. That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of this 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 permitted uses within the area;
- D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and,
- E. That the public interest suffers no substantial detrimental effect.

16.02 Other uses which are not classified or set forth in this master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1), that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of this master program.

16.03 Uses which are specifically prohibited by the program may not be authorized.

16.04 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 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.

SECTION 17.00 VARIANCES

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

17.01 Construction under this permit will not begin or is not authorized in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

17.02 Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), except within those areas designated by the Department of Ecology as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

- A. That the strict application of the bulk, dimensional or performance standards set forth in this master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this master program;
- B. That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this master program, and not, for example, from deed restrictions or the applicant's own actions;
- C. That the design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;
- D. That the requested variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief; and
- E. That the public interest will suffer no substantial detrimental effect.

17.03 Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within marshes, bogs, or swamps as designated by the Department of Ecology under chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

- A. That the strict application of the bulk, dimensional or performance standards set forth in this master program precludes a reasonable use of the property not otherwise prohibited by this master program;
- B. That the proposal is consistent with the criteria established under (2)(b) through (2)(e) of this section; and
- C. That the public rights of navigation and use of the shorelines will not be adversely affected.

- 17.04 In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- 17.05 Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in WAC 173-14-140.

SECTION 18.00 NONCONFORMING USES

A Nonconforming use is an activity, structure or condition in existence at the time of adoption of this ordinance which would not now be permitted. However, by virtue of the fact of its existence, the use continues to be permitted subject to the requirements of this section.

18.01 A nonconforming use may not altered or expanded unless such change would bring the use into conformity with the uses permitted in the environment in which it is located.

18.02 In the case of destruction by the elements where reconstruction costs exceed 50% of the fair market value, the structure shall not be rebuilt unless it conforms to the requirements of the environment in which it is located.

18.03 A nonconforming use that is discontinued for any reason for more than one year, shall not be reestablished.

18.04 Any nonconforming structure or use may be maintained with ordinary care.

18.05 Change in ownership does not affect the status of nonconforming uses.

SECTION 19.00 COMPENSATION FOR RESTRICTED USE OF PRIVATE PROPERTY

19.01 The restrictions imposed by this ordinance shall be considered by the county or municipal tax assessor in establishing fair market value of shoreline property.

19.02 Only in instances where restrictions on the use of privately owned shorelines are directly related to the public health, safety, or welfare may such restrictions be imposed without some form of just compensation.

SECTION 20.00 SHORELINE PERMITS, FEES AND PROCEDURES

20.01 Shoreline permits are required for any activity or development which is classified as a "substantial development" as provided by the Shoreline Management Act of 1971, RCW 90.58.030 (3) (e).

20.02 Fees shall be determined by the administrative authority for each jurisdiction in a sufficient amount to cover the cost of filing and processing permit applications.

20.03 Permit applications shall be made with the administrative authority for each jurisdiction.

SECTION 21.00 SHORELINES HEARING BOARD OF APPEALS

21.01 A shorelines hearings board of appeals is established at the state level by the Shoreline Management Act, RCW 90.58.170.

21.02 Applications for conditional use permits and variances shall be heard by the local board of adjustment for each jurisdiction.

21.03 The Shoreline Management Act RCW 90.58.180 makes provision for persons aggrieved by the granting or denying of a shoreline permit.

SECTION 22.00 ADMINISTRATION AND ENFORCEMENT

22.01 It shall be the duty of the county or municipal planning director, or other such persons designated by the responsible official, to administer the provisions of these regulations.

22.02 The Prosecuting Attorney, at the request of the responsible official, may institute any legal proceedings to enforce the provisions of these regulations.

SECTION 23.00 VIOLATION AND PENALTIES

23.01 The Shoreline Management Act of 1971 RCW 90.58.210 and 90.58.220 provides penalty for the violation or failure to comply with the provisions of these regulations.

23.02 Violators of these regulations shall be guilty of a gross misdemeanor punishable by a fine of not less than twenty-five (25) nor more than one thousand (1,000) dollars or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment: Provided, that the fine for the third and all subsequent violations in any five-year period shall not be less than five hundred (500) nor more than ten thousand (10,000) dollars.

