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PREPARED FOR: FRANKLIN COUNTY

Final Draft Shoreline Master Program

Franklin County Shoreline Master Program Update

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List of Acronyms and Abbreviations

ADA	Americans with Disabilities Act
BMP	best management practice
BSBL	building setback line
CFR	Code of Federal Regulations
CMZ	channel migration zone
CPTED	Crime Prevention Through Environmental Design
CWA	Clean Water Act
WDNR	Washington State Department of Natural Resources
Ecology	Washington State Department of Ecology
FCC	Franklin County Code
FEMA	Federal Emergency Management Agency
FIRM	flood insurance rate map
GIS	Geographic Information System
GMA	Growth Management Act
Guidelines	SMA Guidelines (WAC Chapter 173-26)
HPA	Washington State Hydraulic Project Permits
JARPA	Joint Aquatic Resource Permits Application
NRCS	Natural Resources Conservation Service
OHWM	ordinary high water mark
PHS	Priority Habitat and Species
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SHB	State Shorelines Hearing Board
SMA	Washington State Shoreline Management Act
SMP	Shoreline Master Program
SSWS	shorelines of statewide significance
UGA	Urban Growth Area
USACE	U.S. Army Corps of Engineers
WAC	Washington Administrative Code
WARIS	Washington Rivers Inventory System
WDFW	Washington State Department of Fish and Wildlife

SECTION I: Shoreline Goals and Policies (RCW 90.58.100)

1 Introduction

Franklin County, through an updated Shoreline Master Program (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 (Chapter 173-26 Washington Administrative Code [WAC]) (Guidelines), 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." Franklin County adopted its SMP in 1974.

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 public access, accounting for advancements in science and shoreline management practices, and establishing a clear relationship between the SMA and the Growth Management Act (GMA).

The updated version of the Franklin County SMP provides goals, policies, and regulations for the development of Franklin County shorelines consistent with the SMA and Guidelines.

2 Relationship between Growth Management Act and Shoreline Management Act

An SMP contains goals, policies, regulations, and environment designation maps that guide shoreline development in accordance with state requirements. The County's SMP is integrated with the County's land use regulation system. Consistent with RCW 36.70A.480, the goals and policies contained in this SMP shall be considered an element of the County's comprehensive plan required by the GMA. All other portions of this SMP, including the use regulations, are considered a part of the County's development regulations required by the GMA.

The Inventory 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 County's Comprehensive Growth Management Plan.

The Inventory and Characterization Report establishes the baseline against which the standard "no net loss of shoreline ecological functions" is measured. The Restoration Plan identifies and prioritizes shoreline restoration opportunities that may be undertaken independently or in

conjunction with mitigation for development impacts to improve shoreline ecological functions over time.

3 Profile of the Shoreline Jurisdiction within Franklin County

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

3.1 Shoreline Jurisdiction Rivers and Lakes

Franklin County's SMP encompasses shoreline along three rivers and 18 lakes within the unincorporated County. The County's shoreline waterbodies are listed below in Tables 1 and 2. Of these, the rivers are considered shorelines of statewide significance (SSWS). See Section 3.2 for discussion on SSWS.

Table 1. Shoreline Jurisdiction Rivers

Stream Name	Included in 1974 Franklin County SMP[1]	Shoreline of Statewide Significance	Total Length Proposed Shoreline
Columbia River	Yes	Yes	32.97 miles [2]
Palouse River	Yes	Yes	14.54 miles[3]
Snake River	Yes	Yes	58.53 miles

Notes:
1. The SMP Update has resulted in removing the Esquatzel Coulee from shoreline jurisdiction due to its operation as a drain, wasteway, and water conveyance route for the Columbia Basin Project (CBP) irrigation water supply.
2. The SMP Update includes appending the Hanford Nuclear Reservation area along the Columbia River within Franklin County.
3. The measurement is based on the Ecology arc data.

Table 2. Shoreline Jurisdiction Lakes

Lake Name	Included in 1974 Franklin County SMP	Total Area Proposed Shoreline (acres)
Bailie Lake[1]	Yes	56
Camp Lake	No	37
Chance Lake[2,3]	Yes	18[3]

Lake Name	Included in 1974 Franklin County SMP	Total Area Proposed Shoreline (acres)
Scooteney Lake (Eagle Lakes)[8]	Yes	213
Scooteney Reservoir (East)[9,10]	Yes	47
Scooteney Reservoir (West)[9]	Yes	711

Lake Name	Included in 1974 Franklin County SMP	Total Area Proposed Shoreline (acres)
Clark Pond	Yes	38
Eagle Lakes T14N R29E S11N[4]	Yes	73
Eagle Lakes T14N R29E S14[5]	Yes	70
Eagle Lakes T14N R29E S11QR[6]	Yes	33
Eagle Lakes T14N R29E S26[7]	Yes	147
Mesa Lake	Yes	48

Lake Name	Included in 1974 Franklin County SMP	Total Area Proposed Shoreline (acres)
T Lake	No	125
Unnamed T13N R30E S5	Yes	27
Unnamed T13N R31E S18	No	71
Unnamed T14N R30E S33	Yes	49
Wahluke Slope HMA N[11]	Yes	37
Wahluke Slope HMA W[12]	Yes	49

Notes:
1. Currently listed as Unnamed Lake (T13N R29E S15) in WAC 173-20-240
2. Currently listed as Unnamed Lake (T14N R30E S27) in WAC 173-20-240
3. Chance Lake is only 18 acres, but it is hydrologically connected to Scooteney Reservoir (711 acres)
4. Currently listed as Unnamed Lake (T14N R29E S11N) in WAC 173-20-240
5. Currently listed as Unnamed Lake (T14N R29E S14) in WAC 173-20-240
6. Currently listed as Unnamed Lake (T14N R29E S11Q/R) in WAC 173-20-240
7. Currently listed as Unnamed Lake (T14N R29E S26) in WAC 173-20-240
8. Currently listed as Unnamed Lake (T14N R29E S12) in WAC 173-20-240
9. Scooteney Reservoir East and West are hydrologically connected, but are listed as two separate waterbodies in WAC 173-20-240
10. Currently listed as Unnamed Lake (T14N R30E S14) in WAC 173-20-240
11. Currently listed as Unnamed Lake (T14N R28E S24) in WAC 173-20-240
12. Currently listed as Unnamed Lake (T14N R28E S26) in WAC 173-20-240

3.2 Shorelines of Statewide Significance

The County's shoreline jurisdiction includes three rivers that are considered SSWS, as listed in Table 1. The SMA designates certain shoreline areas as SSWS, which are defined as "natural rivers or segments thereof" that have a mean annual flow of 200 cubic feet per second or more (or for streams east of the crest of the Cascades (RCW 90.58.030), the portion downstream from the first 300 square miles of drainage area) and lakes, whether natural, artificial, or a combination thereof, of 1,000 acres or greater in surface area. The Columbia, Snake, and Palouse rivers are SSWS based on both flow and upstream drainage criteria.

The SSWS protection and management goals are described in the section below under Development of Goals and Policies – Shoreline Uses and Modifications Element.

4 Development of Goals and Policies

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

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

4.1 Economic Development Element

A. Goals:

1. Goal A: Encourage, sustain, and enhance the existing agricultural economy.

2. Goal B: Support water-oriented uses to maximize the positive economic impact of tourism and recreational development.

3. Goal C: Promote economic growth that conserves natural resources and open spaces and maintains the environmental quality and rural character that make Franklin County a preferred place to work.

4. Goal D: Maintain and secure additional commercial and industrial facilities and infrastructure necessary for existing and future development in shoreline areas where it is most feasible, while maintaining environmental quality.

5. Goal E: Maintain and enhance natural resource-based industries within shoreline, including productive agriculture (cultivation and grazing) and fisheries, while maintaining environmental quality. Encourage the improvement of productive agricultural lands and discourage incompatible uses.

B. Policies

1. Ensure healthy, orderly economic growth by providing for those economic activities that will be an asset to the local economy and for which the adverse effects on the quality of the shoreline and surrounding environment can be mitigated.

2. Maintain current agricultural uses as a major economic strength of the region. Protect current agricultural land uses and provide for development of new agricultural uses.

3. Maintain and protect existing water-dependent and water-related industries that support Franklin County's economy. Provide opportunities for future expansions of such industries. Examples include grain and fuel loading, dams, and navigation.

4. Maintain and enhance existing hydroelectric facilities and the navigation system.

5. Allow diversion of water for agricultural purposes consistent with the State's water rights laws.

6. Promote tourism and develop and maintain, as an economic asset, the recreation and tourism industry along shorelines in a manner that will enhance public enjoyment.

7. Work with port districts and other agencies to ensure sustainable economic growth along the shoreline. Encourage cooperative use of existing port facilities, including docks and piers, where feasible and when they do not negatively affect the public safety.

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

9. Encourage new water-dependent, water-related, and water-enjoyment economic development in priority order.

10. Ensure that any economic activity taking place along the shoreline operates without causing irreparable harm to the quantity of the site's environment or adjacent shoreline areas.

11. Where possible, developments are encouraged to incorporate low-impact development techniques into new projects and integrate architectural and landscape elements that recognize the river environment.

12. Require non-water-oriented commercial or recreational development to provide for ecological restoration and public access as appropriate.

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

4.2 Public Access and Recreation Element

A. Goals

1. Goal A: Promote, protect, and enhance both physical and visual public access along the shoreline of the Columbia, Snake, and Palouse rivers. Increase the amount and diversity of public access along the shoreline consistent with private property rights, public safety, and the natural shoreline character.

2. Goal B: Maintain and enhance the existing public access system, where possible, such as the Columbia Plateau Trail along the Snake River, parks along Snake and Palouse rivers, and other shorelines.

3. Goal C: Promote public access along the Columbia River according to the Hanford Reach National Monument Comprehensive Conservation Plan. In other shoreline areas along the Columbia River, provide physical and visual public access as feasible and when new development creates demand for public access.

4. Goal D: Ensure diverse, convenient, and adequate water-oriented recreational opportunities along the shoreline for the public.

5. Goal F: Give water-oriented shoreline recreational development priority within shoreline jurisdiction.

B. Policies

1. Protect and enhance visual and physical access to shoreline especially on public properties. Provide visual access, such as viewpoints or view corridors, in areas with limited physical access due to a steep slope or the sensitive nature of the shoreline whenever possible.

2. Ensure that new developments, uses, and activities on or near the shoreline do not impair or detract from the public's access to the water. Where practicable, public access to the shoreline should be enhanced.

3. Design public access that minimizes potential impacts to private property and individual privacy.

4. Locate, design, manage, and maintain public access and recreation facilities in a manner that protects shoreline ecological functions and processes and the public's health and safety.

5. Identify opportunities for public access on publicly owned shorelines. Encourage federal, state, and local governments to provide public access and recreational uses on existing shoreline properties according to their management policies such as existing Habitat Management Units (Big

Flat, Lost Island), parks, and U.S. Army Corps of Engineers (USACE) lands along the Columbia River outside the Hanford Reach National Monument area. Preserve, maintain, and enhance public access afforded by shoreline street ends, public utilities, and rights-of-way.

6. Provide physical and visual public access in the shoreline jurisdiction in association with the following uses when feasible: residential developments with five or more dwellings, commercial development, and public agency recreational development.

7. Provide public access and interpretive displays as part of publicly funded restoration projects where significant ecological impacts are addressed.

8. Allow for passive and active shoreline recreation that emphasizes location along shorelines in association with the County and other public agency parks, recreation, wildlife habitat, and open-space plans.

9. Encourage a variety of compatible recreational experiences and activities to satisfy the County's diverse recreational needs such as parks, boat lunches, docks, trail, and viewing platforms.

10. Give water-dependent recreation priority over water-enjoyment recreation uses. Give water-enjoyment recreational uses priority over non-water-oriented recreational uses.

11. Integrate and link recreation facilities with linear systems, such as walking trails, bicycle paths, easements, and scenic drives, when feasible, to connect Columbia and Snake River trails and capitalize on other opportunities.

12. Promote non-intensive recreational uses, which avoid adverse effects to the natural environment, do not contribute to flood hazards, and avoid damage to the shoreline environment through modifications such as structural shoreline stabilization or native vegetation removal.

4.3 Circulation Element

A. Goals:

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

B. Policies:

1. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will minimize adverse effects on unique or fragile shoreline

features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

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

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

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

5. In the circulation network, plan for pedestrian, bicycle, equestrian, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.

6. Promote existing transportation corridors for reuse for water-dependent uses or public access when they are abandoned.

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

8. Plan parking areas to achieve optimum use. Where possible, parking should serve more than one use (e.g., serving recreational use on weekends and commercial use on weekdays).

9. Encourage low-impact parking facilities such as those with gravels or permeable pavements and bio-swales.

10. Encourage trail and bicycle paths along shorelines in a manner compatible with the natural character, resources, and ecology of the shoreline.

11. Encourage the linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking and bicycle paths, easements, and scenic drives, to connect Columbia and Snake River trails and capitalize on other opportunities.

4.4 Shoreline Uses and Modifications Element

A. Goals:

1. Goal A: Encourage shoreline development that recognizes Franklin County's natural and cultural values and its unique aesthetic qualities offered by its variety of shoreline environments, including, but not limited to, free flowing and reservoir-bounded river segments, agriculture development, cliffs and steep slopes, riverine wetlands, open views, and plentiful formal and informal public access.

2. Goal B: Franklin County recognizes and protects the functions and values of the shoreline environments of statewide and local significance. For SSWS, protection and management priorities are to:

    a. Recognize and protect statewide interest over local interest;

    b. Preserve the natural character of the shoreline;

    c. Provide long-term over short-term benefits;

    d. Protect the resources and ecology of shoreline;

    e. Increase public access to publicly owned areas of shoreline; and

    f. Increase recreational opportunities for the public in shoreline areas.

B. General Policies:

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

2. Ensure that proposed shoreline uses are distributed, located, and developed in a manner that will maintain or improve the health, safety, and welfare of the public when such uses occupy shoreline areas.

3. Ensure that activities and facilities are located on the shoreline in such a manner as to retain or improve the quality of the environment.

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

5. Minimize the adverse impacts of shoreline uses and activities on the environment during all phases of development (e.g., design, construction, management, and use).

C. Shoreline Environment Designation Policies:

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

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

3. Assign appropriate environment designation(s) to acknowledge and maintain support for existing agricultural land uses and, as applicable, for anticipated new agricultural development.

4. Designate properties as Rural Conservancy to accommodate low-density rural home sites and low intensity agriculture or rangeland uses, create a separation between urban areas, and maintain an open-space character and provide opportunities for recreational uses.

5. Assign appropriate designations to accommodate recreational uses. Ensure that intense recreational uses, such as boat launches and parks, do not conflict with the sensitive nature of the shoreline (e.g., habitat management units) where low impact recreational uses are more appropriate.

6. Assign properties as High Intensity to support industrial, commercial, irrigation supply, transportation, and navigation activities while maintaining the ecological functions. Ensure that public services, such as irrigation and navigation uses, are separately addressed from the industrial uses.

7. Designate properties as Shoreline Residential to accommodate higher density residential development and recognize existing and proposed land uses. This designation is appropriate for residential uses on lands with zoning classifications for detached and attached residences.

8. Assign appropriate environment designations for preservation of wildlife habitat area, natural resources, and public agency operations.

D. Agriculture Policies:

1. This SMP recognizes the importance of agriculture in Franklin County and supports its continued economic viability. This SMP allows for ongoing agricultural activities and should protect agricultural lands from conflicting uses, such as intensive or unrelated residential, industrial, or

commercial uses, while also maintaining shoreline ecological functions and processes.

2. New agricultural development should be conducted in a manner that ensures no net loss of shoreline ecological functions and processes.

3. New agricultural development should maintain a vegetative buffer between agricultural lands and waterbodies or wetlands.

4. Conversion of agricultural lands to other uses should comply with all policies and regulations for non-agricultural uses.

E. Aquaculture Policies:

1. Aquaculture is a water-dependent use and, when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is a preferred use of the shoreline (WAC 173-26-241(3)(b)).

2. Give preference to aquaculture operations that minimize environmental impacts through use of fewer visible structures or less extensive substrate and vegetation modifications.

3. Aquaculture should not be allowed in areas where it would degrade water quality, result in a loss of shoreline ecological function, impair navigation, or conflict with other water-dependent uses.

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

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

F. Boating Facilities Policies:

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

2. Require restoration activities when substantial improvements or repair to existing boating facilities is planned.

3. Boating facilities that minimize the amount of shoreline modification are preferred.

4. Boating facilities should provide physical and visual public shoreline access and provide for multiple uses, including water-related use, to the extent compatible with shoreline ecological functions and processes and adjacent shoreline use.

5. Boating facilities should be located and designed to avoid adverse effects on riverine and nearshore processes, such as erosion, littoral or riparian transport, and accretion, and should, where feasible, enhance degraded, scarce, and/or valuable shore features including accretion shoreforms.

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

G. Breakwaters, Jetties, Groins, and Weirs Policies:

1. To the extent feasible, limit the use of breakwaters, jetties, groins, weirs, or other similar structures to those projects providing ecological restoration or other public benefits. These structures should avoid or minimize significant ecological impacts. Impacts that cannot be avoided should be mitigated.

H. Dredging and Dredge Material Disposal Policies:

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

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

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

4. Allow dredging for the primary purposes of flood hazard reduction only as part of a long-term management strategy consistent with an approved flood hazard management plan.

5. Ensure that dredging operations are planned and conducted in a manner that will minimize interference with navigation and lessen adverse impacts to other shoreline uses.

I. Fill Policies:

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

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

J. In-Stream Structures Policies:

1. Locate, plan, and permit in-stream structures only when consistent with the full range of public interests, ecological functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

K. Mining Policies:

1. Locate mining facilities outside shoreline jurisdiction whenever feasible.

2. Do not allow mining in any location waterward of the OHWM.

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

4. Protect waterbodies from sources of pollution, including, but not limited to, sedimentation and siltation, chemical and petrochemical use, and spillage and storage/disposal of mining wastes and spoils.

5. Mining operations should be located, designed, and managed so that other appropriate uses are not subjected to substantial or unnecessary adverse impacts from noise, dust, or other effects of the operation. The operator may be required to implement measures, such as buffers, limited hours, or other mitigating measures, for the purpose of minimizing adverse proximity impacts.

L. Piers and Docks Policies:

1. Pier and dock provisions for the Columbia and Lower Snake rivers should be consistent with the USACE McNary Pool Management Plan.

2. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible. Moorage for water-related and water-enjoyment uses or shared

moorage for multi-family use should be allowed as part of a mixed-use development or where it provides public access.

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

4. As an alternative to continued proliferation of individual private moorage, mooring buoys are preferred over docks or floats. Shared moorage facilities are preferred over single user moorage where feasible, especially where water use conflicts exist or are predictable. New subdivisions of more than two lots and new multi-family development of more than two dwelling units should provide shared moorage where feasible.

5. Docks, piers, and mooring buoys, including those accessory to single-family residences, should avoid locations where they will adversely impact shoreline ecological functions or processes, including high-velocity currents and littoral drift.

6. Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto, such as, but not limited to, fishing, swimming, and pleasure boating and private riparian rights of adjacent land owners.

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

8. Pile supports are preferred over fills because piles do not displace water surface or aquatic habitat and are removable and thus more flexible in terms of long-term use patterns. Floats may be less desirable than pile structures where aquatic habitat or littoral drift are significant.

9. The use of buoys for small craft moorage is preferred over pile or float structures because of less long-term impact on shore features and users; moorage buoys should be placed as close to shore as possible to minimize obstruction to navigation.

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

11. New pier and dock development should be designed so as not to interfere with lawful public access to or use of shorelines. Developers of new piers and shared moorage should be encouraged to provide physical or visual public access to shorelines whenever safe and compatible with the primary use and shore features.

M. Recreational Development Policies:

1. Shoreline recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.

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

3. Recreational facilities should be a combination of active and passive types. Location of such facilities should consider the ecological function and sensitive nature of the shoreline in order to avoid adverse impacts. For example, wildlife and habitat preservation areas with sensitive shoreline habitat should have low-impact recreational uses.

4. Recreational developments and plans should provide the regional population with a varied and balanced choice of recreation experiences in appropriate locations. Public agencies should coordinate their plans and activities to provide a wide variety of recreational opportunities without needlessly duplicating facilities.

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

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

7. Recreational development should be located and designed to preserve, enhance, or create scenic views and vistas in accordance with Franklin County Code (FCC) 18.16.260, Public Access.

N. Residential Development Policies:

1. Consider single-family residential development as a priority use.

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

3. Ensure the overall density of development, lot coverage, and height of structures is appropriate to the physical capabilities of the site and consistent with the comprehensive plan.

4. Ensure new residential development provides adequate buffers or open space from the water to protect ecological functions and ecosystem-wide processes, preserve views, preserve shoreline aesthetic characteristics, protect the privacy of nearby residences, and minimize use conflicts.

5. Make adequate provisions for services and infrastructure necessary to support residential development.

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

7. Design and locate new residences so that shoreline stabilization will not be necessary to protect the structure. The creation of new residential lots should demonstrate the lots can be developed without:

    a. Constructing shoreline stabilization structures (such as bulkheads);

    b. Causing significant erosion or slope instability; and

    c. Removing existing native vegetation within shoreline buffers.

O. Shoreline Habitat and Natural Systems Enhancement Projects Policies:

1. Include provisions for shoreline vegetation restoration or enhancement, fish and wildlife habitat enhancement, and low-impact development techniques in projects located within shoreline jurisdiction, where feasible.

2. Encourage and facilitate implementation of projects and programs included in the SMP Shoreline Restoration Plan.

P. Shoreline Stabilization Policies:

1. Locate and design new development, including subdivisions, to eliminate the need for new shoreline modification or stabilization.

2. Design, locate, size, and construct new or replacement structural shoreline stabilization measures to minimize and mitigate the impact of these modifications on Franklin County's shorelines.

3. Give preference to non-structural shoreline stabilization measures over structural shoreline stabilization, and give preference to soft structural shoreline stabilization over hard structural shoreline stabilization.

4. Allow location, design, and construction of riprap and other bank stabilization measures primarily to prevent damage to existing development or to protect the health, safety, and welfare of the Franklin County's residents.

