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PREPARED FOR: FERRY COUNTY AND THE CITY OF REPUBLIC



Final Draft Shoreline Master Program

Ferry County Coalition Shoreline Master Program Update

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PART I: Shoreline Goals and Policies (RCW 90.58.100)

1 Introduction

Ferry County and the City of Republic have formed the Ferry County Coalition (Coalition) to update the Shoreline Master Program (SMP). The SMP intends to implement the requirements of the Washington State Shoreline Management Act (SMA; Revised Code of Washington [RCW] 90.58), the state SMA Guidelines (Guidelines; Chapter 173-26 Washington Administrative Code [WAC]), and the Shoreline Management Permit and Enforcement Procedures (WAC 173-27).

The SMA was enacted in 1971 to provide for the management and protection of shorelines of the state by regulating development in the shoreline area. The goal of the SMA is “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines” (RCW 90.58.020). The SMA requires cities and counties to adopt an SMP to regulate shoreline development and accommodate “all reasonable and appropriate uses” consistent with “protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...and public rights of navigation.” Ferry County adopted its SMP in 1975, with a revision in 2002.

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

The updated SMP provides goals, policies, and regulations for the development of the Coalition’s shorelines consistent with the SMA and Guidelines.

2 Relationship to Growth Management Act

An SMP contains goals, policies, regulations, and environment designation maps that guide shoreline development in accordance with state requirements. The SMP is integrated with local land use regulations. Consistent with RCW 36.70A.480, the goals and policies contained in this SMP shall be considered an element of the local comprehensive plan. All other portions of this SMP, including the use regulations, are considered a part of the local development regulations. Ferry County is in the process of possibly opting out of planning under the Growth Management Act (GMA) **per EHB 1224**. This would limit the applicability of the SMP update to the critical area components as they relate to the GMA.

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

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

7 **3 Profile of the Shoreline Jurisdiction within the Ferry County Coalition**

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

12 Ferry County Coalition’s SMP encompasses shoreline along 4 rivers, 10 creeks, and 12 lakes.
13 The Coalition’s shoreline waterbodies are described in the following Sections.

14 **3.1 Shorelines of Statewide Significance**

15 The Coalition’s shoreline jurisdiction includes four rivers that are considered Shorelines of
16 Statewide Significance (SSWS) as listed in Table 1. The SMA designates certain shoreline areas
17 as SSWS, which are defined as “natural rivers or segments thereof” that have a mean annual
18 flow of 200 cubic feet per second or more (or for streams east of the crest of the Cascades, the
19 portion downstream from the first 300 square miles of drainage area [RCW 90.58.030]) and
20 lakes, whether natural, artificial, or a combination thereof, of 1,000 acres or greater in surface
21 area. The Columbia, Kettle, West Fork Sanpoil, and Sanpoil rivers are SSWS based on both the
22 flow and upstream drainage criteria.

23 In the Superior Court of the State of Washington, Stevens County Decree #8282 of 1925, the
24 Court adjudicated that the Kettle River is a non-navigable stream. Ferry County recognizes, as
25 per this case, that the owner in fee land, together with the shores and beds of the Kettle River
26 lying in front of said land to the center line of the river, also owns the other rights as laid out in
27 the case. Ferry County also recognizes, as per this case, the state of Washington has no estate,
28 right, title, or claim in or to said lands, beds, or shores of this river. It is recognized the SMA and
29 this SMP do apply to the Kettle River, but that Ecology does not have the authority to determine
30 or defend the navigability status of any waterbody.

31 The SSWS protection and management goals are described in SMP Section 4.4, Shoreline Uses
32 and Modifications Element.

33 Ferry County Coalition’s SSWS are identified in Table 1.

1

Table 1. Shorelines of Statewide Significance

Stream Name	Total Length of Proposed Shoreline
Columbia River	98.8 miles
Kettle River	62.9 miles
West Fork Sanpoil River	3.1 miles
Sanpoil River	47.2 miles

2

Note:

3

The entire length of the Columbia River along the Confederated Tribes of the Colville Reservation was included.

4

5

6 3.2 Other Rivers and Streams

7 Table 2 identifies the Coalition's Shorelines of the State.

8

Table 2. Shoreline Jurisdiction Streams and Creeks

Stream Name	Total Length of Proposed Shoreline
Boulder Creek	2.6 miles
South Fork Boulder Creek	10.3 miles
Curlew Creek	10.7 miles
Sanpoil River	16.7 miles
West Fork Sanpoil River	2.5 miles
Toroda Creek	4.6 miles
Sherman Creek	9.3 miles
Deadman Creek	5.0 miles
Granite Creek	4.0 miles
Hall Creek	37.0 miles
Ninemile Creek	13.1 miles
Stranger Creek	10.2 miles

9

10 A portion of Granite Creek is within the City of Republic.

11 3.3 Lakes and Reservoirs

12 Table 3 identifies the Coalition's lakes which include Shorelines of the State.

13

Table 3. Shoreline Jurisdiction Lakes

Lake Name	Total Area of Proposed Shoreline
Mud Lake	24 acres
Sanpoil Lake	24 acres
Curlew Lake	860 acres
Ferry Lake	20 acres

Lake Name	Total Area of Proposed Shoreline
Lake Ellen	75 acres
Swan Lake	54 acres
Twin Lakes	1,661 acres
Elbow Lake	56 acres
Camille Lake	26 acres
Bourgeau Lake	37 acres
Round Lake	83 acres
La Fleur Lake	46 acres

1

2 **4 Development of Goals and Policies**

3 Goals express broad value statements that reflect the local shorelines vision. Goals also provide
4 a framework upon which the more detailed SMP shoreline use environments, policies,
5 regulations, and administrative procedures are based in subsequent chapters. Policies are more
6 detailed statements reflecting the goals and visions for shorelines. Policies provide detail to the
7 associated goals and act as a bridge between the goals and implementing regulations. The
8 policies are not regulations in themselves and, therefore, do not impose requirements beyond
9 those set forth in the regulations.

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

13 **4.1 Economic Development Element**

14 **A. Goals**

- 15 1. Goal A: Encourage, sustain, and, where possible, enhance the existing
16 economic activities such as agriculture, mining, angling, hunting, forestry,
17 and general water-oriented recreation.
- 18 2. Goal B: Develop, as an economic asset, the water-oriented tourism and
19 recreational industry that would further enhance the public enjoyment of
20 the shoreline.
- 21 3. Goal C: Promote economic growth that provides for the sustainable use of
22 natural resources, conserves open spaces and maintains the environmental
23 quality and rural character that makes Ferry County and the City of
24 Republic preferred places to live and work.
- 25 4. Goal D: Maintain and secure additional commercial and industrial
26 facilities and infrastructure necessary for existing and future development
27 in shoreline areas where it is most feasible, while maintaining
28 environmental quality and shoreline ecological functions.

- 1 5. Goal E: Maintain and, where possible, enhance natural resource-based
2 industries within shoreline, including productive agriculture (cultivation
3 and grazing), mining, fisheries, and forest practices while maintaining
4 environmental quality. Discourage incompatible uses near the natural
5 resource-based industries.
- 6 6. Development within shoreline jurisdiction should recognize the economic
7 values of the natural resources along with the natural character and
8 aesthetics of views and vistas to the shoreline.
- 9 B. Policies
- 10 1. Ensure healthy, orderly economic growth by providing for those economic
11 activities that will be an asset to the local economy and for which the
12 adverse effects on the quality of the shoreline and surrounding
13 environment can be avoided, or where this is not possible, mitigated.
- 14 2. Maintain current agricultural, mining, and forestry natural resource uses as
15 a major economic strength of the region. Protect current agricultural,
16 mining, and forestry land uses and provide for developing new resource
17 uses in shorelands.
- 18 3. Maintain and protect existing water-dependent and water-related uses that
19 support Ferry County's economy. Provide opportunities for future
20 expansions of such uses. Examples include, but are not limited to, ferries,
21 recreational fisheries, and navigation.
- 22 4. Allow diversion of water for agricultural purposes consistent with the state
23 water rights and watershed planning laws.
- 24 5. Promote tourism and develop and maintain the recreation and tourism
25 industry along shorelines in a manner that will enhance public enjoyment.
- 26 6. Work with port districts and other agencies to ensure sustainable economic
27 growth along the shoreline. Encourage cooperative use of existing port
28 facilities, including docks and piers, where feasible and when they do not
29 negatively affect public safety.
- 30 7. Give preference to economic activities in undeveloped areas, which either
31 leave natural or existing shoreline features, such as trees, shrubs, grasses,
32 and wildlife habitat, unmodified or modify them in a way that enhances
33 human awareness and appreciation of the shoreline and other natural and
34 non-natural surroundings.
- 35 8. Encourage new economic development in the following priority order:
36 water-dependent; water-related; and water-enjoyment.

- 1 9. Ensure that any economic activity taking place along the shoreline
2 operates without causing irreparable harm to the site’s ecological integrity
3 and functions and that of adjacent shorelands.

- 4 10. Where possible, developments are encouraged to incorporate low-impact
5 development techniques into new projects and integrate architectural and
6 landscape elements that recognize and are consistent with the shoreline
7 environment.

- 8 11. Encourage commercial and recreational developments that are
9 non-water-oriented to provide ecological enhancement and public access
10 as appropriate.

- 11 12. Ensure that new industrial, commercial, recreation, and natural resource
12 uses, including agricultural uses, will not result in a net loss of shoreline
13 ecological functions or have significant adverse impacts on navigation,
14 recreation, and public access.

15 **4.2 Public Access and Recreation Element**

16 A. Goals

- 17 1. Goal A: Promote, protect, and, where possible, enhance both physical and
18 visual public access along the shoreline, especially on the Columbia,
19 Kettle, Sanpoil, and West Fork Sanpoil rivers and Curlew and Twin lakes.
20 Increase the amount and diversity of public access along the shoreline
21 consistent with private property rights, public safety, National Park
22 Service requirements, and the natural shoreline character.

- 23 2. Goal B: Maintain and, where possible, enhance existing physical and
24 visual public access and provide additional public access, where
25 appropriate and where possible, such as Lake Roosevelt, Kettle River,
26 Curlew Lake, parks and campgrounds along the rivers, and other
27 shorelines.

- 28 3. Goal C: Provide new physical and visual public access as feasible and
29 when new development creates demand for public access.

- 30 4. Goal D: Encourage diverse, convenient, and adequate water-oriented
31 recreational opportunities along the shoreline for the public, recognizing
32 the significant sections of privately owned lands (both upland and aquatic
33 lands, as applicable) on the Kettle River, Sanpoil River, Curlew Creek,
34 and Curlew Lake.

- 35 5. Goal F: Give water-oriented shoreline recreational development priority
36 within public lands on shoreline jurisdiction.

1 B. Policies

- 2 1. Protect and, where possible, enhance visual and physical access to
3 publicly owned shorelines. Provide visual access, such as viewpoints or
4 view corridors, in areas with limited physical access due to extensive
5 private ownership, physical constraints such as a steep slope, or the
6 sensitive nature of the shoreline where practicable, whenever possible.
- 7 2. Ensure that new developments, uses, and activities on or near the shoreline
8 do not impair or detract from the public's access to the water. Where
9 practicable, public access to the shoreline should be enhanced.
- 10 3. Design public access to minimize potential impacts to private property and
11 individual privacy.
- 12 4. Locate, design, manage, and maintain public access and recreation
13 facilities in a manner that protects shoreline ecological functions and
14 processes and the public's health and safety.
- 15 5. Identify opportunities for public access on publicly owned shorelines.
16 Encourage federal, state, and local governments to provide public access
17 and recreational uses on existing shoreline properties according to their
18 management policies and public preferences. Preserve, maintain, and,
19 where possible, enhance public access afforded by shoreline street ends,
20 public utilities, and rights-of-way.
- 21 6. Provide physical and visual public access in the shoreline jurisdiction in
22 association with the following uses when feasible: residential
23 developments with five or more dwellings, commercial development, and
24 public agency recreational development.
- 25 7. Provide public access and interpretive displays as part of publicly funded
26 restoration or enhancement projects where significant ecological impacts
27 are addressed.
- 28 8. Allow for passive and active shoreline recreation that emphasizes location
29 along shorelines consistent with City, County, and other public agency
30 parks, recreation, wildlife habitat, and open-space plans.
- 31 9. Explore opportunities for providing additional public access in suitable
32 areas on the Columbia River, Kettle River, and Curlew Lake, while also
33 protecting private property rights and avoiding the creation of additional
34 recreation management challenges such as trespassing on private lands.
- 35 10. Encourage a variety of compatible recreational experiences and activities
36 to satisfy the Coalition's diverse recreational needs such as parks, boat
37 launches, docks, trail, and viewing platforms.

- 1 11. Give water-dependent recreation priority over water-enjoyment recreation
2 uses. Give water-enjoyment recreational uses priority over
3 non-water-oriented recreational uses.

- 4 12. Integrate and link recreation facilities with linear systems, such as water
5 and walking trails, bicycle paths, easements, and scenic drives, when
6 feasible, to connect waterbodies, roads, and trails and capitalize on other
7 opportunities.

- 8 13. Promote non-intensive recreational uses, which avoid adverse effects to
9 the natural environment, do not contribute to flood hazards, and avoid
10 damage to the shoreline environment by minimizing erosion and other
11 impacts, and through modifications such as structural shoreline
12 stabilization or native vegetation removal.

13 **4.3 Circulation Element**

14 A. Goals

- 15 1. Goal A: Develop safe, convenient, and multi-modal circulation systems to
16 ensure efficient movement of people, goods, and services, with minimal
17 adverse impacts on the shoreline environment.

18 B. Policies

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

- 23 2. Within the shoreline jurisdiction, locate land circulation systems that are
24 not shoreline-oriented and as far from the land-water interface as
25 practicable to reduce interference with either natural shoreline resources or
26 other appropriate shoreline uses.

- 27 3. Allow for maintenance and improvements to existing roads and parking
28 areas. Allow for necessary new roads and accessory parking areas where
29 other locations outside of shoreline jurisdiction are not feasible.

- 30 4. Plan and develop a circulation network, which is compatible with the
31 shoreline environment and respects and protects ecological and aesthetic
32 values in the shoreline of the state as well as private property rights.

- 33 5. In the circulation network, plan for pedestrian, bicycle, equestrian, and
34 public transportation along with various watercraft where appropriate.
35 Circulation planning and projects should support existing and proposed
36 shoreline uses that are consistent with this SMP.

- 1 6. Promote existing transportation corridors for reuse for water-dependent
2 uses or public access when they are abandoned, such as rails to trail.
- 3 7. Encourage relocation or improvement of those circulation elements that
4 are functionally or aesthetically disruptive to the shoreline, public
5 waterfront access, and ecological functions.
- 6 8. Plan parking areas to achieve optimum use. Where possible, parking
7 should serve more than one use (e.g., serving recreational use on
8 weekends and commercial uses accessory to a water-dependent,
9 water-related, or water-enjoyment use on weekdays).
- 10 9. Encourage low-impact parking facilities such as gravel or permeable
11 pavements designed to avoid runoff and increase infiltration.
- 12 10. Encourage trail and bicycle paths along shorelines in a manner compatible
13 with the natural character, resources, and ecology of the shoreline.
- 14 11. Encourage the linkage of shoreline parks, recreation areas, and public
15 access points with linear systems, such as hiking and bicycle paths,
16 easements, and scenic drives along the shoreline.

17 **4.4 Shoreline Uses and Modifications Element**

18 A. Goals

- 19 1. Goal A: Encourage shoreline development that recognizes the Coalition’s
20 natural and cultural values and its unique aesthetic qualities offered by its
21 variety of shoreline environments. These include, but are not limited to,
22 free flowing and reservoir-bounded river segments, agricultural
23 development, mining and forestry uses, cliffs and steep slopes, riverine
24 wetlands, lakes, open views, and formal and informal public access.
- 25 2. Goal B: the Coalition recognizes and protects the functions and values of
26 the shoreline environments of statewide and local significance. For
27 SSWS, protection and management priorities are as follows:
- 28 a. Recognize and protect statewide interest over local interest
- 29 b. Preserve the natural character of the shoreline
- 30 c. Provide long-term over short-term benefits
- 31 d. Protect the resources and ecology of shoreline
- 32 e. Increase public access to publicly owned areas of shoreline
- 33 f. Increase recreational opportunities for the public in shoreline areas

1 B. General Policies

- 2 1. Maintain areas within SMP jurisdiction with unique attributes for specific
3 long-term uses, including agricultural, mining, forestry, commercial,
4 industrial, residential, recreational, and open space uses.
- 5 2. Ensure that proposed shoreline uses are distributed, located, and
6 developed in a manner that will maintain or improve the health, safety,
7 and welfare of the public when such uses occupy shoreline areas.
- 8 3. Ensure that activities and facilities are located so as to retain or improve
9 shoreline natural character and ecological function. Encourage new
10 developments to locate in areas already developed with similar uses that
11 are consistent with this SMP.
- 12 4. Ensure that proposed shoreline uses do not infringe upon the rights of
13 others, upon the rights of private ownership, upon the rights of the public
14 under the Public Trust Doctrine or federal navigational servitude, and
15 upon treaty rights of Native American tribes.
- 16 5. Minimize the adverse impacts of shoreline uses and activities on the
17 environment during all phases of development (e.g., design, construction,
18 management, and use).

19 C. Shoreline Environment Designation Policies

- 20 1. Provide a comprehensive shoreline environment designation system to
21 categorize the Coalition's shoreline into environments based on the
22 primary characteristics of shoreline areas to guide the use and
23 management of these areas.
- 24 2. Designate properties as Natural in order to protect and, and where
25 possible, restore those shoreline areas that are relatively free of human
26 influence or that include intact or minimally degraded shoreline functions
27 that are sensitive to potential impacts from human use.
- 28 3. Designate properties as Rural to accommodate low-density rural home
29 sites and natural resource-based uses such as timber harvesting, mining,
30 and agriculture or rangeland uses, as well as to maintain an open-space
31 character and provide opportunities for recreational uses.
- 32 4. Assign appropriate designations to accommodate recreational uses.
33 Ensure that intense recreational uses, such as boat launches and parks, do
34 not conflict with the sensitive nature of the shoreline (e.g., wildlife areas
35 and shoreline reaches with riparian and floodplain plant communities
36 exhibiting high ecological integrity) where low-impact recreational uses
37 are more appropriate.

- 1 4. Design aquaculture facilities to minimize nuisance odors and noise as well
2 as visual impacts on surrounding shoreline development.
- 3 5. The rights of treaty tribes to aquatic resources within their usual and
4 accustomed areas should be addressed through the permit review process.
5 Direct coordination between the applicant/proponent and the tribe is
6 encouraged.
- 7 F. Boating Facilities Policies
- 8 1. Locate and design boating facilities so their structures and operations will
9 be compatible with the area’s environmental conditions, shoreline
10 configuration, access, and neighboring upland and aquatic uses.
- 11 2. Encourage restoration activities when substantial improvements or repair
12 to existing boating facilities is planned.
- 13 3. Boating facilities that minimize the amount of shoreline modification are
14 preferred.
- 15 4. Boating facilities should provide physical and visual public shoreline
16 access and provide for multiple water-oriented uses, to the extent
17 compatible with shoreline ecological functions and processes and adjacent
18 shoreline use.
- 19 5. Boating facilities should be located and designed to avoid adverse effects
20 on riverine processes, such as erosion, littoral transport, accretion,
21 sediment transport, and channel migration. Installing boating facilities
22 should, where feasible, enhance degraded, riverine ecological and
23 geomorphic functions.
- 24 6. Location and design of boating facilities should not unduly obstruct
25 navigable waters and should avoid adverse effects to recreational
26 opportunities, such as fishing, pleasure boating, swimming, beach
27 walking, picnicking, and shoreline viewing, and to private lands.
- 28 G. Breakwaters, Jetties, Groins, and Weirs Policies
- 29 1. To the extent feasible, limit the use of breakwaters, jetties, groins, weirs,
30 or other similar structures to those projects providing public safety or
31 ecological restoration or other public benefits. These structures should
32 avoid or minimize significant ecological impacts. Impacts that cannot be
33 avoided should be minimized and mitigated.

- 1 H. Dredging and Dredge Material Placement Policies
- 2 1. Dredging and dredge material placement should avoid and minimize
3 significant ecological impacts. Impacts that cannot be avoided should be
4 minimized and mitigated.
- 5 2. Design and locate new shoreline development to avoid the need for
6 dredging.
- 7 3. Limit dredging and dredge material disposal to the minimum necessary to
8 allow for shoreline restoration, flood hazard reduction, and maintenance of
9 existing legal moorage and navigation. Dredging to provide for new
10 navigation uses should be minimized.
- 11 4. Allow dredging for the primary purposes of flood hazard reduction only as
12 part of a long-term management strategy consistent with an approved
13 flood hazard management plan.
- 14 5. Ensure that dredging operations are planned and conducted in a manner
15 that will minimize interference with navigation and avoid adverse impacts
16 to shoreland natural character and ecological functions.
- 17 I. Fill Policies
- 18 1. Limit fill waterward of the OHWM to support ecological restoration or to
19 facilitate water-dependent or public access uses.
- 20 2. Allow fill consistent with floodplain regulations upland of the OHWM
21 provided it is located, designed, and constructed to protect shoreline
22 ecological functions and ecosystem-wide processes, including channel
23 migration, and is the minimum necessary to implement an approved
24 project.
- 25 J. Forest Practices
- 26 1. Ensure compliance with the state’s Forest Practices Act for all forest
27 management activities on non-federal forest lands including Class IV,
28 general forest practices, where shorelines are being converted or are
29 expected to be converted to non-forest uses.
- 30 2. Conduct forest practices within shoreline areas to ensure water quality and
31 the maintenance of vegetative buffer strips to protect fish populations and
32 avoid erosion of stream banks.
- 33 3. Seeding and reforestation should be encouraged to reduce potential
34 erosion hazard on logged areas. Introduced vegetation should be of similar
35 species and density as native vegetation in the general vicinity.

- 1 4. Logging should be avoided on shorelines where significant sediment
2 runoff would be precipitated unless adequate restoration and erosion
3 control can be expeditiously accomplished. Logging should be conducted
4 to ensure the maintenance of buffer strips of adequate vegetation where
5 needed to prevent temperature increases adverse to fish populations and
6 erosion of stream banks.
- 7 5. Ensure that timber harvesting on SSWS does not exceed the limitations
8 established in RCW 90.58.150 except as provided in cases where selective
9 logging is rendered ecologically detrimental or is inadequate for
10 preparation of land for other uses.
- 11 6. Shoreline areas having well-known scenic qualities such as those
12 providing a diversity of views, unique landscape contrasts, or landscape
13 panoramas should be maintained as scenic views in timber harvesting
14 areas. Timber harvesting practices, including road construction and debris
15 removal should be closely regulated so that the quality of the view and
16 viewpoints along SSWS in the region are not degraded.
- 17 7. Proper road and stream crossing structure design (e.g., bridge, culvert, or
18 ford), location, and construction and maintenance practices should be used
19 to prevent development of roads and structures which would adversely
20 affect shoreline resources.
- 21 8. When forest lands are converted to another use, assure no net loss of
22 shoreline ecological functions or adverse impacts on other shoreline uses,
23 resources, and values such as navigation, recreation, and public access.
- 24 K. Instream Structures Policies
- 25 1. Locate, plan, and permit instream structures consistent with the full range
26 of public interests, including, but not limited to, structures for
27 hydroelectric generation, irrigation, water supply, flood control,
28 transportation, utility service transmission, structures primarily intended
29 for fisheries management, or other purposes. Protect ecological functions
30 and processes, and, where impacts cannot be avoided, mitigate impacts.
31 Address environmental concerns, with special emphasis on protecting and,
32 where possible, restoring priority habitats and species.
- 33 2. Instream structures designed specifically to address restoration or
34 enhancement of ecological function are encouraged (e.g., rehabilitating
35 natural channel morphology).
- 36 L. Mining Policies
- 37 1. Locate mining facilities outside shoreline jurisdiction whenever feasible.

- 1 2. Design and locate mining facilities and associated activities to prevent loss
2 of ecological function. Give preference to mining uses that result in the
3 creation, restoration, or enhancement of habitat for priority species.

- 4 3. Mineral prospecting and extraction activities, including, but not limited to,
5 panning, dredging, placer mining, and related concentrating and extraction
6 techniques and equipment use, shall conform to all regulations and
7 equipment specifications in the Gold and Fish Pamphlet published by the
8 Washington Department of Fish and Wildlife (WDFW) and regulations
9 administered by all other local, state, and federal agencies.

- 10 4. Mineral prospecting and extraction activities should be conducted in a
11 manner which prevents damage to all other aspects of shoreline natural
12 character, floodplain and upland ecosystems, and ecological functions.

- 13 5. Mineral prospecting and extraction activities should be conducted in a
14 manner which prevents impinging, limiting, or interfering with normal
15 public use of shorelines, including, but not limited to, angling, boating,
16 wading, and related activities.

- 17 6. Mineral prospecting and extraction activities should be conducted in a
18 manner which prevents turbidity, sedimentation, and any other short-term
19 or long-term impacts to water quality.

- 20 7. Protect waterbodies from pollution, including, but not limited to,
21 sedimentation and siltation, chemical and petrochemical use, and spillage
22 and storage/disposal of mining wastes and spoils.

- 23 M. Piers and Docks Policies

- 24 1. Pier and dock provisions should be consistent with the Washington State
25 DNR, WDFW, Colville tribe and National Park Service standards and
26 regulations, as applicable.

- 27 2. Moorage associated with a single-family residence is considered a
28 water-dependent use provided that it is designed and used as a facility to
29 access watercraft and that other moorage facilities are not available or
30 feasible. Moorage for water-related and water-enjoyment uses or shared
31 moorage for multi-family use should be allowed as part of a mixed-use
32 development or where it provides public access.

- 33 3. New moorage, excluding docks accessory to single-family residences,
34 should be permitted when the applicant/proponent has demonstrated that a
35 specific need exists to support the intended water-dependent or public
36 access use.

- 37 4. As an alternative to continued proliferation of individual private moorage,
38 mooring buoys are preferred over docks or floats. Shared moorage

- 1 facilities are preferred over single-user moorage where feasible, especially
2 where water use conflicts exist or are predictable. New subdivisions of
3 more than two lots and new multi-family development of more than two
4 dwelling units should provide shared moorage where feasible.
- 5 5. Docks, piers, and mooring buoys should avoid locations where they will
6 adversely impact shoreline ecological functions or processes, including
7 high-velocity currents, fish spawning beds, and littoral drift.
- 8 6. Moorage should be spaced and oriented in a manner that minimizes
9 hazards and obstructions to public navigation rights and corollary rights
10 thereto, such as, but not limited to, fishing, swimming, and pleasure
11 boating and private riparian rights of adjacent land owners.
- 12 7. Moorage should be restricted to the minimum size necessary to meet the
13 needs of the proposed use. The length, width, and height of piers and
14 docks should be no greater than that required for safety and practicality for
15 the primary use.
- 16 8. Pile supports are preferred over fills because piles do not displace water
17 surface or aquatic habitat and are removable and, thus, more flexible in
18 terms of long-term use patterns. Floats may be less desirable than pile
19 structures where aquatic habitat or littoral drift are significant.
- 20 9. The use of buoys for small craft moorage is preferred over pile or float
21 structures because of less long-term impact on shore features and users;
22 moorage buoys should be placed as close to shore as possible to minimize
23 obstruction to navigation.
- 24 10. Piers and docks should be constructed of materials that will not adversely
25 affect water quality or aquatic plants and animals in the long term.
- 26 11. New pier and dock development should be designed so as not to interfere
27 with lawful public access to or use of shorelines. Developers of new piers
28 and shared moorage should be encouraged to provide physical or visual
29 public access to shorelines whenever safe and compatible with the primary
30 use and shore features.
- 31 N. Recreational Development Policies
- 32 1. Shoreline recreational development should be given priority for shoreline
33 location to the extent that the use facilitates the public's ability to reach,
34 touch, and enjoy the water's edge, to travel on the waters of the state, and
35 to view the water and the shoreline. Where appropriate, such facilities
36 should be dispersed along the shoreline in a manner that supports more
37 frequent recreational access and aesthetic enjoyment of the shoreline for a
38 substantial number of people.

- 1 2. Recreational developments should facilitate appropriate use of shoreline
2 resources while conserving them. These resources include, but are not
3 limited to, accretion shoreforms, wetlands, soils, groundwater, surface
4 water, native plant and animal life, and shore processes.

- 5 3. Recreational and associated facilities may be a combination of active
6 (developed) and passive (undeveloped) opportunities. Planning the
7 location of recreational facilities and opportunities should consider the
8 ecological function and sensitive nature of the shoreline in order to avoid
9 adverse impacts. For example, wildlife and habitat preservation areas with
10 sensitive shoreline habitat should have low-impact recreational uses.

- 11 4. Recreational developments and plans should provide a varied and
12 balanced choice of recreation experiences in appropriate locations. Public
13 agencies and private interests should coordinate their plans and activities
14 to provide a wide variety of recreational opportunities without needlessly
15 duplicating facilities.

- 16 5. Recreational development should encourage the linkage of shoreline
17 parks, recreation areas, and public access points with linear systems such
18 as hiking paths, bicycle paths, easements, and scenic drives.

- 19 6. When feasible, recreation facilities should incorporate public education
20 regarding shoreline ecological functions and processes, the role of human
21 actions on the environment, and the importance of public involvement in
22 shoreline management. Opportunities incorporating educational and
23 interpretive information should be pursued in the design and operation of
24 recreation facilities and nature trails.

- 25 7. Recreational development should be located and designed to preserve,
26 enhance where possible, or, where feasible, create scenic views and vistas.

27 O. Residential Development Policies

- 28 1. Single-family residential development is a priority use.

- 29 2. Locate and construct residential development in a manner that ensures no
30 net loss of shoreline ecological functions.

- 31 3. Ensure the overall density of development, lot coverage, and height of
32 structures is appropriate to the physical capabilities of the site and
33 consistent with local comprehensive plans and development regulations.

- 34 4. Ensure new residential development provides adequate buffers or open
35 space from the water to protect ecological functions and ecosystem-wide
36 processes, preserves views from the shoreline to the water and from the
37 water to the shoreline, preserves shoreline aesthetic characteristics,
38 protects the privacy of nearby residences, and minimizes use conflicts.

- 1 5. Make adequate provisions for services and infrastructure necessary to
2 support residential development.
- 3 6. Design and locate residential development to preserve existing shoreline
4 vegetation, control erosion, and protect water quality.
- 5 7. Residential development over water should not be permitted.
- 6 8. Design and locate new residences so that shoreline stabilization will not be
7 necessary to protect structures and associated developments. Planning for
8 new residential lots should demonstrate the lots can be developed without
9 the following results:
 - 10 a. Constructing shoreline stabilization structures (such as bulkheads)
 - 11 b. Causing significant erosion or slope instability
 - 12 c. Minimized impacts to existing native vegetation within shoreline
13 buffers
- 14 P. Shoreline Habitat and Natural Systems Enhancement Projects Policies
 - 15 1. Include provisions for shoreline vegetation restoration or enhancement,
16 fish and wildlife habitat rehabilitation, and low-impact development
17 techniques in projects located within shoreline jurisdiction.
 - 18 2. Encourage and facilitate implementation of projects and programs
19 included in the SMP Shoreline Restoration Plan (partial draft developed).
- 20 Q. Shoreline Stabilization Policies
 - 21 1. Locate and design new development, including subdivisions, to avoid
22 potential future impingement on channel migration zones (CMZs) and
23 eliminate the need for new shoreline modification or stabilization.
 - 24 2. Design, locate, size, and construct new or replacement structural shoreline
25 stabilization measures to minimize and mitigate the impact of these
26 modifications on Ferry County Coalition’s shorelines.
 - 27 3. Give preference to non-structural shoreline stabilization measures over
28 structural shoreline stabilization, and give preference to soft structural/
29 biotechnical shoreline stabilization design approaches over hard/fixed
30 structural shoreline stabilization such as riprap or bulkheads.
 - 31 4. Allow location, design, and construction of riprap and other bank
32 stabilization measures primarily to prevent damage to existing
33 development or to protect the health, safety, and welfare of Ferry County
34 Coalition’s residents.