SECTION 24.00 CHANGES AND AMENDMENTS

24.01 Changes and amendments to these regulations may be proposed by the following: provided the changes and amendments do not take away property rights guaranteed by the Constitution:

- A. Responsible Official.
- B. Administrative Authority
- C. Petition of the property owners affected, or their authorized agent. A petition to amend these regulations shall be filed with the Planning Commission.

24.02 A petition asking for a change from one environmental classification to another must be signed by not less than seventy-five (75) percent of the property owners within the environmental designation proposed for a change, OR, the petition must be signed by the owners of not less than sixty (60) percent of the affected property.

24.03 Each signer of a petition for a change of environmental designation shall give his address and the description of his property as shown on the assessment and tax roll showing the extent of shoreline frontage.

24.04 Notice shall be given to the public for any proposal to change an environmental designation in accordance with procedures set forth in the current county zoning ordinance.

SECTION 25.00 INTERPRETATION

25.01 Each environmental designation is shown on the Official Map of Shorelines for Okanogan County and may be interpreted as follows:

- A. Two-hundred (200) feet landward, on a horizontal plane from the "ordinary highwater mark" or the one-hundred year floodplain, whichever is greater.
- B. The line of demarcation between any two environmental designations shall be determined from the Official Map of Shorelines for Okanogan County.
- C. Where a parcel of land is inside more than one environmental designation, the landowner shall have the option of declaring in writing, which environmental designation he wants his land classified.

SECTION 26.00 BOUNDARIES

The following are legal descriptions of shoreline designations for the water bodies of Okanogan County:

26.01 BEAVER CREEK, Rural from the confluence of Beaver Creek and unnamed creek (NE1/4 of NE1/4 S. 26, T. 34 N., R. 22 E.W.M.) downstream to mouth at Methow River (S. 27, T. 33 N., R. 22 E.W.M.)

26.02 BONAPARTE CREEK, Rural from the confluence of Bonaparte Creek and Bannon Creek (S. 32, T. 37 N., R. 28 E.W.M.) downstream to the city limits of Tonasket, thence, Suburban downstream to the center of Whitcomb Street, thence, Urban downstream to mouth of Okanogan River (S. 16, T. 37 N., R. 27 E.W.M.).

26.03 CHEWUCH RIVER, Rural from the Okanogan National Forest boundary (S. 2, T. 35 N., R. 28 E.W.M.) downstream to the city limits of Winthrop, thence, Conservancy on the left bank to the West side of Bridge Street, thence, Urban on the left bank to the mouth on the Methow River. The right bank continues Rural downstream to the South side of Chewuch River Bridge, thence, Conservancy downstream to mouth on Methow River.

26.04 COLUMBIA RIVER, Rural from the intersection of the Okanogan County line and the Colville Indian Reservation boundary (S. 18, T. 30 N., R. 25 E.W.M.) downstream, right bank only, to the Brewster city limits, thence, Urban south along shoreline to the center of 1st Avenue NW, thence, Suburban downriver to the intersection of shoreline and the West side of S. 22, T. 30 N., R. 24 E.W.M., thence, Rural downriver to the Pateros city limits, thence, Urban to the Great Northern Railway right-of-way crossing the mouth of the Methow River, thence, Rural downriver on the right bank of the Columbia River to the Chelan County line (S. 31, T. 29 N., R. 24 E.W.M.).

26.05 EARLY WINTERS CREEK, Conservancy on all nonfederal lands from the confluence with the Methow River upstream for approximately 3,000 feet to the Okanogan National Forest Boundary at the southern boundary of HES 250 (S. 23 and S. 26, T. 36 N., R. 19 E.W.M.).

26.06 GOLD CREEK, Rural from the confluence of Gold Creek and South fork Gold Creek (S. 17, T. 31 N., R. 22 E.W.M.) downstream to mouth at Methow River, S. 16 same township.