5. Encourage fish-friendly shoreline design during new construction and redevelopment by offering incentives and regulatory flexibility.

Q. Utilities Policies:

1. Allow for utility maintenance and extension with criteria for location and vegetation restoration as appropriate.

2. Plan, design, and locate utility facilities to minimize harm to shoreline functions, preserve the natural landscape, and minimize conflicts with present and future planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

3. Do not permit new non-water-oriented primary utility production and processing facilities or parts of those facilities, such as power plants, solid waste storage, or disposal facilities, within shoreline jurisdiction unless no other options are feasible. Primary utility facilities, such as wastewater treatment plants, and expansion of existing facilities should be located in shoreline jurisdiction only if no practical upland alternative or location exists. Such facilities and expansions should be designed and located to minimize impacts on shoreline ecological functions, including riparian and aquatic areas, and to the natural landscape and aesthetics. Public health and safety should be the highest priority for the planning, development, and operation of primary utility facilities.

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

5. Locate new utility facilities so as not to require extensive shoreline protection works.

6. Locate utility facilities and corridors to protect scenic views from public parks and trails. Whenever possible, such facilities should be placed underground or alongside or under bridges.

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

R. Existing Uses Policies:

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

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

3. Encourage transitions from nonconforming uses to conforming uses.

4. Allow for nonconforming structures to expand when they do not increase the nonconformity according to SMP requirements.

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

6. Consider the no-net-loss of ecological function objective to guide review of proposed expansions or other changes to nonconforming uses and new development on nonconforming vacant lots. This objective may be addressed in an area-wide manner consistent with the SMP cumulative impacts analysis.

4.5 Conservation Element

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

A. Goals:

1. Goal A: Protect the natural and Columbia Basin Project enhanced hydraulic, hydrologic, and habitat functions, as well as scenic and recreational values, of Franklin County shorelines.

B. General Policies:

1. Develop and implement management practices that will ensure a sustained yield of renewable resources of the shorelines while preserving, protecting, enhancing, and restoring unique and non-renewable shoreline resources, environments, or features.

2. Reclaim and restore areas that are biologically and aesthetically degraded to the greatest extent feasible.

3. Preserve scenic vistas, aesthetics, fisheries and wildlife habitat, and other critical areas.

4. Protect shoreline processes and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within shoreline jurisdiction, and incentives to private property owners to encourage ecologically sound design and implementation of best land management practices.

5. Protect and manage shoreline-associated wetlands, including maintenance of sufficient volumes of surface and subsurface drainage into wetlands, to sustain existing vegetation and wildlife habitat.

6. Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional and watershed-wide natural environment issues and the protection, preservation, and enhancement of all shoreline areas as fish and wildlife habitat.

7. Manage development to avoid risk and damage to property and loss of life from geological conditions.

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

9. Prohibit the introduction of invasive plant species along the shoreline, and encourage the removal of noxious and invasive weeds and trees.

10. Protect, enhance, and maintain healthy vegetation consistent with the local climate and nature of shoreline.

11. Enhance and restore areas that are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

C. Critical Areas:

1. Goals:

a. Goal A: Promote public health and welfare by instituting local measures to preserve naturally occurring wetlands, critical aquifer recharge areas, geologically hazardous areas, frequently flooded areas (also see SMP Section I – 4.7: Flood Hazard Management goals and policies), and fish and wildlife habitat conservation areas that exist in the County's shoreline jurisdiction for their associated value.

b. Goal B: Reduce the threat posed to the health and safety of its citizens from commercial, residential, or industrial development that may be sited in areas of significant geologic hazard.

c. Goal C: Identify categories of fish and wildlife habitat conservation areas in Franklin County's shoreline jurisdiction, based in part on information supplied by Washington State Department of Fish and Wildlife's Priority Habitat and Species Program and other sources.

d. Goal D: Protect local wildlife values and reflect the needs and desires of the public.

2. Policies:

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

b. Implement protection measures that strive to spare identified value and function of critical areas that may be in jeopardy from new development proposals. However, these regulations shall not prohibit uses legally existing on any parcel prior to their adoption.

c. Avoid unnecessary duplication with various legal means and levels of government that already address protection of wetlands, and promote cooperation and coordination whenever possible.

d. Recognize that risks from geologic hazards can be reduced or mitigated to acceptable levels through engineering design or modified construction practices. In other cases where technological efforts are not sufficient to reduce associated risks, building is best avoided. Cooperate with federal, state, and private agencies and individuals who have primary authority to manage specific fish and wildlife habitat conservation areas within certain parts of the County.

e. Encourage preservation of adequate size blocks of land necessary for species survival and corridor areas that allow for migratory travel.

f. Recognize that species of wildlife in the County's locality are in a state of continuing flux, and a prudent understanding of this phenomenon is vital in guiding decision-makers to balance conservation of wildlife species with promotion of wise, desirable growth.

4.6 Historic, Cultural, Scientific, and Educational Resources Element

A. Goals:

1. Goal A: Identify, preserve, and protect historical, cultural, and archaeological resources found to be significant by recognized local, state, or federal processes.

2. Goal B: Encourage educational and scientific projects and programs that foster a greater appreciation for the importance of shoreline management, water-oriented activities, environmental conservation, and local historic connections with the County's shoreline.

B. Policies:

1. Identify, protect, preserve, and restore important archeological, historic, and cultural sites located in shoreline areas.

2. Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation, and maritime history, consistent with protecting 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 Flood Hazard 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 function of floodplains.

2. Goal B: Diminish 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 County as detailed in the

Franklin County Flood Damage Prevention Ordinance (08-2004), as hereafter amended.

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

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

5. Prohibit any development within the floodplain that would individually or cumulatively cause any increase in the base flood elevation beyond FEMA standards.

4.8 Private Property Right

A. Goals:

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

B. Policies:

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

2. Public access to shoreline, such as trails, bikeways, or roads, should consider privacy of private property owners when locating them near private properties.

SECTION II: Shoreline Regulations

Article I. Authority and Purpose

18.16.010 Authority

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

18.16.020 Applicability

A. This Program shall apply to all of the shoreline areas, waters, and critical areas within the shoreline jurisdiction of unincorporated Franklin County as described in SMP Section I, Shoreline Goals and Policies, Profile of the Shoreline Jurisdiction, within Franklin County.

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 Shoreline Goals and Policies section for the shoreline jurisdiction description and SMP Article VII for the definition of uses, activities, and development.

C. The SMP applies to shoreline jurisdiction within unincorporated Franklin County and the Urban Growth Areas (UGA) of cities and towns; this SMP will not apply to shorelines in the UGAs upon annexation of the UGA areas to cities and towns.

D. 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.

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

F. Maps indicating the extent of shoreline jurisdiction and shoreline designations are 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 or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.

18.16.030 Purpose

A. The purposes of this SMP are:

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

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

3. To provide a high quality shoreline environment where:

   a. Recreational opportunities are abundant;

   b. The public enjoys access to and views of shoreline areas;

   c. Natural systems are preserved, restored or enhanced;

   d. Ecological functions of the shoreline are maintained and improved over time;

   e. Water-oriented uses are promoted consistent with the shoreline character and environmental functions; and

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

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

18.16.040 Relationship to Other Codes, Ordinances, and Plans

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

B. In the event provisions of this SMP conflict with provisions of federal, state, or county regulations, the provision that is most protective of shoreline resources shall prevail. It is understood that the provisions of this chapter may not allow development to occur at what otherwise might be the property's full zoning potential.

1. Local plans or programs include, but are not limited to:

   a. Watershed Management Plans

b. FCC 15.08 – Flood Damage Prevention

c. FCC 18.04 State Environmental Policy Act (SEPA)

d. FCC Title 17, Zoning

e. FCC 18.12, Franklin County Open Space Program and Public Benefit Rating System

2. State and federal programs include, but are not limited to:

a. Washington State Hydraulic Project Permits (HPA)

b. Washington State Pesticide Applicator License Requirements

c. Washington State Waste Discharge Permits

d. Washington State Water Quality Certification Requirements (401)

e. USACE 404 Permits and Section 10 Permits

C. The policies in the SMP, contained in the SMP Elements, state those underlying objectives that the regulations are intended to accomplish. The policies guide the interpretation and enforcement of the SMP regulations contained in FCC Chapter 18.16. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

D. This SMP contains critical area regulations in FCC 18.16 Article V, applicable only in shoreline jurisdictions that provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources (RCW 36.70A.480). In the event of a conflict between the requirements of this code and any other code or ordinance of Franklin County, the regulation that provides the greater protection for the particular critical area within shoreline jurisdiction shall apply.

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

18.16.050 Liberal Construction

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

18.16.060 Severability

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

18.16.070 Effective Date

A. The SMP is hereby adopted on the XX day of XX 201X. This SMP and all amendments thereto shall become effective 14 days after final approval and adoption by Ecology.

Article II. Environment Designation

18.16.100 Environment Designations

A. The County has designated shorelines pursuant to chapter 90.58 RCW by defining them, providing criteria for their identification, and establishing shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this SMP. The SMP classifies Franklin County shoreline into eight shoreline environment designations consistent with the purpose and designation criteria as follows:

1. Aquatic
2. Natural
3. Agriculture
4. Rural Conservancy
5. Recreation Conservancy
6. Recreation
7. High Intensity Industrial
8. Shoreline Residential

B. Official Shoreline Maps

1. Shoreline Area Designations are delineated on a map, hereby incorporated as a part of this SMP (FCC 18.16.870), that shall be known as the Official Shoreline Map. Maps indicating the extent of shoreline jurisdiction and shoreline designations are to be used in conjunction with the most current scientific and technical information available, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed.

C. Unmapped or Undesignated Shorelines

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

D. Interpretation of Environment Designation Boundaries

1. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the

boundaries. Appeals of such interpretations may be filed pursuant to FCC 18.16.810, Appeals.

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

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

4. All areas within shorelines that are not mapped and/or designated are automatically assigned Rural Conservancy designation. Within UGAs, such shorelines shall be automatically assigned a Rural Conservancy designation until such time that the shoreline area can be redesignated through a formal amendment.

18.16.110 Aquatic

A. Purpose

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

B. Designation Criteria

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

C. Management Policies

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

   a. New over-water structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.

   b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.

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

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

i. Minimize interference with surface navigation;

ii. Consider impacts to public views; and

iii. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

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

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

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

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

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

18.16.120 Natural

A. Purpose

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

B. Designation Criteria

1. The following criteria should be considered in assigning a Natural environment designation:

    a. The shoreline ecological functions are substantially intact and have a high opportunity for preservation and low opportunity for restoration;

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

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

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

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

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

C. Management Policies

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

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

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

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

    d. Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species through ongoing management activities, or as part of a development proposal. Proposed subdivision or lot line adjustments, new development, or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed;

e. Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited;

f. Only physical alterations that serve to support an existing use, protect a significant or unique physical, biological, or visual shoreline feature that might otherwise be degraded or destroyed, or those alterations that are the minimum necessary to support a permitted use should be allowed; and

g. Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public.

18.16.130 Agriculture

A. Purpose

1. The purpose of the "Agriculture" environment designation is to protect shoreline ecological functions, conserve existing natural and agricultural resources in order to provide for sustained resource use, and maintain natural processes. In addition to existing and future agricultural uses, examples of uses that are appropriate in Agriculture shoreline environment include low-impact, passive recreation uses, natural resource-based low-intensity uses, development in support of agricultural uses, and low-intensity residential development.

B. Designation Criteria

1. The following criteria are used to consider an Agriculture environment designation:

a. The shoreline is located outside of incorporated municipalities;

b. The shoreline is not highly developed, and most development is agriculture, rangeland, or low-density residential;

c. The shoreline has riparian vegetation with high to moderate ecological functions;

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

e. The shoreline has high potential for agricultural uses.

C. Management Policies

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

   a. In addition to existing agriculture uses, other shoreline uses should be limited to those that sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area;

   b. Residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation;

   c. Encourage regulations that provide adequate buffers from the shoreline, promote water quality protection and native vegetation conservation, promote invasive species control or removal and replacement with native species, and reduce the need for shoreline stabilization to ensure no net loss of shoreline ecological functions;

   d. Water-dependent agriculture uses and facilities that conserve natural resources are preferred uses provided that significant adverse impacts to the shoreline are avoided, and unavoidable impacts are minimized and mitigated;

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

   f. New shoreline stabilization, flood-control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for protecting or restoring shoreline ecological functions, as applicable.

18.16.140 Rural Conservancy

A. Purpose

1. The purpose of the “Rural Conservancy” environment designation is to protect shoreline ecological functions and conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes where applicable, and provide recreational opportunities. In addition to existing low intensity agriculture or rangeland uses, examples of uses that are appropriate in a Rural Conservancy shoreline designation include low-impact recreation uses and low-intensity residential development.

B. Designation Criteria

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

   a. The shoreline is located outside of incorporated municipalities;

   b. The shoreline is not highly developed and most development is low-density residential. The shoreline may also have small-scale farms, and unimproved land used for livestock grazing and harvesting of non-cultivated crops;

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

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

C. Management Policies

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

   a. Uses in the Rural Conservancy environment designation – In addition to existing uses, other shoreline uses should be limited to those that sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area;

   b. Development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation;

   c. Encourage regulations that limit lot coverage, provide adequate setbacks from the shoreline, promote native vegetation conservation and invasive species control/removal and replacement with native species, reduce the need for shoreline stabilization, and maintain or improve water quality to ensure no net loss of shoreline ecological functions;

   d. In addition to preserving existing low-intensity agriculture uses, water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time are preferred uses, provided significant adverse impacts to the shoreline are avoided and unavoidable impacts are minimized and mitigated;

e. Development and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed; and

f. New shoreline stabilization, flood-control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for protecting and restoring shoreline ecological functions, as applicable.

18.16.150 Recreation Conservancy

A. Purpose

1. The purpose of the "Recreation Conservancy" environment designation is to provide continued and enhanced recreational opportunities while protecting shoreline ecological functions; conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use; and achieve natural floodplain processes where applicable. Examples of uses that are appropriate in a Recreation Conservancy shoreline designation include public lands with low-impact recreation uses and low-impact, water-oriented commercial uses.

B. Designation Criteria

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

a. The shoreline is located outside of UGAs;

b. In most cases, the shoreline is publically owned;

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

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

e. The shoreline has existing or moderate to high potential for public, water-oriented recreation where ecological functions can be maintained or restored; or

f. The shoreline has high scientific or educational value or unique historic or cultural-resources value.

C. Management Policies

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

a. Uses in the Recreation Conservancy environment designation – Low-intensity recreational uses that sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area.

b. Recreational development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.

c. Encourage regulations that provide adequate setbacks from the shoreline; promote native vegetation conservation and invasive species control/removal and replacement with native species; reduce the need for shoreline stabilization; and maintain or improve water quality to ensure no net loss of shoreline ecological functions.

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

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

f. New shoreline stabilization, flood-control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should be consistent with planning provisions for restoration of shoreline ecological functions.

18.16.160 Recreation

A. Purpose

1. The purpose of the Recreation environment designation is to provide for water-oriented recreational uses with some commercial uses and residential mixed-uses to support recreational uses while protecting existing ecological functions, conserving existing natural resources, and restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria

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

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

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

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

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

C. Management Policies

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

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

    b. Policies and regulations shall ensure no net loss of shoreline ecological functions as a result of new development. Consistent with the Franklin County's SMP restoration plan, new development may be required, as applicable, to include restoration of shoreline functions as part of project proposals.

    c. Where feasible, visual and physical public access should be required as provided for in FCC 18.16.260, Public Access. Recreational objectives should be enhanced by combining physical and visual public access opportunities with other recreational opportunities where feasible.

    d. Water-oriented commercial uses should be allowed.

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

18.16.170 High Intensity – Industrial

A. Purpose

1. The purpose of the "High Intensity – Industrial" environment designation is to provide for public and private industrial uses that need a shoreline location for operation and are associated with water-oriented commerce and industry. Examples of uses that are appropriate in a High Intensity – Industrial shoreline environment include water-oriented power generation, irrigation water supply diversion or conveyance, transportation, navigation uses, grain elevators, fish hatcheries, barge and conveyance facilities, and similar uses. This environment may also provide for some recreation, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria

1. Assign a High Intensity – Industrial environment designation to shoreline areas where:

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

   b. The shoreline is highly developed, and most development is related to public utility, infrastructure, industry, or commerce with potential for additional related development, facility rehabilitation, or upgrade modifications.

   c. The operation of such uses depend on proximity to water, including high-intensity uses related to industrial production, conveyance, transportation, or navigation.

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

C. Management Policies

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

   a. In regulating uses in the High Intensity – Industrial environment, first priority should be given to water-dependent industrial or public-facility uses. Second priority should be given to water-related and water-enjoyment uses that are not in conflict with the industrial uses. Non-water-oriented uses are allowed as part of industrial operational needs.

b. Policies and regulations shall ensure no net loss of shoreline ecological functions as a result of redevelopment, facility upgrades, and new development. Where applicable, development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.

c. Where feasible and appropriate, visual and physical public access provisions may be included as consistent with FCC 18.16.260, Public Access.

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

18.16.180 Shoreline Residential

A. Purpose

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

B. Designation Criteria

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

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

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

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

C. Management Policies

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

a. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the

shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization, and maintaining or improving water quality.

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

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

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

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

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

Article III. General Regulations

18.16.200 Shoreline Use and Modification

A. Regulations

1. FCC Table 18.16.200 (B) indicates which shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

   a. "Permitted Uses" require a Shoreline Substantial Development Permit or a Shoreline Exemption.

   b. "Conditional Uses" require a Shoreline Conditional Use Permit per FCC 18.16.750.

   c. "Prohibited" activities, uses, developments, and modifications are not allowed and cannot be permitted through a Variance or Shoreline Conditional Use Permit.

   d. General Regulations (FCC 18.16, Article III) and Shoreline Modification and Uses Regulations (FCC 18.16, Article IV) shall be considered for additional limitations.

2. All uses shall comply with the written provisions and regulations in this SMP and the shoreline use and modification matrix in FCC 18.16.200 (B). Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

B. General:

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

2. Authorized uses and modifications shall be allowed only in shoreline jurisdictions where the underlying zoning allows for it and subject to the policies and regulations of this SMP.

3. A use is considered unclassified when it is not listed in Table 18.16.200 (B) or in the Shoreline Modification and Uses Regulations (FCC 18.16, Article IV). Any proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this SMP.

4. If any part of a proposed activity, use, modification, or development is not eligible for exemption per FCC 18.20.770 (Exemptions from Shoreline

Substantial Development Permits), then a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit shall be required for the entire proposed development project.

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

6. Shoreline and critical areas buffers found in FCC 18.16, Article V, apply to all uses and modifications unless stated otherwise in the regulations.

7. None of the allowed uses shall be conducted in the floodway in any environment designation, except as allowed by FCC 18.16.5540, Frequently Flooded Areas.

8. Administrative interpretation of these regulations shall be done according to Section 18.16.710 (B) of this document.

C. Shoreline Use and Modification Matrix:

Table 18.16.200 (B). Shoreline Use and Modification Matrix for Franklin County

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable **Use/Modification**	**Aquatic**	**Natural**	**Agriculture**	**Rural Conservancy**	**Recreation Conservancy**	**Recreation**	**High Intensity Industrial**	**Shoreline Residential**
Resource Uses								
Agriculture	X	X	A	A[1]	X	X	X	C
Aquaculture	A[2]	X	C	A[2], C	A[2], C	X	A[2], C	X
Mining	X	X	C	C	X	X	C	X
Boating Facilities								
Boat launch (motorized boats)	A	C	C	A	A	A	A	A
Boat launch (non-motorized boats – canoe/kayak)	A	C	A	A	A	A	A	A
Marina	A	X	C	C	C	A	A	C
Docks, Piers, Mooring Facilities								
Private and shared moorage	A	X	A	A	A	A	A	A
Public moorage	A	X	C	A	A	A	A	C
Covered moorage	X	X	X	X	X	X	X	X
Commercial Development								
Water dependent	C	X	A	A	A	A	A	A
Water-related, water-enjoyment	X	X	X	C	C	A	A	C

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable **Use/Modification**	**Aquatic**	**Natural**	**Agriculture**	**Rural Conservancy**	**Recreation Conservancy**	**Recreation**	**High Intensity Industrial**	**Shoreline Residential**
Non-water-oriented	C[3]	X	C[3]	C[3]	C[3]	A[3]	A[3]	A[3]
Dredging Activities								
Dredging	A	NA	NA	NA	NA	NA	NA	NA
Dredge material disposal	C	X	A	C	C	A	A	C
Dredging and disposal as part of ecological restoration/enhancement	A	C	A	A	A	A	A	A
Fill and Excavation								
Waterward of OHWM and in floodways	C	C	A	C	C	C	A	C
Other upland fill	NA	C	A	A	A	A	A	A
Industrial Uses								
Water dependent	X	X	A	X	X	X	A	X
Water-related, water-enjoyment	X	X	A	X	X	X	A	X
Non-water-oriented	X	X	C	X	X	X	A[3]	X
In-water Modifications								
Breakwater	C	X	A	C	C	A	A	C
Groins and weirs	C	X	C	C	C	C	C	C
In-stream structures[4]	A	C[5]	A	C[5]	C[5]	A	A	C
Institutional Uses								
Water dependent	A	C	C	C	A	A	A	A
Water-related, water-enjoyment	C	C	C	C	A	A	A	A
Non-water-oriented	C	C	C	C	C	C	A	C
Recreational Development								
Water dependent	A	A[6]	A	A[6]	A[6]	A	A	A
Water-related, water-enjoyment (trails, accessory buildings)	C	C	A	A[6]	A[6]	A	A	A
Non-water-oriented	X	X	A	C	C	A	A	A[3]
Residential Development	X	C	A	A	A	A	X	A
Shoreline Habitat and Natural Systems Enhancement Projects	A	A	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	A	A
New flood control facilities (Dams, Dikes and Levees)	C	C[7]	C	C	C	C	A	C

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable **Use/Modification**	**Aquatic**	**Natural**	**Agriculture**	**Rural Conservancy**	**Recreation Conservancy**	**Recreation**	**High Intensity Industrial**	**Shoreline Residential**
Shoreline Stabilization								
New								
Hard	C	X	C	C	C	C	A	C
Soft	A	A	A	A	A	A	A	A
Replacement[8]	A	A	A	A	A	A	A	A
Transportation								
Highways, arterials, railroads (parallel to OHWM)	C	X	A	A	A	A	A	A
Secondary/ public access roads (parallel to OHWM)	X	X	A	A	A	A	A	A
Roads perpendicular to the OHWM	X	C	A	A	A	A	A	A
Bridges (perpendicular to shoreline)	C	C	A	C	C	A	A	C
Existing bridges, trails, roads, and parking facilities: improvement or expansion	A	A	A	A	A	A	A	A
New parking, primary	X	X	X	X	C[9]	A[9]	A[9]	X
New parking, accessory	Takes permit types of primary use							
Utilities								
Above-ground and underground utilities (parallel and across shoreline)	C							

Notes:

1. Allowed when agricultural uses are passive, such as livestock grazing, harvesting of non-cultivated crops, or small-scale farms, or when ecological functions are degraded to the point where the land is functionally equivalent to cultivated land.
2. Allowed for non-commercial net pens, rearing ponds, or acclimation facilities supporting salmon recovery efforts.
3. New uses are allowed as part of mixed use or according to FCC 18.16.340 B, FCC 18.16.380 B, or as part of an existing use according to Article VI, Existing Uses, Structures and Lots
4. Construction, practices, and maintenance of facilities necessary for Columbia Basin project operations and associated water dependent uses to access, pump, and convey water for project purposes to public agencies or private water users, and as consistent with permit exemptions described in FCC 18.16.770
5. Habitat restoration and/or fish habitat enhance purposes only
6. Low intensity only
7. Only when no other alternatives are available
8. Exempt for protective bulkhead common to single-family residences according to FCC 18.16.770 (D) and when consistent with FCC 18.16.450 (E) and (F)
9. Not allowed within 50 feet of edge of riparian vegetation corridor

18.16.210 Development Standards

A. Regulations

1. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in the table below. These standards apply to all uses and modifications unless indicated otherwise. In addition, shoreline developments shall comply with all other dimensional requirements of the County codes.

2. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a Shoreline Variance.

3. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except for Agriculture and High Intensity-Industrial environment designation areas, or where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served.

B. Shoreline Development Standards Matrix

Table 18.16.210 (B)
Shoreline Development Standards Matrix for Franklin County

Use/Modification	Aquatic	Natural	Agriculture	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity Industrial	Shoreline Residential
Building height[1]	15	35	75	35	35	35	NA	35
Building line setback in feet	NA	10						
Impervious Surface Cover (%)	NA	5%	10% for lots greater than 5 acres, 15% for lots 5 acres or less				Up to 50%	10% for lots greater than 5 acres, 15% for lots 5 acres or less

Use/Modification	Aquatic	Natural	Agriculture	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity Industrial	Shoreline Residential
Riparian Buffer Width in feet[2, 3, 4, 5]	NA	Manage entire SMP area for vegetation conservation	50[6]	75[6]	75	50	50	50[6]
Trail width in feet	NA	NA	10 feet or as required by Americans for Disabilities Act (ADA) regulations. Trails on private properties and not open for public use shall be up to 5-feet -wide or as required by ADA regulations.					

Notes:
1. According to 18.16.210 (A)(3).
2. Measured from the OHWM or top of bank, as applicable.
3. Accompanied by stormwater management measures, geologic hazard protections, wetland buffers, and other additional conditions, as applicable.
4. In parallel environment designations, the most restrictive buffer requirement applies.
5. Except where roadway, paved trail, parking area or other development provides an ecological functional break, and then to the waterward edge of the facility maintenance area (disturbed area), as applicable.
6. 130 feet for new irrigated agricultural development on slopes 15% or greater within shoreline jurisdiction.

18.16.220 Archaeological and Historic Resources

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

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

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

18.16.230 Environmental Protection

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

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

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

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

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

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

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

6. Monitor the adverse impact and the compensation projects and taking appropriate corrective measures.

C. Projects that cause significant adverse environmental impacts, as defined in WAC 197-11-794 and FCC 18.16.860, Definitions, are not allowed unless mitigated according to FCC 18.16.230 (B), above, to avoid reduction or damage to ecosystem-wide processes and ecological functions. As part of this analysis, the applicant shall evaluate whether the project may adversely affect existing hydrologic connections between streams and wetlands and either modify the project or mitigate any impacts as needed.

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

18.16.240 Shoreline Vegetation Conservation

A. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses, and

developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

B. Regulations specifying establishment and management of shoreline buffers are located in the FCC 18.16, Article V, Critical Areas. Vegetation within shoreline buffers, other stream buffers, and wetlands and wetland buffers shall be managed consistent with the FCC 18.16, Article V.

C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and wetland buffers and within shoreline jurisdiction shall be managed according to this FCC 18.16.230, Environmental Protection, and any other regulations specific to vegetation management contained in other chapters of this SMP.

D. Vegetation clearing outside of wetlands and wetland and stream buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing per FCC 18.16.230, Environmental Protection, shall be applied so that the design and location of the structure or development minimizes native vegetation removal.

E. Removal of noxious weeds and/or invasive species is encouraged and does not require a Substantial Development Permit or other County approval.

18.16.250 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 and groundwater adjacent to the site.

B. When applicable, 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, 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. 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 the 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 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 FCC 18.16, Article V, 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, copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies.

18.16.260 Public Access

A. Applicants required to provide shoreline public access shall provide physical or visual access, consistent with the Franklin County and other agencies management plans when applicable, unless specifically exempted in this section. Examples of physical and visual access are listed below:

1. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

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

B. Except as provided in FCC 18.16.260 (C) below, new uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

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

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

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

4. The proposed use, activity, or development may block or discourage the use of customary and established public access paths, walkways, trails, or corridors;

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

6. The proposed use, activity, or development includes key areas for public access recommended in the Shoreline Restoration Plan; or

7. The proposed activity is a publicly financed shoreline erosion-control measure (when feasible).

C. An applicant shall not be required to provide public access where one or more of the following conditions apply, provided such exceptions shall not be used to prevent implementing the access and trail provisions mentioned in the Franklin County and other agencies' management plans. In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the County shall consider alternative methods of providing public access, such as offsite improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access:

1. Proposed use, activity, or development only involves the construction of four or fewer single-family or multifamily dwellings;

2. Proposed use is agricultural/ranching activities;

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

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

5. The proposed use, activity, or development has security requirements that are not feasible to address through the application of alternative design

features for public access such as offsite improvements, viewing platforms, and separation of uses through site planning and design;

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

7. Safe and convenient public access already exists in the general vicinity, and/or the County, and agencies' plans show adequate public access at the property;

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

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

D. Public access shall be located and designed to respect private property rights, be compatible with the shoreline environment, protect ecological functions and processes, protect aesthetic values of shoreline, and provide for public safety (including consistency with CPTED principles, where applicable).

E. For any development where public access in not required, shared community access may be allowed if there is no existing or planned public access along the shoreline identified in the County, and other agencies' plan. Where provided, community access shall be subject to all applicable development standards of this section. Shared community access is not required when any of the conditions under FCC 18.16.260 (C) applies.

F. General Performance Standards:

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

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

3. Proponents shall include within their shoreline applications an evaluation of a proposed use, activity, or development's likely adverse impact on current public access and future demands for access to the site. Such evaluation shall consider potential alternatives and mitigation measures to further the policies of this SMP and the provisions of this section.

4. Public access easements, trails, walkways, corridors, and other facilities may encroach upon any buffers or setbacks required in FCC 18.16, Article V, Critical Areas or under other provisions of this SMP, provided that such encroachment does not conflict with other policies and regulations of this SMP, and no net loss of ecological function can be achieved. Any encroachment into a buffer or setback must be as close to the landward edge of the buffer as possible.

5. Public access facilities shall accommodate persons with disabilities, unless determined infeasible by the Shoreline Administrator.

G. Trails:

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

2. Shoreline in private ownership should provide public access when feasible as follows:

   a. Easement for public access; and

   b. Physical or visual public access when feasible and when part of the access and trail plan is mentioned in the County, or other agencies' management plan.

3. Where public access is to be provided by dedication of public access easements along the OHWM, the minimum width of such easements shall be 20 feet.

4. The total width of trail, including shoulders, shall be 10 feet maximum or as required by Americans with Disabilities Act (ADA) regulations.

5. Pervious pavings are encouraged for all trails and are required for trail shoulders.

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

7. Trails shall be located, constructed, and maintained so as to avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation consistent with a Habitat Management Plan.

8. Trails on private properties and not open for public use shall be up to 5 feet wide or as required by ADA regulations.

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

1. The County shall maintain public rights of ways or easements as a means of retaining public access on the shoreline. Proposed use, activity, or developments shall maintain public access provided by public street ends, public utilities, and rights-of-way.

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

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

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

K. Signage:

1. Signage to be approved by the Shoreline Administrator shall be conspicuously installed along public access easements, trails, walkways, corridors, and other facilities to indicate the public's right of use and the hours of operation. Public access and interpretive displays may be provided for publicly funded restoration projects where significant ecological impacts are addressed. The proponent shall bear the responsibility for establishing and maintaining signs.

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

18.16.270 Flood Hazard Reduction

A. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, as well as

applicable guidelines of FEMA and FCC 18.16.540, Frequently Flooded Areas, and FCC 15.16, Flood Damage Prevention.

B. The channel migration zone (CMZ) is considered to be that area of the Palouse River stream channel that may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). There are no CMZs along the Columbia River, which has stable, confined channels and is maintained by USACE through the levy and dam system. Applicants for shoreline development or modification may submit a site-specific CMZ study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include historical aerial photographs, topographic mapping, flooding records, and field verification. The CMZ must be prepared by a licensed geologist or engineer with at least 5 years of applied experience in assessing fluvial geomorphic processes and channel response.

C. The following uses and activities may be authorized within the CMZ or floodway:

1. New development or redevelopment landward of existing legal, publicly owned, and maintained structures, such as levees, that prevent active channel movement and flooding.

2. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. The evaluation of cost differences between options within the CMZ or floodway and outside of the CMZ or floodway shall include the cost of design, permitting, construction, and long-term maintenance or repair. For the purposes of this section “unreasonable and disproportionate” means that locations outside of the floodway or CMZ would add more than 20% to the total project cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.

3. New or redeveloped measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that 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 FCC 18.16.400, 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.

8. Existing and ongoing agricultural activities provided that no new restrictions to channel movement are proposed.

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

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

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

1. Floodway:

   a. New development and subdivisions shall be subject to applicable floodway regulations in FCC 18.16.540, Frequently Flooded Areas, and FCC 15.16, Flood Damage Prevention.

2. Channel Migration Zone:

   a. New development in the CMZ is allowed subject to the following conditions:

      i. Structures are located on an existing legal lot created prior to effective date of this program;

ii. A feasible alternative location outside of the CMZ is not available on site; and

iii. To the extent feasible, the structure and supporting infrastructure is located the farthest distance from the OHWM, unless the applicant can demonstrate that an alternative location is the least subject to risk.

b. New subdivisions in the CMZ may be allowed subject to the following conditions:

i. All lots contain 5,000 square feet or more of buildable land outside of the CMZ;

ii. Access to all lots does not cross the CMZ; and

iii. All infrastructure is located outside the CMZ, except that an on-site septic system is allowed in the CMZ if: a feasible alternative location is not available on-site, and to the maximum extent practical, the septic system is located the farthest distance from the OHWM.

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

1. They are necessary to protect existing development;

2. Non-structural measures such as setbacks, land use controls, wetland restoration, dike removal, use or structure removal or relocation, biotechnical measures, and stormwater management programs are not feasible;

3. Adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss; and

4. Appropriate vegetation conservation actions are undertaken consistent with FCC 18.16.240, Shoreline Vegetation Conservation.

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

I. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant adverse

ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

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

K. The removal of gravel or other riverbed material for flood management purposes shall be consistent with the FCC 18.16.350, Dredging and Dredge Material Disposal, and FCC 18.16.400, Mining, and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, and does not result in a net loss of ecological functions.

L. Roads shall be located outside the floodway, except necessary crossings, which shall be placed perpendicular to the waterbody as much as is physically feasible. New transportation facilities shall be designed so that the effective base flood storage volume of the floodplain is not reduced. The applicant shall provide all necessary studies, reports, and engineering analysis which shall be subject to review and modification by the Shoreline Administrator. If proposed transportation facilities effectively provide flood control, they shall comply with policies and regulations of this section.

Article IV. Shoreline Modifications and Use Regulations

18.16.300 Agriculture

A. The SMP shall not require modification of or limit agricultural activities occurring on agricultural lands consistent with RCW 90.58.065.

B. For shoreline areas used for agriculture, new uses, activities, and development that are not existing and ongoing agriculture shall be subject to the following requirements:

1. Such uses, activities, and development shall be allowed or permitted in a manner to ensure maintenance of ecological functions and be consistent with the County's land use plan.

2. If the new use, activity, or development is more intensive than the existing land use, no significant vegetation removal, development, or grading shall occur in the shoreline buffer without associated mitigation, except as necessary to accommodate low-intensity, water-dependent uses and public access that sustains ecological functions.

3. New agricultural lands created by diking, draining, or filling wetlands or CMZs shall not be allowed.

C. A Substantial Development Permit shall be required for all agricultural developments not specifically exempted by the provisions of FCC 18.16.770 (D)(5) except for agricultural developments in Shoreline Residential environment designation where a Shoreline Conditional Use Permit shall be required.

D. SMP provisions shall apply in the following cases:

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

2. Expansion of agricultural activities on non-agricultural lands;

3. Conversion of agricultural lands to other uses;

4. Other development on agricultural land that does not meet the definition of agricultural activities; and

5. Agricultural development and uses not specifically exempted by the Act.

E. New non-agricultural activities proposed on agricultural lands shall be consistent with the environment designation and the Shoreline Use and Modification Matrix table (FCC 18.16.200 (B)), as well as other applicable shoreline use standards, e.g., Commercial (FCC 18.16.340) or Residential (FCC 18.16.430).

F. Agricultural uses and development in support of agricultural uses shall be located and designed to ensure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.

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

H. Agricultural uses and activities shall prevent and control erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

I. Agricultural chemicals shall be applied in a manner consistent with BMPs for agriculture and FCC 18.16.250 (E).

J. New agricultural activities shall not remove existing native or non-native, non-noxious vegetation, between all cropland or pasture areas and adjacent waters or wetlands pursuant to the critical areas provisions of this SMP.

K. Agricultural development shall conform to applicable state and federal policies and regulations.

18.16.310 Aquaculture

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

B. Aquaculture for non-native species or for commercial or other purposes shall require a Shoreline Conditional Use Permit.

C. Proponents of an aquaculture use or activity shall supply, at a minimum, the following information in their application for shoreline permit(s):

1. Species to be reared;

2. Aquaculture method(s);

3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals, and their predicted adverse impacts;

4. Harvest and processing method and timing;

5. Method of waste management and disposal;

6. Best-available background information and probable adverse impacts on water quality, biota, and any existing shoreline or water uses.

7. Method(s) of predator control;

8. A description of the proposed use of lights and noise-generating equipment, and an assessment of adverse impacts upon surrounding uses; and

9. Other pertinent information as required by the County.

D. Aquacultural activities shall meet all applicable federal, state, and county standards and regulations.

E. No garbage, wastes, or debris shall be allowed to accumulate upon the site of any aquaculture use or activity, nor discharged to any waterbody regulated by this SMP.

F. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals shall be used until approved by all appropriate state and federal agencies. Those agencies shall include, the Washington State Department of Fish and Wildlife (WDFW), Washington State Department of Agriculture, Ecology, and the U.S. Food and Drug Administration. Evidence of such approval shall be submitted to the County.

G. Aquaculture structures and equipment that come in contact with the water shall contain no substances that are toxic to aquatic life, and aquaculture activities that would degrade water quality shall be prohibited.

H. Aquaculture activities shall be subject to conditioning and requirements for mitigation to ensure that it does not result in a net loss of ecological function.

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

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

18.16.320 Boating Facilities

A. General Requirements:

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

2. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet Washington State

Department of Natural Resources (DNR) requirements and other state guidance if located in or over state-owned aquatic lands.

3. Boating facilities, except those accessory to single-family residences, shall provide public access in accordance with FCC 18.16.260, Public Access, of this SMP and shall be located and designed such that existing public access to public shorelines is not obstructed nor made hazardous.

4. Boating facilities shall be located on stable shorelines in areas where:

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

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

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

5. Boating facilities shall not be located:

   a. Where new dredging will be required; or

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

6. Boating uses and facilities shall be located far enough from public swimming beaches and aquaculture harvest areas to alleviate any aesthetic or adverse impacts, safety concerns, and potential use conflicts.

7. In-water work shall be scheduled to protect biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity).

8. Accessory uses at boating facilities shall be:

   a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public; and

   b. Located as far landward as possible, while still serving their intended purposes.

9. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

10. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

11. Joint-use moorage with ten or more berths is regulated under this section as a marina (Section C below). Joint-use moorage with fewer than ten berths is regulated under this section as a dock or pier (see FCC 18.16.410, Piers and Docks).

12. All marinas and public launch facilities shall provide at least portable restroom facilities for boaters' use that are clean, well-lit, safe, and convenient for public use.

13. Installation of boat waste disposal facilities, such as pump-outs and portable dump stations, shall be required at all marinas and shall be provided at public boat launches to the extent possible. The locations of such facilities shall be considered on an individual basis in consultation with the Washington State Department of Health, Ecology, DNR, Washington State Parks, and WDFW, as necessary.

14. All utilities shall be placed at or below dock levels or below ground, as appropriate.

15. When appropriate, marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.

16. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol, or other similarly toxic materials is prohibited for use in moorage facilities.

17. Boating facilities in waters providing a public drinking water supply shall be constructed of untreated materials such as untreated wood, approved plastic composites, concrete, or steel (see FCC 18.16.250, Water Quality, Stormwater, and Nonpoint Pollution).

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

B. Boat Launch Facilities:

1. Boat launches accessory to single-family and multi-family residential uses are prohibited.

2. Private boat launches shall be allowed only for water-dependent uses and marinas and only when it is demonstrated that public boat launches will not feasibly serve the use. Rail and track systems shall be preferred over concrete ramps.

3. Public boat launch facilities may be allowed in areas where no launching opportunities exist within close proximity of a site (within less than 3 miles distance by road on a waterbody).

4. Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings, shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation, and neighboring uses.

5. Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

6. New public boat launches for general public use or expansion of public boat launches by adding launch lanes shall demonstrate that:

   a. Water depths are adequate to avoid the need for dredging and eliminate or minimize potential loss of shoreline ecological functions or other shoreline resources from offshore or foreshore channel dredging.

   b. Adjacent residential properties will not be adversely affected by adverse proximity impacts such as noise, light and glare, or scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

   c. Exterior lighting will not adversely impact aquatic species.

   d. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

   e. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, shall minimize traffic impacts on nearby streets, and shall include adequate parking for boat trailers. Parking on public streets may be allowed for peak

periods if it is demonstrated that such parking will not adversely impact through traffic or residential uses.

C. Marinas:

1. Marinas shall be designed to:

a. Provide flushing of all enclosed water areas;

b. Allow the free movement of aquatic life in shallow water areas; and

c. Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms.

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

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

4. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

5. New marina development shall provide public access amenities such as viewpoints, interpretive displays, and public access to accessory water-enjoyment uses (e.g., restaurants).

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

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

18.16.330 Breakwater, Jetties, Groins, and Weirs

A. Breakwaters shall be allowed in environments defined in FCC 18.16.200 (B), Shoreline Use and Modification Matrix, with a Shoreline Conditional Use Permit.

B. New, expanded, or replacement groins and weirs shall only be permitted if the applicant demonstrates that the proposed groin or weir will not result in a net loss

of shoreline ecological functions and the structure is necessary for water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

C. Groins and weirs shall require a Conditional Use Permit, except when such structures are installed to protect or restore ecological functions such as installation of groins that may eliminate or minimize the need for hard shoreline stabilization.

D. Groins and weirs shall be located, designed, constructed, and operated consistent with mitigation sequencing principles, including avoiding critical areas, as provided in FCC 18.16.230, Environmental Protection.

18.16.340 Commercial Development

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

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

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

a.

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

3. The commercial use is farther upland than 200 feet from the OHWM; therefore, a water-oriented use is not a viable option.

C. Non-water-oriented uses, including, but not limited to, residential uses, may be located with water-oriented commercial uses provided:

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

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

3. The underlying zoning district permits residential uses together with commercial uses.

4. Public access is provided and/or ecological restoration is provided as a public benefit.

D. Review Criteria – Franklin County shall utilize the following information in its review of all commercial development applications:

1. Whether there is a water-oriented aspect of the proposed commercial use or activity when it is located within 200 feet of the OHWM;

2. Whether the proposed commercial use is consistent with the Shoreline Use and Modification Matrix (FCC 18.16.200 (B));

3. Whether the application has the ability to enhance compatibility with the shoreline environment and adjacent uses;

4. Whether adequate provisions are made for public and private visual and physical shoreline access; and

5. Whether the application makes adequate provisions to prevent adverse environmental impacts and provide for shoreline ecological or critical area mitigation, where appropriate.

E. Commercial development shall be designed and maintained in a manner compatible with the character and features of surrounding areas. Developments are encouraged to incorporate low-impact development techniques into new and existing projects and integrate architectural and landscape elements that recognize the river and lake environments. Franklin County may prescribe and modify project dimensions, screening standards, setbacks, or operation intensities to achieve this purpose.

F. Eating and drinking facilities and lodging facilities shall be oriented to provide views to the waterfront, when such view is available from the site.

G. Commercial uses shall provide for public access as a condition of approval, unless such public access is demonstrated by the proponent to be infeasible or inappropriate for the shoreline pursuant to FCC 18.16.260, Public Access.

H. Commercial uses shall provide for suitable measures to rehabilitate and enhance the shoreline ecology as a condition of approval.

I. Non-water-oriented commercial uses shall not be allowed over water in any shoreline environment.

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

K. The storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 200 feet of the OHWM, whichever boundary extends farthest landward.