1 R. Utilities Policies

- 2 1. Allow for utility maintenance and extension with criteria for location and
3 vegetation restoration as appropriate.
- 4 2. Plan, design, and locate utility facilities to avoid or minimize harm to
5 shoreline ecological functions, preserve the natural landscape, and
6 minimize conflicts with present and future planned land and shoreline
7 uses.
- 8 3. Do not permit new non-water-oriented utility infrastructure, such as power
9 plants, solid waste storage, or disposal facilities, within shoreline
10 jurisdiction unless no other options are possible. Primary utility facilities,
11 such as wastewater treatment plants, and expansion of existing facilities
12 should be located in shoreline jurisdiction only if no practical upland
13 alternative or location exists. Such facilities and expansions should be
14 designed and located to avoid or minimize impacts to shoreline ecological
15 functions, including riparian, floodplain, and aquatic areas, and to the
16 natural landscape and aesthetics. Consistent with the prioritized, preferred
17 uses delineated in RCW 90.58.020, public health and safety should be the
18 highest priority for the planning, development, and operation of primary
19 utility facilities.
- 20 4. Locate utility transmission facilities for the conveyance of services, such
21 as power lines, cables, and pipelines, outside of shoreline jurisdiction
22 where possible. Where permitted within shoreline jurisdiction, such
23 facilities should be located within existing or approved road crossings, and
24 rights-of-way located in such a way to avoid or minimize potential adverse
25 impacts on shoreline areas. Joint use of rights-of-way and corridors in
26 shoreline areas should be encouraged.
- 27 5. Locate new utility facilities in a manner that avoids new shoreline
28 protections where feasible.
- 29 6. Locate utility facilities and corridors to protect scenic views. Whenever
30 possible, such facilities should be placed underground or alongside or
31 under bridges.
- 32 7. Design utility facilities and rights-of-way to preserve the natural landscape
33 and to avoid or minimize conflicts with present and planned land uses.

34 S. Existing Uses Policies

- 35 1. Allow nonconforming, existing legal uses and structures to continue in
36 accordance with this SMP. Residential structures and appurtenant
37 structures that were legally established and are used for a conforming use
38 but do not meet standards for setbacks, buffers, yards, area, bulk, height,
39 or density should be considered a conforming structure.

- 1 2. Allow alterations of nonconforming structures, uses, and lots in
2 consideration of historic development patterns when occupied by preferred
3 uses and consistent with public safety and other public purposes.
- 4 3. Encourage transitions from nonconforming uses to conforming uses.
- 5 4. Allow for nonconforming structures to expand when they do not increase
6 the nonconformity according to SMP requirements.
- 7 5. Allow for existing roads, driveways, and utility lines to continue and
8 expand when they do not increase the nonconformity according to SMP
9 requirements.
- 10 6. Consider the no-net-loss of ecological function objective to guide review
11 of proposed expansions or other changes to nonconforming uses and new
12 development on nonconforming vacant lots. This objective may be
13 addressed in an area-wide manner consistent with the SMP cumulative
14 impacts analysis.

15 **4.5 Conservation Element**

16 (Goals and policies for Environmental Protection, Critical Areas, and Shoreline Vegetation
17 Conservation and Water Quality, Stormwater Management, and Nonpoint Pollution)

18 A. Goals

- 19 1. Goal A: Protect the natural and shoreland ecosystems and ecological
20 functions and scenic and recreational values, of Ferry County Coalition's
21 shorelines.

22 B. General Policies

- 23 1. Develop and implement management practices that will ensure a sustained
24 yield of renewable resources of the shorelines while preserving,
25 protecting, or, where possible, enhancing and restoring shoreline
26 resources, environments, or features, which cannot be replaced or restored
27 within the planning horizon of this SMP.
- 28 2. Rehabilitate areas that are biologically and aesthetically degraded where
29 feasible.
- 30 3. Preserve scenic vistas, aesthetics, fisheries and wildlife habitat, and other
31 critical areas.
- 32 4. Protect shoreline processes and ecological functions through regulatory
33 and non-regulatory means that may include acquisition of key properties,
34 conservation easements, and regulation of development within shoreline
35 jurisdiction. These measures should include incentives for private

- 1 property owners to encourage ecologically sound design and
2 implementation of best land management practices.
- 3 5. Protect and manage shoreline-associated wetlands, including maintenance
4 of sufficient volumes of surface and subsurface drainage into wetlands, to
5 sustain existing vegetation and wildlife habitat.
- 6 6. Work with other agencies in the region and private entities to deal
7 effectively with regional and watershed-wide natural environment issues
8 and the protection, preservation, and, where possible, enhancement of all
9 shoreline areas as fish and wildlife habitat.
- 10 7. Manage development to avoid risk and damage to property and loss of life
11 from various geological conditions.
- 12 8. Regulate development within the SMP area of the 100-year floodplain to
13 avoid risk and damage to property and loss of life. This regulation should
14 also integrate with protecting ecological functions and CMZs in
15 floodplains.
- 16 9. Prohibit the introduction of invasive non-native plant species along the
17 shoreline, and encourage the removal of noxious and invasive weeds and
18 trees. Maintain, protect, and, where possible, enhance healthy vegetation
19 consistent with the local climate and nature of shoreline. Rehabilitate areas
20 that are biologically and aesthetically degraded while maintaining
21 appropriate use of the shoreline.
- 22 C. Critical Area Goals
- 23 1. Goal A: Promote public health and welfare by instituting local measures to
24 preserve naturally occurring wetlands, critical aquifer recharge areas,
25 geologically hazardous areas, frequently flooded areas, and fish and
26 wildlife habitat conservation areas that exist in the Coalition's shoreline
27 jurisdiction for their associated value.
- 28 2. Goal B: Reduce the threat posed to the health and safety of citizens from
29 commercial, residential, or industrial development that may be sited in
30 areas of significant geologic hazard.
- 31 3. Goal C: Identify categories of fish and wildlife habitat conservation areas
32 in Ferry County Coalition's shoreline jurisdiction, based in part on
33 information supplied by WDFW's Priority Habitat and Species Program
34 and other sources, as well as other local and regional experts.
- 35 4. Goal D: Protect aquatic and terrestrial wildlife and reflect the needs and
36 desires of local, regional, and state constituencies.

- 1 D. Critical Area Policies
- 2 1. Recognize that critical areas may serve a variety of vital functions,
3 including, but not limited to, flood storage and conveyance, water quality
4 protection, recharge and discharge areas for groundwater, erosion control,
5 sediment control, fish and wildlife habitat, recreation, education, and
6 scientific research.
- 7 2. Implement protection measures that protect identified values and functions
8 of critical areas from future development proposals. However, these
9 regulations shall not prohibit uses legally existing on any parcel prior to
10 their adoption.
- 11 3. Avoid unnecessary duplication with various legal means and levels of
12 government that already addresses protection of wetlands, and promote
13 cooperation and coordination whenever possible.
- 14 4. Recognize that risks from geologic hazards can be avoided, minimized, or
15 mitigated to acceptable levels through engineering design or modified
16 construction practices. In other cases where technological efforts are not
17 sufficient to reduce associated risks, building is best avoided. It is
18 Ferry County’s intention that the federal and state agencies coordinate
19 their land use planning for intermingled state and federal lands with
20 Ferry County’s planning.
- 21 5. Preserve land necessary for aquatic and terrestrial wildlife species survival
22 and preserve seasonal migration and daily wildlife movements for feeding,
23 watering, resting, breeding, and thermal and escape cover.
- 24 4.6 Historic, Cultural, Scientific, and Educational Resources Element
- 25 A. Goals
- 26 1. Goal A: Conserve and protect historical, cultural, and archaeological
27 resources found to be significant by recognized local, state, tribal, or
28 federal processes.
- 29 2. Goal B: Encourage educational and scientific projects and programs that
30 foster a greater appreciation for the importance of shoreline management,
31 water-oriented activities, environmental conservation, and local historic
32 connections with the Coalition’s shoreline.
- 33 B. Policies
- 34 1. Encourage the identification, protection, and conservation of important
35 archeological, historic, and cultural sites located in shoreline areas.

2. Encourage educational projects and programs that foster a greater appreciation of the importance of good shoreline management, maritime activities, environmental conservation, and maritime history, consistent with ensuring no net loss of ecological functions.
3. Prevent public or private uses and activities from damaging, altering, removing, or destroying any site having historic, cultural, scientific, or educational value without appropriate analysis and mitigation.

4.7 Floodplain Management Element

A. Goals

1. Goal A: Protect public safety within river and creek floodways and floodplains, and protect natural systems by preserving the flood storage and channel migration functions of floodplains.
2. Goal B: Prevent potential hazards that may be caused by inappropriate development in areas where severe and costly flooding is anticipated to occur.

B. Policies

1. Manage development proposed within floodplains and floodways consistent with the SMA, Federal Emergency Management Agency (FEMA) standards, and Critical Areas Regulations for frequently flooded areas contained within this SMP.
2. Implement protection measures designed to minimize hazards in frequently flooded areas that already exist for the Coalition as detailed in the Ferry County Flood Damage Prevention Ordinance (2002-01), as hereafter amended.

4.8 Private Property Right

A. Goals

1. Goal A: Recognize and protect private property rights in shoreline uses and developments consistent with the SMP.

B. Policies

1. Shoreline uses should be located and designed to respect private property rights in shorelands in the Coalition, including both upland and aquatic lands on the Kettle and Sanpoil rivers and Twin and Curlew lakes. Shoreline uses should maintain privacy of private property, be compatible with the shoreline environment, protect ecological functions and processes, and protect aesthetic values of the shoreline.

- 1
 - 2
 - 3
2. Public access to shoreline, such as trails, bikeways, or roads, should be designed and located to protect privacy of adjacent private property owners.

PART II: Shoreline Regulations

Section 1.00: Authority and Purpose

Section 1.01 Authority

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

Section 1.02 Applicability

- A. This Program shall apply to all of the shorelands, aquatic lands, and critical areas determined to be within shoreline jurisdiction, as described in SMP Part I: 3, Shoreline Goals and Policies, Profile of the Shoreline Jurisdiction.
- B. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required. See SMP Part 1: Shoreline Goals and Policies for the shoreline jurisdiction description and SMP Section 7.00, Administration and Enforcements, for the definition of uses, activities, and development.
- C. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW. This Program shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of federal ownership. All federal activities on nonfederal lands are subject to all of the provisions and administrative procedures of this SMP (WAC 173-27-060).
- D. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Native American tribes.
- E. Maps indicating the extent of shoreline jurisdiction areas and shoreline designations are for guidance only. They are to be used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state, including SSWS, whether mapped or not, are subject to the provisions of this Program.

Section 1.03 Purpose

- A. The purposes of this SMP are as follows:
- To promote the public health, safety, and general welfare of the Coalition by providing comprehensive policies and effective, reasonable regulations for development, use, and protection of jurisdictional shorelines

- 1 2. To further assume and carry out the local government responsibilities
2 established by the SMA in RCW 90.58.050 including planning and
3 administering the regulatory program consistent with the policy and
4 provisions of the SMA in RCW 90.58.020
- 5 3. To provide a high quality shoreline environment where the following
6 situations occur:
 - 7 a. Recreational opportunities are abundant
 - 8 b. The public enjoys access to and views of shoreline areas
 - 9 c. Natural systems are preserved, or, where possible, enhanced or
10 restored
 - 11 d. Ecological functions of the shoreline are maintained and improved
12 over time
 - 13 e. Water-oriented uses are promoted consistent with the shoreline
14 character and environmental functions
- 15 4. To apply special conditions to those uses that are not consistent with the
16 control of pollution and prevention of damage to the natural environment
17 or are not unique to or dependent upon use of the state's shoreline
- 18 5. To ensure no net loss of ecological functions associated with the shoreline

19 **Section 1.04 Relationship to Other Codes, Ordinances, and Plans**

- 20 A. All applicable federal, state, and local laws shall apply to properties in the
21 shoreline jurisdiction. Where this Program makes reference to any RCW, WAC,
22 or other state or federal law or regulation, the most recent amendment or current
23 edition shall apply.
- 24 B. In the event that provisions of this SMP conflict with provisions of federal, state,
25 or local regulations, the provision that is most protective of shoreline resources
26 shall prevail. The provisions of this chapter may not allow development to occur
27 at what otherwise might be a property's full land use potential.
 - 28 1. Local plans or programs include, but are not limited to, the following:
 - 29 a. Watershed Management Plans
 - 30 b. Ferry County Flood Damage Prevention Ordinance
 - 31 c. Ferry County State Environmental Policy Act (SEPA) Ordinance
 - 32 d. Ferry County Development Regulations

- 1 e. Ferry County Solid Waste Permits
- 2 f. Ferry County On-site Sewage Disposal Permits, as applicable
- 3 g. Ferry County Natural Resource Policy Plan
- 4 h. Ferry County Timber and Forest Practices Ordinance
- 5 2. State and federal programs include, but are not limited to, the following:
- 6 a. Washington State Hydraulic Project Approval (HPA)
- 7 b. Washington State Pesticide Applicator License Requirements
- 8 c. Washington State Waste Discharge Permits
- 9 d. Washington State Water Quality Certification Requirements
- 10 (Clean Water Act [CWA] Section 401)
- 11 e. U.S. Army Corps of Engineers (USACE) Permits under CWA
- 12 Section 404 and Rivers and Harbors Act Section 10

13 C. The policies in the SMP state the underlying objectives that the regulations are
 14 intended to accomplish. The policies guide the interpretation and enforcement of
 15 the SMP regulations contained in the SMP Ordinance. The policies are not
 16 regulations in themselves and, therefore, do not impose requirements beyond
 17 those set forth in the regulations.

18 D. This SMP contains critical area regulations in Section 5.00, applicable only in
 19 shoreline jurisdictions that provide a level of protection to critical areas assuring
 20 no net loss of shoreline ecological functions necessary to sustain shoreline natural
 21 resources (RCW 36.70A.480). In the event of a conflict between the
 22 requirements of this code and any other code or ordinance of the Coalition
 23 members, the regulation that provides the greater protection for the particular
 24 critical area within shoreline jurisdiction shall apply.

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

30 **Section 1.05 Severability**

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

1 **Section 1.06 Liberal Construction**

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

5 **Section 1.07 Effective Date**

6 A. This SMP is hereby adopted on the 16th day of February 2016. This SMP and all
7 amendments thereto shall become effective 14 days after final approval and
8 adoption by Ecology.

9

10 **Section 2.00: Environment Designation**

11 **Section 2.01 Environment Designations**

12 A. The Coalition has designated shorelines pursuant to chapter 90.58 RCW by
13 defining them, providing criteria for their identification, and establishing
14 shoreline ecological functions to be protected. Project proponents are responsible
15 for determining whether a shoreline exists and is regulated pursuant to this SMP.
16 This SMP classifies local shoreline into six shoreline environment designations
17 consistent with the purpose and designation criteria as follows:

- 18 1. Aquatic
- 19 2. Natural
- 20 3. Rural
- 21 4. High Intensity
- 22 5. Recreation
- 23 6. Shoreline Residential

24 B. Official Shoreline Maps

25 1. Shoreline Area Designations are delineated on a map, hereby incorporated
26 as a part of this SMP Section 7.18, that shall be known as the Official
27 Shoreline Map. Maps indicating the extent of shoreline jurisdiction and
28 shoreline designations are to be used in conjunction with the most current
29 scientific and technical information available, field investigations, and
30 on-site surveys to accurately establish the location and extent of shoreline
31 jurisdiction when a project is proposed.

32 C. Unmapped or Undesignated Shorelines

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

3 D. Interpretation of Environment Designation Boundaries

- 4 1. Whenever existing physical features are inconsistent with boundaries on
5 the Official Shoreline Map, the Shoreline Administrator shall interpret the
6 boundaries. Appeals of such interpretations may be filed pursuant to SMP
7 Section 7.12, Appeals.
- 8 2. All shoreline areas waterward of the OHWM shall be designated Aquatic.
- 9 3. Only one shoreline area designation shall apply to a given shoreland area.
10 In the case of parallel designations, designations shall be divided along an
11 identified linear feature. Such linear features shall be clearly noted in the
12 metadata associated with the Official Shoreline Map.
- 13 4. All areas within shorelines that are not mapped and/or designated are
14 automatically assigned a “Rural” designation.

15 **Section 2.02 Aquatic**

16 A. Purpose

- 17 1. The purpose of the Aquatic shoreline designation is to protect, manage,
18 and, where possible, restore the unique characteristics and resources of the
19 areas waterward of the OHWM.

20 B. Designation Criteria

- 21 1. An Aquatic shoreline designation is assigned to lands and waters
22 waterward of the OHWM.

23 C. Management Policies

- 24 1. In addition to the other applicable policies and regulations of this SMP,
25 the following management policies shall apply:
- 26 a. New overwater structures should be allowed only for
27 water-dependent uses, public access, recreation, or ecological
28 restoration.
- 29 b. Shoreline uses and modifications should be designed and managed
30 to prevent degradation of water quality and natural hydrographic
31 conditions.
- 32 c. In-water uses should be allowed where impacts can be avoided,
33 minimized, or mitigated to ensure no net loss of shoreline

1 ecological functions. Permitted in-water uses must be managed to
2 avoid impacts to shoreline ecological functions. Unavoidable
3 impacts must be minimized and mitigated.

4 d. On navigable waters or their beds, all uses and developments
5 should be located and designed to meet all of the following
6 objectives:

7 i. Avoid or minimize interference with surface navigation

8 ii. Avoid or minimize impacts to public views

9 iii. Allow for the safe, unobstructed passage of fish and
10 wildlife, particularly species dependent on daily
11 movements among habitat types and seasonal migration

12 2. Multiple or shared use of overwater and water access facilities should be
13 encouraged to reduce the impacts of shoreline development and increase
14 effective use of water resources.

15 3. Structures and activities permitted should be related in size, form, design,
16 and intensity of use to those permitted in the immediately adjacent upland
17 area. The size of new over-water structures should be limited to the
18 minimum necessary to support the structure's intended use.

19 4. Natural light should be allowed to penetrate to the extent necessary to
20 support fisheries and nearshore aquatic habitat unless other illumination is
21 required by state or federal agencies.

22 5. Aquaculture practices should be encouraged in those waters and beds most
23 suitable for such use. Aquaculture should be discouraged where it would
24 adversely affect the strength or viability of native stocks or unreasonably
25 interfere with navigation.

26 6. Shoreline uses, development, activities, and modifications in the Aquatic
27 shoreline designation requiring use of adjacent landside property should
28 be in a shoreline designation that allows that use, development, activity, or
29 modification.

30 **Section 2.03 Natural**

31 A. Purpose

32 1. The purpose of the Natural shoreline designation is to protect those
33 shoreline areas that are relatively free of human influence or that include
34 intact or minimally degraded shoreline ecological functions less tolerant of
35 human use. These systems require that only very low-intensity uses be
36 allowed in order to maintain the ecological functions and ecosystem-wide

1 processes. Consistent with the policies of the designation within this
2 environment, restoration of degraded shorelines is appropriate, where
3 possible.

4 B. Designation Criteria

5 1. Use one or more of the following criteria when applying a Natural
6 environment designation:

7 a. The shoreline ecological functions are substantially intact and have
8 a high opportunity for preservation and low technical and logistical
9 opportunity for restoration.

10 b. The shoreline is generally in public or conservancy ownership or
11 under covenant, easement, or a conservation tax program.

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

15 d. There are low-intensity agricultural or forested land uses and no
16 active mining uses.

17 e. The shoreline has high potential for low-impact, passive, or public
18 recreation.

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

21 C. Management Policies

22 1. In addition to other applicable policies and regulations, apply the
23 following management policies:

24 a. Any use beyond existing uses that would substantially degrade
25 shoreline ecological functions or natural character of the shoreline
26 area should not be allowed.

27 b. Scientific, historic, cultural, educational research, and low impact,
28 passive recreational uses are allowed in addition to existing uses,
29 while meeting no net loss of ecological function requirements.

30 c. Single-family residential development may be allowed as a
31 conditional use if the density and intensity of such use is limited as
32 necessary to protect ecological functions and is consistent with the
33 purpose of the environment.

- 1 d. Vegetation should remain undisturbed except for removal of
 2 noxious vegetation and invasive species through ongoing
 3 management activities or as part of a development proposal.
 4 Proposed subdivision or lot line adjustments, new development, or
 5 significant vegetation removal that would reduce the capability of
 6 vegetation to perform normal ecological functions should not be
 7 allowed.
- 8 e. Uses that would deplete physical or biological resources or impair
 9 views to or from the shoreline over time should be prohibited.
- 10 f. Only physical alterations that serve to support an existing use or
 11 protect a significant or unique physical, biological, or visual
 12 shoreline feature that might otherwise be degraded or destroyed or
 13 those alterations that are the minimum necessary to support a
 14 permitted use should be allowed.
- 15 g. Only the following types of signs should be considered for location
 16 in the shorelines: interpretive, directional, navigational, regulatory,
 17 and public.

18 **Section 2.04 Rural**

19 A. Purpose

- 20 1. The purpose of the Rural environment designation is to protect and
 21 conserve existing natural and resource-based uses such as rural
 22 agricultural and working forest lands, large lot home sites, other privately
 23 owned large parcels, and lands in public ownership; restrict intensive
 24 development along undeveloped spaces; and protect shoreline ecological
 25 functions and valuable historic and cultural areas to provide for sustained
 26 resource use, maintenance of natural processes, and recreational
 27 opportunities. In addition to existing and future agricultural, rangeland,
 28 and forest uses, examples of uses that are appropriate in Rural shoreline
 29 environment include low- and higher-intensity recreational uses, natural
 30 resource-based low-intensity uses, development in support of agricultural
 31 uses, and low-intensity residential development.

32 B. Designation Criteria

- 33 1. Use one or more of the following criteria for a Rural environment
 34 designation:
- 35 a. The shoreline is not highly developed, and most development is
 36 agriculture, rangeland, or low-density residential. Unimproved
 37 land is used for livestock grazing, forestry, logging, and/or
 38 harvesting of non-cultivated crops.

1 b. The shoreline has riparian vegetation with high to moderate
2 ecological functions.

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

6 d. The shoreline has high potential for agricultural uses.

7 C. Management Policies

8 1. In addition to the other applicable policies and regulations of this SMP,
9 apply the following management policies:

10 a. In addition to existing agriculture, forestry, or rangeland uses,
11 other shoreline uses should be limited to those that sustain the
12 shoreline area’s physical and biological resources and do not
13 substantially degrade shoreline ecological functions or the rural or
14 natural character of the shoreline area.

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

20 c. Encourage regulations that provide adequate buffers from the
21 shoreline, promote water quality protection and native vegetation
22 conservation, promote invasive species control or removal and
23 replacement with native species, provide opportunities for
24 restoration actions, and reduce the need for shoreline stabilization
25 to ensure no net loss of shoreline ecological function.

26 d. Water-oriented recreational and natural resource uses and facilities
27 that conserve natural resources are preferred uses, provided that
28 significant adverse impacts to the shoreline are avoided if
29 technically possible or otherwise minimized and mitigated.

30 e. Developments and uses that would substantially degrade or
31 permanently deplete the biological resources of the area should not
32 be allowed.

33 f. New shoreline stabilization, flood control measures, vegetation
34 removal, and other shoreline modifications should be designed and
35 managed consistent with these guidelines to ensure that the natural
36 shoreline functions are protected.

1 **Section 2.05 High Intensity**

2 A. Purpose

3 1. The purpose of the High Intensity environment designation is to provide
4 for water dependent public and private commercial and transportation
5 uses. The preferred use emphasis is on water-dependent or water-oriented
6 commerce. Examples of uses that are appropriate in a High Intensity
7 shoreline environment include transportation, ferry terminal, navigation
8 uses, grain elevators, fish hatcheries, marinas, hotels and restaurants
9 (when designed with water-enjoyment features), and similar uses. This
10 environment may also provide for recreation, while protecting existing
11 ecological functions and, where possible, restoring ecological functions in
12 areas that have been previously degraded.

13 B. Designation Criteria

14 1. Use one or more of the following criteria for a High Intensity environment
15 designation:

16 a. The shoreline has low ecological function with low opportunity for
17 ecological enhancement or rehabilitation.

18 b. The shoreline is highly developed, and most development is related
19 to public utility, infrastructure, navigation, industry, or commerce
20 with potential for additional related development, and facility
21 rehabilitation or other modifications.

22 c. The uses depend on proximity to water, including high-intensity
23 uses related to industrial production, conveyance, transportation,
24 wastewater treatment, or navigation.

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

27 C. Management Policies

28 1. In addition to the other applicable policies and regulations of this SMP,
29 apply the following management policies:

30 a. In regulating uses in the High Intensity environment, first priority
31 should be given to water-dependent commercial or public facility
32 uses. Second priority should be given to water-related and
33 water-enjoyment uses that are not in conflict with the surrounding
34 commercial uses. Non-water-oriented uses are allowed as part of
35 commercial or public facility operational needs.

- 1 b. Policies and regulations shall ensure no net loss of shoreline
2 ecological functions as a result of redevelopment, facility
3 upgrades, and new development. Where applicable, development
4 shall include environmental cleanup and restoration of the
5 shoreline to comply with any relevant state and federal laws.

- 6 c. Where feasible and appropriate, visual and physical public access
7 provisions may be included as consistent with SMP Section 3.07,
8 Public Access.

- 9 d. Aesthetic objectives should be implemented by means such as
10 appropriate development siting, screening, and maintenance of
11 natural vegetative buffers.

12 **Section 2.06 Recreation**

13 A. Purpose

- 14 1. The purpose of the Recreation environment designation is to provide for
15 water-oriented recreational uses with potential opportunity for commercial
16 and/or residential (mixed) uses to support the water-oriented recreational
17 uses while protecting existing ecological functions, conserving existing
18 natural resources, and, where possible, restoring ecological functions in
19 areas that have been previously degraded.

20 B. Designation Criteria

- 21 1. Use one or more of the following criteria for a Recreation environment
22 designation:
 - 23 a. The shoreline has low to moderate ecological function with low to
24 moderate technical and logistical feasibility for ecological
25 restoration.

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

 - 30 c. The shoreline has existing recreation uses or moderate to high
31 potential for public and private water-oriented recreation where
32 ecological functions can be maintained or enhanced.

 - 33 d. The shoreline has limited scientific or educational value or unique
34 historic or cultural resources values.

1 C. Management Policies

2 1. In addition to the other applicable policies and regulations of this SMP,
3 apply the following management policies:

4 a. When regulating uses in the Recreation environment, first priority
5 should be given to water-dependent recreational uses. Second
6 priority should be given to water-related and water-enjoyment
7 recreational uses. Non-water-oriented uses should not be allowed,
8 except as part of mixed-use developments with a recreation focus.

9 b. Policies and regulations shall ensure no net loss of shoreline
10 ecological functions as a result of new development. Consistent
11 with the SMP, new development may be required, as applicable, to
12 include mitigation or enhancement of shoreline functions as part of
13 project proposals.

14 c. Where feasible, visual and physical public access should be
15 required as provided for in SMP Section 3.07, Public Access.
16 Recreational objectives should be enhanced by combining physical
17 and visual public access opportunities with other recreational
18 opportunities where feasible.

19 d. Water-oriented commercial uses should be allowed.

20 e. Aesthetic objectives should be implemented by means such as sign
21 control regulations, appropriate development siting, screening,
22 architectural standards, and maintenance of natural riparian and
23 upland vegetative buffers.

24 **Section 2.07 Shoreline Residential**

25 A. Purpose

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

31 B. Designation Criteria

32 1. Use one or more of the following criteria for a Shoreline Residential
33 environment designation:

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

- 1 b. The shoreline contains mostly residential development at urban
2 densities or in clusters in a rural setting.

- 3 c. The shoreline has low to moderate potential for low-impact,
4 passive, or active water-oriented recreation where ecological
5 functions can be restored.

- 6 C. Management Policies

- 7 1. In addition to the other applicable policies and regulations of this SMP,
8 apply the following management policies:

- 9 a. Require regulations that ensure no net loss of shoreline ecological
10 functions as a result of new development such as limiting lot
11 coverage, providing adequate setbacks from the shoreline,
12 promoting vegetation conservation, reducing the need for shoreline
13 stabilization, and maintaining or improving water quality.

- 14 b. The scale and density of new uses and development should be
15 compatible with the existing residential character of the area.

- 16 c. Public access and joint (rather than individual) use of recreational
17 facilities should be promoted.

- 18 d. Access, utilities, and public services to serve proposed
19 development within shorelines should be constructed outside
20 shorelines to the extent feasible and be the minimum necessary to
21 adequately serve existing needs and planned future development.

- 22 e. Public or private outdoor recreation facilities should be provided
23 with proposals for subdivision development and encouraged with
24 all shoreline development if compatible with the character of the
25 area. Priority should be given first to water-dependent and then to
26 water-enjoyment recreation facilities.

- 27 f. Commercial development should be limited to water-oriented uses.
28 Non-water-oriented commercial uses should only be allowed as
29 part of mixed-used developments.

1 Section 3.00: General Regulations

2 Section 3.01 Shoreline Use and Modification

3 A. Regulations

- 4 1. SMP Table Section 3.01(B) indicates which shoreline activities, uses,
5 developments, and modifications may be allowed or are prohibited in
6 shoreline jurisdiction within each shoreline environment designation.
7 Activities, uses, developments, and modifications are classified as follows:
 - 8 a. Permitted Uses require a Shoreline Substantial Development
9 Permit or a Shoreline Exemption.
 - 10 b. Conditional Uses require a Shoreline Conditional Use Permit per
11 SMP Section 7.06.
 - 12 c. Prohibited activities, uses, developments, and modifications are not
13 allowed and cannot be permitted through a Variance or Shoreline
14 Conditional Use Permit.
 - 15 d. General Regulations (SMP Section 3) and Shoreline Modifications
16 and Use Regulations (SMP Section 4.4) shall be considered for
17 additional limitations.
- 18 2. All uses shall comply with the written provisions and regulations in this
19 SMP and the shoreline use and modification matrix (Table 3.01(B)).
20 Where there is a conflict between the chart and the written provisions in
21 this SMP, the written provisions shall control.

22 B. General

- 23 1. Accessory uses shall be subject to the same shoreline permit process as
24 their primary use.
- 25 2. Authorized uses and modifications shall be allowed only in shoreline
26 jurisdictions where the underlying land use designation allows for it and
27 are subject to the policies and regulations of this SMP.
- 28 3. A use is considered unclassified when it is not listed in Table 3.01(B) or in
29 the Shoreline Modifications and Use Regulations (SMP Section 4.4). Any
30 proposed unclassified use may be authorized as a conditional use provided
31 that the applicant can demonstrate consistency with the requirements of
32 this SMP.
- 33 4. If any part of a proposed activity, use, modification, or development is not
34 eligible for exemption per SMP Section 7.08 (Exemptions from Shoreline
35 Substantial Development Permits), then a Shoreline Substantial

- 1 Development Permit or Shoreline Conditional Use Permit shall be
2 required for the entire proposed development project.
- 3 5. When a specific use or modification extends into the Aquatic environment
4 and an abutting upland environment without clear separation (e.g., private
5 moorage facility or shoreline stabilization), the most restrictive permit
6 process shall apply to that use or modification.
- 7 6. Shoreline and critical areas buffers found in SMP Section 5.00, Critical
8 Areas, apply to all uses and modifications unless stated otherwise in the
9 regulations.
- 10 7. None of the allowed uses shall be conducted in the floodway in any
11 environment designation, except as allowed by SMP Section 5.05,
12 Frequently Flooded Areas.
- 13 8. Administrative interpretation of these regulations shall be done according
14 to SMP Section 7.02, Interpretation.