26.07 METHOW RIVER, (Right Bank) Conservancy from the Okanogan National Forest boundary (HES 237, S. 6, T. 36 N., R. 19 E.W.M.) downstream to a line parallel to, and 660 feet northwest of, the centerline of the Mazama Bridge on County Road No. 9140 (Mazama Road) (S. 25, T. 36 N., R. 19 E.W.M.), thence, Rural downstream to a line parallel to, and 660 feet southeast of, the centerline of the Mazama Bridge on County Road No. 9140 (Mazama Road) (S. 25, T. 36 N., R. 19 E.W.M.), thence, Conservancy downstream to the North side of S. 5, T. 35 N., R. 20 E.W.M., thence, Rural downstream to the South side of S. 10, same township, thence, Conservancy downstream to the East side of S. 25, same township, thence, Rural downstream to the Winthrop city limits, thence, Suburban downstream 600 feet from Winthrop city limits at bridge crossing Methow River, thence, Conservancy downstream to South city limits of Winthrop, thence, Urban downstream to South side of N1/2 of S. 11, T. 34 N., R. 21 E.W.M., thence, Rural downstream to Twisp city limits, thence, Urban downstream to Twisp city limits at State Highway Bridge, thence, Rural downstream to mouth of Methow River at Pateros.

METHOW RIVER, (Left Bank) Conservancy from the Okanogan National Forest boundary (HES 236, S. 6, T. 36 N., R. 19 E.W.M.) downstream to a line parallel to, and 660 feet northwest of, the centerline of the Mazama Bridge on County Road No. 9140 (Mazama Road) (S. 25, T. 36 N., R. 19 E.W.M.), thence, Rural downstream to a line parallel to, and 660 feet southeast of, the centerline of the Mazama Bridge on County Road No. 9140 (Mazama Road) (S. 25, T. 36 N., R. 19 E.W.M.), thence, Conservancy downstream to the North side of S. 5, T. 35, R. 20 E.W.M., thence, Rural downstream to the South side of S. 10, same township, thence, Conservancy downstream to the East side of S. 25, same township, thence, Rural downstream to mouth of Chewuch River, thence, Urban downstream 800 feet from the downstream side of the bridge crossing the Chewuch River, thence, Conservancy 1,000 feet downstream, thence, Suburban downstream to the southern city limits of Winthrop, thence, Rural downstream to the Twisp city limits, continuing Rural 1,600 feet, thence, Conservancy downstream to the South side of NE1/4 of NW1/4, S. 17, T. 33 N., R. 22 E.W.M., thence, Urban downstream to State Highway Bridge crossing Methow River, thence, Suburban downstream to the East side of S. 20, same township, thence, Rural downstream to the city limits of Pateros, thence, Suburban downstream to the mouth at Columbia River.

26.08 MYERS CREEK, Rural from the confluence of Myers Creek and Mary Ann Creek (S. 28, T. 40 N., R. 30 E.W.M.) downstream to the Canadian Border (S. 3., T. 40 N., R. 30 E.W.M.).

26.09 OKANOGAN RIVER, (Right Bank) Suburban from the outlet at South tip of Lake Osoyoos, S. 22, T. 40 N., R. 27 E.W.M., downstream to the Oroville city limits, thence, Urban to North side of S. 3, T. 39 N., R. 27 E.W.M., thence, Rural downstream to Okanogan River Bridge at Tonasket, thence, Suburban downstream to South side of NE1/4 of NE1/4 S. 20, T. 37 N., R. 27 E.W.M., thence, Rural downstream to the South side of S. 9, T. 36 N., R. 27 E.W.M., thence, Conservancy downstream to the South side of S. 20, same township, thence, Rural downstream to Riverside City limits, thence, Diked downstream to 700 feet below Okanogan River bridge at Riverside, thence, Rural downstream to the West side of East 1/2 of S. 25, T. 34 N., R. 26 E.W.M., thence, Conservancy downstream to the Omak city limits, thence, Urban downstream to the East side of Kenwood Street, thence, Diked downstream to approximately, 1,600 feet south of 5th Avenue ending at the termination of the dike, thence, Conservancy downstream to the North side of S. 3, T. 33 N., R. 26 E.W.M., thence, Rural downstream to the North side of S. 10 same township, thence, Diked downstream to the Okanogan city limits south of Okanogan (S. 17, T. 33 N., R. 26 E.W.M.) thence, Rural downstream to mouth at Columbia River.