L. Development shall be located, designed, and constructed in a manner that ensures no net loss of shoreline ecological functions and without significant adverse impacts on other preferred land uses and public access features.

18.16.350 Dredging and Dredge Material Disposal

A. Dredging:

1. New dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, Fish and Wildlife Habitat Conservation Areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines, unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

2. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places and the Washington Heritage Register until such time that they have been reviewed and approved by the appropriate agency.

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

4. Dredging shall be permitted only:

   a. For navigation or navigational access;

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

   c. As part of an approved habitat improvement project;

   d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from re-entering the water; or

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

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

B. Dredge Material Disposal:

1. Upland dredge material disposal within shoreline jurisdiction is discouraged. In the limited circumstances when it is allowed, it will be permitted under the following conditions:

    a. Shoreline ecological functions and processes will be preserved, restored, or enhanced, including protection of surface and groundwater; and

    b. Erosion, sedimentation, floodwaters, or runoff will not increase adverse impacts on shoreline ecological functions and processes or property; and

    c. The site will ultimately be suitable for a use allowed by this SMP.

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

3. Dredge material disposal within areas assigned an Aquatic environment designation may be approved only when authorized by applicable agencies, which may include the USACE pursuant to Section 404 (Clean Water Act) permits, WDFW, Hydraulic Project Approval, and/or the Dredged Material Management Program of the Washington DNR; and when one of the following conditions apply:

    a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or

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

4. Dredge materials approved for disposal within areas assigned an Aquatic environment designation shall comply with the following conditions:

    a. Aquatic habitat will be protected, restored, or enhanced;

    b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;

    c. Shifting and dispersal of dredge material will be minimal; and

    d. Water quality will not be adversely affected.

5. When required by the Shoreline Administrator, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and

water erosion and to restore the wildlife habitat value of the site. Native species shall be used in the revegetation.

6. Dredge material disposal operating periods and hours shall be limited to those stipulated by the WDFW and hours from 7:00 AM to 5:00 PM Monday through Friday, except in time of emergency as authorized by the Shoreline Administrator. Provisions for buffers at land disposal or transfer sites, in order to protect public safety and other lawful interests and to avoid adverse impacts, shall be required.

C. Submittal Requirements: The following information shall be required for all dredging applications:

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

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

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

b. A Critical Areas Report

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

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

e. A detailed description of the physical, chemical, and biological characteristics of the dredge materials to be removed, including:

i. Physical analysis of material to be dredged (e.g., material composition and amount, grain size, organic materials present, and source of material).

ii. Chemical analysis of material to be dredged (e.g., volatile solids, chemical oxygen demand, grease and oil content; and mercury, lead, and zinc content).

iii. Biological analysis of material to be dredged.

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

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

5. Frequency and quantity of project maintenance dredging.

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

   a. Dredge material disposal area;

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

   c. Size and capacity of disposal site;

   d. Means of transportation to the disposal site;

   e. Proposed dewatering and stabilization of dredged material;

   f. Methods of controlling erosion and sedimentation; and

   g. Future use of the site and conformance with land use policies and regulations.

7. Total estimated initial dredge volume.

8. Plan for disposal of maintenance spoils for at least a 20-year period, if applicable.

9. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.

18.16.360 Fill and Excavation

A. Fill and excavation waterward of the OHWM, except fill to support ecological restoration, requires a Conditional Use Permit and may be permitted only when:

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

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

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

4. Disposal of dredged material considered suitable under, and conducted in accordance with, the Washington State Dredged Material Management Program; or

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

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

C. Fill upland and waterward of the OHWM, including in non-watered side channels, shall be permitted only where it is demonstrated that the proposed action will not:

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

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

3. Alter channel migration, geomorphic, or hydrologic processes; and

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

D. Fills are prohibited in the floodway, except when approved by Conditional Use Permit and where required in conjunction with uses allowed by this SMP.

E. Fills are allowed in floodplains outside of the floodway only where they would not alter the hydrologic characteristics or flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property and are consistent with FEMA standards and FCC 15.08, Flood Damage Protection, and FCC 18.16.540, Frequently Flooded Areas.

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

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

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

I. Fills, beach development or nourishment, and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as

not to interfere with long-term appropriate use, including lawful access and enjoyment of scenery.

18.16.380 In-Stream Structures

A. In-stream structures are those structures placed by humans within a stream or river waterward of the OHWM that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, structures primarily intended for fisheries management, or other purposes. Docks, piers, and marinas are not regulated as in-stream structures under this section of the SMP. See FCC 18.16.460, Transportation: Trails, Roads, and Parking and FCC 18.16.470, Utilities for regulations governing road and utility crossings of streams.

B. General:

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

   a. The full range of public interests; existing agricultural activities; Columbia Basin Project and irrigation districts operations, maintenance, and facility upgrade activities; and providing for public access to shoreline waters, desire for protection from floods, and need for preservation of historic and cultural resources.

   b. Protection and preservation of ecosystem-wide processes and ecological functions, including, but not limited to, fish and wildlife, with special emphasis on protecting and restoring priority habitats and species and water resources and hydrogeological processes within the context of the hydrology and water management effects of the Columbia and Snake river operations, and the Columbia Basin Project, and irrigation districts operations, as applicable.

2. New structures shall be designed, located, and constructed consistent with mitigation sequencing principles in FCC 18.16.230, Environmental Protection, and as otherwise limited by floodplain regulations found in FCC 18.16.270, Flood Hazard Reduction, and FCC 18.16.540, Frequently Flooded Areas.

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

4. In-stream structures shall provide for adequate upstream and downstream migration of resident fish, as applicable, and shall not adversely affect

salmonid fish species or adversely modify salmonid fish habitat, as applicable.

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

6. Mitigation shall be required of the proponent for the loss of ecological functions and processes pursuant to FCC 18.16.230, Environmental Protection, and FCC 18.16, Article V, Critical Areas. No net loss in function, value, or acreage shall occur from such development.

C. Submittal Requirements – In addition to the standard requirements listed in FCC, 18.16.730, Application Requirements, all permit applications for in-stream structures shall contain, at a minimum, the following additional information:

1. A site suitability analysis, which provides sufficient justification for the proposed site; the analysis must fully address alternative sites for the proposed development.

2. Proposed location and design of primary and accessory structures, transmission equipment, utility corridors, and access/service roads.

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

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

5. A hydrologic analysis that analyzes the project's effects on ecological processes, including delivery and rate of water and sediment, geomorphology, and recruitment of organic material.

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

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

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

18.16.390 Industrial Development

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

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

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

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

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

4. The industrial use is farther upland than 200 feet from the OHWM; therefore, a water-oriented use is not a viable option.

C. Where industrial use is proposed for location on land in public ownership, public access should be required unless such public access is demonstrated by the proponent to be infeasible or inappropriate for the shoreline pursuant to FCC 18.16.260, Public Access.

D. Industrial uses shall provide for suitable measures to rehabilitate and enhance the shoreline ecology as a condition of approval.

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

F. All industrial loading and service areas shall be located upland or away from the shoreline, except when loading services are water-dependent, such as barge facilities. Provisions shall be made to screen upland loading areas with walls, fences, and landscaping and to minimize aesthetic impacts.

G. The new storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 200 feet of the OHWM, whichever boundary extends farthest landward.

H. Industrial development will be located, designed, or constructed in a manner that ensures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

18.16.400 Mining

A. Mining shall be prohibited waterward of the OHWM.

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

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

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

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

F. Preference shall be given to mining uses that result in the creation, restoration, or enhancement of habitat for priority species.

18.16.410 Piers and Docks

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

B. Shared moorage serving single-family use consisting of docks and piers with more than 4 berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as Boating Facilities under FCC 18.16.320.

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

D. Docks and piers shall avoid:

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

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

3. Locations where they would adversely affect flood channel capacity or create a flood hazard.

4. Locations where water depths for vessels are not adequate without dredging.

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

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

G. New moorage to serve a single-family residence may be allowed only if:

1. It is consistent with the USACE McNary Pool Management Plan for proposals on the Columbia and lower Snake rivers.

2. An applicant demonstrates that existing facilities (boat launches and public and private marinas) are not reasonably available to meet demand.

3. The lot does not have access to shared moorage in an existing subdivision, and there is no homeowners association or other corporate entity capable of developing shared moorage.

4. In cases where a new dock or pier is approved, the County may require an agreement to share with nearby residences with water frontage and provide for expansion to serve such additional users.

H. A dock or pier serving a single-family residence shall meet the following standards:

1. Piers and ramps

a. To prevent damage to shallow-water habitat, piers and ramps shall extend at least 40 feet perpendicular from the OHWM. In some instances and sites, it may not be practical to extend a ramp 40 feet from OHWM (for instance, where this could conflict with navigation). The County may grant exceptions on a case-by-case

basis depending on documentation of specific limitation that exist, and in coordination with other permitting agencies.

b. Piers and ramps shall be no more than 4 feet in width.

c. The bottom of either the pier or landward edge of the ramp shall be elevated at least 2 feet above the plane of OHWM.

d. Grating shall cover the entire surface area (100%) of the pier or ramp. The open area of grating shall be at least 50%, as rated by the manufacturer.

e. Skirting shall not be placed on piers, ramps, or floats. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.

f. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM and shall be sized no larger than 4-feet-wide by 4-feet long, unless otherwise approved by the County, National Oceanic and Atmospheric Administration fisheries, USACE, and WDFW. The maximum anchor height shall be only what is necessary to elevate the bottom of either the pier or landward edge of the ramp at least 2 feet above the plane of OHWM. The intent of this criterion is to limit impacts to riparian vegetation along the shoreline. The County may grant exceptions from the 10-foot landward requirement if site conditions warrant on a case-by-case basis based on documentation of specific limitation that exist and in coordination with other permitting agencies.

2. Preservatives

a. The dock shall be built with materials that do not leach preservatives or other materials.

b. No treated wood of any kind shall be used on any overwater structure (float, pier, or ramp).

c. No paint, stain, or preservative shall be applied to the overwater structure.

3. General

a. No electricity shall be provided to, or on, the overwater structure.

b. No boat lifts or watercraft lifts (e.g., Jet Ski lifts) of any type will be placed on, or in addition to, the overwater structure. The County

may grant exceptions on a case-by-case basis in coordination with other permitting agencies if the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth. However, these structures must meet the size criteria of the plan (total 160 square feet).

c. Shoreline armoring (i.e., bulkheads, rip-rap, and retaining walls) shall not occur in association with installation of the overwater structure.

d. Construction of the overwater structure shall be completed during the in-water work window (November 1 to February 28).

4. Piling and float anchors

a. Piling shall not exceed 8 inches in diameter. The intent of this criterion is not to require existing pilings to be removed, cut, or capped, but to place limits on the size of new pilings. The County may grant exceptions to allow for larger pilings on a case-by-case basis in coordination with other permitting agencies in areas where safety considerations merit it.

b. Pilings shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier/ramp and float are separate components.

c. Each overwater structure shall utilize no more than 4 piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.

d. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.

e. Submerged float anchors will be constructed from concrete and shall be horizontally compressed in form, by a factor of 5 or more, for a minimum profile above the stream bed (the horizontal length and width will be at least 5 times the vertical height). A helical screw anchor may be utilized where substrate allows. The owner shall be responsible for demonstrating feasibility and for proper installation such that anchor displacement does not occur.

f. No in-water fill material will be allowed, with the exception of pilings and float anchors. (Note: uncured concrete or its by-products shall not be allowed.)

5. Floats

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

   b. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water (e.g., rectangular float tubs).

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

   d. Functional grating will cover no less than 50% of the float.

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

   f. Nothing shall be placed on the overwater structure that will reduce natural light penetration through the structure.

   g. Floats shall be positioned at least 40 feet horizontally from the OHWM and no more than 100 feet from the OHWM, as measured from the landward-most edge of the float. Adjustments to this requirement may be made on an individual basis where street compliance with this standard may present safety issues or be excessive for site conditions.

   h. Project construction shall cease under high flow conditions that could result in inundation of the project area except for efforts to avoid or minimize resource damage.

I. Shared residential docks and piers shall generally meet the standards for single-family docks above, except that the number of floats and the size of piers and other facilities may be increased to serve additional slips to provide one moorage space per residence served.

J. Docks and piers shall be set back a minimum of 10 feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.

K. Moorage related to subdivision:

   1. New subdivisions and short plats shall contain a restriction on the face of the plat prohibiting individual docks. A site for community or shared

moorage shall be designated on the plat and owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to lots with water frontage in the subdivision. The over-water area of the dock shall be made available to other lots and the public for community access and may be required to provide public access depending on the scale of the facility.

2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:

a. There is no reasonably available public or private moorage that can serve the moorage needs of the residences or the subdivision.

b. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. One moorage space per lot may not be presumed.

c. The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

d. Public access shall be provided in all shared docks utilizing public aquatic lands that accommodate five or more vessels.

3. If a community or shared dock is not developed at the time of subdivision, a community association shall be established with the authority to levy assessments within the subdivision to construct and maintain a community dock in the future. The failure of a subdivision to develop a community or shared dock shall not affect the prohibition on individual docks.

L. Multi-family residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina per FCC 18.16.320 (C). Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided for a parcel or development.

M. Applications for docks or piers serving commercial or industrial enterprises shall demonstrate that:

1. The facility serves a water-dependent use;

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

3. The facility minimizes impacts to the extent feasible. Where impacts are unavoidable, the facility mitigates impacts to navigation, aquatic habitat,

upland habitat, public access to the water for recreation, fishing and similar use, and public access to publicly accessible lands below the OHWM.

4. Access from the shore to piers or floats shall minimize water cover in order to minimize impacts to shallow water habitat.

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

6. Grating, or clear translucent material, shall be utilized to the maximum extent feasible to provide light penetration.

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

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

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

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

18.16.420 Recreational Development

A. General Preferences:

1. Recreational uses and facilities shall include features that relate to access, enjoyment, and use of Franklin County shorelines.

2. Both passive and active shoreline recreation uses are allowed.

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

4. Existing passive recreational opportunities, including nature appreciation, non-motorized trails, environmental interpretation, and native habitat protection, shall be maintained.

5. Preference shall be given to the development and enhancement of public access to the shoreline to increase fishing, boating, and other water-related recreational opportunities.

B. General Performance Standards:

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

2. Sites with fragile and unique shoreline conditions, such as high-quality wetlands and wildlife habitats, shall be used only for non-intensive recreation activities such as trails, viewpoints, interpretive signage, and similar passive and low-impact facilities that result in no net loss of shoreline ecological function, and do not require the construction and placement of permanent structures.

3. For proposed recreation developments that require the use of fertilizers, pesticides, or other toxic chemicals, the proponent shall specify the BMPs to be used to prevent these applications and resultant leachate from entering adjacent waters.

4. Recreational developments shall be located and designed to preserve, enhance, or create scenic views and vistas.

5. In approving shoreline recreational developments, the Shoreline Administrator shall ensure that the development will maintain, enhance, or restore desirable shoreline features including unique and fragile areas, scenic views, and aesthetic values. The Shoreline Administrator may, therefore, adjust or prescribe project dimensions, on-site location of project components, intensity of use, screening, lighting, parking, and setback requirements.

C. Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at all points of access.

D. Recreational developments shall provide facilities for non-motorized access to the shoreline, such as pedestrian and bicycle paths, and equestrian access, as applicable. New motorized vehicle access shall be located and managed to protect riparian, wetlands, and shrub steppe habitat functions and value.

E. Proposals for recreational developments shall include a landscape plan indicating how native, self-sustaining vegetation is incorporated into the proposal to maintain ecological functions. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of permitted structures or facilities and shall be consistent with provisions of FCC 18.16.240, Shoreline Vegetation Conservation, and FCC 18.16, Article V, Critical Areas.

F. Accessory uses and support facilities such as maintenance facilities, utilities, and other non-water-oriented uses shall be consolidated and located in upland areas outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and uses are allowed in shoreline buffers based on the regulations of this SMP.

G. The placement of picnic tables, playground apparatus, and other similar minor components within the floodways shall be permitted, provided such structures are located and installed in such a manner as to prevent them from being swept away during a flood event.

H. Recreational facilities shall make adequate provisions, such as screening, landscaping buffer strips, fences, and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas, as applicable.

I. Recreational or structures are only allowed to be built over water when they provide public access or facilitate a water-dependent use and shall be the minimum size necessary to accommodate the permitted activity.

J. Recreational developments shall make adequate provisions for:

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

2. Appropriate water supply and waste disposal methods; and

3. Security and fire protection.

K. Structures associated with recreational development shall not exceed 35 feet in height, except for as noted in FCC 18.16.210, Development Standards, when such structures document that the height beyond 35 feet will not obstruct the view of a substantial number of adjoining residences.

L. Recreational development shall minimize effective impervious surfaces in shoreline jurisdiction and incorporate low-impact development techniques.

18.16.430 Residential Development

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

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

C. Lots for residential use shall have a maximum density consistent with Franklin County Comprehensive Plan and zoning regulations.

D. Accessory uses and structures shall be located outside of the riparian buffer, unless the structure is or supports a water-dependent use. Storage structures to

support water-related uses are not water-dependent uses and therefore shall be located outside of the riparian buffer.

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

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

G. New floating residences and overwater residential structures shall be prohibited in shoreline jurisdiction.

H. New, multi-unit residential development, including duplexes, fourplexes, and the subdivision of land into five or more lots, shall make adequate provisions for public access consistent with the regulations set forth in FCC 18.16.260, Public Access.

I. New residential development shall connect with sewer systems, when available.

J. All new residential development shall meet the vegetation management provisions contained in FCC 18.16.240, Shoreline Vegetation Conservation, and FCC 18.16.560, Fish and Wildlife Habitat Conservation Areas.

18.16.440 Shoreline Habitat and Natural Systems Enhancement Projects

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

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

C. Restoration activities shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the provisions of this SMP.

D. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the shoreline restoration plan.

E. Habitat creation, expansion, restoration, and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:

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

2. The project will not adversely impact spawning, nesting, or breeding in Fish and Wildlife Habitat Conservation Areas;

3. Upstream or downstream properties or Fish and Wildlife Habitat Conservation Areas will not be adversely affected;

4. Water quality will not be degraded;

5. Flood storage capacity will not be degraded;

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

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

F. The Shoreline Administrator shall review the projects for consistency with this SMP in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving all materials necessary to review the request for exemption from the applicant (see FCC 18.16.770, Exemptions from Shoreline Substantial Development Permits).

18.16.450 Shoreline Stabilization

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

B. Except for Columbia Basin Project and Irrigation District facilities, new shoreline stabilization for new development is prohibited unless it can be demonstrated that reasonable use of a lot or parcel legally created prior to the effective date of this program is precluded without shore protection or is necessary to restore ecological functions or hazardous substance remediation.

C. Proposed designs for new or expanded shoreline stabilization shall be designed in accordance with applicable state guidelines, must use the most current scientific and technical information available, must document that alternative solutions are not feasible or do not provide sufficient protection, must demonstrate that future stabilization measures would not be required on the project site or adjacent properties, and be certified by a qualified professional.

D. Land subdivisions and lot line adjustments shall be designed to ensure that future development of the newly created lots will not require structural stabilization for subsequent development to occur.

E. Except for Columbia Basin Project and Irrigation District facilities, new or expanded structural shoreline stabilization is prohibited except when necessity is demonstrated consistent with the requirements of WAC 173-26-231(3)(a)(iii). Necessity is demonstrated through conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within 3 years as a result of shoreline erosion caused by wind/wave action or other hydraulic forces and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.

F. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities, including roads, bridges, railways, irrigation and utility systems from erosion caused by stream undercutting or wave action. The existing shoreline stabilization structure will be removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the facility was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. Proposed designs for new or expanded shore stabilization shall be in accordance with applicable state guidelines and certified by a qualified professional.

G. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as 3 years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

H. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 will be authorized through a Shoreline Exemption. Stabilization projects that are not part of such a fish enhancement project will be regulated by this SMP.

I. Small-scale shoreline stabilization projects (for example, tree planting projects or other minimally intrusive enhancements) shall be reviewed by a qualified professional to ensure that the project has been designed using the most current scientific and technical information available.

J. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using the most current scientific and technical information available. The applicant may be required to have a qualified professional oversee construction or construct the project.

K. New stabilization structures, when found to be necessary, will implement the following standards:

1. Limit the size of the project to the minimum amount necessary;

2. Include measures to ensure no net loss of shoreline ecological functions; and

L. Use biotechnical bank stabilization techniques unless those are demonstrated to be infeasible or ineffective before implementing "hard" structural stabilization measures.

18.16.460 Transportation: Trails, Roads, and Parking

A. New or expanded motor vehicle and rail transportation facilities shall not be located within shoreline jurisdiction, unless:

1. The proponent demonstrates that no feasible upland alternatives exist;

2. The project represents the minimum development necessary to serve another specific, localized, and permitted shoreline use; or

3. In the case of a water crossing, the proponent demonstrates that the project is necessary to further a substantial public interest.

B. When new roads or road expansions are unavoidable in shoreline jurisdiction, proposed transportation facilities shall be planned, located, and designed to achieve the following:

1. Meet mitigation sequencing provisions of FCC 18.16.230 Environmental Protection;

2. Avoid adverse impacts on existing or planned water-oriented uses;

3. Set back from the OHWM to allow for a usable shoreline area for vegetation conservation and any preferred shoreline uses unless infeasible;

4. Minimize grading, vegetation clearing, and alterations of the natural topography; and

5. Use BMPs for preventing erosion and degradation of surface water quality.

C. Improvements to existing motor vehicle and rail transportation facilities shall not interfere with pedestrian and bicycle access and shall, whenever possible, provide for expansion and enhancement of pedestrian and bicycle transportation facilities.

D. Transportation facilities and services for motor vehicles and rail shall utilize existing transportation corridors whenever possible.

E. The development, improvement, and expansion of pedestrian and bicycle transportation facilities are allowed within all environments. Such transportation facilities are a preferred use wherever they are compatible with the natural character, resources, and ecology of the shoreline.

F. Pedestrian and bicycle transportation facilities shall be designed, located, and constructed consistent with the policies and regulations for public access as provided in FCC 18.16.260, Public Access, of this SMP. Linkage among shoreline parks, recreation areas, and public access points are encouraged, when feasible.