1 **Table 3.01 (B). Shoreline Use and Modification Matrix for Ferry County Coalition**

Use/Modification	Aquatic	Natural	Rural	Recreation	High Intensity	Shoreline Residential
A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable						
Resource Uses						
Agriculture	X	X ¹	A	X ¹	A	A
Aquaculture	A ²	X	A ² , C	X	A ² , C	X
Forest practices	X ₃ , C	X	A	C	X	C
Mining ⁴	A, C	X	A	C	A	C
Boating Facilities						
Boat launch (motorized boats)	A	X	A	A	A	A
Boat launch (non-motorized boats—canoe/kayak)	A	C	A	A	A	A
Marina	A	X	C	A	A	C
Docks, Piers, Mooring Facilities						
Private and shared moorage	A	X	A	A	A	A
Public moorage	A	C	A	A	A	A
Covered moorage	C	X	C	C	C	X
Commercial Development						
Water dependent	C	X	A	A	A	A
Water-related and water-enjoyment	X	X	C	A	A	C
Non-water-oriented	C ⁵	X	C ⁵	A ⁵	A ⁵	A ⁶
Dredging Activities						
Dredging	A	NA	NA	NA	NA	NA
Dredge material disposal	A ⁷	X	C	C	C	C ⁸
Dredging and fill as part of ecological restoration/enhancement	A	A	A	A	A	A
Fill						
Fill waterward of OHWM and in floodways	C	C	C	C	A	C
Upland fill	NA	C	A	A	A	A
In-water Modifications						
Breakwater	C	X	C	C	C	C
Groins and weirs ¹²	A	X	A	A	A	A
In-stream structures ⁹	A	A ¹⁰	A ¹⁰	A	A	C
Research and Monitoring						
Water dependent	A	A	A	A	A	A
Water-related and water-enjoyment	A	A	A	A	A	A
Non-water-oriented	A	A	A	A	A	A
Recreational Development						

Use/Modification	Aquatic	Natural	Rural	Recreation	High Intensity	Shoreline Residential
A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable						
Water dependent	A	A ¹¹	A	A	A	A
Water-related and water-enjoyment (trails and accessory buildings)	C	C	A	A	A	A
Non-water-oriented	X	X	C	A	A	A ⁵
Residential Development	X	C	A	A	A	A
Shoreline Habitat and Natural Systems Enhancement Projects	A	A	A	A	A	A
Shoreline Stabilization and Flood Control						
Flood Control						
Modification of existing flood control facilities (dams, dikes, and levees), including replacement landward of existing location	A	A	A	A	A	A
New flood control facilities (dams, dikes, weirs, and levees)	C ¹²	C ¹²	C ¹²	C ¹²	A	C
Shoreline Stabilization						
New						
Hard (conventional, bulkheads, and riprap)	C ¹²	C ¹²	C ¹²	C ¹²	A	C
Soft (biotechnical)	A	A	A	A	A	A
Replacement ¹³	A	A	A	A	A	A
Transportation						
Highways, arterials, and railroads (parallel to OHWM)	NA	X	A	A	A	A
Secondary/public access roads (parallel to OHWM)	NA	X	A	A	A	A
Roads perpendicular to the OHWM	X	C	A	A	A	A
Bridges (perpendicular to shoreline)	A	C	A	A	A	A
Existing bridges, trails, roads, and parking facilities (improvement or expansion)	A	A	A	A	A	A
New parking, accessory	Allowed to support primary authorized use – see permitting requirements for primary use					
Utilities						
Aboveground and underground utilities (parallel and across shoreline)	A	A	A	A	A	A

- 1 Notes:
- 2 1. Grazing activities allowed per existing state and federal rules or agreements.
- 3 2. Allowed for non-commercial net pens or rearing ponds supporting native-species recovery efforts or
- 4 public recreational fisheries.
- 5 3. Log salvage activities are permitted as a Conditional Use subject to SMP Section 4.08, Forest
- 6 Practices, and subject to applicable WDNR and other state rules and regulations.
- 7 4. Low-intensity mineral prospecting and placer mining activities are allowed without a permit, but must
- 8 comply with the WDFW Gold and Fish Pamphlet requirements.
- 9 5. New uses are allowed as part of mixed use or according to SMP Section 4.05 or as part of an existing
- 10 use according to SMP Section 6.00, Existing Uses, Structures, and Lots.
- 11 6. Home businesses are allowed.

- 1 7. Allowed when discharge of dredge material is into the flowing current of the river or in deep water
2 within the channel where it does not substantially affect the geohydrologic character of the channel
3 migration zone per WAC 173-26-231 (3)(f).
- 4 8. Allowed as fill upland of the OHWM with a Conditional Use Permit for residential developments only.
- 5 9. Construction, practices, and maintenance of facilities that are necessary for U.S. Bureau of
6 Reclamation and National Park Service operations and associated water-dependent uses to access,
7 pump, and convey water for project purposes to public agencies or private water users and as
8 consistent with permit exemptions described in SMP Section 7.08
- 9 10. Allowed for habitat restoration and/or fish habitat enhance purposes only and at the existing
10 hydropower dam just west of the City of Republic along Granite Creek.
- 11 11. Low-intensity only.
- 12 12. Only when no other feasible alternatives are available.
- 13 13. Exempt for protective bulkhead common to single-family residences according to SMP Section 7.08
14 (D) and when consistent with SMP Section 4.13 (E) and (F).
- 15

16 **Section 3.02 Development Standards**

17 A. Regulations

- 18 1. To preserve the existing and planned character of the shoreline consistent
19 with the purposes of the shoreline environment designations, development
20 standards are provided in the Table 3.02 (B). These standards apply to all
21 uses and modifications unless indicated otherwise. In addition, shoreline
22 developments shall comply with all other dimensional requirements of the
23 local codes.
- 24 2. When a development or use is proposed that does not comply with the
25 dimensional performance standards of this SMP not otherwise allowed by
26 administrative reduction or administrative modification, such development
27 or use can only be authorized by approval of a Shoreline Variance.
- 28 3. No permit shall be issued for any new or expanded building or structure of
29 more than 35 feet above average grade level on shorelines of the state that
30 will obstruct the view of a substantial number of residences on areas
31 adjoining such shorelines.

32 B. Shoreline Development Standards Matrix

1 **Table 3.02 (B). Shoreline Development Standards Matrix for Ferry County Coalition**

Standards	Aquatic	Natural	Rural	Recreation	High Intensity	Shoreline Residential
Building height	15	35	35	35	35	35
Impervious surface cover	NA	5%	10% for lots greater than 5 acres; 15% for lots 5 acres or less		NA	10% for lots greater than 5 acres; 15% for lots 5 acres or less
Riparian buffer width in feet (forested areas)* 1, 2, 3, 4,	NA	Entire area	150	50		100
Riparian buffer width in feet (shrub-steppe habitat Columbia River/Lake Roosevelt, particularly Subreach 3c and Reach 4, and portions of Sanpoil River Reach 6 (see Section 5.07 for additional detail) ^{5, 6}	NA	Entire area	65	50	35	65
Trail width in feet	NA	5	10 feet or the minimum as required by ADA regulations. Trails on private properties and not open for public use may be up to 5 feet wide.			

2 Notes:

- 3 1. Measured from the ordinary high water mark or top of bank as applicable.
- 4 2. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland
- 5 buffers, priority habitat, and species-specific management recommendations for inland dunes, cliffs
- 6 and bluffs habitat, and other Shoreline Master Program conditions, as applicable.
- 7 3. Except where roadway, paved trail, or parking area encroaches, providing an ecological functional
- 8 break, and then to the waterward edge of the facility maintenance area (disturbed area), as
- 9 applicable.
- 10 4. In parallel environment designations, the most restrictive buffer requirement applies.
- 11 5. 130 feet for new agricultural development on slopes 15% or greater within shoreline jurisdiction.
- 12 6. Buffers were based on the *Final Draft Semi-Arid Riparian Functions and Associated Regulatory*
- 13 *Protections to Support Shoreline Master Program Updates* (Anchor QEA 2013), Table 1 findings for
- 14 fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet), erosion control (40 to
- 15 50 feet), water quality (50 to 65 feet) and organic input (less than 50 feet; Anchor QEA 2013).

16 ADA = Americans for Disabilities Act

17 Anchor QEA (Anchor QEA, LLC), 2013. *Final Draft Semi-Arid Riparian Functions and Associated*

18 *Regulatory Protections to Support Shoreline Master Program Updates*. Prepared for Grant County.

19 June 2013.

20

1 Section 3.03 Archaeological and Historic Resources

- 2 A. In all developments, whenever an archaeological area or historic site is discovered
3 by a development in the shoreline area, the developer shall comply with
4 applicable state and federal laws and regulations.
- 5 B. Developers and property owners shall stop work immediately and notify the local
6 government, the office of archaeology and historic preservation, and affected
7 Indian tribes if archaeological resources are uncovered during excavation.
- 8 C. Permits issued in areas documented to contain archaeological resources shall
9 require a site inspection or evaluation by a professional archaeologist in
10 coordination with affected Indian tribes.

11 Section 3.04 Environmental Protection

- 12 A. All project proposals, including those for which a Shoreline Substantial
13 Development Permit is not required, shall comply with RCW 43.21C, the
14 Washington SEPA.
- 15 B. Applicants shall apply the following mitigation sequencing steps in order of
16 priority to avoid or minimize adverse effects and significant ecological impacts
17 (with number 1 being top priority):
- 18 1. Avoid the adverse impact altogether by not taking a certain action or parts
19 of an action.
 - 20 2. Minimize adverse impacts by limiting the degree or magnitude of the
21 action and its implementation by using appropriate technology or by
22 taking affirmative steps to avoid or reduce impacts.
 - 23 3. Rectify the adverse impact by repairing, rehabilitating, or restoring the
24 affected environment to the conditions existing at the time of the initiation
25 of the project.
 - 26 4. Reduce or eliminate the adverse impact over time by preservation and
27 maintenance operations.
 - 28 5. Compensate for the adverse impact by replacing, enhancing, or providing
29 substitute resources or environments.
 - 30 6. Monitor the adverse impact and the compensation projects and take
31 appropriate corrective measures.
- 32 C. Projects that cause significant adverse environmental impacts, as defined in
33 WAC 197-11-794 and SMP Section 7.17, Definitions, are not allowed unless
34 mitigated according to SMP Section 3.04(B), to avoid reduction or damage to
35 ecosystem-wide processes and ecological functions. As part of this analysis, the

1 applicant shall evaluate whether the project may adversely affect existing
2 hydrologic connections between streams and wetlands and either modify the
3 project or mitigate any impacts as needed.

- 4 D. When compensatory measures are appropriate pursuant to the mitigation priority
5 sequence in SMP Section 3.04(B), preferential consideration shall be given to
6 measures that replace the adversely impacted functions directly and in the
7 immediate vicinity of the adverse impact. However, alternative compensatory
8 mitigation may be authorized within the affected drainage area or watershed that
9 addresses limiting factors or identified critical needs for shoreline resource
10 conservation based on watershed or resource management plans, including the
11 Shoreline Restoration Plan, applicable to the area of adverse impact.
12 Authorization of compensatory mitigation measures may require appropriate
13 safeguards, terms, or conditions as necessary to ensure no net loss of ecological
14 functions.

15 **Section 3.05 Shoreline Vegetation Conservation**

- 16 A. Vegetation conservation standards shall not apply retroactively to existing uses
17 and developments. Vegetation associated with existing structures, uses, and
18 developments may be maintained within shoreline jurisdiction as stipulated in the
19 approval documents for the development.
- 20 B. Regulations specifying establishment and management of shoreline buffers are
21 located in the SMP Section 5.00, Critical Areas. Vegetation within shoreline
22 buffers, other stream buffers, and wetlands and wetland buffers shall be managed
23 consistent with SMP Section 5.00, Critical Areas.
- 24 C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and
25 wetland buffers within shoreline jurisdiction shall be managed according to this
26 SMP Section 3.04, Environmental Protection, and any other regulations specific
27 to vegetation management contained in other chapters of this SMP.
- 28 D. Vegetation clearing outside of wetlands and wetland and stream buffers shall be
29 limited to the minimum necessary to accommodate approved shoreline
30 development that is consistent with all other provisions of this SMP. Mitigation
31 sequencing per SMP Section 3.04, Environmental Protection, shall be applied so
32 that the design and location of the structure or development minimizes native
33 vegetation removal.
- 34 E. Removal of noxious weeds and other invasive species shall be incorporated in
35 management and mitigation plans, as necessary, to facilitate establishment of a
36 stable community of native plants.

Section 3.06 Water Quality, Stormwater, and Nonpoint Pollution

- A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface runoff water, groundwater, and stormwater infiltration on and adjacent to the site.
- B. All shoreline development should comply with the requirements of the latest version of Ecology's Stormwater Management Manual for Eastern Washington.
- C. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.
- D. Potentially harmful materials, including, but not limited to, oil, wet cement, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.
- E. Within 25 feet of a waterbody, herbicides, fungicides, fertilizers, and pesticides shall be applied in strict conformance to the manufacturer's recommendations and in accordance with relevant state and federal laws. Further, pesticides subject to the final ruling in *Washington Toxics Coalition, et al., v. U.S. Environmental Protection Agency (EPA)* shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject waterbodies and shall be applied by a qualified professional in accordance with state and federal law.
- F. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the latest version of Ecology's Stormwater Management Manual for Eastern Washington, including the use of BMPs. Additionally, new development shall implement low-impact development techniques where feasible and necessary to fully implement the core elements of the Surface Water Design Manual.
- G. For new development activities with the potential for adverse impacts on water quality or quantity in a stream or Fish and Wildlife Habitat Conservation Area, a Critical Areas Report as prescribed in the SMP Section 3.04 and SMP Section 5.00, Critical Areas, shall be prepared. Such reports should discuss the project's potential to exacerbate water quality parameters, which are impaired, and for which total maximum daily loads for that pollutant have been established, and prescribe any necessary mitigation and monitoring.
- H. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, and approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave or boat wake splash, rain, or runoff. Wood treated with creosote,

1 copper chromium arsenic, or pentachlorophenol is prohibited in shoreline
2 waterbodies.

3 **Section 3.07 Public Access**

4 A. Applicants required to provide shoreline public access shall provide physical
5 access—or if this is not appropriate for safety or similar reasons, visual access—
6 consistent with the Coalition’s and other agencies’ management plans when
7 applicable, unless specifically exempted in this Section. Examples of physical
8 and visual access are as follows:

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

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

16 B. Except as provided in SMP Section 3.07(C), new uses shall provide for safe and
17 convenient public access to and along the shoreline where any of the following
18 conditions are present:

19 1. The development is proposed by a public entity or on public lands.

20 2. The nature of the proposed use, activity, or development will likely result
21 in an increased demand for public access to the shoreline.

22 3. The proposed use, activity, or development is not a water-oriented or other
23 preferred shoreline use, activity, or development under the SMA, such as a
24 non-water-oriented commercial or recreational use.

25 4. The proposed use, activity, or development may block or discourage the
26 use of customary and established public access paths, walkways, trails,
27 public transportation rights-of-way for roads and highways, or corridors.

28 5. The proposed use, activity, or development will interfere with the public
29 use, activity, and enjoyment of shoreline areas or waterbodies subject to
30 the public trust doctrine.

31 6. The proposed use, activity, or development includes key areas for public
32 access recommended in the Shoreline Restoration Plan (partial draft
33 developed).

34 7. The proposed activity is a publicly financed shoreline erosion-control
35 measure that can accommodate public access without sacrificing
36 long-term performance of the control measure and public safety.

- 1 C. An applicant shall not be required to provide public access where one or more of
2 the following conditions apply, provided such exceptions shall not be used to
3 prevent implementing the access and trail provisions mentioned in local and other
4 agencies' management plans. In determining the infeasibility, undesirability, or
5 incompatibility of public access in a given situation, the Coalition shall consider
6 alternative methods of providing public access, such as adjacent off-site
7 improvements, viewing platforms, separation of uses through site planning and
8 design, and restricting hours of public access. The conditions are as follows:
- 9 1. Proposed use, activity, or development involves single-family residential
10 development that does not reduce visual access to the shoreline from
11 public rights-of-way, including roads and highways, and the development
12 involves four or fewer single-family or multifamily dwellings.
 - 13 2. Proposed use is agricultural/ranching activities.
 - 14 3. Proposed use is within an area where public visual or physical access is
15 not present, and the use will not increase demand for public access or
16 reduce public access.
 - 17 4. The nature of the use, activity, or development or the characteristics of the
18 site make public access requirements inappropriate due to health, safety
19 (including consistency with Crime Prevention Through Environmental
20 Design [CPTED] principles, where applicable), or environmental hazards.
21 The proponent shall carry the burden of demonstrating by substantial
22 evidence the existence of unavoidable or unmitigable threats or hazards to
23 public health, safety, or the environment that would be created or
24 exacerbated by public access upon the site.
 - 25 5. An existing, new, or expanded road or utility crossing through shoreline
26 jurisdiction shall not create the need for public access if the development
27 being accessed or served by the road or utility is located outside of
28 shoreline jurisdiction.
 - 29 6. The economic cost of providing for public access at the site is
30 unreasonably disproportionate to the total long-term economic value of the
31 proposed use, activity, or development.
 - 32 7. Safe and convenient public access already exists in the general vicinity,
33 such as on the same reach of the stream or river, and/or the Coalition's and
34 agencies' plans show adequate public access at the property.
 - 35 8. Public access has reasonable potential to threaten or harm the natural
36 functions and native characteristics of the shoreline and/or is deemed
37 detrimental to threatened or endangered species under the Endangered
38 Species Act (ESA).

- 1 9. The site is within or part of an overall development, a binding site plan, or
2 a planned unit development which has previously provided public access
3 adequate to serve the project in full build-out through other application
4 processes.
- 5 D. Public access shall be located and designed to respect private property rights, be
6 compatible with the shoreline environment, protect ecological functions and
7 processes, protect aesthetic values of shoreline, and provide for public safety
8 (including consistency with CPTED principles, where applicable).
- 9 E. For any development where public access is not required, shared community
10 access may be allowed if there is no existing or planned public access along the
11 shoreline identified in the Coalition's and other agencies' plans. Where provided,
12 community access shall be subject to all applicable development standards of this
13 Section. Shared community access is not required when any of the conditions
14 under SMP Section 3.07(C) applies.
- 15 F. General Performance Standards
- 16 1. Uses, activities, and developments shall not interfere with the regular and
17 established public use.
- 18 2. Shoreline substantial development or conditional uses shall avoid or
19 minimize the impact on views of shoreline waterbodies from public land
20 or substantial numbers of residences.
- 21 3. Proponents shall include within their shoreline applications an evaluation
22 of a proposed use, activity, or development's likely adverse impact on
23 current public access and future demands for access to the site. Such
24 evaluation shall consider potential alternatives and mitigation measures to
25 further the policies of this SMP and the provisions of this Section.
- 26 4. Public access easements, trails, walkways, corridors, and other facilities
27 may encroach upon any buffers or setbacks required in SMP Section 5.00,
28 Critical Areas, or under other provisions of this SMP, provided that such
29 encroachment does not conflict with other policies and regulations of this
30 SMP and no net loss of ecological function can be achieved. Any
31 encroachment into a buffer or setback must be as close to the landward
32 edge of the buffer as possible.
- 33 5. Public access facilities shall accommodate persons with disabilities, unless
34 determined physically or logistically infeasible by the Shoreline
35 Administrator.
- 36 G. Trails
- 37 1. Existing improved and primitive public trails shall be maintained.

- 1 2. Where public access is to be provided by dedication of public access
2 easements along the OHWM, the minimum width of such easements shall
3 be 20 feet.
- 4 3. The total width of trails, including shoulders in all environments except
5 for Natural environment, shall be 10 feet maximum or as required by
6 Americans with Disabilities Act (ADA) regulations. In Natural
7 environment, only primitive and low-impact trails shall be allowed with a
8 maximum width of 5 feet.
- 9 4. Pervious surfaces are encouraged for all trails.
- 10 5. Trails should make use of an existing constructed grade such as those
11 formed by an abandoned rail grade, road, or utility when feasible.
- 12 6. Trails shall be located, constructed, and maintained so as to avoid, to the
13 maximum extent possible, removal and other impacts to perennial native
14 vegetation consistent with a Habitat Management Plan.
- 15 7. Trails on private properties and not open for public use may be up to 5 feet
16 wide or the minimum required by ADA regulations, as applicable, and
17 shall meet applicable setbacks from the OHWM.

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

- 19 1. The Coalition shall maintain public rights of ways or easements as a
20 means of retaining public access on the shoreline. Proposed use, activity,
21 or developments shall maintain public access provided by public street
22 ends, public utilities, and rights-of-way.
- 23 2. The public easements required pursuant to this Section, for the purpose of
24 providing access across or through the site to the OHWM, shall be
25 maintained by the property owner to provide for reasonable and safe
26 public access to the OHWM.

27 I. Where public access routes terminate, connections should be made with the
28 nearest public street unless determined by the Shoreline Administrator to be
29 infeasible. Public access facilities required for an approved or permitted use,
30 activity, or development shall be completed prior to occupancy and use of the site
31 or operation of the activity. Public access shall make adequate provisions, such as
32 screening, buffer strips, fences, and signs, to prevent trespass upon adjacent
33 properties and to protect the value and enjoyment of adjacent or nearby private
34 properties and natural areas.

35 J. Off-site public access may be permitted by the Shoreline Administrator where it
36 results in an equal or greater public benefit than on-site public access, or when
37 on-site limitations of security, environment, compatibility, or feasibility are
38 present. Off-site public access may include, but is not limited to, adequate access

1 on public lands in proximity to the site, opportunity to increase public lands and
2 access with adjoining or proximate public area, enhancing a County- or
3 City-designated public property (e.g., existing public recreation site, existing
4 public access, road abutting a body of water, or similar) in accordance with local
5 standards, or other related measures.

6 K. Signage

- 7 1. Signage to be approved by the Shoreline Administrator shall be
8 conspicuously installed along public access easements, trails, walkways,
9 corridors, and other facilities to indicate the public's right of use and the
10 hours of operation. Public access and interpretive displays may be
11 provided for publicly funded restoration projects where significant
12 ecological impacts are addressed. The proponent shall bear the
13 responsibility for establishing and maintaining signs.
- 14 2. The Shoreline Administrator may require the proponent to post signage
15 restricting or controlling the public's access to specific shoreline areas.
16 The proponent shall bear the responsibility for establishing and
17 maintaining such signage.
- 18 3. All signs shall be located and designed to minimize interference vistas,
19 viewpoints, and visual access to shoreline.
- 20 4. Over-water signs should be related to water-dependent uses only and shall
21 be on floats, piles, or part of the water-dependent use.

22 **Section 3.08 Flood Hazard Reduction**

- 23 A. Development in floodplains shall avoid significantly or cumulatively increasing
24 flood hazards. Development shall be consistent with this SMP, as well as
25 applicable guidelines of FEMA, and SMP Section 5.05, Critical Areas related to
26 Frequently Flooded Areas.
- 27 B. The CMZ is considered to be that area of the stream channel that may erode as a
28 result of normal and naturally occurring processes as mapped consistent with
29 WAC 173-26-221(3)(b). Applicants for shoreline development or modification
30 may submit a site-specific CMZ study if they believe these conditions do not exist
31 on the subject property and the map is in error. The CMZ study must be prepared
32 consistent with WAC 173-26-221(3)(b), and may include historical aerial
33 photographs, topographic mapping, flooding records, and field verification. The
34 CMZ must be prepared by a licensed geologist or engineer with at least 5 years of
35 applied experience in assessing fluvial geomorphic processes and channel
36 response.
- 37 1. CMZs identified through mapping were developed as part of the 2014
38 SMP update. See maps and reference documents in the Ferry County

Coalition SMP Inventory, Analysis, and Characterization Report for
CMZs.

C. The uses and activities may be authorized within the CMZ or floodway are as follows:

1. New development or redevelopment landward of existing legal, publicly owned, and maintained structures, such as levees, that prevent active channel movement and flooding.
2. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. The evaluation of cost differences between options within the CMZ or floodway and outside of the CMZ or floodway shall include the cost of design, permitting, construction, and long-term maintenance or repair. For the purposes of this Section, “unreasonable and disproportionate” means that locations outside of the floodway or CMZ would add more than 20% to the total project cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.
3. New or redeveloped measures to reduce shoreline erosion, provided that the following terms are met: it is demonstrated by a licensed engineer with at least 5 years of applied experience, the erosion rate exceeds that which would normally occur in a natural condition, the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.
4. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
5. Mining when conducted in a manner consistent with Section 4.10, Mining, and the shoreline environment designation.
6. Modifications or additions to an existing non-agricultural legal use, provided that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.
7. Repair and maintenance of existing legally established use and developments, provided that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.

- 1 8. Existing and ongoing agricultural activities, provided that no new
2 restrictions to channel movement are proposed.
- 3 D. Existing structural flood hazard reduction measures, such as levees, may be
4 repaired and maintained as necessary to protect legal uses on the landward side of
5 such structures. Increases in height of an existing levee, with any associated
6 increase in width, that may be needed to prevent a reduction in the authorized
7 level of protection of existing legal structures and uses shall be considered an
8 element of repair and maintenance.
- 9 E. New flood hazard reduction measures shall not result in channelization of normal
10 stream flows, interfere with natural hydraulic processes, such as channel
11 migration, or undermine existing structures or downstream banks.
- 12 F. Approve new development or subdivisions when it can be determined by a
13 qualified professional in fluvial geomorphology that the development or use
14 would not require structural flood hazard reduction measures within the CMZ or
15 floodway during the life of the development or use consistent with the following
16 conditions (WAC 173-26-221(3)(c)(i)):
- 17 1. Floodway
- 18 a. New development and subdivisions shall be subject to applicable
19 floodway regulations, Frequently Flooded Areas, and Flood
20 Damage Prevention in SMP Section 5.00, Critical Areas.
- 21 2. Channel Migration Zone
- 22 a. New development in the CMZ is allowed subject to the following
23 conditions:
- 24 i. Structures are located on an existing legal lot created prior
25 to the effective date of this program.
- 26 ii. A feasible alternative location outside of the CMZ is not
27 available on site.
- 28 iii. To the extent feasible, the structure and supporting
29 infrastructure is located the farthest distance from the
30 OHWM, unless the applicant can demonstrate that an
31 alternative location is the least subject to risk.
- 32 b. New subdivisions in the CMZ may be allowed subject to the
33 following conditions:
- 34 i. All lots contain 5,000 square feet or more of buildable land
35 outside of the CMZ.

- 1 ii. Access to all lots does not cross the CMZ.
- 2 iii. All infrastructure is located outside the CMZ. However, an
- 3 on-site wastewater treatment system is allowed in the CMZ
- 4 if a feasible alternative location is not available on site and
- 5 the wastewater treatment system is located the farthest
- 6 distance from the OHWM.
- 7 iv. Alternative on-site wastewater treatment systems, including
- 8 composting toilets and greywater systems, shall be
- 9 recognized acceptable alternatives to conventional septic
- 10 tanks and drain fields, so long as they are properly
- 11 designed, constructed, and installed by qualified
- 12 professionals.
- 13 G. New public and private structural flood hazard reduction measures shall be
- 14 approved when a scientific and engineering analysis demonstrates the following
- 15 criteria:
- 16 1. The measures are necessary to protect existing development.
- 17 2. Non-structural measures such as setbacks, land use controls, wetland
- 18 restoration, dike removal, structure removal or relocation, biotechnical
- 19 measures, and stormwater management programs are not possible.
- 20 3. Adverse impacts on ecological functions and priority species and habitats
- 21 can be successfully mitigated so as to ensure no net loss.
- 22 4. Appropriate vegetation conservation actions are undertaken consistent
- 23 with SMP Section 3.05, Shoreline Vegetation Conservation.
- 24 H. Flood hazard reduction measures shall be placed landward of associated wetlands
- 25 and designated shoreline buffers, except for actions that increase ecological
- 26 functions, such as wetland restoration, or when no other alternative location to
- 27 reduce flood hazard to existing development is feasible as determined by the
- 28 Shoreline Administrator.
- 29 I. New public structural flood hazard reduction measures, such as levees, shall
- 30 dedicate and improve public access pathways.
- 31 J. In those instances where management of vegetation as required by this SMP
- 32 conflicts with vegetation provisions included in state, federal, or other flood
- 33 hazard agency documents governing County-authorized, legal flood hazard
- 34 reduction measures, the vegetation requirements of this SMP will not apply.
- 35 However, the applicant shall submit documentation of these conflicting provisions
- 36 with any shoreline permit applications and shall comply with all other provisions
- 37 of this Section and this SMP that are not strictly prohibited by the approving flood
- 38 hazard agency.

- 1 K. The removal of gravel or other riverbed material for flood management purposes
2 shall be consistent with SMP Section 4.06, Dredging and Dredge Material
3 Disposal, and SMP Section 4.10, Mining, and be allowed only after a biological
4 and geomorphological study shows that extraction has a long-term benefit to
5 flood hazard reduction and does not result in a net loss of ecological functions.
- 6 L. Roads shall be located outside the floodway, except necessary crossings, which
7 shall be placed perpendicular to the waterbody as much as is physically feasible.
8 New transportation facilities shall be designed so that the effective base flood
9 storage volume of the floodplain is not reduced. The applicant shall provide all
10 necessary studies, reports, and engineering analysis which shall be subject to
11 review and modification by the Shoreline Administrator. If proposed
12 transportation facilities effectively provide flood control, they shall comply with
13 policies and regulations of this Section.

14 **Section 4.00: Shoreline Modifications and Use Regulations**

15 **Section 4.01 Agriculture**

- 16 A. This SMP shall not require modification of or limit agricultural activities
17 occurring on agricultural lands consistent with RCW 90.58.065.
- 18 B. For shoreline areas used for agriculture, new uses, activities, and development
19 that are not existing and ongoing agriculture shall be subject to the following
20 requirements:
- 21 1. Such uses, activities, and development shall be allowed or permitted in a
22 manner to ensure maintenance of ecological functions and be consistent
23 with the Coalition's land use plan.
- 24 2. If the new use, activity, or development is more intensive than the existing
25 land use, no significant vegetation removal, development, or grading shall
26 occur in the shoreline buffer without associated mitigation, except as
27 necessary to accommodate low-intensity, water-dependent uses and public
28 access that sustains ecological functions.
- 29 3. New agricultural lands created by diking, draining, or filling wetlands or
30 CMZs shall not be allowed.
- 31 C. A Substantial Development Permit shall be required for all agricultural
32 developments not specifically exempted by the provisions of SMP Section 7.05,
33 Shoreline Substantial Development Permits.
- 34 D. SMP provisions shall apply in the following cases:
- 35 1. New agricultural activities on land not meeting the definition of
36 agricultural land

- 1 2. Expansion of agricultural activities on non-agricultural lands
- 2 3. Conversion of agricultural lands to other uses
- 3 4. Other development on agricultural land that does not meet the definition
- 4 of agricultural activities
- 5 5. Agricultural development and uses not specifically exempted by the SMA
- 6 E. New non-agricultural activities proposed on agricultural lands shall be consistent
- 7 with the environment designation and the Shoreline Use and Modification Matrix
- 8 table in SMP Section 3.01(B), as well as other applicable shoreline use standards
- 9 (e.g., commercial [SMP Section 4.05] or residential [SMP Section 4.13]).
- 10 F. Agricultural uses and developments in support of agricultural uses shall be
- 11 located and designed to ensure no net loss of ecological functions and no
- 12 significant adverse impact on other shoreline resources and values.
- 13 G. New feedlots are prohibited in critical area buffers. Feed lots shall be located in
- 14 such a manner as to prevent waste runoff from entering waterbodies or
- 15 groundwater.
- 16 H. Agricultural uses and activities shall prevent and control erosion of soils and bank
- 17 materials within shoreline areas. They shall minimize siltation, turbidity,
- 18 pollution, and other environmental degradation of watercourses and wetlands.
- 19 I. Agricultural chemicals shall be applied in a manner consistent with BMPs for
- 20 agriculture and SMP Section 3.06, Water Quality, Stormwater, and Nonpoint
- 21 Pollution.
- 22 J. New agricultural activities shall not remove existing native or non-native
- 23 vegetation, except for noxious or invasive weedy vegetation, between all cropland
- 24 or pasture areas and adjacent waters or wetlands consistent with provisions of this
- 25 SMP.
- 26 K. Agricultural development shall conform to applicable state and federal policies
- 27 and regulations.

28 **Section 4.02 Aquaculture**

- 29 A. Non-commercial aquaculture undertaken for conservation or native species
- 30 enhancement, or for recreational fisheries purposes, is a preferred use within
- 31 Ferry County Coalition's shorelines. Allowed fisheries' aquaculture facilities
- 32 shall include net pens in existing waterbodies, hatcheries, rearing ponds,
- 33 spawning channels, water diversion structures, and groundwater wells, provided
- 34 that their construction does not result in a net loss of ecological function.

- 1 B. Aquaculture for non-native species or for commercial or other purposes shall
2 require a Shoreline Conditional Use Permit.
- 3 C. Proponents of an aquaculture use or activity shall supply, at a minimum, the
4 following information in their application for shoreline permit(s):
- 5 1. Species to be reared
- 6 2. Aquaculture method(s)
- 7 3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines,
8 growth stimulants, anti-fouling agents, or other chemicals and their
9 predicted adverse impacts
- 10 4. Harvest and processing method and timing
- 11 5. Method of waste management and disposal
- 12 6. Best available background information and probable adverse impacts on
13 water quality, biota, and any existing shoreline or water uses
- 14 7. Method(s) of predator control
- 15 8. A description of the proposed use of lights and noise-generating
16 equipment and an assessment of adverse impacts upon surrounding uses
- 17 9. Other pertinent information as required by the local government
- 18 D. Aquacultural activities shall meet all applicable federal, state, and local
19 government standards and regulations.
- 20 E. No garbage, wastes, or debris shall be allowed to accumulate upon the site of any
21 aquaculture use or activity nor be discharged to any waterbody regulated by this
22 SMP.
- 23 F. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling
24 agents, or other chemicals shall be used until approved by all appropriate state and
25 federal agencies. Those agencies shall include the WDFW, Washington State
26 Department of Agriculture, Ecology, and the U.S. Food and Drug Administration.
27 Evidence of such approval shall be submitted to the local government.
- 28 G. Aquaculture structures and equipment that come in contact with the water shall
29 contain no substances that are toxic to aquatic life, and aquaculture activities that
30 would degrade water quality shall be prohibited.
- 31 H. Aquaculture activities shall be subject to conditions and requirements for
32 mitigation to ensure no net loss of ecological function.

1 I. Aquaculture projects shall be located in areas that do not impact navigation,
2 public access, or normal public use of the water.

3 J. Aquaculture facilities shall be designed to minimize nuisance odors and noise, as
4 well as minimize visual impacts on surrounding shoreline development.