OKANOGAN RIVER, (Left Bank) Suburban from the outlet at the South tip of Lake Osoyoos, downstream to the North Side of S. 34, T. 40 N., R. 27 E.W.M., thence, Rural downstream to the northern city limits of Tonasket, thence, Urban downstream to the southern city limits of Tonasket, thence, Rural downstream to the dike at Riverside, thence, Diked downstream to the termination of the dike, thence, Rural downstream to the Colville Indian Reservation boundary (S. 6, T. 34 N., R. 27 E.W.M.).

26.10 SANPOIL RIVER, Rural from the confluence of the West Fork Sanpoil River and Frosty Creek (S. 12, T. 35 N., R. 30 E.W.M.) to the Okanogan National Forest boundary (S. 22, T. 35 N., R. 31 E.W.M.).

26.11 SIMILKAMEEN RIVER, Rural from the Canadian Border (S. 4, T. 40 N., R. 25 E.W.M.) downstream to mouth at Palmer Lake, northerly, downstream to the east side of S. 5, T. 40 N., R. 26 E.W.M., thence, Conservancy downstream to the West side of the East 1/2 of NE1/4, S. 19, T. 40 N., R. 27 E.W.M., thence, Rural downstream (Right Bank) to mouth at Okanogan River, thence, Rural downstream to city limits at Oroville, thence, Diked downstream to mouth at Okanogan River.

26.12 SINLAHEKIN CREEK, Conservancy from the confluence of Sarsapkin Creek and Sinlahekin Creek (S. 10, T. 37 N., R. 25 E.W.M.) downstream to North side of South 1/2, S. 13, T. 38 N., R. 25 E.W.M., thence, Rural downstream to mouth at Palmer Lake.

26.13 TOATS COULEE CREEK, Conservancy from the confluence of South and Middle Fork Toats Coulee Creek (S. 35, T. 39 N., R. 24 E.W.M.) downstream to the East side of S. 34, T. 39 N., R. 25 E.W.M., thence, Rural downstream to mouth of Sinlahekin Creek.

26.14 TORODA CREEK, Rural from the confluence of Beaver Creek and Toroda Creek (S. 22, T. 39 N., R. 31 E.W.M.) downstream to the Ferry County line (S. 25, T. 40 N., R. 31 E.W.M.).

26.15 TWISP RIVER, Rural from the Okanogan National Forest boundary (S. 10, T. 33 N., R. 21 E.W.M.) downstream to the Twisp city limits.

26.16 WOLF CREEK, Rural from the Okanogan National Forest boundary (S. 6, T. 34 N., R. 21 E.W.M.) downstream to mouth at Methow River (S. 32, T. 35 N., R. 21 E.W.M.).

26.17 PALMER LAKE, Rural beginning at the South side of SW1/4 of NW1/4, S. 2, T. 39 N., R. 25 E.W.M., northeasterly along shoreline to North side of S. 6, T. 39 N., R. 26 E.W.M., thence, Suburban southerly along shoreline to South side of SE1/4 of NE1/4, S. 18, T. 39 N., R. 26 E.W.M., thence, Conservancy southwesterly along shoreline to the East side of SW1/4 of SW1/4, S. 18, same township, thence, Rural northerly along shoreline to West side of SE1/4, S. 1, T. 39 N., R. 25 E.W.M., thence, Conservancy along shoreline to point of beginning.

26.18 SPECTACLE LAKE, Suburban, beginning at the South side of SW1/4, S. 4, T. 38 N., R. 26 E.W.M., easterly along northern shoreline continuing around East end of lake to west side of S. 11, same township, thence, Natural, westerly along shoreline to point of beginning. (Amended 06/0/97)

26.19 WHITESTONE LAKE, Rural, beginning at the North side of SE1/4 of SW1/4, S. 7, T. 38 N., R. 27 E.W.M., along NE shoreline continuing around southerly end of lake to North side of NW1/4 of NW1/4, S. 20, same township, thence, Conservancy, northwesterly along shoreline to point of beginning.