G. Parking facilities are not a water-dependent use and shall only be permitted in the shoreline jurisdiction to support an authorized use where it can be demonstrated to the satisfaction of the Shoreline Administrator that there are no feasible alternative locations away from the shoreline. Parking as a primary use shall not be allowed within 50 feet of edge of riparian vegetation corridor. Accessory parking facilities shall be subject to the same permit type as the primary use.

H. Accessory parking facilities shall be planned to avoid or minimize adverse effects on unique or fragile shoreline features and shall not result in a net loss of shoreline ecological functions or adversely affect existing or planned water-dependent uses. Parking facilities shall be located upland of the principal structure, building, or development they serve, and preferably outside of shoreline jurisdiction, except:

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

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

3. Except when ADA standards require otherwise.

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

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

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

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

L. If located in the side yard or waterward side of a structure, loading areas shall be screened from view of pedestrians on either side of the waterway. The visual screen shall be composed of a fence or wall with trees and shrubs consistent with the County's landscape standards.

M. Shoreline crossings and culverts shall be designed to minimize adverse impacts on riparian and aquatic habitat and shall allow for fish passage. See FCC 18.16.560, Fish and Wildlife Habitat Conservation Areas, for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

N. Trails shall be designed consistent with public access requirements in FCC 18.16.260, Public Access.

18.16.470 Utilities

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

B. The principal uses permitted by this section include facilities within the High Intensity Public Facilities designation (e.g., hydropower generating dams) and other facilities, including sewage collection, holding, transfer and treatment pipelines, tanks, structures, containment facilities, and buildings. Accessory facilities are also permitted, including, but not limited to:

1. Plant monitoring and control facilities and on-site administrative offices;

2. Plant access and logistical facilities such as storage areas and material handling ramps and facilities, including utility delivery (electrical and communication) facilities;

3. Plant security and safety features such as fences and signage; and

4. Other accessory or auxiliary uses or features, necessary to of the effective and efficient operation of the plant, which cannot feasibly be located outside the shoreline jurisdiction.

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

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

2. The project is planned to fit existing natural topography as much as practical and avoid alteration of the existing natural environment.

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

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

E. Applications for installation of utility facilities other than water-dependent facilities within the High Intensity Industrial Environment Designation shall include the following (at a minimum):

1. Reason why the utility facility must be in shoreline jurisdiction;

2. Alternative locations considered and reasons for their elimination;

3. Location of the same, similar, or other utility facilities in the vicinity of the proposed project;

4. Proposed method(s) of construction;

5. Plans for reclamation of areas to be disturbed during construction;

6. Landscape plans;

7. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation; and

8. Consistency with County's plans for utilities, where such plans exist.

F. Applications for installation of utility facilities shall include the following (at a minimum):

1. Proposed method(s) of construction;

2. Plans for reclamation of areas to be disturbed during construction;

3. Landscape plans; and

4. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation.

G. Where feasible, utilities shall be consolidated within a single easement and utilize existing rights-of-way. Any utility located within property owned by the utility, which must of necessity cross shoreline jurisdiction, shall be designed and operated to reserve the option of general public recreational usage of the

right-of-way in the future. This option shall be exercised by the public only where:

1. The public will not be exposed to dangers from the utility equipment; and

2. The utility itself will not be subjected to unusual risks of damage by the public.

H. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively affect an environmentally critical area, obstruct public access to the shoreline, or interfere with the navigability of a waterbody regulated by this SMP. See FCC 18.16.560, Fish and Wildlife Habitat Conservation Areas, for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

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

J. New utilities, which must be constructed across shoreline jurisdiction in previously undisturbed areas, must submit a mitigation plan demonstrating the restoration of the shoreline to at least its existing condition. Upon completion of utility installation or maintenance, any disturbed areas shall be regraded to be compatible with the natural terrain of the area and revegetated with appropriate native plants to prevent erosion.

K. Outside of the Public Facilities Environment Designation, all underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the waterbody except for public sanitary sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.

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

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

1. Impacts on fish and wildlife habitat are avoided to the maximum extent possible.

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

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

N. Utility installation and maintenance operations shall be conducted in a manner that does not negatively affect surface water quality or quantity. Applications for new utility projects in shoreline jurisdiction shall include a list of BMPs to protect water quality.

Article V. Critical Areas

18.16.500 General Provisions

A. Purpose. The purpose of Article V of this SMP is to:

B. Define, identify, and protect critical areas as required by the GMA of 1990 (Chapter 17, Laws of 1990) and the SMA (RCW 90.58) through the application of the most current scientific and technical information available.

C. Jurisdiction – Critical Areas in Shoreline Jurisdiction

1. The County shall regulate in shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas.

2. Critical areas regulated by this section include:

a. Wetlands as designated in FCC 18.16.520;

b. Critical aquifer recharge areas as designated in FCC 18.16.530;

c. Frequently flooded areas as designated in FCC 18.16.540;

d. Geologically hazardous areas as designated in FCC 18.16.550; and

e. Fish and wildlife habitat conservation areas as designated in FCC 18.16.560.

3. All areas within the County's shoreline jurisdiction meeting the definition of one or more critical areas, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this section.

D. Most Current Scientific and Technical Information

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

2. Critical Area Reports, mitigation plans, and decisions to permit the alteration of critical areas within the shoreline jurisdiction shall rely on the most current scientific and technical information to ensure the protection of the ecological functions and values of critical areas, and must give

special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat.

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

   a. Critical area maps included in the County's Comprehensive Plan;

   b. Maps and reference documents in the Franklin County SMP Inventory, Characterization, and Analysis Report, as applicable;

   c. U.S. Geological Survey topographic quadrangle maps;

   d. Aerial photographs;

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

   f. National Wetland Inventory maps; and

   g. WDFW Priority Habitats and Species maps.

4. The County's Critical Area Overlay Maps include the following:

   a. FEMA 100-year flood map(s);

   b. County Geologically Hazardous Map(s);

   c. County Critical Aquifer Recharge Map(s);

   d. County Wetland Map(s); and

   e. Other map(s) as are appropriate.

5. Applicability of reference maps: In some cases, the Critical Area Reference Maps identified herein display general locations and approximate boundaries of potential critical areas. Further field determination and analysis may be necessary for specific development proposals to establish exact location, extent, and nature of critical areas. Fish and Wildlife Conservation Areas are identified using the references, maps, and criteria established in FCC 18.16.560, Fish and Wildlife Habitat Conservation Areas.

E. General Review Process and Report Requirements

1. The County shall follow the process discussed below:

a. Verify the information submitted by the applicant for the applicable permit;

b. Evaluate the project area and vicinity for critical areas;

c. Determine whether the proposed project is likely to impact the functions or values of critical areas; and

d. Determine if the proposed project adequately addresses the impacts and avoids impacts to the critical area associated with the project.

2. Critical areas present, but no impact - waiver. If the Shoreline Administrator determines that there are critical areas within or adjacent to the Area of Project Review, but that the proposed activity is unlikely to degrade the functions or values of the critical area, the Shoreline Administrator may waive the requirement for a report or other applicable information (with written approval and assistance from a federal, state, or local resource agency). A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

a. There will be no alteration of the critical area or buffer;

b. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this SMP; and

c. The proposal is consistent with other applicable regulations and standards.

3. The Shoreline Administrator will review each shoreline permit application in accordance with this SMP and determine if the provisions of FCC 18.16, Article V, Critical Areas, will be applied to the project. In making the determination, the County may use any of the most current scientific information and the Critical Area reference maps and/or inventories identified in FCC 18.16.500 (E).

4. 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:

a. Notify the applicant that a Critical Area Report, 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;

b. Require a Critical Area Report or other applicable information from the applicant that has been prepared by a qualified

professional. Additional information and requirements may be obtained within this SMP;

c. 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;

d. Assess potential impacts to the critical area and determine if they are necessary and unavoidable;

e. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this SMP; and

f. 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: a) no adverse impacts to critical area(s), b) list of applicable critical area(s) protection conditions for the underlying permit(s), or c) denial of permit based upon unavoidable impacts to critical area(s) functions and values.

5. Critical Area report requirements

a. Incorporating most current scientific and technical information. The report shall use scientifically valid methods and studies in the analysis of data and field reconnaissance and reference the source of information used. The report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this SMP.

b. Minimum report contents. At a minimum, the report shall contain the following:

i. Resume of the principal author(s), which disclose(s) their technical training and experience and demonstrates their stature as a qualified professional; the study shall be performed by a professional who is licensed or qualified as an expert in the Critical Resources at issue.

ii. Identification and characterization of the Critical Area and associated buffers;

iii. Assessment of any potential hazards associated with the proposed development;

iv. Assessment of the impacts of the development proposal on any Critical Area;

v. Mitigation plan which reduces impacts on the Critical Area(s) to an insignificant level and specifies maintenance, monitoring and bonding measures (where necessary);

vi. Additional information and requirements that may be required within each section under Article V of this SMP.

F. Allowed Uses and Activities

1. The following are allowed uses and activities within Critical Areas. Uses allowed under this section do not give permission to destroy a critical area, ignore risk from natural hazards, and may not be exempted from other provisions in this SMP and state or federal regulations or permit requirements. Reasonable methods (reasonable methods include BMPs) to avoid potential impacts to critical areas shall be utilized. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the allowed activity shall be restored, rehabilitated, or replaced at the responsible party's expense. See FCC 18.16.770, for Exemptions from Shoreline Substantial Development Permits.

a. Operation and maintenance of existing Columbia Basin Project-related facilities by the U.S. Bureau of Reclamation and maintenance activities of the associated Columbia Basin Irrigation Districts, which operate in some degree within Franklin County, including all water contract activities related to the use, reuse, or lack of use of water subject to the federal water right.

b. Normal and routine maintenance of agricultural ponds, livestock watering ponds, and fish ponds, provided that such activities do not involve conversion of any wetland or stream not used for such purpose on the effective date of this chapter.

c. Artificial structures intentionally constructed from upland areas for purposes of stormwater drainage or water quality control or ornamental landscape ponds, which are not part of a mitigation plan as described and detailed herein.

d. Irrigation water, or the conveyance of irrigation water, and associated practices in rural and agricultural areas within the Columbia Basin Project. Changes in irrigation practices or the conveyance of said irrigation water, which may create or impact a wetland or artificial wetland if the use of the land is for agricultural purposes. Filling of or eliminating wetlands for commercial, industrial, or residential uses shall be regulated by this critical area ordinance.

e. Normal and routine maintenance of public streets, state highways, public utilities, and public park facilities. Maintenance and repair

does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or dumping of maintenance debris (Note: Meaning no expansion into new unused areas).

f. The following electric, natural gas, cable communications, and telephone utility-related activities, when undertaken pursuant to BMPs to avoid impacts to critical areas: water quality, floodplain, and other permits may be required if applicable.

i. Normal and routine maintenance or repair of existing utility structures or right-of-way when located within already approved easements and right-of- ways

ii. Relocation of electric facilities, lines, equipment, or appurtenances, not including substations with an associated voltage of 55,000 volts or less, when required and/or approved by the administrator; (when located within an already approved easement or right-of-way)

iii. Relocation of natural gas, cable communications, telephone facilities, lines, pipes, mains, equipment or appurtenances when required and/or approved by the administrator (when located within already approved easements or right-of-way)

iv. Installation or construction in approved street right-of-ways and replacement, operation, or alteration of all facilities listed in subsections b. and c., above

g. Buffer management when approved by the administrator and all agencies with jurisdiction. Management may be limited to actions necessary to reduce risk to adjacent properties from such actions as falling trees or wildfire, provided the management is the minimum necessary to protect both the critical area and property.

h. Existing and on-going agricultural activities normal or necessary to general farming conducted according to industry-recognized BMPs, particularly as advocated by the Natural Resources Conservation Service (NRCS Field Office Technical Guides for Franklin County, Washington).

i. Wetlands: Existing and ongoing agricultural activities do not include removing trees, diverting or impounding water, excavation, ditching, draining, culverting, filling, grading, and similar activities that introduce new adverse impacts to wetlands or other aquatic resources. Conversion of wetlands that are not currently in agricultural use,

regardless of their wetlands rating, to a new agricultural use should be subject to the same regulations that govern new development.

ii. Fish and Wildlife Habitat Conservation Areas: Existing and ongoing agricultural activities do not include tree cutting, road building, new agriculture, grazing, clearing, earth moving, mining, filling, burning, or construction of buildings or other facilities in fish and wildlife habitat conservation areas.

i. Passive uses, including, but not limited to:

i. Conservation or preservation of soil, water, vegetation, fish, and other wildlife;

ii. Outdoor recreational activities such as bird watching, hiking, boating, swimming, canoeing, bicycling, hunting, fishing, trapping, and compatible minor improvements (e.g., trails, observation points, and navigational aids). Trails located in wetlands or buffers are limited to permeable surfaces no more than 5 feet in width. Minor crossing only are allowed in wetlands. These trails should only be located in the outer 25% of a wetland buffer and should be designed to avoid removal of significant trees.

j. Scientific research, education, and site investigative work such as surveys, soil logs, percolation tests, and other related activities.

k. Activities undertaken as an authorized element of a project previously approved by the County.

l. Emergency actions by fire districts.

G. Subdivisions

1. Any subdivision, as defined in the County Subdivision Ordinance, as amended, of land that creates a lot greater in size than 5 acres and is located in a critical area or associated buffer shall comply with the following:

a. Land that is located wholly within a wetland, fish and wildlife conservation area, geologically hazardous area, floodway, or the buffers required for these critical areas may not be subdivided.

b. Land that is located partially within a wetland, fish and wildlife conservation area, geologically hazardous area, floodway, or the buffers required for these critical areas may be subdivided

provided that an accessible, contiguous, and buildable portion of each new lot is:

i. Located outside of the wetland, fish and wildlife conservation area, geologically hazardous area, floodway, and the buffers required for these critical areas; and

ii. Meets the minimum buildable site requirements of the Franklin County Zoning Ordinance, as amended.

c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland, fish and wildlife conservation area, geologically hazardous area, or the buffers required for these critical areas only if the Planning Director determines that no other feasible alternative exists, consistent with this Ordinance.

18.16.510 General Mitigation Requirements

A. General Mitigation Standards:

1. This section provides general mitigation requirements applicable to alteration of critical areas. Additional specific mitigation requirements are found under the sections for the particular type of critical area.

2. All proposed alterations to critical areas or associated buffers shall require mitigation sufficient to provide for and maintain the functions and values of the critical area or to prevent risk from a critical area hazard and shall give adequate consideration to the reasonable economically viable use of the property. Mitigation of one critical area impact should not result in unmitigated impacts to another critical area. Mitigation may include: buffers; setbacks; limits on clearing and grading; BMPs for erosion control and maintenance of water quality; or other conditions appropriate to avoid or mitigate identified adverse impacts.

3. Any approval of mitigation to compensate for impacts on a critical area or its buffer shall be supported by the most current, accurate, and complete scientific and technical information available.

B. Mitigation Sequencing. Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated critical areas or their buffers, unless part of a restoration plan for significantly degraded wetland or stream buffer. The preferred sequence of mitigation shall be according to FCC 18.16.230 (B).

C. Mitigation Timing. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts on existing fisheries, wildlife, and water quality.

D. Restoration/Rehabilitation Requirements:

1. Restoration/rehabilitation is required when a critical area or its buffers have been altered on a site in violation of County regulations prior to development approval, and, as a consequence, its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of County regulations during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.

2. Restoration/rehabilitation is required when the critical area or its buffers will be temporarily altered during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.

E. Compensation. The goal of compensation is no net loss of critical area or buffer functions on a development site. Compensation includes replacement or enhancement of the critical area or its buffer depending on the scope of the approved alteration and what is needed to maintain or improve the critical area or buffer functions. Compensation for approved critical area or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:

1. The buffer for a created, restored, or enhanced critical area, proposed as compensation for approved alterations, shall be the same as the buffer required for the existing critical area.

2. On-site and In-kind. Except as noted below or otherwise approved, all critical area impacts shall be compensated for through restoration of creation of replacement areas that are in-kind, on-site, and of similar or better critical area category. The preferred mitigation for impacts on Class IV wetlands shall be off-site and in-kind. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success.

3. Off-site and In-kind. The Shoreline Administrator may consider and approve off-site compensation where the applicant demonstrates that greater biological and hydrological functions and values will be achieved. The preferred location for off-site mitigation is areas within or adjoining designated fish and wildlife habitat corridors. The compensation may include restoration, creation, or enhancement of critical areas. The compensation ratios specified under the “on-site” compensation section for each critical area shall also apply for off-site compensation. The Shoreline Administrator may request contractual linkage to the off-site parcel to ensure its availability and landowner willingness.

4. Increased Replacement Ratios. The Shoreline Administrator may increase the ratios under the following circumstances:

   a. Uncertainty exists as to the probably success of the proposed restoration or creation due to an unproven methodology or proponent;

   b. A significant time period will elapse between impact and replication of critical area functions; or

   c. The impact was unauthorized.

5. Decreased Replacement Ratios. The Shoreline Administrator may decrease the ratios required in the "on-site" ratios specified under the compensation section of each critical area when all the following criteria are met:

   a. A minimum replacement ratio of 1:1 will be maintained;

   b. Documentation by a qualified professional demonstrates that the proposed mitigation actions have a very high rate of success;

   c. Documentation by a qualified professional demonstrated that the proposed mitigation actions will provide functions and values that are significantly greater than the critical area being impacted; and

   d. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

F. Critical Area Enhancement as Mitigation:

1. Impacts on wetland and stream functions may be mitigated by enhancement of existing significantly degraded areas. Applicants proposing to use enhancement must produce a Critical Areas Report that identifies how enhancement will increase the functions of the degraded resource and how this increase will adequately mitigate for the loss of critical area and its function at the impact site. An enhancement proposal must also show whether existing critical area functions will be reduced by the enhancement actions.

G. Monitoring:

1. Franklin County requires long-term monitoring of development proposals, unless otherwise accepted where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to:

a. Establishing vegetation transects or plots to track changes in plant species composition over time;

b. Using aerial or other photography to evaluate vegetation community response;

c. Sampling surface and groundwater to determine pollutant loading;

d. Measuring base flow rates and stormwater runoff to model and evaluate water quantity predictions;

e. Measuring sedimentation rates;

f. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity; and

g. Sampling of water temperatures for wetlands and streams.

2. The Shoreline Administrator may require that a qualified professional, at the direction of the Shoreline Administrator and at the applicant's expense, monitor the development proposal site during construction and for a sufficient period of time after construction to ensure satisfactory mitigation of impacts on the critical area. The qualified professional shall monitor per the provisions outlined in the approved mitigation plan based on the conditions or restrictions imposed by the County and such administrative rules as the planning official shall prescribe.

3. Performance Bond. Prior to issuance of any permit or approval that authorizes site disturbance, the Shoreline Administrator may require performance security as specified in FCC 18.16.510 (K), Mitigation Security.

H. Contingencies/Adaptive Management. When monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action. Contingency plans developed as part of the original mitigation plan shall apply, but may be modified to address a specific deviation or failure. Contingency plan measures shall be subject to the monitoring requirement to the same extent as the original mitigation measures.

I. Mitigation Plan. All proposed mitigation components shall be included in the Critical Area Report. In addition to applicable mitigation plan requirements included in FCC 18.16.520 to 560, proposed mitigation components shall include:

1. A description of specific proposed mitigation, including a delineation of critical areas lost and critical areas gained;

2. An analysis of avoidance, minimization, reduction, and compensation of impacts to achieve no net loss of ecological functions;

3. An analysis of how the proposed mitigation will maintain the critical area function and values;

4. A statement of any ongoing monitoring and/or inspection measures and schedule that may be required, including specification of method and frequency of submittal of reports on results to County;

5. A statement of any required critical area expertise necessary to install, monitor, or inspect the proposed mitigation;

6. A listing of any other security required to ensure performance and/or maintenance of the proposed mitigation; and

7. The Shoreline Administrator shall make the final determination regarding required mitigation. Required mitigation shall be included in an approved mitigation plan.

J. Buffers:

1. As described in more detail in each relevant section, buffers have in some cases been determined to be necessary and appropriate to protect critical areas and their functions or to prevent risk from a critical area hazard. In those sections of this chapter where specific buffers are identified, those buffers are deemed "required" or "standard" buffers. If a project or activity does not propose any alteration to those buffers or to the associated critical area, then additional mitigation will not be required to protect the critical area.

2. If, however, based on unique features of the particular critical area or its buffer or of the proposed development, the Shoreline Administrator determines that additional buffers and/or mitigation measures beyond these standard buffers are necessary to adequately protect the function of the critical area or to prevent risk of a hazard from the critical area, the Shoreline Administrator may impose such additional mitigation requirements, provided the Shoreline Administrator can demonstrate, based on the most current, accurate, and complete scientific or technical information available, why that additional mitigation or buffering is required to adequately protect the critical area function or to prevent hazard from a critical area.

3. Building setback line (BSBL). A BSBL is established to reduce conflict with hazardous trees and vegetation buffers, to enhance wildfire safety, and to prevent construction intrusions into certain buffer areas as follows. A minimum BSBL of 10 feet, depending upon underlying zoning, is

required from the edge of any fish and wildlife buffer, stream or wetland buffer, or erosion and landslide buffer.

4. If portions of a parcel that contain a proposed development activity have not had their critical areas and associated buffers delineated because they were outside the project or area affected by the project, pursuant to FCC 18.16.500 (D), General Review Process and Report Requirements, then additional critical area assessments may be required in the future prior to any change in use or development activity for that portion of the site.

5. Further, if the applicant seeks a variance to reduce these buffers or to alter the critical area or its required buffer, then the applicant shall demonstrate, based on the most current, accurate, and complete scientific or technical information available, why such buffer and/or critical area modification, together with such alternative mitigation proposed in the Critical Areas Report, is sufficient to provide equal or better protection of the critical area function. If necessary, variances shall provide for long-term buffer protection. Variances requests shall be reviewed pursuant to FCC 18.16.760, Shoreline Variance Permits.