5 **Section 4.03 Boating Facilities**

6 A. General Requirements:

7 1. All boating uses, development, and facilities shall protect the rights of
8 navigation.

9 2. Boating facilities shall be sited and designed to ensure no net loss of
10 shoreline ecological functions and shall meet Department of Natural
11 Resources (DNR) and USACE requirements and other state guidance if
12 located in or over state-owned aquatic lands.

13 3. Boating facilities shall be located on stable shorelines in areas where the
14 following requirements are met:

15 a. Such facilities will not adversely affect flood channel capacity or
16 otherwise create a flood hazard.

17 b. Water depths are adequate to minimize spoil disposal, filling,
18 beach enhancement, and other channel maintenance activities.

19 c. Water depths are adequate to prevent the structure from grounding
20 out at the lowest low water or else stoppers are installed to prevent
21 grounding out.

22 4. Do not locate boating facilities in either of the following areas:

23 a. Where new dredging will be required

24 b. Where wave action caused by boating use would increase bank
25 erosion rates, unless no-wake zones are implemented at the facility

26 5. Locate boating uses and facilities far enough away from public swimming
27 beaches and aquaculture harvest areas to alleviate any aesthetic or adverse
28 impacts, safety concerns, and potential use conflicts.

29 6. Schedule in-water work to protect biological productivity, including, but
30 not limited to, fish runs, spawning, and benthic productivity.

31 7. Accessory uses at boating facilities are to meet the following
32 requirements:

- 1 a. Be limited to supporting water-oriented uses, (for example, a
2 minor accessory building), including uses that provide physical or
3 visual shoreline public access)
- 4 b. Be located as far landward as possible while still serving their
5 intended purposes
- 6 8. Landscape or screen parking and storage areas to provide visual and noise
7 buffering between adjacent dissimilar uses or scenic areas.
- 8 9. Locate boating facilities where access roads are adequate to handle the
9 traffic generated by the facility and so that lawful existing or planned
10 public shoreline access is not unnecessarily blocked, obstructed, or made
11 dangerous.
- 12 10. Joint-use moorage with ten or more berths is regulated under this Section
13 as a marina (see SMP Section 4.03[C]). Joint-use moorage with fewer
14 than ten berths is regulated under this Section as a dock or pier.
- 15 11. All marinas and public launch facilities should provide at least portable
16 restroom facilities for boaters' use that are clean, well-lit, safe, and
17 convenient for public use.
- 18 12. Install boat waste disposal facilities, such as pump-outs and portable dump
19 stations at all marinas and also encourage these facilities at public boat
20 launches to the extent possible. The locations of such facilities shall be
21 considered on an individual basis in consultation with the Washington
22 State Department of Health, Ecology, DNR, Washington State Parks, and
23 WDFW, as necessary.
- 24 13. Place all utilities at or below dock levels or below ground, as appropriate.
- 25 14. When appropriate, marinas and boat launch facilities should install public
26 safety signs, to include the locations of fueling facilities, pump-out
27 facilities, and locations for proper waste disposal.
- 28 15. Construct boating facilities of materials that will not adversely affect water
29 quality or aquatic plants and animals over the long term. Materials used
30 for submerged portions, decking, and other components that may come in
31 contact with water shall be approved by applicable state agencies for use
32 in water to avoid discharge of pollutants from wave splash, rain, or runoff.
33 Wood treated with creosote, copper chromium, arsenic,
34 pentachlorophenol, or other similarly toxic materials is prohibited for use
35 in moorage facilities.
- 36 16. Boating facilities in waters providing a public drinking water supply
37 should be constructed of untreated materials such as untreated wood,

- 1 approved plastic composites, concrete, or steel (see SMP Section 3.06,
2 Water Quality, Stormwater, and Nonpoint Pollution).
- 3 17. Restrict vessels from extended mooring on waters of the state except as
4 allowed by state regulations and provided that a lease or permission is
5 obtained from the state and impacts to navigation and public access are
6 mitigated.
- 7 B. Boat Launch Facilities
- 8 1. Public boat launch facilities may be allowed in areas where no launching
9 opportunities exist within close proximity of a site (within less than
10 2 miles distance by road to a waterbody launch site).
- 11 2. Design and construct boat launch and haul-out facilities (e.g., ramps,
12 marine travel lifts, and marine railways) and minor accessory buildings in
13 a manner that minimizes adverse impacts on fluvial processes, biological
14 functions, aquatic and riparian habitats, water quality, navigation, and
15 neighboring uses.
- 16 3. Design and construct boat launch facilities using methods/technology that
17 have been recognized and approved by state and federal resource agencies
18 as the best currently available.
- 19 4. Motorized boat ramps, when allowed on privately owned, non-commercial
20 properties, shall demonstrate that other public launch sites are not readily
21 accessible, the launch site footprint has been reduced to the minimum area
22 necessary, and impacts will be mitigated according to SMP Section 3.04,
23 Environmental Protection.
- 24 C. Marinas
- 25 1. Marinas shall be designed to meet all of the following requirements:
- 26 a. Provide flushing of all enclosed water areas
- 27 b. Allow the free movement of aquatic life in shallow water areas
- 28 c. Avoid and minimize any interference with geohydraulic processes
29 and disruption of existing shore forms
- 30 2. Open pile or floating breakwater designs shall be used unless it can be
31 demonstrated that riprap or other solid construction would not result in
32 any greater net impacts to shoreline ecological functions, processes, fish
33 passage, or shore features.
- 34 3. Wet-moorage marinas shall locate a safe distance from domestic sewage
35 or industrial waste outfalls.

- 1 4. To the maximum extent possible, marinas and accessory uses shall share
2 parking facilities.
- 3 5. New marina development shall provide public access amenities such as
4 viewpoints, interpretive displays, and public access to accessory
5 water-enjoyment uses (e.g., restaurants).
- 6 6. If a marina is to include gas and oil handling facilities, such facilities shall
7 be separate from main centers of activity in order to minimize the fire and
8 water pollution hazards, and to facilitate fire and pollution control.
9 Marinas shall have adequate facilities and procedures for fuel handling
10 and storage and the containment, recovery, and mitigation of spilled
11 petroleum, sewage, toxic products, and other potentially harmful or
12 hazardous materials.
- 13 7. The marina operator shall be responsible for the collection and dumping of
14 sewage, solid waste, and petroleum waste.
- 15 D. Multi-family residences, hotels, motels, and other commercial developments
16 proposing to provide moorage facilities shall meet the criteria for a marina. Use
17 of the moorage must be open to the general public on the same basis as residents
18 or occupants and shall provide public access. If approved, no more than one
19 joint-use moorage facility may be provided for a parcel or development.
- 20 E. Applications for docks or piers serving single commercial or industrial enterprises
21 shall demonstrate that the following requirements are met:
- 22 1. The facility serves a water-dependent use.
- 23 2. The facility is the minimum size required to serve the proposed use,
24 provided that provisions for expansion or future joint use may be
25 provided.
- 26 3. The facility minimizes impacts to the extent feasible.
- 27 Where impacts are unavoidable, the facility mitigates impacts to navigation;
28 aquatic habitat; upland habitat; public access to the water for recreation, fishing,
29 and similar use; and public access to publicly accessible lands below the OHWM.
- 30 F. Commercial or industrial moorage facilities shall demonstrate that the following
31 requirements are met:
- 32 1. The dock or pier shall be the minimum length required to serve the use.
- 33 2. Access from the shore to piers or floats shall minimize water cover in
34 order to minimize impacts to shallow water habitat.

- 1 3. Piers and ramps shall be elevated to provide the maximum feasible light
2 penetration.
- 3 4. Grating or clear translucent material shall be used to the maximum extent
4 feasible to provide light penetration.
- 5 5. Floats shall be constructed and attached so that they do not ground out on
6 the substrate.
- 7 6. Pile spacing shall be the maximum feasible to minimize shading and avoid
8 a “wall” effect that would block or baffle wave patterns, currents, littoral
9 drift, or movement of aquatic life forms or result in structural damage
10 from driftwood impact or entrapment.
- 11 7. Pile diameter shall be minimized while meeting structural requirements.
- 12 G. Covered structures may be permitted only to serve a water-dependent use where it
13 is demonstrated that adequate upland sites are not feasible, and it is demonstrated
14 that the area covered is the minimum necessary to serve the use.

15 **Section 4.04 Breakwater, Jetties, Groins, and Weirs**

- 16 A. Breakwaters shall be allowed in environments defined in SMP Section 3.01,
17 Shoreline Use and Modification Matrix, with a Shoreline Conditional Use Permit.
- 18 B. New, expanded, or replacement groins and weirs shall only be permitted if the
19 applicant demonstrates that the proposed groin or weir will not result in a net loss
20 of shoreline ecological functions and the structure is necessary for
21 water-dependent uses, public access, shoreline stabilization, or other specific
22 public purposes.
- 23 C. Groins and weirs shall require a Substantial Development Permit and shall only
24 be approved when no other stream restoration or shoreline stabilization design
25 approach, employed singly or in combination, is technically possible for the
26 affected reach.
- 27 D. Groins and weirs shall be located, designed, constructed, and operated consistent
28 with mitigation sequencing principles, including avoiding critical areas, as
29 provided in SMP Section 3.04, Environmental Protection.

30 **Section 4.05 Commercial Development**

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

- 1 B. Non-water-oriented commercial uses shall be allowed if they can demonstrate at
 2 least one or more of the following requirements:
- 3 1. The commercial use is part of a mixed-use project that includes
 4 water-dependent uses and provides a significant public benefit with
 5 respect to the objectives of the SMA.
- 6 2. The commercial use is physically separated from the shoreline by another
 7 property, public right-of-way, or levee.
- 8 3. The commercial use is farther upland than 200 feet from the OHWM;
 9 therefore, a water-oriented use is not a viable option.
- 10 C. Non-water-oriented uses, including, but not limited to, residential uses, may be
 11 located with water-oriented commercial uses provided the following requirements
 12 are met:
- 13 1. The mixed-use project includes one or more water-dependent uses.
- 14 2. Water-dependent commercial uses, as well as other water-oriented
 15 commercial uses, have preferential locations along the shoreline.
- 16 3. The underlying land use permits residential uses together with commercial
 17 uses.
- 18 4. Public access is provided and/or ecological restoration is provided as a
 19 public benefit.
- 20 D. The Shoreline Administrator shall use the following criteria in its review of all
 21 commercial development applications:
- 22 1. Whether there is a water-oriented aspect of the proposed commercial use
 23 or activity when it is located within 200 feet of the OHWM
- 24 2. Whether the proposed commercial use is consistent with the Shoreline Use
 25 and Modification Matrix in SMP Section 3.01
- 26 3. Whether the application has the ability to enhance compatibility with the
 27 shoreline environment and adjacent uses
- 28 4. Whether adequate provisions are made for public and private visual and
 29 physical shoreline access
- 30 5. Whether the application makes adequate provisions to prevent adverse
 31 environmental impacts and provides for shoreline ecological or critical
 32 area mitigation, where appropriate

- 1 E. Commercial development shall be designed and maintained in a manner
2 compatible with the character and features of surrounding areas. Developments
3 should incorporate low-impact development techniques into new developments.
4 Architectural and landscape elements should be employed that recognize the river
5 and lake environments. The local government may prescribe and modify project
6 dimensions, screening standards, setbacks, or operation intensities to achieve this
7 purpose.
- 8 F. Eating and drinking facilities and lodging facilities shall be oriented to provide
9 views to the waterfront when such view is available from the site.
- 10 G. Commercial uses shall provide for public access as a condition of approval, unless
11 such public access is demonstrated by the proponent to be infeasible or
12 inappropriate for the shoreline pursuant to SMP Section 3.07, Public Access.
- 13 H. Commercial uses shall provide for suitable measures to rehabilitate and enhance
14 the shoreline ecology as a condition of approval.
- 15 I. Non-water-oriented commercial uses shall not be allowed over water in any
16 shoreline environment.
- 17 J. All commercial loading and service areas shall be located upland or away from
18 the shoreline. Provisions shall be made to screen such areas with walls, fences,
19 and landscaping and to minimize aesthetic impacts.
- 20 K. The storage of potentially hazardous or dangerous substances or wastes is
21 prohibited in the floodway or within 200 feet of the OHWM, whichever boundary
22 extends farthest landward.
- 23 L. Development shall be located, designed, and constructed in a manner that ensures
24 no net loss of shoreline ecological functions and without adverse impacts on other
25 preferred land uses and public access features.

26 **Section 4.06 Dredging and Dredge Material Placement**

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

- 1 2. Dredging and dredge placement shall be prohibited on or in archaeological
2 sites meeting the criteria for placement on the National Register of
3 Historic Places and the Washington Heritage Register until such time that
4 they have been reviewed and approved by the appropriate agency.

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

- 8 4. Dredging shall be permitted only in the following circumstances:
9 a. For navigation or navigational access
10 b. In conjunction with a water-dependent use of waterbodies or
11 adjacent shoreline areas
12 c. As part of an approved stream or river rehabilitation or habitat
13 improvement project
14 d. To improve water flow or water quality, provided that all dredged
15 material shall be contained and managed so as to prevent it from
16 re-entering the water
17 e. In conjunction with a bridge, navigational structure, or wastewater
18 treatment facility for which there is a documented public need and
19 where other feasible sites or routes do not exist

- 20 5. Dredging for fill is prohibited except where the material is necessary for
21 restoration of shoreline ecological functions.

22 B. Dredge Material Placement

- 23 1. Upland dredge material placement within shoreline jurisdiction is
24 discouraged. In the limited circumstances when it is allowed, it will be
25 permitted under the following conditions:
26 a. Shoreline ecological functions and processes will be preserved,
27 restored, or enhanced, including protection of surface and
28 groundwater.
29 b. Erosion, sedimentation, floodwaters, or runoff will not increase
30 adverse impacts on shoreline ecological functions and processes or
31 property.
32 c. The site will ultimately be suitable for a use allowed by this SMP.

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

- 4 3. Dredge material placement within areas assigned an Aquatic environment
5 designation may be approved only when authorized by applicable
6 agencies, which may include the USACE pursuant to Section 404 (CWA)
7 permits, WDFW Hydraulic Project Approval, and/or the Dredged Material
8 Management Program of the DNR, and when one of the following
9 conditions apply:
 - 10 a. Land placement is not feasible, less consistent with this SMP, or
11 prohibited by law.
 - 12 b. Placement as part of a program to restore or enhance shoreline
13 ecological functions and processes is not feasible.

- 14 4. Dredge materials approved for placement within areas assigned an
15 Aquatic environment designation shall comply with the following
16 conditions:
 - 17 a. Aquatic habitat will be protected, restored, or enhanced.
 - 18 b. Adverse effects on water quality or biologic resources from
19 contaminated materials will be mitigated.
 - 20 c. Shifting and dispersal of dredge material will be minimal.

- 21 5. Upland placement sites shall be planted with vegetation native to the
22 shoreline location or that which would be present in an undisturbed
23 condition.

- 24 6. Dredge material placement operating periods and hours shall be limited to
25 those stipulated by the WDFW and hours from 7:00 a.m. to 5:00 p.m.
26 Monday through Friday, except in time of emergency as authorized by the
27 Shoreline Administrator. Provisions for buffers at land placement or
28 transfer sites, in order to protect public safety and other lawful interests
29 and to avoid adverse impacts, shall be required.

- 30 C. Dredging application submittals require the following information:
 - 31 1. A description of the purpose of the proposed dredging and analysis of
32 compliance with the policies and regulations of this SMP.
 - 33 2. A detailed description of the existing physical character, shoreline
34 geomorphology, and biological resources provided by the area proposed to
35 be dredged, including in the following information:

- 1 a. A site plan map outlining the perimeter of the proposed dredge
2 area, including the existing bathymetry (water depths that indicate
3 the topography of areas below the OHWM), with data points at a
4 minimum of 2-foot depth increments
- 5 b. A Critical Areas Report
- 6 c. A mitigation plan, if necessary, to address any identified adverse
7 impacts on ecological functions or processes
- 8 d. Information on stability of areas adjacent to proposed dredging and
9 spoils placement areas
- 10 e. A detailed description of the physical, chemical, and biological
11 characteristics of the dredge materials to be removed, including the
12 following information:
 - 13 i. Physical analysis of material to be dredged (e.g., material
14 composition and amount, grain size, organic materials
15 present, and source of material).
 - 16 ii. Chemical analysis of material to be dredged (e.g., volatile
17 solids; chemical oxygen demand; grease and oil content;
18 and mercury, lead, and zinc content).
 - 19 iii. Biological analysis of material to be dredged.
- 20 3. A description of the method of materials removal, including facilities for
21 settlement and movement.
- 22 4. Dredging procedure, including the length of time it will take to complete
23 dredging, method of dredging, and amount of materials removed.
- 24 5. Frequency and quantity of project maintenance dredging.
- 25 6. Detailed plans for dredge spoil placement, including specific and relevant
26 information on the placement site, including, but not limited to the
27 following information:
 - 28 a. Dredge material placement area
 - 29 b. Physical characteristics, including location, topography, existing
30 drainage patterns, and surface and groundwater
 - 31 c. Size and capacity of placement site
 - 32 d. Means of transportation to the placement site
 - 33 e. Proposed dewatering and stabilization of dredged material

- 1 f. Methods of controlling erosion and sedimentation
- 2 g. Future use of the site and conformance with land use policies and
- 3 regulations
- 4 7. Total estimated initial dredge volume.
- 5 8. Plan for placement of maintenance spoils for at least a 20-year period, if
- 6 applicable.
- 7 9. Hydraulic modeling studies sufficient to identify existing geohydraulic
- 8 patterns and probable effects of dredging.
- 9 D. This SMP recognizes that stream and river restoration rehabilitation and
- 10 enhancement projects may require excavation and material placement which
- 11 would otherwise meet the definitions for dredging and relocation of dredged
- 12 materials. Descriptive and reporting requirements specified in Section 4.07 shall
- 13 be waived for earth moving (including stream bed materials) and relocation
- 14 activities that are design elements of stream and river restoration projects.
- 15 E. Stream and river restoration projects shall be designed to rehabilitate natural
- 16 fluvial geomorphic and ecological functions and processes.

17 **Section 4.07 Fill and Excavation**

- 18 A. Fill and excavation is allowed only in association with a permitted use. Where
- 19 allowed, fill and excavation shall be the minimum necessary to accommodate the
- 20 development.
- 21 B. Fill and excavation waterward of the OHWM requires a Conditional Use Permit,
- 22 except for fill to support ecological restoration and fill in a High Intensity
- 23 environment where a Substantial Development Permit is required. Fill and
- 24 excavation waterward of the OHWM may be permitted only in the following
- 25 conditions:
- 26 1. In conjunction with water-dependent or public access uses allowed by this
- 27 SMP
- 28 2. In conjunction with a bridge or transportation facility of statewide
- 29 significance, for which there is a demonstrated public need and where no
- 30 feasible upland sites, design solutions, or routes exist
- 31 3. In conjunction with implementation of an interagency environmental
- 32 cleanup plan to clean and dispose of contaminated sediments
- 33 4. Disposal of dredged material considered suitable under, and conducted in
- 34 accordance with provisions in Section 4.06

- 1 5. In conjunction with any other environmental restoration or enhancement
- 2 project

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

- 6 D. Fill upland and waterward of the OHWM, including in non-watered side
- 7 channels, shall be permitted only where it is demonstrated that the proposed
- 8 action will not cause the following scenarios:

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

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

- 13 3. Alter channel migration, geomorphic, or hydrologic processes

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

- 16 E. Fills are prohibited in the floodway, except when required in conjunction with
- 17 uses allowed by this SMP and when the fill would not reduce flood water storage
- 18 and conveyance capacity that would endanger other areas.

- 19 F. Fills are allowed in floodplains outside of the floodway only where they would
- 20 not alter the hydrologic characteristics or flood storage capacity or inhibit channel
- 21 migration.

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

- 24 H. Fills or excavation shall not be located where shore stabilization will be necessary
- 25 to protect materials placed or removed. Disturbed areas shall be immediately
- 26 stabilized and revegetated, as applicable.

- 27 I. Fills, beach development or nourishment, and excavation shall be designed to
- 28 blend physically and visually with existing topography whenever possible, so as
- 29 not to interfere with long-term appropriate use, including lawful access and
- 30 enjoyment of scenery.

31 **Section 4.08 Forest Practices**

- 32 A. Forest practice applications shall meet all local, state, and federal regulations
- 33 regarding in-water salvaging of logs, and forest practices and land clearing,
- 34 especially the state’s Forest Practices Act for all forest management activities
- 35 including Class IV, general forest practices, where shorelines are being converted

- 1 or are expected to be converted to non-forest uses. The Shoreline Administrator
2 will need to consult with the Department of Natural Resources and other agencies,
3 timber owners, and operators as applicable during the permit review process.
- 4 B. Normal stream depositions of logs, uprooted tree snags, and stumps, which abut
5 on shorelands and do not intrude on the navigational channel or reduce flow, or
6 adversely redirect a river course, and are not harmful to life and property, will
7 generally be left as they lie, in order to protect the resultant dependent aquatic
8 systems. Forest practices fees are charged only if timber harvesting is proposed,
9 including salvage of snags, down wood, dying trees, or stumps
- 10 C. If a log was placed in-water by a logging operation, and the log can be traced to a
11 current landowner or business that still retains ownership, then the log can be
12 retrieved by the owner, consistent with the following provisions:
- 13 1. Impacts to riparian vegetation must be minimized, with mitigation
14 required for any unavoidable impacts according to SMP Section 3.04,
15 Environmental Protection
- 16 2. A retrieval plan must be provided to the County demonstrating how best
17 management practices will be employed to reduce impacts to water
18 quality, habitat and other applicable ecological functions
- 19 3. Compliance with all other applicable state rules and regulations is
20 required.
- 21 D. Conversion of forest lands to another use shall ensure no net loss of ecological
22 function or no significant adverse impacts on other shoreline uses, resources, and
23 values such as navigation, recreation, and public access.
- 24 E. Within 200 feet landward of the OHWM within SSWS, only selective commercial
25 timber cutting is allowed, such that no more than 30% of the merchantable trees
26 may be harvested in any 10-year period of time, provided that other timber
27 harvesting methods may be permitted in those limited instances where the
28 topography, soil conditions, or silviculture practices necessary for regeneration
29 render selective logging ecologically detrimental, and provided that clear cutting
30 of timber which is solely incidental to the preparation of land for other uses
31 authorized by this SMP may be permitted.
- 32 F. Logging, timber harvesting, and maintenance activities shall ensure water quality
33 and the maintenance of vegetative buffer strips to protect fish populations and
34 avoid erosion of stream banks.
- 35 G. Forest practices shall maintain views of shorelines having well-known scenic
36 qualities such as those providing a diversity of views, unique landscape contrasts,
37 or landscape panoramas.

1 H. Proponents of a forest practice or activity shall supply the following information
2 in their application for shoreline permit:

- 3 1. Documentation describing how the activity will protect water quality and
4 meet any applicable standards
- 5 2. Plan for maintaining vegetative buffer strips to protect fish populations
6 and other aquatic life
- 7 3. Description of other measures to prevent erosion of stream bank

8 **Section 4.09 In-stream Structures**

9 A. In-stream structures are those structures placed by humans within a stream or
10 river waterward of the OHWM that either cause or have the potential to cause
11 water impoundment or the diversion, obstruction, or modification of water flow.
12 In-stream structures may include those for hydroelectric generation, irrigation,
13 water supply, flood control, transportation, utility service transmission, structures
14 primarily intended for fisheries management, or other purposes. Docks, piers, and
15 marinas are not regulated as instream structures under this Section of the SMP
16 (see SMP Section 4.16, Transportation: Trails, Roads, and Parking and SMP
17 Section 4.17, Utilities, for regulations governing road and utility crossings of
18 streams).

19 B. In-stream structures can also be placed as components of stream and river
20 restoration and rehabilitation projects, where the explicit purpose is ecological
21 restoration and enhancement. These may include a variety of lithic and woody
22 structures including engineered log jams, boulder arrays, and other structures
23 designed to replicate natural habitat, flow, and sediment transport conditions in
24 degraded streams and rivers. This SMP and the following provisions recognize
25 that instream structures associated with stream restoration work are designed to
26 improve geomorphic and ecological functions.

27 C. General

- 28 1. The location, planning, and design of instream structures shall be
29 compatible with the following elements:
 - 30 a. The full range of public interests; existing agricultural activities;
31 USACE Lake Roosevelt operations, maintenance, and facility
32 upgrade activities; and providing for public access to shoreline
33 waters, desire for protection from floods, and need for preservation
34 of historic and cultural resources.
 - 35 b. Protection and preservation of ecosystem-wide processes and
36 ecological functions, including, but not limited to, fish and
37 wildlife, with special emphasis on protecting and restoring priority
38 habitats and species and water resources within the context of the

- 1 hydrology and water management effects of Columbia river
2 operations, as applicable.
- 3 2. New structures shall be designed, located, and constructed consistent with
4 mitigation sequencing principles in SMP Section 3.04, Environmental
5 Protection, and as otherwise limited by floodplain regulations found in
6 SMP Section 3.08, Flood Hazard Reduction, and SMP Section 5.4,
7 Frequently Flooded Areas.
- 8 3. New structures shall be designed and located to minimize removal of
9 riparian vegetation and, if applicable, to return flow to the stream in as
10 short a distance as possible.
- 11 4. In-stream structures shall provide for adequate upstream and downstream
12 migration of resident fish, as applicable, and shall not adversely affect
13 native resident and aquatic wildlife or adversely modify aquatic wildlife
14 habitat, as applicable.
- 15 5. Utilities and transmission lines shall be located so as to minimize
16 obstruction or degradation of views and comply with applicable provisions
17 of SMP Section 4.17, Utilities.
- 18 6. Mitigation shall be required of the proponent for the loss of ecological
19 functions and processes pursuant to SMP Section 3.04, Environmental
20 Protection, and SMP Section 5.00, Critical Areas. No net loss in function,
21 value, or acreage shall occur from such development.
- 22 7. In-stream structures which are components of stream restoration projects
23 shall be designed to appear like natural river features and to replicate
24 natural stream channel morphology and distribution of woody debris.
- 25 D. In addition to the standard requirements listed in SMP Section 7.04, Application
26 Requirements, all permit applications for instream structures shall contain, at a
27 minimum, the following additional information:
- 28 1. A site suitability analysis, which provides sufficient justification for the
29 proposed site; the analysis must fully address alternative sites for the
30 proposed development.
- 31 2. Proposed location and design of primary and accessory structures,
32 transmission equipment, utility corridors, and access/service roads.
- 33 3. A plan that describes the extent and location of vegetation, which is
34 proposed to be removed to accommodate the proposed facility, and any
35 site revegetation plan required by this SMP.
- 36 4. An analysis prepared by a licensed professional engineer or fluvial
37 geomorphologist that sufficiently describes the project's potential effects

- 1 on fluvial geomorphology and channel form, including potential changes
2 in base flood elevation, velocity, volume of flows, and sediment transport.
- 3 5. Biological resource inventory and analysis that sufficiently describes the
4 project's effects on aquatic and terrestrial ecosystems, prepared by a
5 qualified professional as defined in Section 5.00, Critical Areas, of this
6 SMP.
- 7 6. Provision for erosion control, protection of water quality, and aquatic and
8 terrestrial ecosystems during construction.
- 9 7. Long-term management plans that describe in sufficient detail the
10 provisions for protection of instream resources during construction and
11 operation; the plan shall include means for monitoring its success.

12 **Section 4.10 Mining**

- 13 A. Except as provided for under 4.10 B. below, mining shall be prohibited waterward
14 of the OHWM.
- 15 B. Low-intensity mining activities are allowed in all shorelines except for Natural
16 environment. Mining activities addressed in the most recent version of the
17 Washington Department of Fish and Wildlife's Hydraulic Project Approval
18 (HPA) pamphlet titled "Gold and Fish, Rules for Mineral Prospecting and Placer
19 Mining," or as updated shall not require a shoreline permit, but should be
20 conducted in conformance with the pamphlet provisions. More intensive mining
21 proposals are addressed through substantial development or conditional use
22 permitting in this SMP, and through the WDFW Hydraulic Permit Approval
23 process.
- 24 C. Mining facilities shall be located within shoreline jurisdiction (shorelands) only
25 when no feasible sites are available outside shoreline jurisdiction.
- 26 D. All gold and other mineral prospecting, concentration, and extraction activities
27 shall strictly conform to requirements of the Gold and Fish Pamphlet for those
28 activities which are limited to the scope, techniques, and equipment specified in
29 the pamphlet. Compliance with the Gold and Fish Pamphlet does not necessarily
30 preclude the requirement for a Substantial Development Permit for mineral
31 prospecting, concentration, and extraction activities.
- 32 E. All similar activities which exceed the criteria and parameters specified in the
33 Gold and Fish Pamphlet shall be designed and conducted to avoid impacts to
34 shoreline natural character and ecological functions, including, but not limited to,
35 riparian and floodplain plant communities and ecosystems and ecological
36 functions.
- 37 F. Determining when mining facilities may or may not be located within Shorelands
38 shall be based on an evaluation of geologic factors such as the distribution and

1 availability of mineral resources for that jurisdiction; the need for such mineral
2 resources; and economic, transportation, and land use factors. This demonstration
3 may rely on analysis or studies prepared for purposes of comprehensive plan
4 designations and may be integrated with any relevant environmental review
5 conducted under SEPA (RCW 43.21C) or otherwise be shown in a manner
6 consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a), as amended.

7 G. Mining facilities and associated activities shall be designed and located to prevent
8 loss of ecological function.

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

17 I. Preference shall be given to mining uses that result in the creation, restoration, or
18 enhancement of habitat.

19 **Section 4.11 Piers and Docks**

20 A. All boating uses, development, and facilities shall protect the rights of navigation
21 and demonstrate no net loss of ecological functions, including providing on-site
22 and off-site mitigation, as applicable.

23 B. Shared moorage serving single-family use consisting of docks and piers with
24 more than four berths, commercial moorage available to the general public, and
25 moorage related to clubs or other groups not associated with a particular
26 residential development are regulated as Boating Facilities under SMP
27 Section 4.03.

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

30 D. The design and location of structures must follow the mitigation sequence to
31 protect freshwater habitats of special concern.

32 E. Boating facilities shall avoid the following sites:

33 1. Areas where shoreline modification is required for approach and other
34 upland facilities

35 2. Locations where they would adversely impact upland riparian or nearshore
36 habitat for aquatic species

- 1 c. Exterior lighting will not adversely impact aquatic species.
- 2 d. Adequate provisions are made for restroom, sewage, and solid
- 3 waste disposal facilities in compliance with applicable health
- 4 regulations.
- 5 e. Access and parking shall not produce traffic hazards, shall not
- 6 result in excessive noise or other impacts, shall minimize traffic
- 7 impacts on nearby streets, and shall include adequate parking for
- 8 boat trailers. Parking on public streets may be allowed for peak
- 9 periods if it is demonstrated that such parking will not adversely
- 10 impact through traffic or residential uses.

- 11 J. New moorage to serve a single-family residence may be allowed only if the
- 12 following requirements are met:
 - 13 1. An applicant demonstrates that existing facilities (boat launches and
 - 14 public and private marinas) are not reasonably available to meet demand.
 - 15 2. The lot does not have access to shared moorage in an existing subdivision,
 - 16 and there is no homeowners association or other corporate entity capable
 - 17 of developing shared moorage.
 - 18 3. In cases where a new dock or pier is approved, the Coalition may require
 - 19 an agreement to share with nearby residences with water frontage and
 - 20 provide for expansion to serve such additional users.
 - 21 4. If allowed, only one private dock shall be permitted on a shoreline
 - 22 residential lot.
 - 23 5. Any adverse impacts of the proposed dock shall be adequately mitigated.

- 24 K. A dock or pier serving a single-family residence shall meet the following
- 25 standards:
 - 26 1. General
 - 27 a. Skirting or other structures shall not be constructed near the piers,
 - 28 docks, or floats.
 - 29 b. All waste material, such as construction debris, silt, excess dirt, or
 - 30 overburden resulting from a construction, shall be deposited above
 - 31 the limits of flood water in an approved upland disposal site.
 - 32 c. Extreme care shall be taken to ensure no petroleum product,
 - 33 hydraulic fluid, fresh cement, sediments-laden water, chemicals, or
 - 34 any other toxic or deleterious material is allowed to enter or leach
 - 35 into the waterbody.