26.20 LAKES with only one shoreline environmental designation:

LAKE	ENVIRONMENT	LOCATION (all are EWM)
1. Aeneas Lake	Rural	S. 25, T. 37 N., R. 26
2. Alkali	Conservancy	S. 22, T. 35 N., R. 26
3. Alta Lake	Conservancy	S. 10, T. 29 N., R. 26.
4. Blue Lake	Conservancy	S. 21,22,27,28, T. 37 N., R. 25
5. Blue Lake	Conservancy	S. 6, T. 39 N., R. 26
6. Bonaparte Lake	Conservancy	S. 16, T. 38 N., r. 30
7. Booher Lake	Conservancy	S. 3, T. 35 N., R. 26
8. Brown Lake	Rural	S. 6,7,12, T. 34 N., R. 25
9. Chopaka	Conservancy	S. 3,4,33, T. 39 N. R. 25
10. Conconully Lake & Res.	Conservancy	S. 33,4,5,6,7 T. 35 N., R. 25
11. Crawfish Lake	Conservancy	S. 32,33 T. 35 N., R. 29
12. Davis Lake	Conservancy	S. 17,18,19,20 T. 34 N., R. 25
13. Duck Lake	Rural	S. 10,11 T. 34 N., R. 26
14. Evans Lake	Conservancy	S. 21,28 T. 35 N., R. 26
15. Fancher Dam Res.	Rural	S.2, T. 38 N., R. 28
16. Fields Lake	Rural	S. 26, T. 40 N. R. 29
17. Fish Lake	Conservancy	S. 15,16,21 T. 36 N., R. 26
18. Forde Lake	Conservancy	S. 2,3, T. 37 N., R. 25
19. Green Lake	Conservancy	S. 13, T. 34 N., R. 25
20. Horseshoe Lake	Conservancy	S. 7,8,18,17, T. 35 N., R. 26
21. "L" Lake	Conservancy	S. 19, T. 36 N., R. 30
22. Leader Lake	Rural	S. 15,16, T. 33 N., R. 25
23. Lemanaski Lake	Rural	S. 13, T. 37 N., R. 25
24. Meadow Lake	Conservancy	S. 20,29, T. 38 N., R. 30
25. Medicine Lake	Conservancy	S. 5, T. 35 N., R. 26
26. Moccasin Lake	Rural	S. 27, T. 34 N., R. 21
27. Molson Lake	Rural	S. 5,6,8, T. 40 N., R. 29
28. Muskrat Lake	Rural	S. 15, T. 39 N., R. 29
29. Osoyoos Lake	Suburban	T. 40 N., R. 27
30. Palmer Lake	(see map and legal description)	
31. Patterson Lake	Conservancy	S. 8,17, T. 34 N., R. 21.
32. Pearrygin Lake	Conservancy	S. 36,31,1,6, T. 35 N., R. 21
33. Peninsula Lake	Conservancy	S. 7, T. 35 N., R. 21
34. Rat Lake	Conservancy	S. 15, T. 31 N., R. 24
35. Roberts Lake	Rural	S. 4, T. 35 N., R. 25
36. Round Lake	Conservancy	S. 19, T. 36 N., R. 30
37. Sidley Lake	Rural	S. 6, T. 40., R. 29
38. Sinlahekin Impoundment	Conservancy	S. 35, T. 38 N., R. 25
39. Spectacle Lake	(see map and legal description)	
40. Talkire Lake	Conservancy	S. 16, 21, T. 36 N., R. 28
41. Twin Lakes	Conservancy	S. 14,15, T. 34 N., R. 21
42. Unnamed Lake	Rural	S. 27, T. 39 N., R. 27
43. Unnamed Lake	Rural	S. 30, T. 36 N., R. 25
44. Unnamed Lake	Rural	S. 16,17, T. 40 N., R. 25
45. Walker Lake	Conservancy	S. 11,12,13,14,23,24, T. 39 N., R. 26
46. Wannacut Lake	Conservancy	S. 27, T. 38 N., R. 30
47. Whitestone Lake	(see map and legal description)	
48. Zosels Mill Pond	Urban	S. 27, T. 40 N., R. 27