6. The Critical Areas Report and the conditions of approval shall provide for long-term buffer protection. Regarding land division, critical areas and their associated buffers may be placed in separate tracts to be owned by all lot owners in common, by a homeowners' association, or some other separate legal entity such as a land trust. However, critical areas and/or buffers identified and defined in this chapter do not require any provisions for public access, and appropriate restrictions may be included in the easement or title documents. Critical areas and/or buffers identified are, however, subject to periodic inspection by the Shoreline Administrator, upon prior notification to the landowner, to ensure long-term protection.

K. Mitigation Security:

1. The Shoreline Administrator shall have the discretion to withhold issuance of a development permit or approval until required mitigation has been completed. Alternatively, the Shoreline Administrator may require a refundable cash payment that will ensure compliance with the approved mitigation plan if there will be activity (e.g., monitoring or maintenance) or construction to take place after the issuance of the shoreline permit or other approval. The amount of the cash payment shall not exceed 150% of the estimated cost of the uncompleted actions or construction as determined by the Shoreline Administrator. When the Shoreline Administrator determines that the mitigation plan has been successfully completed, the cash payment shall be refunded to the applicant. If the mitigation plan is not successfully completed, the County shall be entitled

to keep all or part of the cash payment to the extent necessary to rectify the deficiencies regarding the completion of the mitigation plan.

L. Protection of Designated Critical Areas:

1. Identification and Recording of Critical Areas. Approval of development projects and other land use activities that require a Critical Areas Report pursuant to FCC 18.16.500 (D), General Review Process and Report Requirements, shall be subject to the identification and designation of all critical areas and their buffers identified in the assessment process. Each critical area shall be clearly defined and labeled to show calculated area and type and/or class of critical area within each lot. The Shoreline Administrator shall require of the applicant that such designated critical areas be recorded on the final plat map or site plan clearly showing the locations of critical areas, existing vegetation, and buffers.

a. Construction Marking. During construction, clearly visible, temporary marking, such as flagging and staking, shall be installed and maintained along the outer limits of the proposed site disturbance outside of the critical area. Such field markings may be field-approved by the Shoreline Administrator prior to the commencement of permitted activities. Markings shall be maintained throughout the duration of any construction activities.

b. Mitigation Signing and Fencing. The Shoreline Administrator may require permanent signing and/or fencing where it is determined a necessary component of a mitigation plan. The intent of this subsection is to provide clear and sufficient notice, identification, and protection of critical areas on-site where damage to a critical area or buffer by humans or livestock is probable due to the proximity of the adjacent activity.

c. Sign, Marker and Fence Maintenance. It shall be the responsibility of the landowner to maintain, including replacement of, the markers, signs, and fences required under this chapter in working order throughout the duration of the development project or land use activity. Removal of required markers, signs, and fences without written approval of the Shoreline Administrator shall be considered a violation of this chapter.

18.16.520 Wetlands

A. Activities Permitted

1. Activities within an Area of Project Review within the shoreline jurisdiction as set forth in this SMP are permitted when sited, designed, and operated in a manner that protects the functions and values of the wetland when such developments meet the requirements of this SMP.

B. Classification and Designation

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

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

3. The following wetlands within the County's shoreline jurisdiction may not be further regulated by this section:

   a. Artificial Wetlands that have developed within structures designed to convey water within the developed portion of the Columbia Basin Irrigation Project. (This is a federally managed irrigation system that intentionally created by design engineering and land use contracts aquatic features in upland areas within water conveyance structures such as canals and ditches.

   b. Areas that may meet the definition of "artificial wetlands" as described herein that are managed and owned by the U.S. Bureau of Reclamation.

   c. Wetland areas identified on the National Wetland Inventory maps with an artificial designation when it can be shown that the area(s) noted was (were) intentionally created from a non-wetland site.

C. Determination Process

1. The following progressive steps will occur upon a determination by the County, per FCC 18.16.500 (D), General Review Process and Report Requirements, that a wetland area may exist on a site proposed for a shoreline permit.

   a. The Shoreline Administrator will determine if the proposed activity is within an Area of Project Review and if there are any possible wetland areas on-site. This determination shall be made following a review of information available, as well as a site inspection and/or a consultation with a qualified wetland biologist, if deemed necessary by the County. If no wetland area is determined to be present, this section shall not apply to the review of the proposed development, unless wetlands are discovered to be present during project development.

      i. If it is determined by the Shoreline Administrator that wetland areas may be present, a site inspection and

consultation with a qualified wetland biologist shall be conducted to more definitively determine if a wetland area exists on the site. If yes, the applicant shall complete a Critical Area Report consistent with FCC 18.16.500 (D) and FCC 18.16.520 (D) and conduct a wetland delineation using the approved Federal Wetlands Delineation Manual and applicable regional supplement and the 2008 USACE Arid West Supplement to the 1987 Wetlands Delineation Manual.

ii. An applicant of a wetland project and/or of a development activity that is within or adjacent to such wetlands located within unincorporated Franklin County's shoreline jurisdiction is encouraged to contact Ecology to determine permit requirements that are independent of Franklin County and this SMP.

D. Critical Area Report/Wetland Management and Mitigation Plan

1. As determined necessary as provided for in this section a wetland management and mitigation plan shall be required when impacts to a wetland are unavoidable during project development.

2. Wetland management and mitigation plans shall be prepared by a qualified professional as described in FCC 18.16.860, Definitions, and be prepared per FCC 18.16.510 (I) in addition to the requirements included in this section.

3. The following guidance documents are encouraged to be used in mitigation planning documents:

   a. Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Publication #06-06-011a, March 2006), and

   b. Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06-06-011b, March 2006).

4. The wetland management and mitigation plan shall demonstrate, when implemented, that there shall be no net loss of the ecological function and values or acreage of the wetland.

5. The wetland management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the wetland and its associated buffer. See FCC 18.16.510 for General Mitigation Requirements. Monitoring shall be for a period necessary to

establish that performance standards have been met. Generally plans shall include a 5-year monitoring plan unless a longer time line is required during the review process. Forested or scrub-shrub communities shall include an 8-year monitoring plan unless a longer time is established during the review process.

6. The wetland management and mitigation plan shall be developed to be consistent with FCC 18.16.510, General Mitigation Requirements, and contain a report that includes, but is not limited to, the following information:

   a. Location maps, regional 1:24,000 and local 1:4,800;

   b. A map or maps indicating the boundary delineation of the wetland; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;

   c. A description of the proposed project, such as the nature, density and intensity of the proposed development and the associated grading, structures, utilities, and stormwater facilities, in sufficient detail to allow analysis of such land use change upon the identified wetland;

   d. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within and surrounding the wetland;

   e. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within any compensation site;

   f. A detailed description of the proposed project's effect on the wetland, and a discussion of any federal, state or local management recommendations which have been developed for the area;

   g. A discussion of the following mitigation alternatives as they relate to the proposal. The mitigation alternatives shall be proposed in a manner that considers the sequence of steps per FCC 18.16.230, Environmental Protection, to avoid or minimize significant adverse effects and significant ecological impacts.

   h. A plan by the applicant, which explains how any adverse impacts created by the proposed development will be mitigated, including, but not limited to, the following techniques:

      i. Establishment of buffer zones;

ii. Preservation of critically important plants and trees;

iii. Limitation of access to the wetland area;

iv. Seasonal restriction of construction activities;

v. Establishment of a monitoring program within the plan;

vi. Drainage and erosion control techniques.

i. A detailed discussion of on-going management practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs;

j. All reports will be provided in an electronic format (word processor) and all geographic entities (e.g., maps) will be provided in a geo-coded format for use in GIS systems (e.g., ArcView, MapInfo, and AutoCAD).

7. Mitigation ratios shall be used when impacts to wetlands cannot be avoided. As identified in Table 18.16.520 (E), the first number specifies the acreage of replacement wetlands and the second number specifies the acreage of wetlands altered. The mitigation ratios by wetland type are shown in Table 18.16.520 (E)(9).

8. Wetlands enhancement as mitigation.

a. Impacts to wetlands may be mitigated by enhancement of existing wetlands. Applicants proposing to enhance wetlands must produce a Critical Area Report that identifies how enhancement will increase the functions of the wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

9. Mitigation Ratios

1 **Table 18.16.520(E)(9). 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
Category I Natural Heritage site	Not considered possible[2]	6:1 Rehabilitation of a Natural Heritage site	R/C not considered possible[2]	R/C not considered possible[2]	Case-by-case

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

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

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

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E. Management Recommendation and Standards

1. Wetlands shall be protected, based on their quality established from the rating system, and from alterations, which may create adverse impacts. The greatest protection shall be provided to Category I and II Wetlands.

2. Alteration shall not mean BMPs for agriculture which by design could not be considered a change in land use, including, but not limited to, improved chemical application or practice, which are intended to improve crop production and enhance areas adjacent to wetlands.

3. Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver. These activities should avoid impacts to the extent practicable, and mitigation for unavoidable wetland impacts shall be required upon remedy of the emergency.

4. The County will coordinate wetland preservation strategy and effort with appropriate state and federal agencies, and private conservation organizations, to take advantage of both technical and financial assistance, and to avoid duplication of efforts.

5. Criteria for Wetland Alterations:

    a. A regulated wetland or its required buffer can only be altered if the wetlands site assessment pursuant to FCC 18.16.520 (D) shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the wetland function, and maintain no net loss of wetland functions and values as a result of the overall project. Any alteration approved pursuant to this Section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland.

6. Wetland buffers widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity [(Table 18.16.520 (F)(6)(a)], are provided in Table 18.16.520 (F)(6)(b). Buffer Widths.

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

Table 18.16.520 (F)(6)(a). Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than one unit/acre) • High-intensity recreation (e.g., golf courses and ball fields)
Moderate	• Residential (1 unit/acre or less) • Moderate-intensity open space (e.g., parks with biking and jogging) • Paved driveways and gravel driveways serving three or more residences • Paved trails
Low	• 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

b. Buffer widths based on the types of land use are provided in Table 18.16.520 (F)(6)(a).

Table 18.16.520 (F)(6)(b). Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV Wetlands (For wetlands scoring less than 16 points for all functions)		
Score for all three basic functions is less than 16 points	Low – 25 feet Moderate – 40 feet High – 50 feet	No recommendations at this time
Category III Wetlands (For wetlands scoring 16 to 18 points or more for all functions)		
Moderate level of function for habitat (score for habitat 5 to 7 points) *If wetland scores 8 to 9 habitat points, use Category II buffers	Low – 75 feet Moderate – 110 feet High – 150 feet	No recommendations at this time
Score habitat for 3 to 4 points	Low – 40 feet Moderate – 60 feet High – 80 feet	No recommendations at this time
Category II Wetlands (For wetlands scoring 19 to 21 points or more for all functions or having the "Special Characteristics" identified in the rating system)		
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 8 to 9 points; habitat less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and water quality functions
Not meeting above characteristic	Low – 50 feet Moderate – 75 feet High – 100 feet	No recommendations at this time

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Vernal pool	Low – 100 feet Moderate – 150 feet High – 200 feet Or develop a regional plan to protect the most important vernal pool complexes; buffers of vernal pools outside protection zones can then be reduced to: Low – 40 feet Moderate – 60 feet High – 80 feet	No intensive grazing or tilling of wetland
Category I Wetlands (For wetlands scoring 22 points or more for all functions or having the "Special Characteristics" identified in the rating system)		
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet	No additional surface discharges to wetland or its tributaries No septic systems within 300 feet of wetland Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet	Restore degraded parts of buffer Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	No recommendations at this time
High level of function for water quality improvement (8 to 9 points) and low for habitat (less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet	No recommendations at this time

7. Wetland buffers shall be retained in their natural conditions unless change is proposed in a portion of a wetland buffer that will have a positive effect on the wetland, or adequate mitigation cannot or will not be provided by pre- development conditions. Integrity of the wetland shall be maintained as a function of the buffer.

8. Buffer Averaging:

   a. Standard buffer widths may be modified by the Shoreline Administrator for an averaging to improve wetland protection when all of the following conditions are met:

i. Buffer averaging is necessary to avoid hardship to the person seeking this option, which is caused by circumstances peculiar to the property, is necessary to accomplish the purposes of the proposed development or land use activity, and no reasonable alternative is available.

ii. The wetland contains variation in sensitivity due to existing physical characteristics, as confirmed in a Critical Areas Report, and the reduction from standard buffer widths will occur only contiguous to the area of the wetland determined to be least sensitive.

iii. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component, or a "dual-rated" wetland with a Category I area adjacent to a lower rated area.

iv. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.

v. The wetland contains variation in sensitivity due to existing physical characteristics, as confirmed in a Critical Areas Report, and the reduction from standard buffer widths will occur only contiguous to the area of the wetland determined to be least sensitive.

vi. Buffer width averaging will not adversely impact wetland functions and values.

vii. The total area of the buffer after averaging is equal to the area required without averaging.

viii. The buffer at its narrowest point is never less than 3/4 of the required width.

9. Wetland Buffer Reductions.

a. For wetlands that score moderate or high for habitat function, the width of the buffer can be reduced if the following criteria are met:

i. A relatively undisturbed vegetative corridor of at least 100 feet in width is protected between the wetland and any other priority habitats; and

ii. The protected area is preserved by means of easement, covenant or other measure; and

iii. Measures identified in FCC 18.16.520 (E)(9)(b)(i) are taken to minimize the impact of any proposed land use.

b. For wetlands that score low for habitat function, the buffer width can be reduced to that required for moderate land-use impacts by applying the following measures to minimize the impacts of the proposed land uses:

i. Wetland buffers may be administratively modified based on reducing the intensity of impacts from land uses. Buffer widths required for high-intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:

- Direct lights away from the wetland and buffer.
- Locate activities that that generate noise away from the wetland and buffer.
- Establish covenants limiting use of pesticides within 200 feet of a wetland.
- Implement integrated pest-management programs.
- Infiltrate or treat, detain, and disperse runoff into buffer.
- Post signs at the outer edge of the critical area or buffer to clearly indicate the location of the critical area according to the direction of the City.
- Plant buffer with native vegetation appropriate for the region to create screens or barriers to noise, light, and human intrusion, as well as to discourage domestic animal intrusion.
- Use low-impact development where appropriate.
- Establish a permanent conservation easement to protect the wetland and the associated buffer.

10. Allowed uses in buffers: Low-impact uses and activities, which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity, may be permitted within the buffer depending on the sensitivity of the habitat involved, provided that such activity shall not

result in a decrease in wetland functions and values and shall not prevent or inhibit the buffer's recovery to at least pre-altered condition or function. Examples of uses and activities, which may be permitted in appropriate cases as long as the activity does not retard the overall recovery of the buffer, include removal of noxious vegetation, pedestrian trails, and viewing platforms.

a. Trails. Public and private trails may be allowed within wetland buffers where they can be demonstrated in a Critical Areas Report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use. Trail planning, construction, and maintenance shall adhere to the following criteria:

i. Permeable surface trail alignment shall be located only in the outer 25% of a wetland buffer width, except as needed to access viewing platforms or to cross the wetland. Private trails shall be a maximum of 5-feet wide, but public trails may be as wide as 7 feet if they are part of a regional trail network. Trails may be placed on existing levees, railroad grades, or road grades where those features exist in any part of a wetland buffer and may occupy the full width of the levee, railroad grade, or road grade;

ii. Trails and associated viewing platforms shall be constructed of pervious materials, unless impervious surfaces are necessary for conformance to the ADA. The trail surface shall meet all other requirements, including water quality standards set forth in the Stormwater Management Manual for Eastern Washington (September 2004), or as revised;

iii. Trail alignment shall avoid trees in excess of 6 inches in diameter of any tree trunk at a height of 4.5 feet above the ground on the upslope side of the tree, where feasible;

iv. Access trails to viewing platforms within the wetland may be provided. Trail access and platforms shall be aligned and constructed to minimize disturbance to valuable functions of the wetland or its buffer and other habitat elements, and still provide enjoyment of the resource; and

v. Buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas.

b. Utilities. The criteria for alignment, construction, and maintenance within the wetland buffers and FCC Section 18.16.470, Utilities,

shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the waterbody where feasible. Crossings shall be contained within the existing footprint of an existing or new road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than 60 degrees to the centerline of the channel. The criteria for stream crossings shall also apply.

c. Stormwater Management Facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer 25% of the buffer of Category III or IV wetlands only, provided that:

i. No other location is feasible; and

ii. The location of such facilities will not degrade the functions or values of the wetland.

d. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

11. Activities or uses that would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation, or affect aquatic life should be prohibited.

12. Encourage development of an education program promoting the value of Franklin County's wetlands as well as private stewardship of wetland areas.

18.16.530 Critical Aquifer Recharge Areas

A. Activities Permitted

1. Activities within an Area of Project Review as set forth in this SMP are permitted when sited, designed, and operated in a manner which protects the functions and values of critical aquifer recharge/interchange areas and when such developments meet the requirements of this SMP.

B. Classification and Designation. Aquifer Recharge Areas are classified and designated by Franklin County according to the following standards:

1. Data sources are available from Franklin County that are used in the mapping of characteristics of aquifer recharge areas.

2. Areas mapped in Franklin County as critical aquifer recharge areas are as follows:

    a. Any areas with both of the following characteristics:

        i. Hydrologic A Soils as identified in the Franklin County Soil Survey

        ii. Irrigated lands

    b. Designated Wellhead Protection Areas in Franklin County

    c. Areas within 100 feet of all irrigation district main canals (100 feet from edge of canal)

3. The Ground Water Management Area continues to study Aquifer Recharge Areas in Franklin County. As new data are developed, this section (FCC 18.16.530) may be amended in the future to accurately reflect the improvement(s) of the relative data and mapping.

C. Determination Process

1. The following progressive steps will occur upon a determination by the County, per FCC 18.16.500 (D), General Review Process and Report Requirements, that a critical aquifer recharge area may exist on a site proposed for a shoreline substantial development permit:

    a. Shoreline Administrator will determine if the proposed development activity is within an Area of Project Review.

    b. If it is determined by the Shoreline Administrator that the proposed development activity is within an Area of Project Review, compliance with FCC 18.16.500 (D), General Review Process and Report Requirements, of this SMP and development of a Critical Area Report is required.

D. Standards. The following standards will apply to development proposals determined to be located within critical aquifer recharge areas, as defined and described herein:

1. Regulated Activities: A site analysis and Critical Area Report is required for uses and activities within shoreline jurisdiction that have the potential to impact aquifer recharge areas.

2. Activities proposed within an Area of Project Review for Critical Aquifer Recharge, shall comply with local, state, and federal agency requirements for each of the following: 1) connections to sanitary sewer systems; 2)

onsite sewage disposal systems; 3) connections to public water supplies; 3) existing and proposed wells; and 4) water rights related issues.

3. Surface impoundments, defined by Chapter 173-303 WAC are not allowed in shoreline jurisdiction.

4. Regulated activities and uses may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not adversely affect the recharging of the aquifer and that the proposed activity will not cause contaminants to enter the aquifer.

5. Regulated activities must, at a minimum, comply with the water source protection requirements and recommendations of the federal Environmental Protection Agency, state Department of Health, and the local Benton-Franklin Health Department.

6. Activities proposed within a critical aquifer recharge area that have a high potential for contamination are not allowed unless it is demonstrated that no other options are feasible. A hydrogeologic study for these proposed activities shall be required, and shall be prepared by a qualified geologist. The study shall focus on the following at a minimum:

    a. Geologic setting, site location map, topography, and well logs for the surrounding area;

    b. Current available data on springs or seeps for the surrounding area;

    c. Background water quality data;

    d. Water source/supply to facility;

    e. Depth/location of any perched water tables or geological features that could form perch water tables if recharge is increased;

    f. Groundwater flow direction and gradient;

    g. An analysis of physical parameters of the aquifer to include:

        i. Soil types

        ii. Hydraulic conductivity

        iii. Annual recharge

        iv. Depth to water

        v. Importance of the Vadose Zone based on the geology above the aquifer

h. Description (both qualitative and quantitative) of the impacts the project will have on surrounding wells;

i. Discussion of the effects of proposed project on groundwater resources;

j. Other information required by the Planning Director in consultation with other agencies of expertise.

7. Mitigation measures for groundwater protection may be required. Implementation of protection measures to prevent contamination is required. A qualified professional shall discuss potential mitigation measures if the proposed project should have an adverse impact on groundwater resources.

8. Parks, Schools, and Recreation Facilities. Fertilizer and pesticide management practices of schools, parks, other recreation facilities, and similar uses shall use BMPs as prescribed by the Franklin Conservation District.

9. All major and minor developments shall have an informational note placed on the face of plat stating "this subdivision is located within an aquifer recharge area. BMPs shall be used for the containment of stormwater and the application of pesticides and fertilizers."

18.16.540 Frequently Flooded Areas

A. Activities Permitted

1. Activities within an Area of Project Review as set forth in this SMP are permitted when sited, designed, and operated to protect the functions and values of frequently flooded areas and when such developments meet the requirements of this SMP.

B. Classification and Designation

1. Classification. Classification of frequently flooded areas, according to the Minimum Guidelines, should include, at a minimum, the 100 year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. The following categories of frequently flooded areas established for the purpose of classification are:

a. Floodways – The channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order that the base flood be carried without substantial increases in flood heights.

b. Floodplains – The floodway and special flood hazard areas.

c. Special Flood Hazard Areas – The area adjoining the floodway which is subject to a 1% or greater chance of flooding in any given year and determined by the Federal Insurance Administration.

2. Designation. The Area of Project Review for the purposes of this SMP include all Franklin County lands and waters within the shoreline jurisdiction, which are:

a. Currently identified as frequently flooded areas by the Federal Insurance Administration in a scientific and engineering report entitled the Flood Insurance Study for the County of Franklin with accompanying Flood Insurance Rate Maps. If and when this study becomes updated to reflect new conditions, designation of frequently flooded areas will include the changes.

b. Within the 100-year floodplain, or having experienced historic flooding, or CMZ identified through mapping developed as part of the 2014 SMP update. The CMZ is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b).

C. Determination Process

1. The following progressive steps will occur upon a determination by the County, per FCC 18.16.500 (D), General Review Process and Report Requirements, that a frequently flooded area may exist on a site proposed for a development permit:

a. The Shoreline Administrator will determine if the proposed development activity is within an Area of Project Review.

b. If it is determined by the Shoreline Administrator that the proposed development activity is within an Area of Project Review, compliance with the Franklin County Flood Damage Prevention Ordinance, as amended is required. Completion of a Critical Area Report is not required for Frequently Flooded Areas.