- 1 d. Alteration or disturbance of the shoreline and shoreline vegetation
2 shall be limited to that necessary for constructing. Within
3 7 calendar days of the project completion, all disturbed areas shall
4 be protected from erosion using vegetation and other means.
5 Within 1 year of project completion, the banks, including riprap
6 areas, shall be revegetated with native or other approved woody
7 species. Vegetative cuttings shall be planted at a maximum interval
8 of 3 feet (on center) and maintained as necessary for 3 years to
9 ensure 80% survival.
- 10 e. If artificial nighttime lighting is used in the design, use
11 low-intensity lights that are located and shielded to prevent light
12 from attracting fish, unless there are safety constraints.
- 13 2. Dock dimensional and materials standards. The following dimensional
14 standards shall apply to all new docks serving four or fewer residential
15 dwellings. Deviations from the dimensional standards must be approved
16 through a Shoreline Variance Permit.
- 17 a. Width
- 18 i. Piers and floats shall not exceed 8 feet in width. Ramps
19 shall not exceed 4 feet in width.
- 20 ii. Dock finger extensions shall not exceed 2 feet in width
- 21 b. Length
- 22 i. The length of the dock shall not exceed the length
23 necessary in order for the end of the dock to reach a
24 minimum water depth of 4 feet measured at ordinary high
25 water.
- 26 c. Area
- 27 i. The area of new docks shall be limited by the maximum
28 width and length allowed in a) and b) above. Only one float
29 is allowed per single-use dock. A maximum of two floats
30 are allowed for joint-use docks.
- 31 ii. 320 square feet for single use docks, excluding the ramp
32 and all associated appurtenances.
- 33 iii. 450 square feet for joint-use docks, excluding the ramp and
34 all associated appurtenances.

- 1 d. Height. The bottom of any piers or the landward edge of any ramp
2 must be at least 1 foot above the OHWM. The freeboard height on
3 all floats must be at least 10 inches.
- 4 3. Dock Support Piles and Float Anchors
- 5 a. Piling shall be structurally sound and cured prior to placement in
6 the water.
- 7 b. Pilings shall not be treated with pentachlorophenol, creosote,
8 copper naphthalene, chromate copper arsenate, or comparably
9 toxic compounds.
- 10 c. Pilings shall not extend beyond the end of the dock.
- 11 d. Use the smallest diameter and number of pilings required to
12 construct a safe structure.
- 13 i. Pilings shall not exceed 4 inches in diameter.
- 14 ii. If a piling is encased in a sleeve, the piling plus sleeve
15 diameter shall not exceed 5 inches.
- 16 iii. Steel piling used to construct residential docks should not
17 exceed 6 inches in diameter. Limit the diameter of steel
18 piling used to construct public recreational docks to the
19 minimum width needed to accommodate the intended use.
- 20 iv. Piles up to 8 inches in diameter may be approved by the
21 Shoreline Administrator without a Shoreline Variance
22 Permit if the designing engineer documents need for larger
23 piles for safety or structural reasons.
- 24 e. Pilings or piling sleeves shall be white in color.
- 25 f. All pilings must be fitted with devices to prevent perching by
26 fish-eating birds.
- 27 g. The anchoring system for the floating structures shall be installed
28 and used in a manner that will not damage the lakebed as a result
29 of structure or anchor movement.
- 30 h. Floatation for structures shall be enclosed and contained to prevent
31 the breakup or loss of the floatation material into the water.
- 32 4. Dock and Watercraft Lift Spacing

- 1 a. Private docks and watercraft lifts shall be spaced a minimum of
2 10 feet from the side property lines for individual properties. Joint-
3 use structures may abut or overlap property lines, provided the
4 adjacent property owners have mutually agreed to the structure
5 location, and the agreement is recorded through contract or a
6 covenant is recorded with the County Auditor's Office.
- 7 b. For those new docks located adjacent to larger existing overwater
8 structures, such as marinas or community docks, the responsible
9 local government may require a greater separation between
10 moorage structures to reduce potential navigation and use
11 conflicts.
- 12 c. The bottom of the watercraft lift/grid must be at least 1 foot above
13 the bed.
- 14 d. No new structure may be installed within 100 feet of the outlet of
15 any river or stream.
- 16 5. Decking Materials
- 17 a. Use of materials specified for aquatic use is required.
- 18 b. Flotation materials shall be permanently encapsulated.
- 19 6. Floats
- 20 a. Float components shall not exceed the dimensions of 8 by 20 feet,
21 or an aggregate total of 160 square feet, for all float components.
- 22 b. Flotation materials shall be permanently encapsulated to prevent
23 breakup into small pieces and dispersal in water (e.g., rectangular
24 float tubs).
- 25 c. Grating shall cover 100% of the surface area of the float(s). The
26 open area of the grating shall be no less than 50%, as rated by the
27 manufacturer.
- 28 d. Functional grating will cover no less than 50% of the float.
- 29 e. Floats shall not be located in shallow-water habitat where they
30 could ground or impede the passage or rearing of any salmonid life
31 stage.
- 32 f. Nothing shall be placed on the overwater structure that will reduce
33 natural light penetration through the structure.

- 1 g. Floats shall be positioned at least 40 feet horizontally from the
 2 OHWM and no more than 100 feet from the OHWM, as measured
 3 from the landward-most edge of the float. Adjustments to this
 4 requirement may be made on an individual basis where street
 5 compliance with this standard may present safety issues or be
 6 excessive for site conditions.
- 7 h. Project construction shall cease under high flow conditions that
 8 could result in inundation of the project area except for efforts to
 9 avoid or minimize resource damage.
- 10 L. Shared residential docks and piers shall generally meet the standards for
 11 single-family docks (in SMP Section 4.11[J]), except that the number of floats
 12 and the size of piers and other facilities may be increased to serve additional slips
 13 to provide one moorage space per residence served.
- 14 M. Docks and piers shall be set back a minimum of 10 feet from side property lines,
 15 except that joint-use facilities may be located closer to, or upon, a side property
 16 line when agreed to by contract or covenant with the owners of the affected
 17 properties. This agreement shall be recorded with the County Auditor and a copy
 18 filed with the shoreline permit application.
- 19 N. Moorage related to subdivision
- 20 1. If moorage is to be provided or planned as part of a new residential
 21 development of two or more waterfront dwelling units or lots or as part of
 22 a subdivision or other divisions of land occurring after the effective date of
 23 this SMP, joint-use or community dock facilities are required when
 24 feasible, rather than allowing individual docks for each residence. A
 25 joint-use dock shall not be required for:
- 26 a. Single-family residential development
- 27 b. Existing single-family residential units that currently do not have a
 28 dock
- 29 c. Replacement of existing single-family residential docks
- 30 2. Approval of a shared moorage for a subdivision shall be subject to the
 31 following criteria:
- 32 a. There is no reasonably available public or private moorage that can
 33 serve the moorage needs of the residences or the subdivision.
- 34 b. Shared moorage to serve new development shall be limited to the
 35 amount of moorage needed to serve lots with water frontage. The
 36 size of a dock must consider the use of mooring buoys for some or

- 1 all moorage needs and the use of all or part of the dock to allow
2 tender access to mooring buoys.
- 3 c. Public access shall be provided in all shared docks utilizing public
4 aquatic lands that accommodate five or more vessels.
- 5 3. If a community or shared dock is not developed at the time of subdivision,
6 a community association shall be established with the authority to levy
7 assessments within the subdivision to construct and maintain a community
8 dock in the future. The failure of a subdivision to develop a community or
9 shared dock shall not affect the prohibition on individual docks.
- 10 O. Multi-family residences, hotels, motels, and other commercial developments
11 proposing to provide moorage facilities shall meet the criteria for a marina. Use
12 of the moorage must be open to the general public on the same basis as residents
13 or occupants and shall provide public access. If approved, no more than one
14 joint-use moorage facility may be provided for a parcel or development.
- 15 P. Applications for docks or piers serving single commercial or industrial enterprises
16 shall demonstrate the following requirements:
- 17 1. The facility serves a water-dependent use.
- 18 2. The facility is the minimum size required to serve the proposed use,
19 provided that provisions for expansion or future joint use may be
20 considered.
- 21 3. The facility minimizes impacts to the extent feasible. Where impacts are
22 unavoidable, the facility mitigates impacts to navigation; aquatic habitat;
23 upland habitat; public access to the water for recreation, fishing, and
24 similar use; and public access to publicly accessible lands below the
25 OHWM.
- 26 Q. Commercial moorage facilities shall demonstrate that the following requirements
27 are met:
- 28 1. The dock or pier shall be the minimum length required to serve the use.
- 29 2. Access from the shore to piers or floats shall minimize water cover in
30 order to minimize impacts to shallow water habitat.
- 31 3. Piers and ramps shall be elevated to provide the maximum feasible light
32 penetration.
- 33 4. Grating, or clear translucent material, shall be utilized to the maximum
34 extent feasible to provide light penetration.

- 1 5. Floats shall be constructed and attached so that they do not ground out on
2 the substrate.
- 3 6. Pile spacing shall be the maximum feasible to minimize shading and avoid
4 a “wall” effect that would block or baffle wave patterns, currents, littoral
5 drift, or movement of aquatic life forms or result in structure damage from
6 driftwood impact or entrapment.
- 7 7. Pile diameter shall be minimized while meeting structural requirements.
- 8 8. Covered structures may be permitted only to serve a water-dependent use
9 where it is demonstrated that adequate upland sites are not feasible, and it
10 is demonstrated that the area covered is the minimum necessary to serve
11 the use.

12 **Section 4.12 Recreational Development**

13 A. General Preferences

- 14 1. Recreational uses and facilities shall include features that relate to access,
15 enjoyment, and use of Ferry County Coalition shorelines.
- 16 2. Both passive and active shoreline recreation uses are allowed.
- 17 3. Water-oriented recreational uses and activities are preferred in shoreline
18 jurisdiction. Water-dependent recreational uses shall be preferred as a
19 first priority and water-related and water-enjoyment recreational uses as a
20 second priority.
- 21 4. Existing passive recreational opportunities, including hunting, angling,
22 nature appreciation, primitive trails where motorized vehicles are not
23 allowed, and environmental interpretation shall be maintained.
- 24 5. Preference shall be given to the development and enhancement of public
25 access to the shoreline to increase fishing, boating, and other water-related
26 recreational opportunities.

27 B. General Performance Standards

- 28 1. The potential adverse impacts of all recreational uses shall be mitigated
29 and adequate provisions for shoreline rehabilitation shall be made part of
30 any proposed recreational use or development to ensure no net loss of
31 shoreline ecological function.
- 32 2. Sites with fragile and unique shoreline conditions, such as high-quality
33 wetlands and wildlife habitats, shall be used only for non-intensive
34 recreation activities such as trails, viewpoints, interpretive signage, and
35 similar passive and low-impact facilities that result in no net loss of

- 1 shoreline ecological function and do not require the construction and
2 placement of permanent structures.
- 3 3. Use of chemical fertilizers and pesticides should be avoided at recreational
4 developments in shoreline environments. New recreational developments
5 shall be designed to avoid their use. Where their use is required, such use
6 shall be minimized. Measures shall be taken to avoid pesticides and
7 fertilizers leaching into soils and nearshore hyporheic zones in shorelines.
8 The proponent shall specify the BMPs to be used to prevent these
9 applications and resultant leachate from entering adjacent waters.
- 10 4. Recreational developments shall be located and designed to preserve,
11 enhance, or create scenic views and vistas.
- 12 5. In approving shoreline recreational developments, the Shoreline
13 Administrator shall ensure that the development will maintain, enhance, or
14 restore desirable shoreline features including unique and fragile areas,
15 scenic views, and aesthetic values. The Shoreline Administrator may,
16 therefore, adjust or prescribe project dimensions, on-site location of
17 project components, intensity of use, screening, lighting, parking, and
18 setback requirements.
- 19 C. Signs indicating the public's right to access shoreline areas shall be installed and
20 maintained in conspicuous locations at all points of access.
- 21 D. Recreational developments shall provide facilities for non-motorized access to the
22 shoreline, such as pedestrian and bicycle paths and equestrian access, as
23 applicable. New motorized vehicle access shall be located and managed to
24 protect riparian, wetlands, and shrub steppe habitat functions and value.
- 25 E. Proposals for recreational developments shall include a landscape plan indicating
26 how self-sustaining native plant communities are incorporated into the proposal to
27 maintain ecological functions. The removal of on-site native vegetation shall be
28 limited to the minimum necessary for the development of permitted structures or
29 facilities and shall be consistent with provisions of SMP Section 3.05, Shoreline
30 Vegetation Conservation, and Section 5.00, Critical Areas.
- 31 F. Accessory uses and support facilities, such as maintenance facilities, utilities, and
32 other non-water-oriented uses, shall be consolidated and located in upland areas
33 outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and
34 uses are allowed in shoreline buffers based on the regulations of this SMP.
- 35 G. The placement of picnic tables, playground apparatus, and other similar minor
36 components within the floodways shall be permitted, provided such structures are
37 located and installed in such a manner as to prevent them from being swept away
38 during a flood event.

- 1 H. Recreational facilities shall make adequate provisions, such as screening,
2 landscaping buffer strips, fences, and signs, to prevent trespass upon adjacent
3 properties and to protect the value and enjoyment of adjacent or nearby private
4 properties and natural areas, as applicable.
- 5 I. Recreational facilities or structures are only allowed to be built over water when
6 they provide public access or facilitate a water-dependent use and shall be the
7 minimum size necessary to accommodate the permitted activity.
- 8 J. Recreational developments shall make adequate provisions for all of the following
9 items:
- 10 1. On-site and off-site access and, where appropriate, equestrian access
11 2. Appropriate water supply and waste disposal methods
12 3. Security and fire protection
- 13 K. Structures associated with recreational development shall not exceed 35 feet in
14 height, except when such structures document that the height beyond 35 feet will
15 not obstruct the view of a substantial number of adjoining residences, as noted in
16 SMP Section 3.02, Development Standards.
- 17 L. Recreational development shall minimize effective impervious surfaces in
18 shoreline jurisdiction and incorporate low-impact development techniques.
- 19 **Section 4.13 Residential Development**
- 20 A. Single-family residential development is a preferred use when it is developed in a
21 manner consistent with SMP provisions.
- 22 B. Residential development shall be located and constructed to result in no net loss
23 of shoreline ecological function.
- 24 C. Lots for residential use shall have a maximum density consistent with the local
25 government Comprehensive Plan and land use regulations. Lot density and
26 number for residential use may be further limited by other provisions, including
27 goals, policies, and use regulations of this SMP.
- 28 D. Accessory uses and structures shall be located outside of the riparian buffer,
29 unless the structure is or supports a water-dependent use. Storage structures to
30 support water-related uses are not water-dependent uses and, therefore, shall be
31 located outside of the riparian buffer.
- 32 E. All residential development shall be located or designed in such a manner as to
33 prevent measurable degradation of water quality from stormwater runoff.
34 Adequate mitigation measures shall be required and implemented where there is
35 the reasonable potential for such adverse effect on water quality.

- 1 F. New shoreline residences and appurtenant structures shall be sufficiently set back
2 from steep slopes and shorelines vulnerable to erosion so that structural
3 improvements, including bluff walls and other shoreline stabilization and
4 flood-control structures, are not necessary to protect proposed residences and
5 associated uses.
- 6 G. New floating residences and overwater residential structures are prohibited in
7 shoreline jurisdiction.
- 8 H. New multi-unit residential development, including duplexes, fourplexes, and the
9 subdivision of land into five or more lots, shall make adequate provisions for
10 public access consistent with the regulations set forth in SMP Section 3.07,
11 Public Access.
- 12 I. Fences associated with single-family residences and multi-family structures and
13 their appurtenances shall not obstruct existing visual access to shorelines from
14 public rights-of-way.
- 15 J. New residential development shall connect with sewer systems, when available.
- 16 K. All new residential development shall meet the vegetation management
17 provisions contained in SMP Section 3.05, Shoreline Vegetation Conservation,
18 and SMP Section 5.07, Fish and Wildlife Habitat Conservation Areas.
- 19 L. Residential development clustering may be required by the
20 Shoreline Administrator where appropriate to minimize ecological and visual
21 impacts on shorelines, including minimization of impacts on shoreline vegetation
22 consistent with SMP Section 3.05, Shoreline Vegetation Conservation.

23 **Section 4.14 Shoreline Habitat and Natural Systems Enhancement Projects**

- 24 A. Shoreline restoration and enhancement activities designed to restore or enhance
25 shoreline ecological functions and processes and/or shoreline features should be
26 targeted toward meeting the needs of sensitive and/or regionally important plant,
27 fish, and wildlife species and shall be given priority.
- 28 B. Shoreline ecological restoration, enhancement, and mitigation activities shall be
29 designed to facilitate recovery of sustainable ecosystems and natural processes
30 toward the objective of achieving no net loss of shoreline ecological functions.
- 31 C. Restoration activities shall be carried out in accordance with an approved
32 shoreline restoration plan required as an adjunct to this SMP, which will reference
33 applicable local, state and federal ecological restoration and habitat linkage plans,
34 and in accordance with the provisions of this SMP.
- 35 D. To the extent possible, restoration, enhancement, and mitigation activities shall be
36 integrated and coordinated with other parallel natural resource management
37 efforts, such as those identified in the shoreline restoration plan.

- 1 E. Habitat creation, expansion, restoration, and enhancement projects may be
2 permitted, subject to required state or federal permits, when the applicant has
3 demonstrated that the following requirements have been met:
- 4 1. The primary objective is clearly restoration or enhancement of the natural
5 character or ecological function of the shoreline.
 - 6 2. The project will not adversely impact spawning, nesting, or breeding in
7 Fish and Wildlife Habitat Conservation Areas.
 - 8 3. Upstream or downstream properties or Fish and Wildlife Habitat
9 Conservation Areas will not be adversely affected.
 - 10 4. Water quality will not be degraded.
 - 11 5. Flood storage and conveyance capacity will not be degraded.
 - 12 6. Impacts to critical areas and buffers will be avoided and where
13 unavoidable, minimized and mitigated.
 - 14 7. The project will not interfere with the normal public use of the shorelines
15 of the state.
 - 16 8. Stream and floodplain restoration projects shall be based on a watershed
17 scale, process-based analysis of fluvial geomorphology and hydrology.
 - 18 9. Stream and floodplain restoration projects shall be designed to restore
19 fluvial processes including sediment transport, recruitment and
20 distribution of woody debris, channel migration within identified CMZs,
21 and redevelopment or enhancement of native plant communities.
 - 22 10. Stream and floodplain restoration projects shall employ current best
23 technical and scientific design and practices.
- 24 F. The Shoreline Administrator shall review the projects for consistency with this
25 SMP in an expeditious manner and shall issue its decision along with any
26 conditions within 45 days of receiving all materials necessary to review the
27 request for exemption from the Substantial Development Permit submitted by the
28 applicant (see SMP Section 7.08, Exemptions from Shoreline Substantial
29 Development Permits).

30 **Section 4.15 Shoreline Stabilization**

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

- 1 B. New shoreline stabilization for new development is prohibited unless it can be
2 demonstrated that reasonable use of a lot or parcel legally created prior to the
3 effective date of this program is precluded without shore protection or is
4 necessary to restore ecological functions or hazardous substance remediation.
- 5 C. Proposed designs for new or expanded shoreline stabilization shall be designed
6 using biotechnical design approaches and techniques in accordance with
7 applicable state guidelines unless a qualified engineer and biotechnical bank
8 protection practitioner demonstrates that only conventional riprap or bulkheading
9 will stabilize the shoreline.
- 10 D. Shoreline stabilization must incorporate the most current scientific and technical
11 information available. They must demonstrate that future stabilization measures
12 would not be required on the project site or adjacent properties and must be
13 certified by a qualified professional.
- 14 E. Land subdivisions and lot line adjustments shall be designed to ensure that future
15 development of the newly created lots will not require structural stabilization for
16 subsequent development to occur.
- 17 F. New or expanded structural shoreline stabilization is prohibited except when
18 necessity is demonstrated consistent with the requirements of
19 WAC 173-26-231(3)(a)(iii). Necessity is demonstrated through conclusive
20 evidence documented by a geotechnical analysis that there is a significant
21 possibility that the structure will be damaged within 3 years as a result of
22 shoreline erosion caused by wind/wave action or other hydraulic forces and only
23 when significant adverse impacts are mitigated to ensure no net loss of shoreline
24 ecological functions and/or processes.
- 25 G. Replacement of an existing shoreline stabilization structure with a similar
26 structure is permitted if there is a demonstrated need to protect existing primary
27 uses, structures, or public facilities, including roads, bridges, railways, and
28 irrigation and utility systems from erosion caused by stream undercutting or wave
29 action. The existing shoreline stabilization structure will be removed from the
30 shoreline as part of the replacement activity. Replacement walls or bulkheads
31 shall not encroach waterward of the OHWM or existing structure unless the
32 facility was occupied prior to January 1, 1992, and there are overriding safety or
33 environmental concerns. Proposed designs for new or expanded shore
34 stabilization shall be in accordance with applicable state guidelines and certified
35 by a qualified professional.
- 36 H. Where a geotechnical analysis confirms a need to prevent potential damage to a
37 primary structure, but the need is not as immediate as 3 years, the analysis may
38 still be used to justify more immediate authorization for shoreline stabilization
39 using bioengineering approaches.

- 1 I. Shoreline stabilization projects that are part of a fish habitat enhancement project
2 meeting the criteria of RCW 77.55.181 will be authorized through a
3 Shoreline Exemption (see SMP Section 7.08). Stabilization projects that are not
4 part of such a fish enhancement project will be regulated by this SMP.
- 5 J. Small-scale shoreline stabilization projects (e.g., tree planting projects or other
6 minimally intrusive enhancements) shall be reviewed by a qualified professional
7 to ensure that the project has been designed using the most current scientific and
8 technical information available.
- 9 K. Large-scale or more complex shoreline stabilization projects (e.g., projects
10 requiring fill or excavation, placing objects in the water, or hardening the bank)
11 shall be designed by a qualified professional using the most current scientific and
12 technical information available. The applicant may be required to have a
13 qualified professional oversee construction or construct the project.
- 14 L. New stabilization structures, when found to be necessary, will implement the
15 following standards:
- 16 1. Limit the size of the project to the minimum amount necessary
- 17 2. Include measures to ensure no net loss of shoreline ecological functions
- 18 M. Use biotechnical bank stabilization techniques unless those are demonstrated to be
19 infeasible or ineffective before implementing “hard” structural stabilization
20 measures

21 **Section 4.16 Transportation—Trails, Roads, and Parking**

- 22 A. New or expanded motor vehicle and rail transportation facilities shall not be
23 located within shoreline jurisdiction unless at least one of the following
24 conditions applies:
- 25 1. The proponent demonstrates that no feasible upland alternatives exist.
- 26 2. The project represents the minimum development necessary to serve
27 another specific, localized, and permitted shoreline use.
- 28 3. In the case of a water crossing, the proponent demonstrates that the project
29 is necessary to further a substantial public interest.
- 30 B. When new roads or road expansions are unavoidable in shoreline jurisdiction,
31 proposed transportation facilities shall be planned, located, and designed to
32 achieve the following goals:
- 33 1. Meet mitigation sequencing provisions of SMP Section 3.04,
34 Environmental Protection

- 1 2. Avoid adverse impacts on existing or planned water-oriented uses
- 2 3. Set back from the OHWM to allow for a usable shoreline area for
- 3 vegetation conservation and any preferred shoreline uses unless infeasible
- 4 4. First avoid and then minimize grading, vegetation clearing, and alterations
- 5 of the natural topography
- 6 5. Use BMPs for preventing erosion and degradation of surface water quality
- 7 C. Improvements to existing motor vehicle and rail transportation facilities shall not
- 8 interfere with pedestrian and bicycle access and shall, whenever possible, provide
- 9 for expansion and enhancement of pedestrian and bicycle transportation facilities.
- 10 D. Transportation facilities and services for motor vehicles and rail shall utilize
- 11 existing transportation corridors whenever possible.
- 12 E. The development, improvement, and expansion of pedestrian and bicycle
- 13 transportation facilities are allowed within all environments except for natural
- 14 environment designation. Such transportation facilities are a preferred use
- 15 wherever they are compatible with the natural character, resources, and ecology
- 16 of the shoreline.
- 17 F. Pedestrian and bicycle transportation facilities shall be designed, located, and
- 18 constructed consistent with the policies and regulations for public access as
- 19 provided in SMP Section 3.07, Public Access. Linkage among shoreline parks,
- 20 recreation areas, and public access points are encouraged when feasible.
- 21 G. Parking facilities are not a water-dependent use and shall only be permitted in the
- 22 shoreline jurisdiction to support an authorized primary use where it can be
- 23 demonstrated to the satisfaction of the Shoreline Administrator that there are no
- 24 feasible alternative locations away from the shoreline. Accessory parking
- 25 facilities shall be subject to the same permit type as the primary use.
- 26 H. Accessory parking facilities shall be planned to avoid or minimize adverse effects
- 27 on unique or fragile shoreline features and shall not result in a net loss of
- 28 shoreline ecological functions or adversely affect existing or planned
- 29 water-dependent uses. Parking facilities shall be located upland of the principal
- 30 structure, building, or development they serve and preferably outside of shoreline
- 31 jurisdiction except in the following circumstances:
 - 32 1. Where the proponent demonstrates that an alternate location would reduce
 - 33 adverse impacts on the shoreline and adjacent uses
 - 34 2. Where another location is not feasible
 - 35 3. When ADA standards require otherwise

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

5 I. Parking facilities shall be landscaped in a manner to minimize adverse visual and
6 aesthetic impacts on adjacent shoreline and abutting properties.

7 J. All forms of transportation facilities shall, wherever feasible, consolidate water
8 crossings and make joint use of rights-of-way with existing or planned future
9 primary utility facilities and other transportation facility modalities.

10 K. Improvements to all existing transportation facilities shall provide for the
11 reestablishment and enhancement of natural vegetation along the shoreline when
12 appropriate.

13 L. If located in the side yard or waterward side of a structure, loading areas shall be
14 screened from view of pedestrians on either side of the waterway. The visual
15 screen shall be composed of a fence or wall with trees and shrubs consistent with
16 local landscape standards, as applicable.

17 M. Shoreline crossings and culverts shall be designed to minimize adverse impacts
18 on riparian and aquatic habitat and shall allow for fish passage. See SMP
19 Section 5, Fish and Wildlife Habitat Conservation Areas, for regulations
20 governing crossings of non-shoreline streams located in shoreline jurisdiction.

21 N. Trails shall be designed consistent with public access requirements in SMP
22 Section 3.07, Public Access.

23 **Section 4.17 Utilities**

24 A. The existing hydropower dam, just west of the City of Republic along Granite
25 Creek, is a permitted use in shoreline jurisdiction for power production and the
26 location of associated utilities to serve the facility.

27 B. Non-water-oriented utility production, processing, and transmission facilities are
28 permitted in shoreline jurisdiction only if no practical upland alternative or
29 location exists. New primary utility production and processing facilities or parts
30 of those facilities, such as power plants, solid waste storage, or disposal facilities
31 that are non-water-oriented, should not be permitted within shoreline jurisdiction
32 unless no other options are feasible.

33 C. The principal uses permitted by this Section include facilities within the
34 High Intensity designation and other facilities, including sewage collection,
35 holding, transfer and treatment pipelines, tanks, structures, containment facilities,
36 and buildings. Accessory facilities are also permitted, including, but not limited
37 to, the following items:

- 1 1. Plant monitoring and control facilities and on-site administrative offices
- 2 2. Plant access and logistical facilities such as storage areas and material
- 3 handling ramps and facilities, including utility delivery (electrical and
- 4 communication) facilities
- 5 3. Plant security and safety features such as fences and signage
- 6 4. Other accessory or auxiliary uses or features necessary to the effective and
- 7 efficient operation of the plant, which cannot feasibly be located outside
- 8 the shoreline jurisdiction
- 9 D. Expansion of existing primary utility facilities within shoreline jurisdiction must
- 10 demonstrate the following criteria:
 - 11 1. The expansion is designed to protect adjacent shorelands from erosion,
 - 12 pollution, or other environmentally detrimental factors during and after
 - 13 construction.
 - 14 2. The project is planned to fit existing natural topography as much as
 - 15 practical and avoid alteration of the existing natural environment.
 - 16 3. Debris, overburden, and other construction waste materials shall be
 - 17 disposed of so as to prevent erosion or pollution of a waterbody.
- 18 E. New primary utility facilities and expansions shall include provisions to control
- 19 the quantity and quality of surface water runoff to natural waterbodies, using
- 20 BMPs to retain natural flow rates. A maintenance program to ensure continued
- 21 proper functioning of such new facilities shall be required.
- 22 F. Applications for installation of utility facilities other than water-dependent
- 23 facilities within the High Intensity environment designation shall include all of
- 24 the following information (at a minimum):
 - 25 1. Reason why the utility facility must be in shoreline jurisdiction
 - 26 2. Alternative locations considered and reasons for their elimination
 - 27 3. Location of the same, similar, or other utility facilities in the vicinity of
 - 28 the proposed project
 - 29 4. Proposed method(s) of construction
 - 30 5. Plans for reclamation of areas to be disturbed during construction
 - 31 6. Landscape plans
 - 32 7. Methods to achieve no net loss of ecological function and minimize
 - 33 clearing of native vegetation

- 1 8. Consistency with Coalition’s plans for utilities, where such plans exist
- 2 G. Applications for installation of utility facilities shall include the following
- 3 information (at a minimum):
- 4 1. Proposed method(s) of construction
- 5 2. Plans for reclamation of areas to be disturbed during construction
- 6 3. Landscape plans
- 7 4. Methods to achieve no net loss of ecological function and minimize
- 8 clearing of native vegetation
- 9 H. Where feasible, utilities shall be consolidated within a single easement and utilize
- 10 existing rights-of-way. Any utility which must cross shoreline jurisdiction, shall
- 11 be designed and operated to reserve the option of general public recreational
- 12 usage of the right-of-way in the future. This option shall be exercised by the
- 13 public only when both of the following situations occur:
- 14 1. The public will not be exposed to dangers from the utility equipment.
- 15 2. The utility itself will not be subjected to unusual risks of damage by the
- 16 public.
- 17 I. In areas where utilities must cross shoreline jurisdiction, they shall do so by the
- 18 most direct route feasible, unless such a route would negatively affect an
- 19 environmentally critical area, obstruct public access to the shoreline, or interfere
- 20 with the navigability of a waterbody regulated by this SMP. See SMP Section 5,
- 21 Fish and Wildlife Habitat Conservation Areas, for regulations governing crossings
- 22 of non-shoreline streams located in shoreline jurisdiction.
- 23 J. Utility facilities shall be designed and located in a manner that protects scenic
- 24 views and minimizes adverse aesthetic impacts.
- 25 K. New utilities, which must be constructed across shoreline jurisdiction in
- 26 previously undisturbed areas, must submit a mitigation plan demonstrating the
- 27 restoration of the shoreline to at least its existing condition, to achieve no net loss
- 28 of ecological functions. Upon completion of utility installation or maintenance,
- 29 any disturbed areas shall be regraded to be compatible with the natural terrain of
- 30 the area and revegetated with appropriate native plants to prevent erosion.
- 31 L. Outside of the High Intensity environment designation, all underwater pipelines
- 32 or those paralleling the waterway transporting liquids potentially injurious to
- 33 aquatic life or water quality shall be prohibited, unless no other alternative exists
- 34 to serve a public interest. In those limited instances where permitted, shut-off
- 35 valves shall be provided at both sides of the waterbody except for public sanitary

- 1 sewers of a gravity or siphon nature. In all cases, no net loss of ecological
2 functions shall be maintained.
- 3 M. Where utilities cannot cross a shoreline waterbody via a bridge or other existing
4 water crossing, the utilities shall evaluate site-specific habitat conditions and
5 demonstrate whether impacts can be mitigated to negatively impact substrate or
6 whether utilities will need to be bored beneath the waterbody such that the
7 substrate is not disturbed. Construction of pipelines placed under aquatic areas
8 shall be placed in a sleeve to avoid the need for excavation in the event of a
9 failure in the future.
- 10 N. Minor trenching to allow the installation of necessary underground pipes or cables
11 is allowed if no alternative, including boring, is feasible, and if the following
12 criteria are met:
- 13 1. Impacts on fish and wildlife habitat are avoided to the maximum extent
14 possible.
- 15 2. The utility installation shall not increase or decrease the natural rate,
16 extent, or opportunity of channel migration.
- 17 3. Appropriate BMPs are employed to prevent water quality impacts or other
18 environmental degradation.
- 19 O. Utility installation and maintenance operations shall be conducted in a manner
20 that does not negatively affect surface water quality or quantity. Applications for
21 new utility projects in shoreline jurisdiction shall include a list of BMPs to protect
22 water quality.

Section 5.00: Critical Areas

- A. Critical areas within the shoreline jurisdiction of Ferry County Coalition shall be regulated in accordance with the following Sections of the Ferry County 2014 Critical Areas Ordinance (CAO) 2014-03 (or as amended), which is herein incorporated by reference into this SMP with the exception of the following Sections, as described:
1. CAO Section 1 – Authority. Excluded; replaced with SMP Section 5.01
 2. CAO Section 2 – Purpose. Excluded; replaced with SMP Section 5.01
 3. CAO Section 3 – Definitions. Excluded; Critical Areas-specific definitions are included in SMP Section 7.17
 4. CAO Section 4 – Critical Areas Defined. Excluded; replaced with SMP Section 5.01
 5. CAO Section 5 – Wetlands. Amended; see SMP Section 5.03
 6. CAO Section 6 – Aquifer Recharge Areas. Amended; see SMP Section 5.04
 7. CAO Section 7 – Frequently Flooded Areas. Amended; see SMP Section 5.05
 8. CAO Section 8 – Geologically Hazardous Areas. Amended; see SMP Section 5.06
 9. CAO Section 9 – Fish and Wildlife Habitat Conservation Areas. Amended. See SMP Section 5.07
 10. CAO Section 10 – Administration. All except CAO Section 10.16 excluded.
 - a. CAO Section 10.16 shall apply to shorelands as relevant.
- B. CAO amendments in this Section, as summarized SMP Section 5.00 (A), shall only apply to critical areas within shoreline jurisdiction. Critical areas outside of shoreline jurisdiction shall be governed by the provisions adopted in Ferry County 2014 CAO 2014-03 (or as amended) and the City of Republic CAO, Ordinance Number 92-11 (or as amended).

Section 5.01 General Provisions

- A. Purpose
1. The purpose of SMP Section 5, Critical Areas, is as follows:

- 1 a. Define, identify, and protect critical areas as required by the GMA
2 of 1990 (Chapter 17, Laws of 1990), or per EHB 1224 for opting
3 out of GMA, and the SMA (RCW 90.58) through the application
4 of the most current scientific and technical information available.
- 5 b. The Ferry County Coalition shall regulate in shoreline jurisdiction
6 all uses, activities, and development within, adjacent to, or likely to
7 affect one or more critical areas.
- 8 c. The critical area regulations shall apply in addition to other SMP
9 requirements as an overlay and in addition to land use and other
10 regulations adopted by the Ferry County Coalition.
- 11 B. Relationship to Other Regulations and Permits
- 12 1. Compliance with the provisions of this section does not constitute
13 compliance with other federal, state, and local regulations and permit
14 requirements that may be required (e.g., Shoreline Substantial
15 Development Permits, Hydraulic Project Approval permits, USACE
16 Section 404 permits, and National Pollutant Discharge Elimination System
17 permits). The applicant is responsible for complying with these
18 requirements apart from the SMP compliance process established in this
19 Section.
- 20 C. Jurisdiction. Critical Areas in Shoreline Jurisdiction
- 21 1. Critical areas regulated by this Section, as described in Ferry County
22 CAO, include the following areas:
- 23 a. Wetlands
- 24 b. Critical aquifer recharge areas
- 25 c. Frequently flooded areas
- 26 d. Geologically hazardous areas as designated
- 27 e. Fish and wildlife habitat conservation areas
- 28 2. All areas within the Ferry County Coalition's shoreline jurisdiction
29 meeting the definition of one or more critical area, regardless of any
30 formal identification, are hereby designated critical areas and are subject
31 to the provisions of this Section.
- 32 D. Protection of Critical Areas. Any action taken pursuant to Section 5, Critical
33 Areas, shall result in maintaining no net loss of ecological function of the critical
34 areas associated with the proposed action, as determined by the most current
35 scientific and technical information. All actions and developments shall be

1 designed and constructed in accordance with Mitigation Sequencing, per SMP
2 Section 3.04, Environmental Protection, to avoid, minimize, and restore all
3 adverse impacts. Applicants must first demonstrate an inability to avoid or reduce
4 impacts before restoration and compensation of impacts will be allowed.

5 E. Authorizations Required. Prior to fulfilling the requirements of this Section, the
6 Ferry County Coalition shall not grant any approval or permission of permits to
7 alter the condition of any land, water, or vegetation, or to construct or alter any
8 structure or improvement including, but not limited to, the following items:

9 1. Building Permit

10 2. Conditional Use Permit

11 3. Shoreline Conditional Use Permit

12 4. Shoreline Substantial Development Permit

13 5. Shoreline Variance

14 6. Binding Site Plan

15 7. Short Subdivision

16 8. Subdivision

17 9. Variance

18 10. Land Use Reclassification

19 11. Any other adopted permit or required approval not expressly exempted by
20 this Section.

21 F. Most Current Scientific and Technical Information

22 1. WAC 173.26.201(2)(a) requires the Ferry County Coalition to identify and
23 assemble the most current, accurate, and complete scientific and technical
24 information available regarding the development of policies related to
25 identification of and policies governing management recommendations for
26 critical areas.

27 2. Special reports, studies, surveys, mitigation and management plans, and
28 decisions to permit the alteration of critical areas within the shoreline
29 jurisdiction shall rely on the most current scientific and technical
30 information to ensure the protection of the ecological functions and values
31 of critical areas and must give special consideration to conservation or
32 protection measures necessary to preserve or enhance fish and their
33 habitat.

- 1 3. The most current scientific and technical information shall be consistent
2 with criteria established in WAC 173.26.201(2)(a) and may include the
3 following items:
- 4 a. Critical area maps included in the Ferry County Coalition’s
5 Comprehensive Plans
- 6 b. Maps and reference documents in the Ferry County Coalition’s
7 SMP Inventory, Analysis, and Characterization, and Report, as
8 applicable
- 9 c. Ferry County Coalition’s SMP Inventory, Analysis, and
10 Characterization Report Map Folio for wetland, soil, geology,
11 Priority Habitat Species, and water quality data sources
- 12 d. U.S. Geological Survey topographic quadrangle maps
- 13 e. DNR Geologic Hazard, Mine Hazard Area, and Water Type map
- 14 f. U.S. Bureau of Land Management Mine Hazard Area map
- 15 g. Aerial photographs
- 16 h. Soil Survey Ferry County, Washington, by the U.S. Department of
17 Agriculture (USDA), Soil Conservation Service
- 18 i. National Wetland Inventory maps
- 19 j. WDFW Priority Habitats and Species data and management
20 recommendations
- 21 4. The Critical Area Overlay Maps include all of the following:
- 22 a. FEMA 100-year flood map(s)
- 23 b. Geologically Hazardous Map(s)
- 24 c. Critical Aquifer Recharge Map(s) and CMZ areas
- 25 d. Wetland Map(s)
- 26 e. Other maps as appropriate
- 27 5. Applicability of reference maps: In some cases, the Critical Area Overlay
28 Maps identified herein display general locations and approximate
29 boundaries of potential critical areas. Further field determination and
30 analysis may be necessary for specific development proposals to establish
31 exact location, extent, and nature of critical areas. Fish and Wildlife

1 Conservation Areas are identified using the references, maps, and criteria
2 established in SMP 5.07, Fish and Wildlife Habitat Conservation Areas.

3 6. General and Critical Area Identification Review Process

4 a. The Shoreline Administrator shall follow the process outlined
5 below:

6 i. Verify the information submitted by the applicant for the
7 applicable permit. Evaluate the application for information
8 on whether or not critical areas are present in the project
9 area vicinity.

10 ii. Evaluate the project area and vicinity for critical areas. The
11 Shoreline Administrator shall, if he/she deems necessary,
12 conduct a site inspection to review critical area conditions
13 at the site. The Shoreline Administrator shall notify the
14 property owner of the inspection prior to the site visit.
15 Reasonable access to the site shall be provided by the
16 property owner for the purpose of inspections during any
17 proposal review, restoration, emergency action, or
18 monitoring period.

19 iii. Determine whether the proposed project is likely to impact
20 the functions or values of critical areas.

21 iv. Determine if the proposed project adequately addresses the
22 impacts and avoids impacts to the critical area associated
23 with the project.

24 b. The Shoreline Administrator will review each shoreline permit
25 application in accordance with this SMP and determine if the
26 provisions of this Section will be applied to the project. In making
27 the determination, the Shoreline Administrator may use any of the
28 most current scientific information and the Critical Area reference
29 maps and/or inventories identified in SMP Section 5.01 (C)(3) to
30 (4).

31 c. Minimum Standards. Any proposed activity shall be conditioned
32 as necessary to mitigate impacts to critical areas to ensure no net
33 loss of ecological function and conformity to the performance
34 standards required by this Section and SMP3.04, Environmental
35 Protection.

36 d. No Critical Areas Present

37 i. After evaluation of the application, project area, and
38 vicinity for critical areas according to the SMP

Sections 5.01.(A)(6)(a) and 5.01.(A)(6)(b), if the analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area, then the Shoreline Administrator shall rule that the critical area review is complete and note on the identification form the reasons that no further review is required. A summary of this information shall be included in any staff report or decision on the underlying permit.

- e. Critical Areas Present and Potential Impact Likely. If the Shoreline Administrator determines that the proposed project is within, adjacent to, or is likely to impact a critical area, the Shoreline Administrator shall:
 - i. Notify the applicant that a critical area study, SEPA checklist, or other applicable information must be submitted prior to further review of the project and indicate each of the critical area types that should be addressed.
 - ii. Require a critical area study or other applicable information, paid for by the applicant, and that has been prepared by a qualified professional. Additional information and requirements may be obtained within this SMP.
 - iii. Review and evaluate the Critical Area Report and other applicable information to determine whether the development proposal conforms to the purpose and performance standards of this SMP.
 - iv. Assess potential impacts to the critical area and determine if they are necessary and unavoidable.
 - v. Determine if any mitigation proposed by the applicant is sufficient to protect the critical area and meet the standards for no net loss of ecological functions and public health, safety, and welfare concerns.
 - vi. A summary of this analysis and the findings shall be included in any decision on the underlying permit(s). Critical area review findings may result in: no adverse impacts to critical area(s), a list of applicable critical area(s) protection conditions for the underlying permit(s), or denial of permit based upon impacts that cannot be adequately mitigated to critical area(s) ecological functions and values.

7. Critical Areas Report Requirements

- 1 a. Incorporating most current scientific and technical information.
2 The report shall use scientifically valid methods and studies in the
3 analysis of data and field reconnaissance and reference the source
4 of information used. The report shall evaluate the proposal and all
5 probable impacts to critical areas in accordance with the provisions
6 of this SMP.
- 7 b. Minimum report contents. At a minimum, the report shall contain
8 the following:
- 9 i. Resume of the principal author(s), which disclose(s) their
10 technical training and experience and demonstrates their
11 stature as a qualified professional; the study shall be
12 performed by a professional who is licensed or qualified as
13 an expert in the Critical Resources at issue.
- 14 ii. Identification and characterization of the Critical Area and
15 associated buffers.
- 16 iii. Assessment of any potential hazards associated with the
17 proposed development.
- 18 iv. Assessment of the impacts of the development proposal on
19 any Critical Area.
- 20 v. Mitigation plan which reduces impacts on the Critical
21 Area(s) to an insignificant level and specifies maintenance,
22 monitoring, and bonding measures (where necessary) per
23 Ferry County CAO
- 24 vi. Additional information and requirements that may be
25 required within each critical area subsection of this SMP.
- 26
- 27 8. Allowed Uses and Activities
- 28 a. Exempt activities under this Section shall avoid impacts to critical
29 areas and critical area buffers. Exempt activities shall use
30 reasonable methods (including BMPs) to avoid potential impacts to
31 critical areas. Being exempt from this Section does not give
32 permission to degrade a critical area or ignore risk from natural
33 hazards. Any incidental damage to, or alteration of, a critical area
34 that is not a necessary outcome of the exempted activity shall be
35 restored, rehabilitated, or replaced at the responsible party's
36 expense.

- 1 b. In addition to Section 7.08, Exemptions from Shoreline Substantial
2 Development Permits, the following situations are exemptions to
3 provisions of SMP Section 5.00, Critical Areas; however, the
4 listed exemptions may not be exempt from other state or federal
5 regulations or permit requirements.
- 6 i. Wetlands and Fish and Wildlife Habitat Conservation
7 Areas. Existing and ongoing agricultural activities include
8 ongoing vegetation management and other maintenance
9 activities, but do not include new activities that introduce
10 new adverse impacts to wetlands or other aquatic resources.
11 Conversion of wetlands that are not currently in agricultural
12 use, regardless of their wetlands rating, to a new
13 agricultural use should be subject to the same regulations
14 that govern new development.
- 15 ii. Existing and ongoing agricultural activities include ongoing
16 vegetation management and other maintenance activities,
17 but do not include new activities that introduce new
18 adverse impacts to fish and wildlife habitat conservation
19 areas.
- 20 iii. Existing and ongoing agricultural activities and related
21 development activities, provided no alteration of flood
22 storage capacity or conveyance, or increase in the extent or
23 nature of impact to a critical area or its buffer occurs,
24 beyond that which has occurred prior to the effective date
25 of this section.
- 26 iv. Passive recreational activities, including, but not limited to,
27 fishing, bird watching, boating, swimming, hiking, and use
28 of nature trails, provided the activity does not alter the
29 critical area or its buffer.
- 30 v. The harvesting of wild crops in a manner that is not
31 injurious to natural reproduction of such crops, provided
32 the harvesting does not require tilling soil, planting crops,
33 or changing existing topography, water conditions, or water
34 sources.
- 35 vi. Educational and scientific research, provided the activity
36 does not alter the critical area or its buffer.

1 **Section 5.02 General Mitigation Requirements**

- 2 A. General Mitigation Standards and the scope and content of the Mitigation Plan are
3 incorporated from the Ferry County CAO and CAO Appendix A (Habitat
4 Management and Mitigation Plan Contents).

5 **Section 5.03 Wetlands**

6 A. Purpose

- 7 1. The purpose of this Section is to promote public health and welfare by
8 instituting local measures to preserve naturally occurring wetlands that
9 exist in the Coalition's shoreline jurisdiction for their associated value.
10 These areas may serve a variety of vital functions, including, but not
11 limited to, flood storage and conveyance, water quality protection,
12 recharge and discharge areas for groundwater, erosion control, sediment
13 control, fish and wildlife habitat, recreation, education, and scientific
14 research.
- 15 2. This Section incorporates by reference Section 5 of the Ferry County
16 CAO, with the following amendments to CAO Section 5.03,
17 Classification; CAO Section 5.04 Delineation; CAO Section 5.05
18 Protective Buffer Zones; and CAO Section 5.11 Wetland Mitigation.

19 B. Classification

- 20 1. CAO Section 5.03 is incorporated by reference with the following
21 amendments:
- 22 a. Reference the following publication of the Washington State
23 Wetlands Rating System for Eastern Washington – Ecology
24 Publication #14-06-030 (October 2014), as amended.
- 25 b. Wetland category description per CAO Section 5.03 are adopted
26 with the following updates to the scoring numbers:
- 27 i. Category I – Wetlands scoring 22 points or more.
- 28 ii. Category II – Wetlands scoring between 19 and 21 points.
- 29 iii. Category III – Wetlands scoring between 16 and 18 points.
- 30 iv. Category IV – Wetlands scoring less than 16 points.

31 C. Delineation

- 32 1. CAO Section 5.04 is incorporated by reference with the following
33 amendment:

1 a. Identification of wetlands and delineation of their boundaries
 2 pursuant to this Section shall be done in accordance with the
 3 approved federal wetland delineation manual and applicable
 4 regional supplements (1987 Corps of Engineers Wetlands
 5 Delineation Manual and the Arid West Final Regional Supplement,
 6 last updated in 2008), or as amended. All areas within
 7 Ferry County shoreline jurisdiction meeting the wetland
 8 designation criteria in that procedure are hereby designated critical
 9 areas and are subject to the provisions of this Section.

10 D. Protective Buffer Zones

11 1. CAO Section 5.05 is incorporated by reference with the following
 12 amendments:

13 a. The Land Use Intensity Table 5.03(D)(1)(a) describes the types of
 14 proposed land use that can result in high, moderate, and low levels
 15 of impacts to adjacent wetlands.

16 **Table 5.03(D)(1)(a). Land Use Intensity Table**

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Designations
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (parcel less than 2.5 acres per one unit) • High-intensity recreation (e.g., golf courses and ball fields)
Moderate	<ul style="list-style-type: none"> • Residential (parcel equal to or greater than 2.5 acres per one unit) • Moderate-intensity open space (e.g., parks with biking and jogging) • Paved driveways and gravel driveways serving three or more residences • Paved trails
Low	<ul style="list-style-type: none"> • Low-intensity open space (e.g., hiking, bird-watching, and preservation of natural resources) • Timber management • Gravel driveways serving two or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

17

- 1 b. The wildlife habitat scoring for the Wetland Standard Buffer Table
 2 is amended as follows:
- 3 i. Low wildlife habitat: 3 to 4 points
- 4 ii. Moderate wildlife habitat: 5 to 7 point
- 5 iii. High wildlife habitat: 8 to 9 points

6 E. Wetland Mitigation Ratios

- 7 1. CAO Section 5.11 is incorporated by reference with the following
 8 amendments:
- 9 2. Acreage Replacement Ratios. The following ratios shall apply to creation
 10 or restoration that is in-kind, on-site, the same category, timed prior to or
 11 concurrent with alteration, and has a high probability of success. These
 12 ratios do not apply to remedial actions resulting from unauthorized
 13 alterations; greater ratios shall apply in those cases. These ratios do not
 14 apply to the use of credits from a state-certified wetland mitigation bank.
 15 When credits from a certified bank are used, replacement ratios should be
 16 consistent with the requirements of the bank’s certification. The first
 17 number specifies the acreage of replacement wetlands, and the second
 18 specifies the acreage of wetlands altered.

19 **Table 5.03(E)(1). Mitigation Ratios (for Eastern Washington)**

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ¹	Re-establishment or Creation and Rehabilitation ¹	Re-establishment or Creation and Enhancement ¹	Enhancement Only ¹
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
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 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

20 Notes:

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

28 E = Enhancement

29 R/C = Reestablishment or Creation

1 RH = Rehabilitation
2 Reference:
3 Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and
4 U.S. Environmental Protection Agency Region 10, March 2006. *Wetland Mitigation in Washington State*
5 *– Part 1: Agency Policies and Guidance (Version 1)*. Washington State Department of Ecology
6 Publication #06-06-011a. Olympia, Washington.
7

8 **Section 5.04 Aquifer Recharge Areas**

9 A. Purpose

- 10 1. The purpose and intent of this Section is to safeguard groundwater
11 resources within the shoreline jurisdiction from hazardous substance and
12 hazardous waste pollution by controlling or abating future pollution from
13 new land uses or activities.
- 14 2. This Section incorporates by reference Section 6 of the Ferry County
15 CAO, for aquifer recharge areas within the shoreline jurisdiction.

16 **Section 5.05 Frequently Flooded Areas**

17 A. Purpose

- 18 1. The purpose of this Section is to promote the public health, safety, and
19 welfare of the community by recognizing potential hazards that may be
20 caused by development in areas where severe flooding is anticipated to
21 occur. The intent of this section is to assist with minimizing public and
22 private losses due to flood hazards by avoiding development in frequently
23 flooded areas within the shoreline jurisdiction and implementing
24 protective measures contained in Ferry County Coalition's SMP and local
25 Flood Hazard Protection Ordinances, as updated.Designation
- 26 2. This Section additionally incorporates by reference Section 7 of the
27 Ferry County CAO, for frequently flooded areas within the shoreline
28 jurisdiction, with the following amendments to Section 7.04, Designation.

29 B. Designation

- 30 a. The area included as Frequently Flood Area are the areas within
31 the 100-year floodplain, or areas that have experienced historic
32 flooding, or CMZ identified through mapping developed as part of
33 the 2014 SMP update. The CMZ is considered to be that area of a
34 stream channel which may erode as a result of normal and
35 naturally occurring processes and has been mapped consistent with
36 WAC 173-26-221(3)(b).
- 37 b. CMZs located within the shoreline jurisdiction shall be regulated
38 consistent with provisions in SMP Section 3.08.

1 Section 5.06 Geologically Hazardous Areas

2 A. Purpose

- 3 1. The purpose of this Section is to reduce the threats to public health and
4 safety posed by geologic hazards within the shoreline jurisdiction. The
5 intent is to reduce incompatible development in areas of significant
6 geologic hazard. Development incompatible with geologic hazards may
7 not only place itself at risk but may also increase the hazards to
8 surrounding development. Some geologic hazards can be reduced or
9 mitigated by engineering, design, or modified construction or altering
10 mining practices so risks to health and safety are minimized. When
11 technology cannot reduce the risks to acceptable levels, development in
12 the hazard area is best to be avoided.
- 13 2. Additionally, this Section incorporates by reference Section 8 of the Ferry
14 County CAO, for geologically hazardous areas within the shoreline
15 jurisdiction.

16 Section 5.07 Fish and Wildlife Habitat Conservation Areas

17 A. Purpose

- 18 1. The purpose of this Section is to provide a framework to evaluate the
19 development, design, and location of structures to ensure critical fish and
20 wildlife habitat within the shoreline jurisdiction is preserved and
21 protected, in order to ensure no net loss of ecological function and avoid
22 habitat fragmentation. These regulations seek to protect critical habitat
23 areas so populations of endangered, threatened, and sensitive species are
24 given consideration during the shoreline development review process.

25 B. Classification

- 26 1. This Section additionally incorporates by reference Section 9 of the
27 Ferry County CAO, for fish and wildlife habitat conservation areas within
28 the shoreline jurisdictions, with the following amendments to Section
29 9.01, Classification
- 30 2. Riparian Habitat Areas. For the protection of habitat along rivers, streams,
31 and lakes, the buffer widths for shrub-steppe habitat as provided in
32 Table 3.02 (B) are applicable to the following reaches:
- 33 a. Columbia River/Lake Roosevelt – Subreach 3c and Reach 4
- 34 b. Sanpoil River Reach 6
- 35 i. Western (right) bank: From alternate Keller Ferry landing
36 on Sanpoil River to mouth

1 Section 6.00: Existing Uses, Structures, and Lots

2 Section 6.01 Applicability

3 A. All nonconformances in shoreline jurisdiction shall be subject to the provisions of
4 this Section. For nonconformance of use, structures, and lots within shoreline
5 critical areas, SMP Section 5.00, Critical Areas, applies. When there is a conflict
6 between this Section and the Critical Area Section as applicable to critical areas,
7 the more restrictive standards shall apply.

8 B. The provisions of this chapter do not supersede or relieve a property owner from
9 compliance with the following guidelines:

10 1. The requirements of the International Building and Fire Codes

11 2. The provisions of this SMP beyond the specific nonconformance
12 addressed by this chapter

13 C. A change in the required permit review process (e.g., Shoreline Substantial
14 Development Permit versus a Shoreline Conditional Use Permit) shall not create a
15 nonconformance.

16 D. Any nonconformance that is brought into conformance for any period of time
17 shall forfeit status as nonconformance, except as specified in SMP Section 6.02,
18 Nonconforming Uses.

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

22 1. Local agency permit

23 2. Orthophotograph, aerial photograph, or planimetric mapping recognized
24 as legitimate by the agency

25 3. Tax record

26 Section 6.02 Nonconforming Uses

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

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

- 1 permissible, provided that a nonconforming use may be enlarged,
 2 increased, or extended in conformance with applicable bulk and
 3 dimensional standards of this SMP upon approval of a Shoreline
 4 Conditional Use Permit.
- 5 2. No nonconforming use shall be moved in whole or in part to any other
 6 portion of the lot that contains the nonconforming use.
- 7 3. If any nonconforming use of land ceases for any reason for a period of
 8 1 year, or 12 months during a 2-year period, any subsequent use of such
 9 land shall conform to the regulations specified by this SMP for the use
 10 environment in which such land is located.
- 11 4. A structure, which is being or has been used for a nonconforming use,
 12 may be used for a different nonconforming use only upon a finding that all
 13 of the following criteria are met:
- 14 a. No reasonable alternative conforming use is practical.
- 15 b. The proposed use is equally or more appropriate to the shoreline
 16 environment than the existing nonconforming use and is at least as
 17 consistent with the policies and provisions of the act and this SMP.
- 18 c. Such a change of use shall be subject to a Shoreline Conditional
 19 Use Permit approval. Conditions may be attached to the permit as
 20 are deemed necessary to ensure compliance with the requirements
 21 of this SMP and the SMA and to ensure that the use will not
 22 become a nuisance or a hazard.

23 **Section 6.03 Nonconforming Structures**

- 24 A. If, at the effective date of this SMP or any amendment thereto, a legally
 25 established structure or other improvement exists, which is made no longer
 26 permissible under the terms of this SMP or amendment thereto, such structure or
 27 other improvement may be continued as a nonconforming structure or other
 28 improvement so long as it remains otherwise lawful, subject to the following
 29 conditions:
- 30 1. No nonconforming structure or other improvement shall be altered or
 31 changed in a way which increases its nonconformity except as allowed in
 32 SMP Section 6.03(A)(2).
- 33 2. Expansions of structures that are nonconforming with respect to a required
 34 shoreline buffer must meet the following criteria:
- 35 a. May not encroach any farther waterward into the required
 36 shoreline buffer.

- 1 b. Expansions parallel to or landward of shoreline may be allowed in
2 the buffer, provided that said enlargement does not increase the
3 extent of other applicable bulk and dimension standard
4 nonconformities by farther encroaching upon or extending into
5 areas where construction or use would not be allowed for new
6 development or uses. Parallel or landward expansion within the
7 shoreline buffer shall restore a portion of the shoreline buffer with
8 riparian vegetation at a 1:1 area ratio to offset the potential adverse
9 impact. When expansions occur upland of an existing levee or
10 other structure that provides an ecological break in buffer
11 functions, the applicant's critical areas report may justify a smaller
12 ratio, provided that the study demonstrates no net loss of
13 ecological functions.
- 14 3. All expansion, extension, maintenance, or repair activities of
15 nonconforming structures or improvements, except for SMP Section
16 6.03(A)(4), shall be consistent with all other provisions of this SMP,
17 provided that such activities do not increase the size of the structure by
18 more than 1,000 square feet over the existing area before the adoption of
19 the ordinance.
- 20 4. Nonconforming single-family residences that are located landward of the
21 OHWM may be enlarged or expanded in conformance with applicable
22 bulk and dimensional standards by the addition of space to the main
23 structure or by the addition of normal appurtenances as defined in SMP
24 Section 6.03(E) upon approval of a conditional use permit.
- 25 5. When damaged, a nonconforming structure may be restored to the
26 configuration existing immediately prior to the time that the structure was
27 damaged, provided that the following criteria are met:
- 28 a. The structure is damaged to an extent not exceeding 75% of the
29 replacement cost of the original development.
- 30 b. The applicant applies for permits needed to restore the
31 development within 1 year of the date the damage occurred.
- 32 c. All permits are obtained, and restoration is completed within
33 24 months of permit issuance.
- 34 d. The degree of the nonconforming use, building, or structure is not
35 increased.
- 36 6. Nothing in this Section will prohibit vertical expansion up to the height
37 allowed in the applicable use environment, provided all other applicable
38 requirements of the local development regulations are met.

-
- 1 7. Upkeep, repairs, and maintenance of a nonconforming structure or other
2 improvement shall be permitted.
- 3 B. Should such structure or other improvement be moved for any reason and for any
4 distance, it shall thereafter conform to the regulations for the use environment in
5 which it is located. Conformance shall be required when one of the following
6 situations occurs:
- 7 1. A change of use is proposed.
- 8 2. The use is terminated or discontinued for more than 1 year, or the
9 structure(s) that houses the use is vacated for more than 1 year.
- 10 3. The structure(s) or activity that occurs on the land in which the use is
11 conducted is proposed for relocation.
- 12 C. Residential structures and appurtenant structures that were legally established and
13 are used for a conforming use, but that do not meet standards for the following
14 shall be considered a conforming structure: setbacks, buffers, or yards; area; bulk;
15 height; or density.
- 16 D. For purposes of this Section, “appurtenant structures” refer to garages, sheds, and
17 other legally established structures. Appurtenant structures do not include
18 bulkheads and other shoreline modifications or overwater structures. For
19 purposes of this Section, “single-family residence” means a detached dwelling
20 designed for and occupied by one family, including those structures and
21 developments within a contiguous ownership which are a normal appurtenance.

1 Section 7.00: Administration and Enforcements

2 Section 7.01 Roles and Responsibilities

3 A. Shoreline Administrator

- 4 1. The Planning Director for the individual members of the Coalition or
5 his/her designee shall serve as the Shoreline Administrator. The Shoreline
6 Administrator shall issue written Shoreline Exemptions as appropriate
7 and, in the case of a Shoreline Substantial Development Permit, grant or
8 deny the permit. The Shoreline Administrator shall administer the
9 shoreline permit and notification systems and shall be responsible for
10 coordinating the administration of shoreline regulations with the Coalition
11 member's land use enforcement, building permits, and all other
12 regulations regarding land use and development.
- 13 2. The Shoreline Administrator shall be familiar with regulatory measures
14 pertaining to shorelines and their use, and, within the limits of his or her
15 authority, shall cooperate in the administration of these measures. Permits
16 issued under the provisions of this shoreline regulation shall be
17 coordinated with other applicable land use and development regulatory
18 measures of the Coalition member. The Shoreline Administrator shall
19 establish procedures that advise all parties seeking building permits or
20 other development authorization of the need to consider possible shoreline
21 applications. It is the intent of the Coalition, consistent with its regulatory
22 obligations, to simplify and facilitate the processing of Shoreline
23 Substantial Development Permits.
- 24 3. The Shoreline Administrator shall ensure that proposed regulatory or
25 administrative actions shall be liberally construed in accordance with SMP
26 Section 1.05.
- 27 4. The Shoreline Administrator shall ensure that proposed regulatory or
28 administrative actions do not unconstitutionally infringe upon private
29 property rights. Shoreline goals and policies should be pursued through
30 the regulation of development of private property only to an extent that is
31 consistent with all relevant constitutional and other legal limitations
32 (where applicable, statutory limitations such as those contained in chapter
33 82.02 RCW and RCW 43.21C.060) on the regulation of private property.
- 34 5. The Shoreline Administrator shall apply SMP Section 5.01, General
35 Provisions, for shoreline critical areas.

36 B. Planning Commission

- 37 1. Ferry County

1 the SMP Guidelines, or this SMP to ensure that any are consistent with the
2 purpose and intent of RCW 90.58 and 173-26 WAC.

3 **Section 7.03 Statutory Noticing Requirements**

- 4 A. At a minimum, the Shoreline Administrator shall provide notice in accordance
5 with WAC 173.27-110 and may provide for additional noticing requirements.

6 **Section 7.04 Application Requirements**

- 7 A. A complete application for a Shoreline Substantial Development, Shoreline
8 Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the
9 information listed in WAC 173-27-180.
- 10 B. The Shoreline Administrator shall provide written informational materials,
11 procedures, instructions, and forms required to submit an application for a
12 Shoreline Substantial Development Permit, Variance Permit, or Conditional Use
13 Permit.
- 14 C. These materials should include a plan coversheet; a Joint Aquatic Resource
15 Permits Application (JARPA) form; SEPA checklist; fee schedule; review
16 criteria; and the process and timelines to assist potential applicants and interested
17 parties on the permit application submittal and review process.
- 18 D. The Shoreline Administrator may vary or waive these requirements according to
19 administrative application requirements on a case-by-case basis.
- 20 E. The Shoreline Administrator may require additional specific information
21 depending on the nature of the proposal and the presence of sensitive ecological
22 features or issues related to compliance with other applicable requirements and
23 the provisions of this SMP.

24 **Section 7.05 Shoreline Substantial Development Permits**

- 25 A. A Shoreline Substantial Development Permit shall be required for all
26 development on shorelines, unless the proposal is specifically exempted from the
27 requirement for this permit as set forth in SMP Section 7.08. Shoreline
28 Substantial Development permits shall be processed as an administrative permit.
- 29 B. The Shoreline Administrator shall review Substantial Development Permit
30 applications, as required in SMP Section 7.04, and approve or deny the permit.
- 31 C. The Shoreline Administrator shall provide notice in accordance with
32 WAC 173.27-110 and may provide additional notice, according to the Coalition
33 member's noticing requirements.
- 34 D. A Shoreline Substantial Development Permit shall be granted only when the
35 development proposed is consistent with all of the following documents:

- 1 1. The policies and procedures of the Act, RCW 90.58
- 2 2. The applicable provisions of WAC 173-27
- 3 3. This SMP
- 4 E. The Shoreline Administrator may attach conditions to the approval of permits as
5 necessary to ensure consistency of the project with the SMA and this SMP.
- 6 F. Nothing shall interfere with the Coalition's ability to require compliance with all
7 other applicable plans and laws.
- 8 **Section 7.06 Shoreline Conditional Use Permits**
- 9 A. Uses specifically classified or set forth in this SMP as conditional uses shall be
10 subject to review and condition by the Shoreline Administrator and by Ecology.
- 11 1. For Ferry County, applications for a Shoreline Conditional Use Permit
12 shall be processed by the Shoreline Administrator and approved by the
13 Planning Commission.
- 14 2. For the City of Republic, Shoreline Conditional Use Permit shall be
15 processed with a Type III permit pursuant to Section 17.04.020 of the City
16 of Republic Code.
- 17 B. Other uses which are not classified or listed or set forth in this SMP may be
18 authorized as conditional uses, provided the applicant can demonstrate
19 consistency with the requirements of this Section and the requirements for
20 conditional uses contained in this SMP.
- 21 C. Uses which are specifically prohibited by this SMP per SMP Table Section
22 3.01(B), may not be authorized as a conditional use.
- 23 D. Review Criteria for Conditional Uses. Uses which are classified or set forth in the
24 applicable master program as conditional uses may be authorized provided that
25 the applicant demonstrates all of the following criteria:
- 26 1. The proposed use is consistent with the policies of RCW 90.58.020 and
27 the SMP
- 28 2. The proposed use will not interfere with the normal public use of public
29 shoreline.
- 30 3. The proposed use of the site and design of the project is compatible with
31 other authorized uses within the area and with uses planned for the area
32 under the comprehensive plan and SMP.