D. Management Recommendations and Standards

1. The following management recommendations and standards will apply to development proposals determined to be located within frequently flooded areas, as defined and described herein:

a. New development is permitted when sited and designed in a manner that does not alter the direction, velocity, or volume of flood waters in a manner that adversely impacts other properties within or adjacent to Frequently Flooded Areas.

b. All developments must follow the provisions of the Franklin County Flood Damage Prevention ordinance, as amended.

c. Water quality standards for frequently flooded areas shall correspond with appropriate state and federal standards.

d. CMZs shall be regulated as floodways, and shall apply only to the Palouse River.

18.16.550 Geologically Hazardous Areas

A. Applicability

1. This chapter applies to development activities within or adjacent to geologically hazardous areas, including steep slopes or hillsides located in unincorporated Franklin County shoreline jurisdiction. A steep slope is defined as one with a slope of 15% or more or where Critical Areas Overlay Maps indicate potentially hazardous conditions.

B. Development Permitted

1. Development in an Area of Project Review as set forth in this chapter is permitted when sited, designed, and operated in a manner which protects life, property, and the public welfare and when such development meets the requirements of this SMP.

C. Classification and Designation

1. Data sources are available from Franklin County that are used in the mapping of characteristics of geologically hazardous areas.

2. Areas mapped in Franklin County as geologically hazardous are as follows:

a. Erosion and/or Landslide Hazard Area:

i. Areas with a 15%-39% slope. Risk Assessment is required and evaluation as to whether a Geotechnical Report is required.

ii. Areas with a 40% slope or greater. All applications proposed within this area require the compliance with this section of the SMP.

iii. Any areas with all of three of the following characteristics:

- Slopes that are 15% or greater;
- The sediment group known as Ringold Fines; and,

- Soils characterized as being severe water-erosion hazards.

Known generally for its Ringold Fines soils, water erosion soils, and slopes. All applications proposed within this area and/or its Area of Influence (as defined in FCC 18.16.860, Definitions) requires the compliance with this section of the SMP.

iv. Areas that have been historically prone to landsliding. All applications proposed within this area and/or its Area of Influence (as defined in FCC 18.16.860, Definitions) requires the compliance with this section of the SMP.

b. Mine Hazard Areas: Those areas that fall within or 100 horizontal feet of a mine opening at the surface or an area designated as a mine hazard area by DNR;

c. Seismic Hazard Area: Areas subject to moderate-high and high soil liquefaction susceptibility. These conditions occur in areas underlain by cohesionless, loose, or soft saturated soils of low density, typically in association with a shallow groundwater table, including:

i. Areas described in FCC 18.16.550 (C)(2)(a) or having a potential for soil liquefaction and soil strength loss during groundshaking.

ii. Areas located on a Holocene fault line identified by U.S. Geological Survey investigative maps and studies.

iii. Seismic hazards shall be as identified in the DNR seismic hazard and liquefaction susceptibility maps for Eastern Washington and other geologic resources.

All applications proposed within this area require the compliance with this section of the SMP.

D. Determination Process

1. The following progressive steps will occur upon a determination by the County, per FCC 18.16.500 (D), General Review Process and Report Requirements, that a geologically hazardous area may exist on a site proposed for a development permit:

a. The Shoreline Administrator will determine if the proposed development activity is within an Area of Project Review (including the Area of Influence, if applicable).

b. If it is determined by the Shoreline Administrator that the proposed development activity is within an Area of Project Review (including the Area of Influence, if applicable) compliance with FCC 18.16.500 (D), General Review Process and Report Requirements, is required. This portion is waived (see required process in FCC 18.16.550 (E)(1)(c)) for proposed development activities within an Area of Project Review that has the geologically hazardous attribute of 15 to 39% slopes only.

c. If the proposed development activity is within an Area of Project Review and has the geologically hazardous attribute of 15 to 39% slopes only, the requirement for a Critical Area Report is waived and the following process is required:

i. If it is determined that a geologically hazardous area with 15%-39% slope may be present, the applicant shall submit a geologic hazard area risk assessment prepared by a licensed engineer or a licensed geologist. The risk assessment will include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. The assessment will be signed by and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby.

ii. If the professional preparing the risk assessment (above in FCC 18.16.550 (E)(1)(c) (i)) concludes that further analysis is necessary, the applicant shall submit a Geotechnical Report as provided in FCC 18.16.560 (F)(1).

iii. A proposed development cannot be approved if it is determined by the Geotechnical Report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

d. Area of Influence:

i. If the proposed development activity is within an Area of Project Review and has the geologically hazardous attributes consistent with an Erosion or Landslide Hazard Area as defined in FCC 18.16.550 (E)(1)(c), an Area of Influence, that is 2.5 times the height of the applicable slope, from all points of the Area of Review shall apply and mapped accordingly.

ii. An Area of Influence does not apply to the following Erosion or Landslide Hazard Areas: 1) All slopes with a 15% or greater slope characteristic only.

e. If it is determined by the Shoreline Administrator that the proposed development activity is within an Area of Project Review or an Area of Influence, compliance with FCC 18.16.500 (D), General Review Process and Report Requirements, and development of a Critical Area Report is required.

E. Standards. The following standards will apply to development proposals determined to be located within an Area of Project Review and shall be integrated into the required Critical Area Report, if applicable. The Shoreline Administrator may require any of the following:

1. A Geotechnical Report prepared by a civil engineer or geologist who is licensed to practice in the State of Washington.

a. A Geotechnical Report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. The report shall evaluate the actual presence of geologic conditions giving rise to the geologic hazard, and an evaluation of the safety of the proposed project, and identification of construction practices, monitoring programs and other mitigation measures necessary. A bibliography of scientific citations shall be included as necessary.

b. The Geotechnical Report shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

i. Factors of safety for slope stability;

ii. Lithology of the soil column and the engineering properties of the soil comprising the column;

iii. Groundwater elevations;

iv. Area of influence of potential slide;

v. Risk of damage from the project, both on- and off-site, is minimal;

vi. The project will not materially increase the risk of occurrence of the hazard;

vii. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard; and

viii. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.

c. All mitigation measures, construction techniques, recommendations, and technical specifications provided in the Geotechnical Report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

2. The physical features of the site, including identification of surface and subsurface soil types, vegetation, streams, canyons, alluvial fans, and drainage ways. Topography shall be shown in 5-foot contours unless prior approval is received for contours greater than 5 feet;

3. Lot and parcel sizes, proposed lot coverage, square footage, dimensions, general type of construction and location of all structures, the existing and proposed utility systems including wells, sanitary sewers, electric, gas, and telephone, and other pertinent information requested by the Planning Director;

4. The general location and different circumstances that might be expected to precipitate a geological event;

5. The geologic, topographic, and hydrologic factors that might contribute to slope instability and the location of the site susceptible to instability;

6. The identification of suitable, buildable areas taking into consideration the long term stability and maintenance of access roads and all other permanent infrastructure needs that would be affected by both the underlying geology and soils;

7. Recommended hazard setbacks to protect the geologic and topographic features, relying on existing information identifying areas with known or potential for seismic hazard;

8. The rate and extent of any potential hazards, such as erosion, sliding, or slumping, must be analyzed in light of the potential to impact the public health, safety, and welfare;

9. The potential impact of residential landscape irrigation, drain-fields, upslope and off-site irrigation activities, stormwater generation from upslope properties and proposed impervious surfaces on site, and the influence of street conveyance on slope stability;

10. Proposed access, parking, and basic internal vehicle/pedestrian circulation system;

11. Proposed system for retention and release (detention) of storm and surface water runoff generated from the site;

12. General landscaping plan indicating the type and placement of materials used around all structures, parking areas, and other cleared portions of the site;

13. Relationship between the proposed development and existing and proposed adjacent areas;

14. Where development is proposed downslope of lands in, or with the potential for agriculture, analysis of the impact of surface and subsurface movement of waste irrigation water on the proposed development site shall be provided. The analysis shall include descriptions of the relevant soils, geologic, and hydrologic conditions of the project site and the upslope lands;

15. For public buildings and facilities: identification of minimum design standards where seismic activity has the potential to occur;

16. A site development and grading plan that meets the requirements shall be developed and submitted to the Planning Director for projects within an Area of Project Review in order to:

    a. Ensure long-term structural integrity of all development;

    b. Protect the public health, safety, and welfare by minimizing the potential for public expenditures for post-project geologic, soils, and hydrology hazards remediation;

    c. Avoid documented seismic and landslide hazard areas as locations for building construction, roads, or utility systems where mitigation is not feasible;

    d. Eliminate as completely as practicable any public or private exposure to landslide hazards or to abnormal maintenance or repair

costs through the application of post-construction slope stabilization and appropriately upgraded road construction specifications where appropriate;

e. Minimize stormwater runoff and soil erosion impacts;

f. Control dust during all construction phases;

g. Achieve maximum feasible retention, in their natural condition, of existing topographic features such as drainage swales, streams, slopes, structurally important ridge lines, and rock outcroppings;

h. Minimize grading where it will adversely impact slope stability.

17. All development and grading plans shall be approved by the appropriate County departments in order to ensure compliance with the current application of the County's Zoning and Building Codes;

18. All development and grading plans shall adhere to the requirements of the Benton-Franklin Health District;

19. In areas of steep slopes and natural drainages, when construction will extend into the rainy season and potentially cause eroded sediments to move offsite, the storm and surface water runoff retention and detention system must be completed before other phases of site development are begun so that it can serve as a sediment trap during the remainder of the construction.

18.16.560 Fish and Wildlife Habitat Conservation Areas

A. Activities Permitted

1. Activities within an Area of Project Review as set forth in this SMP are permitted when sited, designed, and operated in a manner which protects the functions and values of Fish and Wildlife Conservation Areas and when such development meets the requirements of this SMP.

B. Identification and Classification

1. The following information, data, and resources are used in Franklin County to identify Fish and Wildlife Conservation Areas, as defined in FCC 18.16.860.

a. Both Federal and State Fish and Wildlife Listed threatened or endangered species in Franklin County as designated under the Federal Endangered Species Act or within the Washington Administrative Code Chapter 232-12 (Priority Species and Habitats). Also see FCC 18.16.500 (E).

b. Federal and/or state candidate species and species of local importance (see list of most current scientific and technical information, FCC 18.16.500 (E)) occur in different areas of Franklin County, and are subject to the provisions of this Section where significant negative impacts from a project would occur to the habitat associated with and utilized by these species;

c. The following important habitat areas, which are not based on use by a specific species, include those areas protected by their conservation ownership or management status, in addition to the protection standards within this Chapter:

i. National Wildlife Refuges, National Monuments, Natural Area Preserves, or any preserve or reserve designated under WAC 332-30-151

ii. State Natural Area Preserves or Natural Resource Conservation Areas identified by state law and managed by DNR

d. Mapping information sources for identification of fish and wildlife habitat conservation areas include, but are not limited to:

i. WDFW Priority Habitat and Species (PHS) maps

ii. Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior; Fish and Wildlife Service

iii. Washington State Department of Fish and Wildlife/Department of Natural Resources, Washington Rivers Inventory System (WARIS) maps

iv. Maps and reference documents in the Franklin County SMP Inventory, Analysis, and Characterization report, as applicable

e. Franklin County allows for the nomination of "Species/Habitats of Local Importance." In order to nominate "Species/Habitats of Local Importance" as candidates for designation within the category of Important Habitat Areas, an individual or organization must:

i. Demonstrate a need for special consideration;

ii. Propose relevant management strategies considered effective and within the scope of this chapter;

iii. Provide species habitat location(s) on a map (scale 1:24,000).

f. Riparian Habitat Areas: For the protection of habitat along rivers, streams, and lakes, the buffer widths provided in Table 18.16.210 (B) apply.

g. In order to accommodate the needs and desires of the people of Franklin County, public input shall be required to include species and/or habitats in the "Important Habitat Area" classification identified in this Section. Where the habitats and species classified as "Priority Habitat Areas" are responsive, concurrently, with official changes in federal and/or state threatened or endangered listings/de-listings, to include or un-include species and/or habitats in the "Important Habitat Areas" classification, these regulations must be amended through a formal process for nomination as described in this regulation;

h. It is recognized that the list of Fish and Wildlife Conservation Areas (including species and habitats) will change from time to time. Further, the locations of species may also change over time. With this, the Planning Department will maintain and update, as necessary, its list and mapping data of Federal and State threatened, endangered, and candidate species and habitats for Franklin County. Coordination with the necessary Federal and State agencies will need to occur to obtain the applicable data updates. Restrictions may apply as to the County's ability to disseminate, both written and mapped sensitive fish and wildlife information, to the general public.

2. Fish and wildlife habitat conservation areas will be classified by Franklin County as follows, based on a variety of data sources as identified herein:

a. Priority Habitat Areas: Seasonal ranges and habitat elements with which federal and/or state listed endangered and threatened species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;

b. Important Habitat Areas: Habitat areas that are associated with and actively utilized by federal and/or state candidate species and species designated as being of local importance.

C. Protection Standards

1. No development permit or approval pursuant to this chapter shall be granted unless adverse effects to Fish and Wildlife Habitat Conservation Areas resulting from proposed development activities located inside of

shoreline jurisdiction and within a designated Habitat Conservation Area are mitigated pursuant to FCC 18.16.560 (I).

2. Habitat Conservation Areas shall be protected in accordance with the Shoreline Administrator's determination of appropriate conditions and site-specific information supplied by the applicant. In making such a determination, the Shoreline Administrator may solicit and consider comments and recommendations provided by Ecology, WDFW, and any Technical Interdisciplinary Team participating in review for the proposed development. Possible conditions may include the following:

    a. Applying buffers;

    b. Preservation of critically important vegetation;

    c. Limitation of access to the Habitat Conservation Area; and

    d. Seasonal restriction(s) for construction activities.

3. Special Provisions – Anadromous Salmonids:

    a. Activities, uses, and alterations proposed to be located in waterbodies used by anadromous salmonids, or in areas that affect such waterbodies, shall give special consideration to the preservation and enhancement of anadromous salmonid habitat, including, but not limited to, the following:

        i. Activities shall be timed to occur only during the allowable work window, as designated by the WDFW;

        ii. The activity is designed so that it will minimize the degradation of the functions or values of the fish habitat or other critical areas; and

        iii. Any impact on the functions and values of the habitat conservation area are mitigated in accordance with an approved Critical Areas Report.

    b. Structures that prevent the migration of anadromous salmonids shall not be allowed in the portion of the waterbodies currently used by salmonids. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and prevent juveniles migrating downstream from being trapped or harmed.

    c. Fills waterward of the OHWM, when authorized, shall minimize the adverse impacts on anadromous salmonids and their habitat, shall mitigate any unavoidable impacts, and shall only be allowed

for water-dependent uses or for uses that enable public access or recreation for significant numbers of the public.

4. Special provisions – Wildlife. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

5. Special Provisions – Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in FCC 18.16.520, Wetlands, in addition to meeting the habitat conservation area standards in this chapter.

6. Special Provisions – Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian habitat buffers.

   a. Establishment of riparian habitat buffers. Buffers shall be established for habitats that include aquatic systems.

   b. Buffer widths – A riparian habitat shall be the buffer width identified in Table 18.16.210 (G), Shoreline Development Standards, unless modified per provisions provided in FCC 18.16.560(E)(7), Administrative Buffer Width Averaging, (8), Shoreline Buffer Reductions, or (9), In Fill Development. Widths shall be measured outward, on the horizontal plane, from the OHWM or from the top of bank if the OHWM cannot be identified. A riparian habitat shall have a buffer width as identified in Table 18.16.210 (B);

   c. Additional setbacks for structures or other facilities would be added on to identified buffer width, as applicable; and

   d. Buffers in conjunction with other critical areas – Where other critical areas defined in this chapter fall within the waterbody buffer, the buffer area shall be the most beneficial of the buffers applicable to any applicable critical area.

7. Administrative Buffer Width Averaging. The required buffer widths established in this SMP may be modified by the Shoreline Administrator for a development on existing legal lots of record in place at the time of adoption of this Program, in accordance with the provisions of this section only where the applicant demonstrates all of the following:

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

b. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;

c. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

d. The minimum buffer width at its narrowest point shall not be less than 65% of the required buffer width established under this SMP; and

e. The buffer width averaging does not result in a net loss of ecological function.

8. Shoreline Buffer Reductions. Shoreline buffers may be administratively modified as outlined below:

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

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

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

b. Standard Buffer Reduction. The standard buffer may be reduced to a maximum of 65% of the standard buffer, if the applicant demonstrates to the satisfaction of the Shoreline Administrator that a mitigation plan developed by a qualified professional pursuant to FCC 18.16.560 (G) indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features, or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.

9. In Fill Development. In an effort to facilitate in-fill development in approved plats, the County may approve requests to reduce the standard shoreline buffers up to a maximum of 50% for a new single-family residence and appurtenant structures in accordance with the following criteria:

a. Where there are single-family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: 1) a common line drawn between the nearest corners of the nearest residence, 2) a common line calculated by the average of the nearest residence's existing buffer, or 3) a 50% reduction of the standard buffer.

b. Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as the greater of a common line drawn between nearest corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot, a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot, or a 50% reduction of the standard buffer.

10. Proposed developments or land use activities located within the shoreline jurisdiction and within a designated Habitat Conservation Area shall be reviewed for potential habitat impacts, considering the recommendations provided by Ecology, WDFW, and any Technical Interdisciplinary Team participating in review for the proposed development.

11. Allowed Uses in Fish and Wildlife Habitat Conservation Areas and Stream Buffers.

a. Roads, bridges, and utilities – Road, bridge, and utility maintenance, repair, and construction may be permitted across a Fish and Wildlife Habitat Conservation Area and/or buffers under the following conditions:

i. It is demonstrated to the Shoreline Administrator that there are no alternative routes that can be reasonably used to achieve the proposed development;

ii. The activity will have minimum adverse impact to the Fish and Wildlife Habitat Conservation Area;

iii. The activity will not significantly degrade surface or groundwater; and

iv. The intrusion into the Fish and Wildlife Habitat Conservation Area and its buffers is fully mitigated to achieve no net loss of ecological functions.

b. Limited park or recreational access to a Fish and Wildlife Habitat Conservation Area and/or stream buffers, provided that all of the following are satisfied:

i. The access is part of a public park or a recreational resort development that is dependent on the access for its location and recreational function;

ii. The access is limited to the minimum necessary to accomplish the recreational function; and

iii. The intrusion is fully mitigated to achieve no net loss of ecological functions.

c. Low-impact uses and activities that are consistent with the purpose and function of the stream setback and do not detract from its integrity. Examples of low-impact uses and activities include removal of noxious vegetation and stormwater management facilities such as grass-lined swales.

12. Temporary and permanent erosion and sedimentation controls shall be provided to prevent the introduction of sediments or pollutants to waterbodies or watercourses within the Habitat Conservation Area.

13. Clearing and grading shall be limited to that necessary for establishment of the use or development and shall be conducted to avoid significant adverse impacts and minimize the alteration of the volume, rate, or temperature of freshwater flows to or within the Habitat Conservation Area and any buffer required by this chapter.

14. The proposed development shall not discharge hazardous substances to the Habitat Conservation Area that would have significant adverse impacts on that area.

15. Stream flows shall be protected from changes to the normal flow, temperature, turbidity, and discharge to the maximum extent practicable.

16. Septic drainfields and any required replacement drainfield area shall be at least 100 feet from the edge of any Habitat Conservation Area.

17. Exceptions to the above protection standards may be allowed by the Shoreline Administrator based on a special report prepared by a Qualified Biological Professional that demonstrates that such exception would not adversely impact the habitat system, functions, and values of the Habitat Conservation Area.

18. Activities may only be permitted in a stream or stream buffer if the applicant can show that the proposed activity will not degrade the functions and values of the stream, stream buffer, or other critical area.

19. Stream Crossings – Stream crossings shall be minimized, but when necessary, they shall conform to the applicable provisions of this SMP and other laws and regulations.

20. Stormwater conveyance facilities – Stormwater conveyance facilities may be permitted, provided that they are only located in the buffer when no practicable alternative exists outside the buffer. Stormwater facilities shall be planted with native plantings where feasible to provide habitat, and/or less intrusive facilities should be used.

21. Floodway-dependent Structures – Floodway-dependent structures or installations may be permitted within streams or their buffers if allowed or approved by other ordinances or other agencies with jurisdiction. See SMP FCC 18.16.540, Frequently Flooded Areas, for more information on allowed uses and activities within flood hazard areas.

22. Trails – The criteria for alignment, construction, and maintenance of trails within wetlands and their buffers shall apply to trails within stream buffers. Buffer trails may not exceed 10 feet in width and may be constructed with impermeable surface materials if on-site infiltration is utilized.

23. Utilities – The criteria for alignment, construction, and maintenance within the wetland buffers and FCC 18.16.470, Utilities, shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the waterbody where feasible. Crossings shall be contained within the existing footprint of an existing or new road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than 60 degrees to the centerline of the channel. The criteria for stream crossings shall also apply.

24. Native vegetation landscaping schemes shall be provided that do not require application of herbicides, pesticides, or fertilizer to maintain robust growth. Non-native landscaping may be installed in the shoreline buffer if it provides similar functions to native vegetation, including, but not limited to, shade, cover, and habitat, and also has similar water consumptions needs when compared to native vegetation, and provided existing native vegetation is not removed. Use of noxious or invasive species is strictly prohibited. Chemical treatment of landscaping in shoreline buffers is discouraged, and any application of chemicals must be in strict conformance to the manufacturer's instructions.

25. No net effective impervious surfaces may be created in the outer buffer area beyond what is otherwise permitted.

26. No structures or related improvements, including buildings or decks, shall be permitted within the stream buffer except as otherwise allowed in FCC 18.16.500, General Provisions, or in this SMP.

D. Determination Process

1. The Shoreline Administrator will review each development permit application in accordance with FCC 18.16.500 (D), General Review Process and Report Requirements, of this SMP and to determine if the provisions of this Section will be applied to the project.

2. In making the determination, the Shoreline Administrator may use any of the inventories or reference maps identified in FCC 18.16.500 (E) and 18.16.560 (D).