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

3 5. The public interest suffers no substantial detrimental effect.

4 E. In the granting of all conditional use permits, consideration shall be given to the
 5 cumulative impact of additional requests for like actions in the area. For example,
 6 if conditional use permits were granted for other developments in the area where
 7 similar circumstances exist, the total of the conditional uses shall also remain
 8 consistent with the policies of RCW 90.58.020 and shall not produce substantial
 9 adverse effects to the shoreline environment.

10 F. In authorizing a conditional use, special conditions may be attached to the permit
 11 by the applicable Coalition member or Ecology to prevent undesirable effects of
 12 the proposed use and/or to ensure consistency of the project with the SMA and
 13 this SMP. See SMP Section 7.10 and SMP Section 7.11 for application and
 14 review process.

15 G. Nothing shall interfere with the Coalition’s ability to require compliance with all
 16 other applicable plans and laws.

17 **Section 7.07 Shoreline Variance Permits**

18 A. The purpose of a variance is to grant relief to specific bulk or dimensional
 19 requirements set forth in this SMP where there are extraordinary or unique
 20 circumstances relating to the property such that the strict implementation of this
 21 SMP would impose unnecessary hardships on the applicant or thwart the policies
 22 set forth in RCW 90.58.020. Variances from the use regulations of this SMP are
 23 prohibited. Applications for Shoreline Variance Permits shall be processed
 24 pursuant to the following:

25 1. Ferry County

26 a. SMP Section 7.01, Roles and Responsibilities, and Section 12.03,
 27 as provided in the County Development Regulations Ordinance.

28 2. City of Republic

29 a. For the City of Republic, Shoreline Variance Permits shall also be
 30 processed pursuant to SMP Section 7.01, Roles and
 31 Responsibilities, and with a Type III Permit pursuant to
 32 Sections 17.04.020 and 18.04.360 of the City of Republic Code.

33 B. Review Criteria

34 1. Variance Permits should be granted in circumstances where denial of the
 35 permit would result in a thwarting of the policy enumerated in
 36 RCW 90.58.020. In all instances the applicant must demonstrate that

1 extraordinary circumstances shall be shown and the public interest shall
2 suffer no substantial detrimental effect.

- 3 2. Variance Permits for development and/or uses that will be located
4 landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or
5 landward of any wetland, as defined in RCW 90.58.030(2)(h), may be
6 authorized provided the applicant can demonstrate all of the following
7 criteria:
- 8 a. The strict application of the bulk, dimensional, or performance
9 standards set forth in this SMP precludes, or significantly interferes
10 with, reasonable use of the property.
- 11 b. The hardship described in SMP Section 7.07(B)(2)(a) of this
12 subsection is specifically related to the property and is the result of
13 unique conditions, such as irregular lot shape, size, or natural
14 features and the application of this SMP, and not, for example,
15 from deed restrictions or the applicant's own action.
- 16 c. The design of the project is compatible with other authorized uses
17 within the area and with uses planned for the area under the
18 comprehensive plan and SMP and will not cause adverse impacts
19 on the shoreline environment.
- 20 d. The variance will not constitute a grant of special privilege not
21 enjoyed by the other properties in the area.
- 22 e. The variance requested is the minimum necessary to afford relief.
- 23 f. The public interest will suffer no substantial detrimental effect.
- 24 3. Variance Permits for development and/or uses that will be located
25 waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within
26 any wetland, as defined in RCW 90.58.030(2)(h), may be authorized
27 provided the applicant can demonstrate that all of the following criteria are
28 met:
- 29 a. The strict application of the bulk, dimensional, or performance
30 standards set forth in the applicable SMP precludes all reasonable
31 use of the property.
- 32 b. The proposal can meet the criteria established under SMP Section
33 7.07(B)(2).
- 34 c. The public rights of navigation and use of the shorelines will not
35 be adversely affected.

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

7 **Section 7.08 Exemptions from Shoreline Substantial Development Permits**

8 A. An exemption from the Shoreline Substantial Development Permit process is not
9 an exemption from compliance with the SMA or this SMP or from any other
10 regulatory requirements. All proposed uses, activities, or development occurring
11 within shoreline jurisdiction must conform to the intent and requirements of
12 RCW 90.58, the SMA, and this SMP, whether or not a permit or other form of
13 authorization is required.

14 B. Letters of exemption shall be issued by the Shoreline Administrator when an
15 exemption applies or when a letter of exemption is required by the provisions of
16 WAC 173-27-050 and as follows:

17 1. Any person claiming exemption from the Substantial Development Permit
18 requirements shall make an application to the Shoreline Administrator for
19 such an exemption in the manner prescribed by the Shoreline
20 Administrator, except that no written statement of exemption is required
21 for emergency development pursuant to WAC 173-27-040(2)(d).

22 2. The Shoreline Administrator is authorized to grant or deny requests for
23 statements of exemption from the Shoreline Substantial Development
24 Permit requirement for uses and developments within shorelines that are
25 specifically listed in SMP Section 7.08(D). The statement shall be in
26 writing and shall indicate the specific exemption of this SMP that is being
27 applied to the development and shall provide a summary of the Shoreline
28 Administrator's analysis of the consistency of the project with this SMP
29 and the SMA. The letter shall be sent to the applicant and maintained on
30 file in the offices of the Shoreline Administrator.

31 3. Statements of exemption may contain conditions and/or mitigating
32 measures of approval to achieve consistency and compliance with the
33 provisions of this SMP and the SMA.

34 4. A denial of an exemption shall be in writing and shall identify the
35 reason(s) for the denial. The Shoreline Administrator's decision may be
36 appealed pursuant to SMP Section 7.12, Appeals.

37 5. Exempt activities requiring a JARPA shall not be conducted until a
38 statement of exemption has been obtained from the Shoreline
39 Administrator.

1 C. Interpretations of exemptions

- 2 1. Exemptions shall be construed narrowly. Only those developments that
3 meet the precise terms of one or more of the listed exemptions may be
4 granted exemption from the Shoreline Substantial Development Permit
5 process.
- 6 2. A development or use that is listed as a conditional use pursuant to this
7 SMP, or is an unlisted use, must obtain a Shoreline Conditional Use
8 Permit even though the development or use does not require a Shoreline
9 Substantial Development Permit. When a development or use is proposed
10 that does not comply with the bulk, dimensional, and performance
11 standards of this SMP, such development or use can only be authorized by
12 approval of a Shoreline Variance.
- 13 3. The burden of proof that a development or use is exempt from the permit
14 process is on the applicant.
- 15 4. If any part of a proposed development is not eligible for exemption, then a
16 Shoreline Substantial Development Permit is required for the entire
17 proposed development project.
- 18 5. The Shoreline Administrator may attach conditions to the approval of
19 exempted developments and/or uses as necessary to ensure consistency of
20 the project with the SMA and this SMP. Additionally, nothing shall
21 interfere with each responsible local government's ability to require
22 compliance with all other applicable laws and plans.

23 D. The Coalition shall exempt from the Shoreline Substantial Development Permit
24 requirement the following shoreline developments:

- 25 1. Any development of which the total cost or fair market value does not
26 exceed \$6,416 or as adjusted by the State Office of Financial
27 Management, if such development does not materially interfere with the
28 normal public use of the water or shorelines of the state. For purposes of
29 determining whether or not a permit is required, the total cost or fair
30 market value shall be based on the value of development that is occurring
31 on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total
32 cost or fair market value of the development shall include the fair market
33 value of any donated, contributed, or found labor, as well as equipment or
34 materials.
- 35 2. Normal maintenance or repair of existing legally established structures or
36 developments, including damage by accident, fire, or elements.
37 Replacement of a structure or development may be authorized as repair
38 where such replacement is the common method of repair for the type of
39 structure or development; the replacement structure or development is
40 comparable to the original structure or development, including, but not

1 limited to, its size, shape, configuration, location, and external appearance;
2 and the replacement does not cause substantial adverse effects to shoreline
3 resources or environment.

4 3. Construction of a normal protective bulkhead common to single-family
5 residences. A “normal protective” bulkhead includes those structural and
6 non-structural developments installed at or near, and parallel to, the
7 OHWM for the sole purpose of protecting an existing single-family
8 residence and appurtenant structures from loss or damage by erosion. A
9 normal protective bulkhead is not exempt if constructed for the purpose of
10 creating dry land. When a vertical or near vertical wall is being
11 constructed or reconstructed, not more than 1 cubic yard of fill per one
12 1 foot of wall may be used as backfill. When an existing bulkhead is
13 being repaired by construction of a vertical wall fronting the existing wall,
14 it shall be constructed no farther waterward of the existing bulkhead than
15 is necessary for construction of new footings. When a bulkhead has
16 deteriorated such that an OHWM has been established by the presence and
17 action of water landward of the bulkhead, then the replacement bulkhead
18 must be located at or near the actual OHWM. Bioengineered
19 erosion-control projects may be considered a normal protective bulkhead
20 when any structural elements are consistent with the requirements of this
21 section and when the project has been approved by WDFW.

22 4. Emergency construction necessary to protect property from damage by the
23 elements. An “emergency” is an unanticipated and imminent threat to
24 public health, safety, or the environment that requires immediate action
25 within a time too short to allow full compliance with this chapter.
26 Emergency construction does not include development of new permanent
27 protective structures where none previously existed. Where new
28 protective structures are deemed by the Shoreline Administrator to be the
29 appropriate means to address the emergency situation, and upon abatement
30 of the emergency situation, the new structure shall be removed or any
31 permit that would have been required, absent an emergency, pursuant to
32 RCW 90.58, these regulations, or this SMP, shall be obtained. All
33 emergency construction shall be consistent with the policies and
34 requirements of this chapter, RCW 90.58, and this SMP. As a general
35 matter, flooding or other seasonal events that can be anticipated and may
36 occur but that are not imminent are not an emergency.

37 a. The following criteria shall exist to qualify any action under an
38 emergency provision:

39 i. There must be an immediate threat to life, or public or
40 private property, or an immediate threat of serious
41 environmental degradation arising from a natural condition,
42 or non-natural accident or incident.

- 1 ii. The emergency response shall be confined to the action
2 necessary to protect life or property from damage.
- 3 iii. The scope of the emergency response must be limited to the
4 work necessary to relieve the immediate threat.
- 5 iv. The emergency response applies only to the period of time
6 in which the actual emergency exists.
- 7 b. Once the emergency is abated or dissipated as deemed by
8 jurisdictional authorities, compliance with the requirements of this
9 chapter is required.
- 10 c. Emergency actions shall use reasonable methods that minimize the
11 impact to critical areas and their buffers. Persons who take
12 emergency action shall notify the Shoreline Administrator within
13 1 working day following commencement of the emergency
14 activity. Following such notification, the Shoreline Administrator
15 shall determine if the action taken was within the scope and
16 definition of emergency actions as defined above. If the
17 Shoreline Administrator determines that the action taken or any
18 part of the action taken was beyond the scope and definition of
19 allowed emergency actions, then the enforcement provisions of
20 SMP Section 7.14, Enforcement, shall apply.
- 21 5. Construction and practices normal or necessary for farming, irrigation, and
22 ranching activities, including agricultural service roads and utilities on
23 shorelands and the construction and maintenance of irrigation structures
24 including, but not limited to, head gates, pumping facilities, and irrigation
25 channels. A feedlot of any size, all processing plants, other activities of a
26 commercial nature, and alteration of the contour of the shorelands by
27 leveling or filling, other than that which results from normal cultivation,
28 shall not be considered normal or necessary farming or ranching activities.
- 29 6. Construction or modification of navigational aids such as channel markers
30 and anchor buoys.
- 31 7. Construction on shorelands by an owner, lessee, or contract purchaser of a
32 single-family residence or appurtenance for their own use or for the use of
33 their family, which does not exceed a height of 35 feet above average
34 grade level and meets all requirements of the applicable Coalition
35 member, other than requirements imposed pursuant to RCW 90.58.
36 Construction authorized under this exemption shall be located landward of
37 the OHWM.
- 38 8. Construction of a dock, including a community dock designed for pleasure
39 craft only and for the private non-commercial use of the owner, lessee, or
40 contract purchaser of a single-family or multiple-family residence. This

- 1 exception applies when the fair market value of the dock does not exceed
 2 \$10,000, but if subsequent construction having a fair market value
 3 exceeding \$2,500.00 occurs within 5 years of completion of the prior
 4 construction, the subsequent construction shall be considered a substantial
 5 development for the purpose of this chapter.
- 6 9. Operation, maintenance, repair, or construction of canals, waterways,
 7 drains, reservoirs, or other facilities that now exist or are hereafter created
 8 or developed as a part of an irrigation system for the primary purpose of
 9 making use of system waters, including return flow and artificially stored
 10 groundwater from the irrigation of lands.
- 11 10. The marking of property lines or corners on state-owned lands, when such
 12 marking does not significantly interfere with normal public use of the
 13 surface of the water.
- 14 11. Operation and maintenance of existing and future system of dikes, drains,
 15 or other facilities existing on September 8, 1975 (where water is being
 16 drained from irrigation runoff or shallow groundwater levels artificially
 17 recharged through irrigation), which are created, developed, or utilized
 18 primarily as a part of an agricultural drainage or diking system.
- 19 12. Any project with a certification from the governor pursuant to RCW 80.50
 20 (certification from the State of Washington Energy Facility Site
 21 Evaluation Council).
- 22 13. Site exploration and investigation activities that are prerequisite to
 23 preparation of an application for development authorization under this
 24 chapter, if the following requirements are met:
- 25 a. The activity does not interfere with the normal public use of
 26 surface waters.
- 27 b. The activity will have no significant adverse impact on the
 28 environment, including, but not limited to, fish, wildlife, fish or
 29 wildlife habitat, water quality, and aesthetic values.
- 30 c. The activity does not involve the installation of any structure and,
 31 upon completion of the activity, the vegetation and land
 32 configuration of the site are restored to conditions existing before
 33 the activity.
- 34 d. A private entity seeking development authorization under this
 35 Section first posts a performance bond or provides other evidence
 36 of financial responsibility to the local jurisdiction to ensure that the
 37 site is restored to preexisting conditions.

- 1 14. The process of removing or controlling aquatic noxious weeds, as defined
2 in RCW 17.26.020, through the use of an herbicide or other treatment
3 methods applicable to weed control published by the Departments of
4 Agriculture or Ecology jointly with other state agencies under
5 RCW 43.21C.
- 6 15. Watershed restoration projects as defined in RCW 89.08.460.
- 7 16. A public or private project that is designed to improve fish or wildlife
8 habitat or fish passage when all of the following conditions apply:
- 9 a. The project has been approved by WDFW.
- 10 b. The project has received HPA by WDFW pursuant to RCW 77.55.
- 11 c. The Shoreline Administrator has determined that the project is
12 substantially consistent with the local SMP. The
13 Shoreline Administrator shall make such determination in a timely
14 manner and provide it by letter to the applicant.
- 15 d. Fish habitat enhancement projects that conform to the provisions
16 of RCW 77.55.181 are determined to be consistent with local
17 SMPs.
- 18 17. Any person conducting a remedial action at a facility pursuant to a consent
19 decree, order, or agreed order issued pursuant to RCW 70.105D or to
20 Ecology when it conducts a remedial action under RCW 70.105D.
- 21 18. Other than conversions to non-forest land use, forest practices regulated
22 under RCW 76.09 are not subject to additional regulations under the SMA
23 or this SMP (RCW 90.58.030(2)(d)(ii)).

24 **Section 7.09 Duration of Permits**

- 25 A. The duration of permits shall be consistent with WAC 173-27-090 as follows:
- 26 1. Construction activities shall be commenced, or where no construction
27 activities are involved, the use or activity shall be commenced within
28 2 years of the effective date of a substantial development permit. The
29 applicable Coalition member may authorize a single extension for a period
30 not to exceed 1 year based on reasonable factors if a request for extension
31 has been filed before the expiration date and notice of the proposed
32 extension is given to parties of record on the substantial development
33 permit and to the department.
- 34 2. Authorization to conduct development activities shall terminate 5 years
35 after the effective date of a substantial development permit. However, the
36 applicable Coalition member may authorize a single extension for a period

1 not to exceed 1 year based on reasonable factors if a request for extension
2 has been filed before the expiration date and notice of the proposed
3 extension is given to parties of record and to the department.

4 **Section 7.10 Initiation of Development**

- 5 A. Each permit for a Substantial Development, Shoreline Conditional Use, or
6 Shoreline Variance issued by local government shall contain a provision that
7 construction pursuant to the permit shall not begin and is not authorized until
8 21 days from the date of receipt with Ecology as defined in RCW 90.58.140(6)
9 and WAC 173-27-130 or until all review proceedings initiated within 21 days
10 from the date of receipt of the decision are completed. The date of filing for a
11 Substantial Development Permit is the date of actual receipt by Ecology of a local
12 government's final decision on the permit. With regard to a permit for a
13 Shoreline Variance or a Shoreline Conditional Use, date of filing means the date a
14 responsible local government or applicant receives the written decision of
15 Ecology. When a Substantial Development Permit and a Conditional Use or
16 Variance Permit are required for a development, the submittal on the permits shall
17 be made concurrently.
- 18 B. Permits for Substantial Development, Shoreline Conditional Use, or Shoreline
19 Variance may be in any form prescribed and used by the Coalition, including a
20 combined permit application form. Such forms will be supplied by the Coalition.
- 21 C. A permit data sheet shall be submitted to Ecology with each shoreline permit.
22 The permit data sheet form shall be consistent with WAC 173-27-990.

23 **Section 7.11 Review Process**

- 24 A. After the Coalition member's approval of a Shoreline Conditional Use or
25 Variance Permit, the Shoreline Administrator shall submit the permit to Ecology
26 for approval, approval with conditions, or denial. Ecology shall render and
27 transmit to the Coalition member and the applicant its final decision approving,
28 approving with conditions, or disapproving the permit within 30 days of the date
29 of submittal by the Coalition member pursuant to WAC 173-27-110.
- 30 B. Ecology shall review the complete file submitted by the Coalition member on
31 Shoreline Conditional Use or Variance Permits and any other information
32 submitted or available that is relevant to the application. Ecology shall base its
33 determination to approve, approve with conditions, or deny a Conditional Use
34 Permit or Variance Permit on consistency with the policy and provisions of the
35 SMA and except as provided in WAC 173-27-210 and the criteria in WAC 173-
36 27-160 and 173-27-170.
- 37 C. The Shoreline Administrator shall provide timely notification of Ecology's final
38 decision to those interested persons having requested notification from local
39 government pursuant to WAC 173-27-130.

1 Section 7.12 Appeals

- 2 A. Appeals of Shoreline Permit Decisions. The Coalition member's decisions on
3 shoreline permits may be appealed to the following "bodies" in this sequence:
- 4 1. Ferry County Board of County Commissioners in accordance with
5 Ferry County Development Regulations Ordinance Section 13.01, Appeals
6 or Republic City Council in accordance with 2.12.070.
 - 7 2. State Shorelines Hearings Board (SHB) in Tumwater.
 - 8 3. SHB decisions may be appealed to Superior Court.
 - 9 4. Superior court decisions may be appealed to the Court of Appeals.
 - 10 5. Court of Appeals decisions may be appealed to the Washington Supreme
11 Court.
 - 12 6. Appeals to the SHB and courts are governed by RCW 90.58.180,
13 RCW 43.21B.001, RCW 34.05 Part V, and WAC 461.08.
- 14 B. All requests for review of any final permit decisions under chapter 90.58 RCW
15 and WAC 173-27 are governed by the procedures established in RCW 90.58.180,
16 WAC 461-08, and the rules of practice and procedure of the SHB.

17 Section 7.13 Amendments to Permits

- 18 A. A permit revision is required whenever the applicant proposes substantive
19 changes to the design, terms, or conditions of a project from that which is
20 approved in the permit. Changes are substantive if they materially alter the
21 project in a manner that relates to its conformance to the terms and conditions of
22 the permit, this SMP, and/or the policies and provisions of chapter 90.58 RCW.
23 Changes which are not substantive in effect do not require approval of a revision.
- 24 B. Revisions to permits shall be considered consistent with WAC 173-27-100.

25 Section 7.14 Enforcement

- 26 A. The SMA provides for a cooperative program between the Coalition and Ecology
27 to implement and enforce the provisions of the SMA and this SMP. This Section
28 provides for a variety of means of enforcement, including civil and criminal
29 penalties, orders to cease and desist, and orders to take corrective action, in
30 accordance with WAC 173-27-270, 173-27-280, 173-27-290, 173-27-300, Ferry
31 County Development Regulations Section 13.00, and the City of Republic Code.
32 The enforcement means and penalties provided herein are not exclusive and may
33 be taken or imposed in conjunction with, or in addition to, any other civil
34 enforcement actions and civil penalties, injunctive or declaratory relief, criminal
35 prosecution, actions to recover civil or criminal penalties, or any other action or

1 sanction authorized by this Section, or any other provision of the local
2 government codes, or any other provision of state or federal law and regulation.

3 B. The Shoreline Administrator, with the assistance of the Coalition member
4 attorney, shall have authority to commence and prosecute any enforcement action
5 authorized by this Section. In determining the appropriate enforcement actions to
6 be commenced and prosecuted, the Shoreline Administrator shall consider the
7 following factors:

- 8 1. The nature of the violation
- 9 2. The extent of damage or potential future risk to the shoreline environment
10 and its ecological functions or to the public health and safety, caused by or
11 resulting from, whether directly or indirectly, the alleged violation
- 12 3. The existence of knowledge, intent, or malice on behalf of the violator
- 13 4. The economic benefit or advantage that accrued to the violator(s) as a
14 result of the violation
- 15 5. The estimated actions and costs of providing adequate mitigation,
16 restoration, rehabilitation, or enhancement to repair or minimize any
17 substantial adverse impacts upon the shoreline environment and its
18 ecological functions or the public health and safety

19 C. The Shoreline Administrator may commence and prosecute enforcement action
20 jointly with Ecology. Pursuant to WAC 173-27, Ecology may initiate and
21 prosecute enforcement action separate from the Shoreline Administrator.

22 **Section 7.15 Cumulative Effects of Shoreline Developments**

23 A. The Coalition will periodically evaluate the effectiveness of this SMP update for
24 achieving no net loss of shoreline ecological functions with respect to shoreline
25 permitting and exemptions. At the end of the first full year after adoption, and at
26 the end of every other year thereafter, the Shoreline Administrator shall prepare a
27 report documenting shoreline development permits, conditional permits, and
28 variances, as applicable, including the exempt use activity approvals and the
29 locations and effects of each by type and classifications. The report should
30 include activities involving development, conservation, restoration, mitigation,
31 and enforcement. It should summarize the net change of developments (including
32 new development and decommissioning of structures and protected areas) using
33 indicators such as linear length of stabilization and flood hazard structures,
34 number of overwater structures (e.g., piers and docks), road length within
35 shoreline, number of waterbody road crossings, number of levees/dikes, acres of
36 impervious surface areas, acres of vegetation, acres of permanently protected
37 areas, or areas with limited development. Compliance and enforcement activity
38 will also be tracked.

- B. The Shoreline Administrator, will, to the extent feasible, coordinate with other Coalition member departments or adjacent jurisdictions to assess cumulative effects of shoreline development.

Section 7.16 Amendments to Shoreline Master Program

- A. Amendments to this SMP shall be processed as legislative decisions pursuant to WAC 173-26-110.
- B. Any locally approved amendments to this SMP will not become effective until approved by Ecology.

Section 7.17 Definitions

A. Definitions

1. "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium.
2. "Act" means the Washington State SMA, RCW 90.58.
3. "Additions" means improvements to an existing building or structure, the cost of which does not exceed 50% of the assessed value of the total structure or result in an increase greater than 25% of the building footprint (up to a maximum of 500 square feet) before the addition is started. Additions must share a common wall (one full side) with the original structure.
4. "Adjacent," for purposes of applying Section 5.00, Critical Areas, means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located in either of the following areas:
 - a. On-site immediately adjoining a critical area
 - b. A distance equal to or less than the required critical area buffer width and building setback
5. "Agricultural activities" means agricultural uses and practices including, but not limited to, producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program or the land is subject to a

- 1 conservation easement; conducting agricultural operations; maintaining,
2 repairing, and replacing agricultural equipment; maintaining, repairing,
3 and replacing agricultural facilities, provided that the replacement facility
4 is no closer to the shoreline than the original facility; and maintaining
5 agricultural lands under production or cultivation. Also see definition of
6 “New Agricultural Activities” in SMP Section 7.17.
- 7 6. “Agricultural products” includes, but is not limited to, horticultural,
8 viticultural, floricultural, and vegetable, fruit, berry, grain, hops, hay,
9 straw, turf, sod, seed, and apiary products; feed or forage for livestock;
10 Christmas trees; hybrid cottonwood and similar hardwood trees grown as
11 crops and harvested within 20 years of planting; and livestock including
12 both animals and animal products including, but not limited to, meat,
13 upland finfish, poultry and poultry products, and dairy products.
- 14 7. “Agricultural equipment” includes, but is not limited to, the following
15 used in agricultural operations:
- 16 a. Equipment; machinery; constructed shelters, buildings, and ponds;
17 fences; upland finfish rearing facilities; and water diversion,
18 withdrawal, conveyance, and use equipment and facilities
19 including, but not limited to, pumps, pipes, tapes, canals, ditches,
20 and drains.
- 21 b. Corridors and facilities for transporting personnel, livestock, and
22 equipment to, from, and within agricultural lands.
- 23 c. Farm residences and associated equipment, lands, and facilities.
- 24 d. Roadside stands and on-farm markets for marketing fruit or
25 vegetables.
- 26 8. Agricultural facilities. See “Agricultural equipment.”
- 27 9. “Agricultural land” means those specific land areas on which agriculture
28 activities are conducted as of the date of adoption of a local SMP pursuant
29 to these guidelines as evidenced by aerial photography or other
30 documentation. After the effective date of this SMP, land converted to
31 agricultural use is subject to compliance with the requirements of this
32 SMP.
- 33 10. “Alteration,” for purposes of applying Section 5.00, Critical Areas, means
34 any human-induced change in an existing condition of a critical area or its
35 buffer. Alterations include grading, filling, dredging, channelizing,
36 clearing (vegetation), applying pesticides, discharging waste, construction,
37 compaction, excavation, modifying for stormwater management,
38 relocating, or other activities that change the existing landform,
39 vegetation, hydrology, wildlife, or habitat value of critical areas.

- 1 11. “Amendment” means a revision, update, addition, deletion, and/or
2 reenactment to an existing SMP.
- 3 12. “Applicant” means a person who files an application for a permit under
4 this SMP and who is either the owner of the land on which that proposed
5 activity would be located, a contract purchaser, or the authorized agent of
6 such a person.
- 7 13. “Approval” means an official action by a local government legislative
8 body agreeing to submit a proposed SMP or amendments to Ecology for
9 review and official action pursuant to this chapter or an official action by
10 Ecology to make a local government SMP effective, thereby incorporating
11 the approved SMP or amendment into this SMP.
- 12 14. “Aquaculture” means the culture or farming of fish or other aquatic plants
13 and animals.
- 14 15. “Aquifer recharge area” means an area through which precipitation and
15 surface water infiltrate the soil and are transmitted through rocks and soil
16 to create groundwater storage. They are also areas where an aquifer that is
17 a source of drinking water is vulnerable to contamination that would affect
18 the potability of water.
- 19 16. “Area of Project Review” means the area within shoreline jurisdiction
20 surrounding and including one or more critical areas within which
21 activities and developments are subject to the provisions of this SMP.
- 22 17. “Area of special flood hazard” means the land in the floodplain within a
23 community subject to a 1% or greater chance of flooding in any given
24 year. Designation on maps always includes the letters A or V.
- 25 18. “Assessed value” means assessed valuation shall be as established by the
26 County assessor’s office, unless otherwise provided by a market appraisal
27 institute appraisal.
- 28 19. “Associated wetlands” are those wetlands that are in proximity to and
29 either influence or are influenced by a stream subject to the SMA.
- 30 20. “Average grade level” means the average of the natural or existing
31 topography of the portion of the lot, parcel, or tract of real property which
32 will be directly under the proposed building or structure. In the case of
33 structures to be built over water, average grade level shall be the elevation
34 of the OHWM. Calculation of the average grade level shall be made by
35 averaging the ground elevations at the midpoint of all exterior walls of the
36 proposed building or structure.

- 1 21. “Base flood” means a flood having a 1% chance of being equaled or
2 exceeded in any given year. Also referred to as the “100-year flood.”
3 Designated on flood insurance rate maps with the letters A or V.
- 4 22. “Base flood elevation” means the water surface elevation of the base
5 flood. It shall be referenced to the North American Vertical Datum of
6 1988.
- 7 23. “Basement” means any area of a building having its floor subgrade (below
8 ground level) on all sides.
- 9 24. “Benthic” means pertaining to the sub-aquatic bottom, including the
10 sediment surface and some sub-surface layers.
- 11 25. “Best management practices (BMPs)” means conservation practices or
12 systems of practice and management measures that perform the following
13 actions:
- 14 a. Control soil loss and reduce water quality degradation caused by
15 high concentrations of nutrients, animal waste, toxics, and
16 sediment
- 17 b. Minimize adverse impacts on surface water and groundwater flow,
18 circulation patterns, and the chemical, physical, and biological
19 characteristics of wetlands
- 20 c. Protect trees and vegetation designated to be retained during and
21 following site construction
- 22 d. Provide standards for proper use of chemical herbicides within
23 critical areas
- 24 26. “Biotechnical bank protection (or stabilization)” means any combination
25 of techniques employing lithic (naturally occurring geological materials,
26 including angular rock, cobbles, and other sediments), soils, woody debris,
27 geotechnical fabrics, and native plant materials employed to stabilize,
28 protect and/or reconstruct stream and riverbanks.
- 29 27. “Boating facilities” allowed in the Coalition include boat launches and
30 upland boat storage, marinas, and other boat moorage structures or uses.
31 For the purposes of this SMP, boating facilities excludes docks serving
32 four or fewer single-family residences.
- 33 28. “Breakwater” means an offshore structure whose primary purpose is to
34 protect harbors, moorages, and navigation activity from wave and wind
35 action by creating stillwater areas along shore. A secondary purpose is to
36 protect shorelines from wave-caused erosion. Breakwaters are generally

- 1 built parallel to shore, may or may not be connected to land, and may be
2 floating or stationary.
- 3 29. “Buffer, Critical Areas,” means an area, which provides the margin of
4 safety through protection of slope stability, attenuation of surface water
5 flows and landslide hazards reasonably necessary to minimize risk to the
6 public from loss of life or well-being or property damage resulting from
7 natural disasters, or an area which is an integral part of a stream or
8 wetland ecosystem and which provides shading, input of organic debris
9 and coarse sediments, room for variation in stream or wetland boundaries,
10 habitat for wildlife and protection from harmful intrusion necessary to
11 protect the public from losses suffered when the functions and values of
12 aquatic resources are degraded.
- 13 30. “City” means the City of Republic.
- 14 31. “Channel migration zone (CMZ)” means the area along a river within
15 which the channel(s) can be reasonably predicted to migrate over time as a
16 result of natural and normally occurring hydrological and related
17 processes when considered with the characteristics of the river and its
18 surroundings. (The SMP regulatory CMZ is mapped and on file at the
19 County.)
- 20 32. “Clearing” means the cutting, killing, grubbing, or removing of vegetation
21 or other organic material by physical, mechanical, chemical, or any other
22 similar means.
- 23 33. “Cluster” means a group of three or more significant trees with
24 overlapping or touching crowns.
- 25 34. “Coalition” refers to Ferry County and the City of Republic.
- 26 35. “Community access” means a shoreline access available to a group or
27 community (e.g., homeowners association) which may not be accessible to
28 general public.
- 29 36. “Compensation project” means actions specifically designed to replace
30 project-induced critical area and buffer losses. Compensation project
31 design elements may include land acquisition, planning, construction
32 plans, monitoring, and contingency actions.
- 33 37. “Compensatory mitigation” means types of mitigation used to replace
34 project-induced critical areas and buffer losses or impacts.
- 35 38. “County” means Ferry County.

- 1 39. “Crime Prevention Through Environmental Design (CPTED)” is defined
2 as a multi-disciplinary approach to deterring criminal behaviour through
3 environmental design.
- 4 40. “Critical aquifer recharge area” means those areas that meet the following
5 requirements:
- 6 a. Designated as “Wellhead Protection Areas” pursuant to
7 WAC 246-290-135(4) and the groundwater contribution area in
8 WAC 246-291-100 (2)(e). Wellhead protection areas shall, for the
9 purpose of this regulation, include the identified recharge areas
10 associated with either Group A public water supply wells and those
11 Group B wells with a wellhead protection plan filed with the
12 Northeast Tri-County Health District.
- 13 b. Identified in the Soil Survey of Ferry County Coalition as having
14 high potential for aquifer recharge, including those soil types
15 identified by the Shoreline Administrator.
- 16 41. “Crown” means the area of a tree containing leaf- or needle-bearing
17 branches.
- 18 42. “Cultural and historic resources” means buildings, structures, sites,
19 objects, and areas having archaeological, historic, cultural, or scientific
20 value or significance.
- 21 43. “Development” means a use consisting of the construction or exterior
22 alteration of structures; dredging; drilling; dumping; filling; removal of
23 any sand, gravel, or minerals; bulk heading; driving of piling; placing of
24 obstructions; or any project of a permanent or temporary nature, which
25 interferes with the normal public use of the surface of the waters overlying
26 lands subject to the act at any stage of water level.
- 27 44. “Development permit” means any permit issued by Ferry County or the
28 City of Republic or other authorized agency, for construction, land use, or
29 the alteration of land.
- 30 45. “Dock” means, as a general term, a structure, or group of structures that
31 provides boat moorage or other uses. A dock may be made up of piers
32 (which are structures on fixed piles) and floats (which float on the water’s
33 surface and are typically attached to piles so that they may rise and fall
34 with changes in the water’s elevation).
- 35 46. “Ecological functions” or “shoreline functions” means the work performed
36 or role played by the physical, chemical, and biological processes and
37 species that contribute to the maintenance of the aquatic and terrestrial
38 environments that constitute the shoreline’s natural ecosystem.

- 1 47. “Ecosystem-wide processes” means the suite of naturally occurring
2 physical and geologic processes of erosion, transport, and deposition and
3 specific chemical processes that shape landforms within a specific
4 shoreline ecosystem and determine both the types of habitat and the
5 associated ecological functions.
- 6 48. “Erosion” means the detachment and movement of soil or rock by water,
7 wind, ice, or gravity.
- 8 49. “Erosion hazard area” means those areas that, because of natural
9 characteristics, including vegetative cover, soil texture, slope gradient,
10 rainfall patterns, or human-induced changes to such characteristics, are
11 vulnerable to erosion.
- 12 50. “Feasible” means, for the purpose of this chapter, that an action, such as a
13 development project, mitigation, or preservation requirement, meets all of
14 the following conditions: a) the action can be accomplished with
15 technologies and methods that have been used in the past in similar
16 circumstances, or studies or tests have demonstrated in similar
17 circumstances that such approaches are currently available and likely to
18 achieve the intended results; b) the action provides a reasonable likelihood
19 of achieving its intended purpose; and c) the action does not physically
20 preclude achieving the project’s primary intended legal use. In cases
21 where these guidelines require certain actions, unless they are infeasible,
22 the burden of proving infeasibility is on the applicant. In determining an
23 action’s infeasibility, the reviewing agency may weigh the action’s
24 relative public costs and public benefits, considered in the long-term time
25 frames as required by RCW 90.58.020(3).
- 26 51. “Federal Emergency Management Agency (FEMA)” means the agency
27 that oversees the administration of the National Flood Insurance Program
28 (44 CFR).
- 29 52. “Fill” means the addition of soil, sand, rock, gravel, sediment, earth
30 retaining structure, or other material to an area waterward of the OHWM,
31 in wetlands or on shoreline areas in a manner that raises the elevation or
32 creates dry land.
- 33 53. “Fish and wildlife habitat conservation areas” means areas necessary for
34 maintaining species in suitable habitats within their natural geographic
35 distribution so that isolated subpopulations are not created as designated
36 by WAC 365-190-080(5). “Fish and wildlife habitat conservation areas”
37 do not include all attributes of shoreline natural character and ecological
38 function as defined in the SMA and this SMP. “Fish and wildlife habitat
39 conservation areas” include the following items:

- 1 a. Areas within which state and federal endangered and threatened
2 species exist, or state sensitive, candidate, and monitor species
3 have a primary association.
- 4 b. Priority Habitat and Species Areas for endangered, threatened,
5 sensitive, and candidate species identified by the WDFW.
- 6 c. Habitats and species of local importance that have been designated
7 by the County at the time of application.
- 8 d. Naturally occurring ponds less than 20 acres and their submerged
9 aquatic beds that provide fish or wildlife habitat. These do not
10 include ponds deliberately designed and created from dry sites
11 such as canals, detention facilities, wastewater treatment facilities,
12 farm ponds, temporary construction ponds of less than 3 years
13 duration, and landscape amenities. Naturally occurring ponds may
14 include those artificial ponds intentionally created from dry areas
15 in order to mitigate conversion of ponds, if permitted by a
16 regulatory authority.
- 17 e. Waters of the state as defined by WAC 222-16.
- 18 f. Lakes, ponds, streams, and rivers planted with game fish by a
19 governmental or tribal entity.
- 20 g. State natural area preserves and natural resources conservation
21 areas.
- 22 54. “Flood” or “flooding” mean a general and temporary condition of partial
23 or complete inundation of normally dry land areas from the overflow of
24 inland waters and/or the unusual and rapid accumulation of runoff or
25 surface waters from any source.
- 26 55. “Flood hazard area” means any area subject to inundation by the base
27 flood or risk from channel migration, including, but not limited to, an
28 aquatic area, wetland, or closed depression.
- 29 56. “Flood insurance rate map (FIRM)” means the official map on which the
30 Federal Insurance and Mitigation Administration (FIMA) has delineated
31 both the areas of special flood hazards and the risk premium zones
32 applicable to Ferry County Coalition.
- 33 57. “Floodplain” is synonymous with 100-year floodplain and means that
34 land area susceptible to inundation with a 1% chance of being equaled or
35 exceeded in any given year. The limit of this area shall be based on flood
36 ordinance regulation maps or a reasonable method, which meets the
37 objectives of the act.

- 1 58. “Floodway” means the channel of a river or other watercourse and the
2 adjacent land areas that must be reserved in order to discharge the base
3 flood without cumulatively increasing the water surface elevation more
4 than 1 foot. Floodways identified on flood boundary and floodway maps
5 become “regulatory floodways” within which encroachment of
6 obstructions are prohibited.
- 7 59. “Fluvial geomorphology” refers to structure and dynamics of stream and
8 river corridors within a watershed and provides an understanding of the
9 natural formation and human alteration of a stream or river channel,
10 including the floodplain and associated upland transitional zone.
- 11 60. "Forest practice" means any activity conducted on or directly pertaining to
12 forest land and relating to growing, harvesting, or processing timber, or
13 removing forest biomass, including but not limited to:
- 14 • Activities in and over typed water;
 - 15 • Road and trail construction;
 - 16 • Harvesting, final and intermediate;
 - 17 • Precommercial thinning;
 - 18 • Reforestation;
 - 19 • Fertilization;
 - 20 • Prevention and suppression of diseases and insects;
 - 21 • Salvage of trees/logs both in-forest and in-water; and
 - 22 • Brush control.
- 23
- 24 “Forest practice" shall not include: forest species seed orchard operations
25 and intensive forest nursery operations; preparatory work such as tree
26 marking, surveying and road flagging; or removal or harvest of incidental
27 vegetation from forest lands such as berries, ferns, greenery, mistletoe,
28 herbs, mushrooms, and other products, which cannot normally be expected
29 to result in damage to forest soils, timber, or public resources.
- 30 61. “Functions” and “values,” for purposes of applying SMP Section 5.00,
31 Critical Areas, mean the beneficial roles served by critical areas,
32 including, but not limited to, water quality protection and enhancement,
33 fish and wildlife habitat, food chain support, flood storage, conveyance
34 and attenuation, groundwater recharge and discharge, erosion control, and
35 recreation. Functions and values may be considered independently, with
36 functions being measured indicators such as water quality, hydrologic
37 functions, and habitat functions and values being non-measured indicators
38 such as local importance, potential qualities, or recreational benefits.
- 39 62. “Geologically hazardous areas” means areas that, because of their
40 susceptibility to erosion, sliding, earthquake, or other geologic events, are
41 not suited to the siting of commercial, residential, or industrial
42 development consistent with public health or safety concerns.

- 1 Geologically Hazardous Areas include Erosion Hazards, Landslide
2 Hazards, Mine Hazards, and Seismic Hazards, as defined herein and
3 specified in SMP Section 5.5.
- 4 63. “Geomorphic” means of or relating to the form of the landscape and other
5 natural features of the earth's surface.
- 6 64. “Geotechnical Report” or “geotechnical analysis” means a scientific study
7 or evaluation conducted by a qualified expert that includes a description of
8 the ground and surface hydrology and geology; the affected landform and
9 its susceptibility to mass wasting, erosion, and other geologic hazards or
10 processes, conclusions, and recommendations regarding the effect of the
11 proposed development on geologic conditions; the adequacy of the site to
12 be developed; the impacts of the proposed development; alternative
13 approaches to the proposed development; and measures to mitigate
14 potential site-specific, cumulative geological, and hydrological impacts of
15 the proposed development, including the potential adverse impacts on
16 adjacent and down-current properties. Geotechnical Reports shall
17 conform to accepted technical standards and must be prepared by qualified
18 professional engineers or geologists who have professional expertise about
19 the regional and local shoreline geology and processes.
- 20 65. “Grading” means stripping, cutting, filling, or stockpiling of land,
21 including the land in its cut or filled condition to create new grade.
- 22 66. “Groin” means a barrier type of structure extending from the stream bank
23 into a waterbody for the purpose of the protection of a shoreline and
24 adjacent uplands by influencing the movement of water or deposition of
25 materials.
- 26 67. “Ground cover” means all types of vegetation other than trees.
- 27 68. “Guidelines” means those standards adopted by the department to
28 implement the policy of chapter 90.58 RCW for regulation of use of the
29 shorelines of the state prior to adoption of SMPs. Such standards shall
30 also provide criteria for local governments and the department in
31 developing and amending SMPs.
- 32 69. “Hazard areas” means areas designated as frequently flooded or
33 geologically hazardous areas due to potential for erosion, landslide,
34 seismic activity, mine collapse, or other geologically hazardous
35 conditions, including steep slopes.
- 36 70. “Hazardous substance(s)” is as follows:
- 37 a. A hazardous substance as defined by Section 101(14) of the
38 Comprehensive Environmental Response, Compensation, and
39 Liability Act; any substance designated pursuant to Section

- 1 311(b)(2)(A) of the CWA; any hazardous waste having the
2 characteristics identified under or listed pursuant to Section 3001
3 of the Solid Waste Disposal Act (but not including any waste the
4 regulation of which under the Solid Waste Disposal Act has been
5 suspended by Act of Congress); any toxic pollutant listed under
6 Section 307(a) of the CWA; or any imminently hazardous
7 chemical substance or mixture with respect to which the EPA has
8 taken action pursuant to Section 7 of the Toxic Substances Control
9 Act.
- 10 b. Hazardous substances that include any liquid, solid, gas, or sludge,
11 including any material, substance, product, commodity, or waste,
12 regardless of quantity, that exhibit any of the physical, chemical, or
13 biological properties described in WAC 173-303-090,
14 173-303-102, or 173-303-103.
- 15 71. “High-intensity land use” means land uses consisting of commercial,
16 urban, industrial, institutional, retail, residential on parcels less than
17 2.5 acres per unit, agricultural (dairies, nurseries, raising and harvesting
18 crops, requiring annual tilling, and raising and maintaining animals),
19 high-intensity recreation (golf courses and ball fields), and hobby farms.
- 20 72. “Hydraulic project approval (HPA)” means a permit issued by WDFW for
21 modification to waters of the state in accordance with RCW 75.20.
- 22 73. “Impervious surface area” means a hard surface area, which either
23 prevents or retards the entry of water into the soil mantle as under natural
24 conditions prior to development. Impervious surface shall also include a
25 hard surface area, which causes water to run off the surface in greater
26 quantities or at an increased rate of flow from the flow present under
27 natural conditions prior to development. Common impervious surfaces
28 include rooftops, walkways, patios, driveways, parking lots or storage
29 areas, concrete or asphalt paving, gravel roads with compacted subgrade,
30 packed earthen materials, and oiled, macadam or other surfaces, which
31 similarly impede the natural infiltration of stormwater. Open, uncovered
32 retention/detention facilities shall not be considered as impervious
33 surfaces.
- 34 74. “In-stream structures” function for the impoundment, diversion, or use of
35 water for hydroelectric generation and transmission (including public and
36 private facilities), flood control, irrigation, water supply (domestic and
37 industrial), recreation, or fisheries enhancement.
- 38 75. “Invasive, non-native vegetation species” means the plants listed for
39 Eastern Washington in Washington State Noxious Weed Board
40 Publication # 820-264E (N/6/09) or the latest version of this document.

- 1 76. “Landslide” means down slope movement of a mass of soil, rock, snow, or
 2 ice, including, but not limited to, rock falls, slumps, mud flows, debris
 3 flows, torrents, earth flows, and snow avalanches.
- 4 77. “Landslide hazard areas” means those areas potentially subject to
 5 landslides based upon a combination of geologic, topographic, and
 6 hydrologic factors.
- 7 78. “Littoral transport” means the transport of non-cohesive sediments such as
 8 sand and silt, along the foreshore and the shoreface due to the action of the
 9 breaking waves and the longshore current.
- 10 79. “Low-intensity land use” includes forestry and open space (such as
 11 passive recreation and natural resources preservation).
- 12 80. “May” means the action is acceptable, provided it conforms to the
 13 provisions of this chapter.
- 14 81. “Mining” is the removal of naturally occurring materials from the earth for
 15 economic use. The removal of sand and gravel from shoreline areas of
 16 Washington usually results in erosion of land and silting of water. These
 17 operations can create silt and kill bottom-living animals.
- 18 82. “Mitigation sequencing” means the process of avoiding, reducing, or
 19 compensating for the adverse environmental impact(s) of a proposal,
 20 including the following actions, listed in the order of preference, the first
 21 being the most preferred:
- 22 a. Avoiding the impact altogether by not taking a certain action or
 23 parts of an action
- 24 b. Where impact on critical areas or their buffers will not be avoided,
 25 demonstrating that the impact meets the criteria for granting a
 26 Shoreline Variance or other administratively approved alteration
- 27 c. Minimizing impacts by limiting the degree or magnitude of the
 28 action and its implementation by using appropriate technology or
 29 by taking affirmative steps to avoid or reduce impacts
- 30 d. Rectifying the impact by repairing, rehabilitating, or restoring the
 31 affected environment
- 32 e. Reducing or eliminating the impact over time by preservation and
 33 maintenance operations during the life of the action
- 34 f. Compensating for the impact by replacing, enhancing, or providing
 35 substitute resources or environments

- 1 g. Monitoring the impact and the compensation projects and taking
 2 appropriate corrective measures
- 3 83. “Mixed-use” or “Mixed-use development” means a combination of uses
 4 within the same building or site as a part of an integrated development
 5 project with functional interrelationships and coherent physical design that
 6 includes a mix of water-oriented and non-water-oriented uses.
- 7 84. “Moderate-intensity land use” includes residential on parcels equal to or
 8 greater than 2.5 acres per 1 unit, moderate intensity open space (parks),
 9 and agriculture (moderate intensity land uses such as orchards and hay
 10 fields).
- 11 85. “Monitoring” means the collection of data by various methods for the
 12 purpose of understanding natural systems and features, evaluating the
 13 impact of development proposals on such systems, and/or assessing the
 14 performance of mitigation measures imposed as conditions of
 15 development.
- 16 86. “Must” means a mandate; the action is required.
- 17 87. “Native vegetation” means plant species that are indigenous to the region.
- 18 88. “New agricultural activities” are activities that meet the definition of
 19 agricultural activities but are proposed on land not meeting the definition
 20 of “agricultural land” (above) at the adoption date of this SMP.
- 21 89. “New construction” means structures for which the start of construction
 22 commenced on or after the effective date of the ordinance codified in this
 23 SMP.
- 24 90. “Nonconforming use or development” means a shoreline use or
 25 development, which was lawfully constructed or established prior to the
 26 effective date of the act or the applicable SMP, or amendments thereto, but
 27 which does not conform to present regulations or standards of the
 28 program.
- 29 91. “Non-water-oriented uses” means those uses that are not water-dependent,
 30 water-related, or water-enjoyment.
- 31 92. “Normal maintenance” means those usual acts that are necessary to
 32 prevent a property’s decline, lapse, or cessation from a lawfully
 33 established condition.
- 34 93. “Normal repair” means to restore a structure or development to a state
 35 comparable to its original condition including, but not limited to, its size,
 36 shape, configuration, location, and external appearance, within a
 37 reasonable period after decay or partial destruction, except where repair

1 causes substantial adverse impacts on shoreline resources or environment.
2 Replacement of a structure or development may be authorized as repair
3 where such replacement is the common method of repair for the type of
4 structure or development, and the replacement structure or development is
5 comparable to the original structure or development including, but not
6 limited to, its size, shape, configuration, location, and external appearance,
7 and the replacement does not cause substantial adverse impacts on
8 shoreline resources or environment.

9 94. “Ordinary high water mark (OHWM)” means that mark that will be found
10 by examining the bed and banks and ascertaining where the presence and
11 action of waters are so common and usual, and so long continued in all
12 ordinary years, as to mark upon the soil a character distinct from that of
13 the abutting upland, in respect to vegetation as that condition exists on
14 June 1, 1971, as it may naturally change thereafter in accordance with
15 permits issued by a local government or the department. Where the
16 OHWM cannot be found, it shall be the line of mean high water. For
17 braided streams, the OHWM is found on the banks forming the outer
18 limits of the depression within which the braiding occurs.

19 95. “Practical alternative” means an alternative that is available and capable of
20 being carried out after taking into consideration cost, existing technology,
21 and logistics in light of overall project purposes and having less impact on
22 critical areas.

23 96. “Primitive trail” means unimproved and unpaved but physically defined
24 pathway for non-motorized movement.

25 97. “Priority habitat” means a habitat type with unique or significant value to
26 one or more species. A priority habitat may be described by a unique
27 vegetation type or by a dominant plant species that is of primary
28 importance to fish and wildlife. A priority habitat may also be described
29 by a successional stage (such as old growth and mature forests).
30 Alternatively, a priority habitat may consist of a specific habitat element
31 (such as caves or snags) of key value to fish and wildlife. A priority
32 habitat may contain priority and/or non-priority fish and wildlife. An area
33 classified and mapped as priority habitat must have one or more of the
34 following attributes:

- 35 a. Comparatively high fish or wildlife density
36 b. Comparatively high fish or wildlife species diversity
37 c. Fish spawning habitat
38 d. Important wildlife habitat
39 e. Important fish or wildlife seasonal range

- 1 f. Important fish or wildlife movement corridor
- 2 g. Rearing and foraging habitat
- 3 h. Refugia habitat
- 4 i. Limited availability
- 5 j. High vulnerability to habitat alteration
- 6 k. Unique or dependent species
- 7 98. “Priority species” means species requiring protective measures and/or
8 management guidelines to ensure their persistence at genetically viable
9 population levels. Priority species are those that meet any of the following
10 criteria:
- 11 a. Criterion 1. State-listed or state-proposed species. State-listed
12 species are those native fish and wildlife species legally designated
13 as endangered (WAC 232-12-014), threatened (WAC 232-12-011),
14 or sensitive (WAC 232-12-011). State-proposed species are those
15 fish and wildlife species that will be reviewed by the WDFW
16 (POL-M-6001) for possible listing as endangered, threatened, or
17 sensitive according to the process and criteria defined in
18 WAC 232-12-297.
- 19 b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations
20 include those species or groups of animals susceptible to
21 significant population declines, within a specific area or statewide,
22 by virtue of their inclination to congregate.
- 23 c. Criterion 3. Species of recreational, commercial, and/or tribal
24 importance. Native and non-native fish and wildlife species of
25 recreational or commercial importance and recognized species
26 used for tribal ceremonial and subsistence purposes that are
27 vulnerable to habitat loss or degradation.
- 28 d. Criterion 4. Species listed under the ESA as either proposed,
29 threatened, or endangered.
- 30 99. “Provisions” means any definition, policy, goal, regulation, requirement,
31 standard, authorization, prohibition, guideline criteria, or environment
32 designations.
- 33 100. “Public Access” means physical and visual access. Public access includes
34 the ability of the general public to reach, touch, and enjoy the water’s
35 edge, to travel on the waters of the state, and to view the water and the

- 1 shoreline from adjacent locations. Examples of public access are as
2 follows:
- 3 a. Visual Access. Visual public access may consist of view corridors,
4 viewpoints, or other means of visual approach to public waters.
- 5 b. Physical Access. Physical public access may consist of a
6 dedication of land or easement and a physical improvement in the
7 form of a walkway, trail, bikeway, park, boat or canoe and kayak
8 launching ramp, dock area, view platform, or other area serving as
9 a means of physical approach to public waters.
- 10 101. “Public agency” means every city, county, state, or federal office; every
11 officer; every institution, whether educational, correctional, or other; and
12 every department, division, board, and commission that provides services
13 or recommendations to the public or other such agencies.
- 14 102. “Public utility” means a public service corporation performing some
15 public service subject to special governmental regulations or a
16 governmental agency performing similar public services, either of which
17 are paid for directly by the recipients thereof. Such services shall include
18 water supply, electric power, gas, and transportation for persons and
19 freight.
- 20 103. “Qualified professional” means a person with experience and training in
21 the pertinent discipline, and who is a qualified expert with expertise
22 appropriate for the relevant critical area or shoreline subject. A qualified
23 professional must have obtained a B.S., B.A., or equivalent degree or
24 certification in biology, engineering, environmental studies, fisheries,
25 geomorphology, landscape architecture, forestry or related field, and
26 2 years of related work experience.
- 27 a. A qualified professional for wildlife, habitats, or wetlands must
28 have a degree in biology, zoology, ecology, fisheries, or related
29 field, and professional experience in the State of Washington.
- 30 b. A qualified professional for a geological hazard must be a
31 professional engineer or geologist, licensed in the State of
32 Washington.
- 33 c. A qualified professional for critical aquifer recharge areas means a
34 hydrogeologist, geologist, engineer, or other scientist with
35 experience in preparing hydrogeologic assessments.
- 36 d. A qualified professional with flood and CMZ expertise must be a
37 hydrologist or fluvial geomorphologist.

- 1 e. A qualified professional for vegetation management must be a
2 registered landscape architect, certified arborist, biologist, or
3 professional forester with a corresponding degree or certification.
- 4 f. A qualified archaeologist must be a person qualified for addressing
5 cultural and historic resources protection and preservation, with a
6 degree in archaeology, anthropology, history, classics, or other
7 germane disciplines with a specialization in archaeology and/or
8 historic preservation and with a minimum of 2 years of experience
9 in preparing cultural resource site assessments reports.
- 10 104. “Recreational development” means the modification of the natural or
11 existing environment to accommodate commercial and public facilities
12 designed and used to provide recreational opportunities to the public.
13 Commercial recreational development should be consistent with
14 commercial development defined herein.
- 15 105. “Research and Monitoring” includes activities associated with identifying
16 collecting, monitoring, and evaluating scientific data and information to
17 support water, fisheries and other ecological services management,
18 restoration, and operational activities. Example activities that could be
19 included under this category include installing and operating stream and
20 water quality monitoring gages, collecting fisheries data using a trap or
21 other devices, setting up and using equipment to collect sediment data, and
22 other data collection activities that need to utilize the shoreline and waters
23 of the state to meet public objectives.
- 24 106. “Residential development” entails one or more buildings, structures, lots,
25 parcels or portions thereof that are designed, used, or intended to be used
26 as a place of abode for human beings. These include single-family
27 residences, residential subdivisions, short residential subdivisions,
28 attached dwellings, and all accessory uses or structures normally
29 associated with residential uses. Accessory residential uses include
30 garages, sheds, tennis courts, swimming pools, parking areas, fences,
31 cabanas, saunas, and guest cottages. Hotels, motels, dormitories, or any
32 other type of overnight or transient housing are excluded from the
33 residential category and must be considered commercial uses depending
34 on project characteristics.
- 35 107. “Restore,” “Restoration,” or “Ecological restoration” means the
36 reestablishment or upgrading of impaired natural or enhanced ecological
37 shoreline processes or functions. This may be accomplished through
38 measures including, but not limited to, revegetation, removal of intrusive
39 shoreline structures, and removal or treatment of toxic materials.
40 Restoration does not imply a requirement for returning the shoreline area
41 to pre-aboriginal or pre-European settlement conditions.

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

- 1 117. “Should” means that the particular action is required unless there is a
2 demonstrated, compelling reason, based on policy of the SMA and this
3 chapter, against taking the action.
- 4 118. “Significant adverse environmental impacts” (as used in SEPA) means a
5 reasonable likelihood of more than a moderate adverse impact on
6 environmental quality (WAC 197-11-794).
- 7 119. “Significant vegetation removal” means the removal or alteration of trees,
8 shrubs, and/or ground cover by clearing, grading, cutting, burning,
9 chemical means, or other activity that causes significant ecological
10 impacts on functions provided by such vegetation. The removal of
11 invasive or noxious weeds does not constitute significant vegetation
12 removal. Tree pruning, not including tree topping, where it does not affect
13 ecological functions, does not constitute significant vegetation removal.
- 14 120. “Silviculture” is the art and science of controlling the establishment,
15 growth, composition, health, and quality of forests and woodlands to meet
16 the diverse needs and values of landowners and society on a sustainable
17 basis.
- 18 121. “Site Assessment Reports” contain required information for a Critical
19 Areas Report.
- 20 122. “Snag” means the remaining trunk of a dying, diseased, or dangerous tree
21 that is reduced in height and stripped of all live branches.
- 22 123. “Special flood hazard area” means an area subject to a base or 100-year
23 flood; areas of special flood hazard are shown on a flood hazard boundary
24 map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, and
25 AH.
- 26 124. “Species and habitats of local importance” means those species that may
27 not be endangered, threatened, or critical from a state-wide perspective but
28 are of local concern due to their population status, sensitivity to habitat
29 manipulation, or other educational, cultural, or historic attributes. These
30 species may be priority habitats, priority species, and those habitats and
31 species identified in the critical areas code as having local importance
32 (e.g., elk).
- 33 125. “Species, threatened and endangered” means those native species that are
34 listed by WDFW pursuant to RCW 77.12.070 as threatened
35 (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed
36 as threatened or endangered under the ESA (16 USC 1533).
- 37 126. “Start of construction” means and includes substantial improvement and
38 means the date the building permit was issued, provided the actual start of
39 construction, repair, reconstruction, placement, or other improvement was

1 within 180 days of the permit issuance date. For cumulative tracking, the
2 permit may extend beyond the specified time frame to the time of permit
3 completion. The actual start means either the first placement of permanent
4 construction of a structure on a site such as the pouring of slab or footings,
5 the installation of piles, the construction of columns, or any work beyond
6 the stage of excavation, or the placement of a manufactured home on a
7 foundation. Permanent construction does not include land preparation,
8 such as clearing, grading, and filling, nor does it include the installation of
9 streets and/or walkways, nor does it include excavation for a basement,
10 footings, piers, or foundation or the erection of temporary forms, nor does
11 it include the installation on the property of accessory buildings such as
12 garages or sheds not occupied as dwelling units or not part of the main
13 structure. For a substantial improvement, the actual start of construction
14 means the first alteration of any wall, ceiling, floor, or other structural part
15 of a building, whether or not that alteration affects the external dimensions
16 of the building.

17 127. “Steep slopes” means those slopes (excluding County-approved
18 geotechnical engineered slopes) 40% or steeper within a vertical elevation
19 change of at least 10 feet. A slope is defined by establishing its toe and
20 top and is measured by averaging the inclination over at least 10 feet of
21 vertical relief.

22 128. “Stream” means any portion of a channel, bed, bank, or bottom waterward
23 of the OHWM of waters of the state, including areas in which fish may
24 spawn, reside, or pass, and tributary waters with defined bed or banks,
25 which influence the quality of fish habitat downstream. This includes
26 watercourses that flow on an intermittent basis or fluctuate in level during
27 the year and applies to the entire bed of such watercourse whether or not
28 the water is at peak level. This definition does not include irrigation
29 ditches, canals, stormwater runoff devices, or other entirely artificial
30 watercourses, except where they exist in a natural watercourse that has
31 been altered by humans.

32 129. “Structure” means a permanent or temporary edifice or building, or any
33 piece of work artificially built or composed of parts joined together in
34 some definite manner, whether installed on, above, or below the surface of
35 the ground or water.

36 130. “Substantially degrade” means to cause significant ecological impact.

37 131. “Topping” means the severing of main trunks or stems of vegetation at
38 any place above 25% of the vegetation height.

39 132. “Transportation facilities” are those structures and developments that
40 provide for the movement of people, goods, and services. These include

- 1 roads and highways, railroad facilities, bridges, parking facilities, bicycle
2 paths, trails, and other related facilities.
- 3 133. "Trees" means any living woody plant characterized by one main stem or
4 trunk and many branches and having a diameter of 4 inches or more
5 measured 24 inches above ground level.
- 6 134. "Unavoidable" means adverse impacts that remain after all appropriate
7 and practicable avoidance and minimization have been achieved.
- 8 135. "Utility" means a service and/or facility that produces, transmits, carries,
9 stores, processes, or disposes of electrical power, gas, potable water,
10 stormwater, communications (including, but not limited to, telephone and
11 cable), sewage, oil, and the like.
- 12 136. "Vegetation" means plant life growing below, at, and above the soil
13 surface.
- 14 137. "Vegetation alteration" means any clearing, grading, cutting, topping,
15 limbing, or pruning of vegetation.
- 16 138. "Water-dependent use" means a use or portion of a use that cannot exist in
17 a location that is not adjacent to the water and that is dependent on the
18 water by reason of the intrinsic nature of its operations.
- 19 139. "Water-enjoyment use" means a recreational use or other use that
20 facilitates public access to the shoreline as a primary characteristic of the
21 use or a use that provides for recreational use or aesthetic enjoyment of the
22 shoreline for a substantial number of people as a general characteristic of
23 the use, and which through location, design, and operation ensures the
24 public's ability to enjoy the physical and aesthetic qualities of the
25 shoreline. In order to qualify as a water-enjoyment use, the use must be
26 open to the general public and the shoreline-oriented space within. The
27 project must be devoted to the specific aspects of the use that fosters
28 shoreline enjoyment.
- 29 140. "Water-oriented use" means a use that is water-dependent, water-related,
30 or water-enjoyment, or a combination of such uses.
- 31 141. "Water quality" means the physical characteristics of water within
32 shoreline jurisdiction, including water quantity, hydrological, physical,
33 chemical, aesthetic, recreation-related, and biological characteristics.
34 Where used in this chapter, the term water quantity refers only to
35 development and uses regulated under this chapter and affecting water
36 quantity such as impermeable surfaces and stormwater handling practices.
37 Water quantity, for purposes of this chapter, does not mean the withdrawal
38 of groundwater or diversion of surface water pursuant to RCW 90.03.250
39 through 90.03.340.

- 1 142. "Water-related use" means a use or portion of a use, which is not
2 intrinsically dependent on a waterfront location but whose economic
3 viability is dependent upon a waterfront location because:
- 4 a. The use has a functional requirement for a waterfront location such
5 as the arrival or shipment of materials by water or the need for
6 large quantities of water; or
- 7 b. The use provides a necessary service supportive of the
8 water-dependent uses and the proximity of the use to its customers
9 makes its services less expensive and/or more convenient.
- 10 143. "Weir" means a structure generally built perpendicular to the shoreline for
11 the purpose of diverting water or trapping sediment or other moving
12 objects transported by water.
- 13 144. "Wetlands" are areas that are inundated or saturated by surface or
14 groundwater at a frequency and duration sufficient to support and that
15 under normal circumstances do support a prevalence of vegetation
16 typically adapted for life in saturated soil conditions. Wetlands generally
17 include swamps, marshes, bogs, and similar areas. Wetlands do not
18 include those artificial wetlands intentionally created from non-wetland
19 sites, including, but not limited to, irrigation and drainage ditches, grass-
20 lined swales, canals, detention facilities, wastewater treatment facilities,
21 farm ponds, and landscape amenities, or those wetlands created after July
22 1, 1990, that were unintentionally created as a result of the construction of
23 a road, street, or highway. Wetlands may include those artificial wetlands
24 intentionally created from non-wetland areas to mitigate the conversion of
25 wetlands.

26 **Section 7.18 Shoreline Environment Designation Maps**