3. The following progressive steps will occur upon a determination by the Planning Director, per FCC 18.16.500 (D), General Review Process and Report Requirements, that a fish and/or wildlife habitat conservation area may exist on a site proposed for a development permit.

    a. The Shoreline Administrator will determine if the proposed development activity is within an Area of Project Review. If the proposal is in or near an Area of Project Review, a site inspection and consultation with federal and/or state wildlife agency personnel or a qualified biologist may be conducted to more definitively determine if a fish and/or wildlife habitat conservation area exists on the site if deemed necessary by the County.

    b. If it is determined by the Shoreline Administrator that the proposed development activity is within an Area of Project Review, compliance with FCC 18.16.500 (D), General Review Process and Report Requirements, of this SMP and development of a Critical Area Report is required. If it is determined that the activity is not in an Area of Project Review, this Section shall not apply to the review of the proposed permit activity.

E. Designation

1. Areas of Project Review shall be designated as Priority Habitat Areas, Important Habitat Areas or other areas as defined by Fish and Wildlife Habitat Conservation Areas.

2. If an area that is subject to a development permit application is determined to be a Priority or Important Habitat Area after going through the determination process described herein, it shall be designated as such, and a habitat boundary survey and a habitat management and mitigation plan shall be developed as provided for in this section.

3. Designation as either a Priority or Important Habitat Area is not intended to deny development opportunities; rather, it is aimed at either steering growth to more suitable areas where fish and wildlife values will not be unduly compromised, or developing appropriate and adequate mitigation measures to alleviate potential negative impacts.

F. Fish/Wildlife Habitat Survey

1. If it is determined through the process identified herein that a Priority or Important Habitat Area exists on a site that is the subject of a development permit application, a fish/wildlife habitat boundary survey and evaluation shall be conducted by a professional biologist, as appropriate, who is knowledgeable of wildlife habitat within Franklin County. The wildlife habitat boundary shall be field staked, as necessary, by the biologist and surveyed by a State of Washington registered land surveyor for disclosure on all final plats, maps, etc.

2. The fish/wildlife habitat boundary and any associated buffer shall be identified on all plats, maps, plans and specifications submitted for the project.

G. Critical Area Report/Fish-Wildlife Habitat Management and Mitigation Plan

1. A fish/wildlife habitat management and mitigation plan is required for all proposed developments determined to be within a “Priority Habitat Area” or an “Important Habitat Area.”

2. When required, a fish/wildlife habitat management and mitigation plan shall be prepared by a qualified professional who is knowledgeable of wildlife habitat within Franklin County.

3. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, that the net loss of ecological function of habitat is minimal;

4. Based on the most current scientific and technical information, per FCC 18.16.500 (E), the fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

5. The fish/wildlife habitat management and mitigation plan shall include maps and narrative descriptions that address the mitigation sequencing per FCC 18.16.230 (B).

6. A plan by the applicant that explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:

    a. Use of any federal, state or local management recommendations which have been developed for the species or habitats in the area;

    b. Establishment of appropriate and adequate buffer zones;

    c. Preservation of critically important plants and trees;

    d. Limitation of access to the habitat conservation area;

    e. Seasonal restriction of construction activities;

    f. Establishment of a timetable for periodic review of the plan.

7. A detailed discussion of on-going management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs.

Article VI. Existing Uses, Structures, and Lots

18.16.600 Applicability

A. All nonconformances in shoreline jurisdiction shall be subject to the provisions of this article. For nonconformance of use, structures, and lots within shoreline critical areas, FCC 18.16, Article V, Critical Areas, applies. When there is a conflict between this Section and the Critical Area Section as applicable to critical areas, the more restrictive standards shall apply.

B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:

1. The requirements of the International Building and Fire Codes; or

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

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

D. Any nonconformance that is brought into conformance for any period of time shall forfeit status as nonconformance, except as specified in FCC 18.16.610, Nonconforming Uses.

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

1. Local agency permit;

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

3. Tax record.

18.16.610 Nonconforming Uses

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

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

increased, or extended in conformance with applicable bulk and dimensional standards of this SMP upon approval of a Shoreline Conditional Use Permit.

2. No nonconforming use shall be moved in whole or in part to any other portion of the lot that contains the nonconforming use.

3. If any nonconforming use of land ceases for any reason for a period of 1 year, any subsequent use of such land shall conform to the regulations specified by this SMP for the use environment in which such land is located.

4. A structure, which is being or has been used for a nonconforming use, may be used for a different nonconforming use only upon a finding that:

   a. No reasonable alternative conforming use is practical;

   b. The proposed use is equally or more appropriate to the shoreline environment than the existing nonconforming use, and is at least as consistent with the policies and provisions of the act and the SMP; and

   c. Such a change of use shall be subject to a Shoreline Conditional Use Permit approval. Conditions may be attached to the permit as are deemed necessary to ensure compliance with the above findings, the requirements of the SMP and the SMA, and to ensure that the use will not become a nuisance or a hazard.

18.16.620 Nonconforming Structures

A. If, at the effective date of the SMP or any amendment thereto, a lawful structure or other improvement exists, which is made no longer permissible under the terms of this SMP or amendment thereto, such structure or other improvement may be continued as a nonconforming structure or other improvement so long as it remains otherwise lawful, subject to the following conditions:

1. No nonconforming structure or other improvement shall be altered or changed in a way which increases its nonconformity except as allowed in FCC 18.16.620 (A)(2).

2. Expansions of structures that are nonconforming with respect to a required shoreline buffer:

   a. May not encroach any farther waterward into the required shoreline buffer.

   b. Expansions parallel to or landward of shoreline may be allowed provided that said enlargement does not increase the extent of

nonconformity by farther encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

3. All expansion, extension, maintenance, or repair activities of nonconforming structures or improvements shall be consistent with all other provisions of this SMP, provided the cumulative cost of such maintenance or repair within any 180-day period shall not exceed 20% of the assessed valuation of such building, structure, or land (as applicable) at the time such maintenance is completed.

4. When damaged, a nonconforming structure may be restored to the configuration existing immediately prior to the time that the structure was damaged, provided that:

   a. The structure is damaged to an extent not exceeding 50% of the replacement cost of the original development.

   b. The applicant applies for permits needed to restore the development within 6 months of the date the damage occurred.

   c. Reconstruction is started within 12 months and is completed within 24 months of the date of damage, unless an extension of time is granted by the Shoreline Administrator upon written petition substantiating to the satisfaction of the Administrator due cause for such extension.

   d. The degree of the nonconforming use, building, or structure is not increased.

5. Nothing in this section will prohibit vertical expansion up to the height allowed in the applicable use environment, provided all other applicable requirements of Franklin County's development regulations are met.

6. Upkeep, repairs, and maintenance of a nonconforming structure or other improvement shall be permitted.

B. Should such structure or other improvement be moved for any reason for any distance, it shall thereafter conform to the regulations for the use environment in which it is located. Conformance shall be required when:

1. A change of use is proposed;

2. The use is terminated or discontinued for more than 1 year, or the structure(s) that houses the use is vacated for more than 1 year; or

3. The structure(s) or activity that occurs on the land in which the use is conducted is proposed for relocation.

C. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following, shall be considered a conforming structure: setbacks, buffers, or yards; area; bulk; height; or density.

D. For purposes of this section, "appurtenant structures" refer to garages, sheds, and other legally established structures. Appurtenant structures do not include bulkheads and other shoreline modifications or overwater structures.

Article VII. Administration and Enforcements

18.16.700 Roles and Responsibilities

A. Shoreline Administrator:

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

2. The Shoreline Administrator shall be familiar with regulatory measures pertaining to shorelines and their use, and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other applicable land use and development regulatory measures of the County. The Shoreline Administrator shall establish procedures that advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications. It is the intent of Franklin County, consistent with its regulatory obligations, to simplify and facilitate the processing of Shoreline Substantial Development Permits.

3. The Shoreline Administrator shall ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.

4. The Shoreline Administrator shall apply FCC 18.16.500, General Provisions, for shoreline critical areas.

B. Planning Commission.

1. The Planning Commission is vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the County's planning and regulatory program, and make recommendations for amendments thereof to the County Commissioners.

2. The Planning Commission reviews Shoreline Variances and Shoreline Conditional Use Permits, following an open record hearing, and send a recommendation to the County Commission.

C. County Commission. The County Commission is vested with authority to:

1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.

2. Adopt all amendments to this SMP, after consideration of the recommendation of the Planning Commission. Substantive amendments shall become effective 14 days following written approval by Ecology.

3. Approve or deny all shoreline Variance and Conditional Use Permits forwarded by the Planning Commission pursuant to FCC 17.82.110.

4. Conducts closed record appeal of any recommendation of the Planning Commission pursuant to FCC 17.82.100.

5. Decide on appeals from the administrative decisions issued by the Shoreline Administrator.

18.16.710 Interpretation

A. Under the administrative provisions, the Shoreline Administrator shall have authority to interpret this SMP, when such interpretation is clearly consistent with the goals and policies of this SMP and the SMA.

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

18.16.720 Statutory Noticing Requirements

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

18.16.730 Application Requirements

A. A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, contain the information listed in WAC 173-27-180.

B. The Shoreline Administrator shall provide written informational materials, procedures, instructions, and forms required to submit an application for a Shoreline Substantial Development Permit, Variance Permit, or Conditional Use Permit.

C. These materials should include: a plan coversheet; a Joint Aquatic Resource Permits Application (JARPA) form; SEPA checklist; fee schedule; review criteria; and the process and timelines to assist potential applicants and interested parties on the permit application submittal and review process.

D. The Shoreline Administrator may vary or waive these requirements according to administrative application requirements on a case-by-case basis.

E. The Shoreline Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other applicable requirements and the provisions of this SMP.

18.16.740 Shoreline Substantial Development Permits

A. A Shoreline Substantial Development Permit shall be required for all development on shorelines, unless the proposal is specifically exempted per FCC 18.16.770. Shoreline Substantial Development permits shall be processed as an administrative permit.

B. Shoreline Administrator shall review Substantial Development Permit applications, as required in FCC 18.16.730, and approve or deny the permit.

C. Shoreline Administrator shall provide notice in accordance with WAC 173.27-110 and may provide additional notice, according to the County’s noticing requirements.

D. A Shoreline Substantial Development Permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Act, RCW 90.58;

2. The applicable provisions of WAC 173-27; and

3. This SMP.

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

F. Nothing shall interfere with the County's ability to require compliance with all other applicable plans and laws.

18.16.750 Shoreline Conditional Use Permits

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the Shoreline Administrator and by Ecology. Applications for a Shoreline Conditional Use Permit shall be processed with a pursuant to FCC 17.82.

B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

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

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

2. That the proposed use will not interfere with the normal public use of public shorelines;

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

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

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

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

G. Nothing shall interfere with the County's ability to require compliance with all other applicable plans and laws.

18.16.760 Shoreline Variance Permits

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

prohibited. Applications for Shoreline Variance Permits shall be processed pursuant to FCC 17.80.

B. Review Criteria:

1. Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Variance Permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland, as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property;

   b. That the hardship described in criterion FCC 18.16.760 (B)(2)(a) of this subsection is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

   c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts on the shoreline environment;

   d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

   e. That the variance requested is the minimum necessary to afford relief; and

   f. That the public interest will suffer no substantial detrimental effect.

3. Variance Permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland, as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional, or performance standards set forth in the applicable SMP precludes all reasonable use of the property;

b. That the proposal is consistent with the criteria established under FCC 18.16.760 (B)(2) (a)-(f) above can be met; and

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

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

18.16.770 Exemptions from Shoreline Substantial Development Permits

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

B. When an exemption is granted, the Shoreline Administrator shall issue a letter of exemption, as required by the provisions of WAC 173-27-050 and as follows:

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

2. The Shoreline Administrator is authorized to grant or deny requests for statements of exemption from the Shoreline Substantial Development Permit requirement for uses and developments within shorelines that are specifically listed in FCC Section 18.16.770 (D). The statement shall be in writing and shall indicate the specific exemption of this SMP that is being applied to the development and shall provide a summary of the Shoreline Administrator's analysis of the consistency of the project with this SMP and the SMA. The letter shall be sent to the applicant and maintained on file in the offices of the Shoreline Administrator.

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

4. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Shoreline Administrator's decision may be appealed pursuant to FCC 18.16.810, Appeals.

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

C. Interpretations of Exemptions:

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.

2. A development or use that is listed as a conditional use pursuant to this SMP, or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional, and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.

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

4. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.

5. The Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with each responsible local government's ability to require compliance with all other applicable laws and plans.

D. The County shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below:

1. Any development of which the total cost or fair market value does not exceed $6,416 or as adjusted by the State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, as well as equipment, or materials.

2. Normal maintenance or repair of existing legally established structures or developments, including damage by accident, fire, or elements.

Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development, including, but not limited to, its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

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

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

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

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

ii. The emergency response shall be confined to the action necessary to protect life or property from damage;

iii. The scope of the emergency response must be limited to the work necessary to relieve the immediate threat; and

iv. The emergency response applies only to the period of time in which the actual emergency exists.

b. Once the emergency is abated or dissipated as deemed by jurisdictional authorities, compliance with the requirements of this chapter is required.

c. Emergency actions shall use reasonable methods that minimize the impact to critical areas and their buffers. Persons who take emergency action shall notify the Shoreline Administrator within one working day following commencement of the emergency activity. Following such notification, the Shoreline Administrator shall determine if the action taken was within the scope and definition of emergency actions as defined above. If the Shoreline Administrator determines that the action taken or any part of the action taken was beyond the scope and definition of allowed emergency actions, then the enforcement provisions of FCC 18.16.830 shall apply.

5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.

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

7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the County, other than requirements imposed pursuant to RCW 90.58. Construction authorized under this exemption, shall be located landward of the OHWM.

8. Construction of a dock, including a community dock designed for pleasure craft only and for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family or multiple-family residence. This exception applies when the fair market value of the dock does not exceed $10,000, but if subsequent construction having a fair market value exceeding $2,500.00 occurs within 5 years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

9. Operation, maintenance, repair, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands.

10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

11. Operation and maintenance of existing and future system of dikes, drains, or other facilities existing on September 8, 1975 (where water is being drained from irrigation runoff or shallow groundwater levels artificially recharged through irrigation, and that), which are created, developed or utilized primarily as a part of an agricultural drainage or diking system.

12. Any project with a certification from the governor pursuant to RCW 80.50 (certification from the State Energy Facility Site Evaluation Council).

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

    a. The activity does not interfere with the normal public use of surface waters;

    b. The activity will have no significant adverse impact on the environment, including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

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

    d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

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

15. Watershed restoration projects as defined in RCW 89.08.460.

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

    a. The project has written approval from the WDFW;

    b. The project has received HPA by WDFW pursuant to RCW 77.55;

    c. The County has determined that the project is substantially consistent with the local SMP. The County shall make such determination in a timely manner and provide it by letter to the applicant; and

    d. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local SMPs.

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

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

18.16.780 Duration of Permits

A. The duration of permits shall be consistent with WAC 173-27-090 as follows:

1. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within 2 years of the effective date of a substantial development permit. The County may authorize a single extension for a period not to exceed 1 year based on reasonable factors if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

2. Authorization to conduct development activities shall terminate 5 years after the effective date of a substantial development permit. However, the County may authorize a single extension for a period not to exceed 1 year based on reasonable factors if a request for extension has been filed before

the expiration date and notice of the proposed extension is given to parties of record and to the department.

18.16.790 Initiation of Development

A. Each permit for a Substantial Development, Shoreline Conditional Use, or Shoreline Variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of receipt of the decision. The date of filing for a Substantial Development Permit is the date of actual receipt by Ecology of a local government's final decision on the permit. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, date of filing means the date a responsible local government or applicant receives the written decision of Ecology. When a Substantial Development Permit and a Conditional Use or Variance Permit are required for a development, the submittal on the permits shall be made concurrently.

B. Permits for Substantial Development, Shoreline Conditional use, or Shoreline Variance may be in any form prescribed and used by the County, including a combined permit application form. Such forms will be supplied by the County.

C. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

18.16.800 Review Process

A. After the County’s approval of a Shoreline Conditional Use or Variance Permit, the County shall submit the permit to Ecology for approval, approval with conditions, or denial. Ecology shall render and transmit to the County and the applicant its final decision approving, approving with conditions, or disapproving the permit within 30 days of the date of submittal by the County pursuant to WAC 173-27-110.

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

C. The County shall provide timely notification of the Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

18.16.810 Appeals

A. Appeals of Shoreline Permit Decisions. Franklin County's decisions on shoreline permits may be appealed to the following 'bodies' in this sequence:

1. Franklin County Commission in accordance with FCC 17.82.100.

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

3. SHB decisions may be appealed to superior court.

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

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

6. Appeals to the SHB and courts are governed by RCW 90.58.180, RCW 43.21B.001, RCW 34.05 Part V, and WAC 461.08.

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

18.16.820 Amendments to Permits

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

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

18.16.830 Enforcement

A. The SMA provides for a cooperative program between the County and Ecology to implement and enforce the provisions of the SMA and this SMP. This section provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, and orders to take corrective action, in accordance with WAC 173-27-270, 173-27-280, 173-27-290, 173-27-300 and FCC 17.04. The enforcement means and penalties provided herein are not exclusive and may be taken or imposed in conjunction with, or in addition to, any other civil enforcement actions and civil penalties, injunctive or declaratory relief, criminal prosecution, actions to recover civil or criminal penalties, or any other action or sanction authorized by this section, or any other provision of the FCC, or any other provision of state or federal law and regulation.

B. The Shoreline Administrator, with the assistance of the County attorney, shall have authority to commence and prosecute any enforcement action authorized by this section. In determining the appropriate enforcement actions to be commenced and prosecuted, the Administrator shall consider the following factors:

1. The nature of the violation;

2. The extent of damage or potential future risk to the shoreline environment and its ecological functions or to the public health and safety, caused by or resulting from, whether directly or indirectly, the alleged violation;

3. The existence of knowledge, intent, or malice on behalf of the violator;

4. The economic benefit or advantage that accrued to the violator(s) as a result of the violation; and

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

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

18.16.840 Cumulative Effects of Shoreline Developments

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

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

18.16.850 Amendments to Shoreline Master Program

A. Amendments to the SMP shall be processed as legislative decisions pursuant to FCC 17.84 and WAC 173-26-110.

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

18.16.860 Definitions

A. Definitions:

1. "Act" means the Washington State SMA, RCW 90.58.

2. "Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years.

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 Article V - 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:

   a. On-site immediately adjoining a critical area; or

   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 conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility

is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Also see definition of "New Agricultural Activities" below.

6. "Agricultural products" includes: but is not limited to horticultural, viticultural, floricultural, and vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock, including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

7. "Agricultural equipment" includes, but is not limited to the following used in agricultural operations:

    a. Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

    b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

    c. Farm residences and associated equipment, lands, and facilities; and

    d. Roadside stands and on-farm markets for marketing fruit or vegetables.

8. Agricultural facilities. See "Agricultural equipment."

9. "Agricultural land" means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local SMP pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements of the SMP.

10. "Alteration" for purposes of applying Article V - Critical Areas, means any human-induced change in an existing condition of a critical area or its buffer. Alterations include grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for stormwater management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value of critical areas.

11. "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing SMP.

12. "Applicant" means a person who files an application for a permit under this SMP and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

13. "Approval" means an official action by a local government legislative body agreeing to submit a proposed SMP or amendments to Ecology for review and official action pursuant to this chapter or an official action by Ecology to make a local government SMP effective, thereby incorporating the approved SMP or amendment into the SMP.

14. "Aquaculture" means the culture or farming of fish, or other aquatic plants and animals.

15. "Aquifer recharge area" means an area through which precipitation and surface water infiltrate the soil and are transmitted through rocks and soil to create groundwater storage. They are also areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water.

16. "Area of Influence" encompasses an area that is 2.5 times the height of a slope. The Area of Influence applies to areas that have geologically hazardous attributes consistent with an Erosion or Landslide Hazard Area as defined in FCC 18.16.860, Definitions, and FCC 18.16.550, Geologically Hazardous Areas. This mapped area surrounds the hazard area from all points for a distance of 2.5 times the height of the applicable slope. Areas with a 15% slope or greater as its only attribute do not have an Area of Influence.

17. "Area of Project Review" means the area within shoreline jurisdiction surrounding and including one or more critical areas within which activities and developments are subject to the provisions of this SMP**.**

18. "Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

19. "Assessed value" means assessed valuation shall be as established by the County assessor's office, unless otherwise provided by a market appraisal institute appraisal.

20. "Associated wetlands" are those wetlands that are in proximity to and either influence or are influenced by a stream subject to the SMA.

21. "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the OHWM. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

22. "Base flood" means a flood having a 1 percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designated on flood insurance rate maps with the letters A or V.

23. "Base flood elevation" means the water surface elevation of the base flood. It shall be referenced to the North American Vertical Datum of 1988.

24. "Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

25. "Best management practices (BMPs)" means conservation practices or systems of practice and management measures that:

    a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

    b. Minimize adverse impacts on surface water and groundwater flow, and circulation patterns, and the chemical, physical, and biological characteristics of wetlands;

    c. Protect trees and vegetation designated to be retained during and following site construction; and

    d. Provide standards for proper use of chemical herbicides within critical areas.

26. "Best Management Practices (BMPs), Agricultural" means systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment. Such practices may be subject to varying conditions which include geographical location, weather, soil or mineral types and conditions, type of crop or livestock, type of mining, and management systems. Generally accepted agricultural BMPs include those practices historically carried out in the region and those practices defined by the State of Washington, Department of Agriculture, recommendations by the U.S. Department of Agriculture, and other professional and industry agricultural organizations.

27. "Boating facilities" allowed in Franklin County include boat launches and upland boat storage, marinas, and other boat moorage structures or uses. For the purposes of this SMP, boating facilities excludes docks serving four or fewer single-family residences.

28. "Breakwater" means an offshore structure whose primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave-caused erosion. Breakwaters are generally built parallel to shore, may or may not be connected to land, and may be floating or stationary.

29. "Buffer, Critical Areas," means an area, which provides the margin of safety through protection of slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters, or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

30. "Building setback line" means a line beyond which the foundation of a structure shall not extend.

31. "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. (The SMP regulatory CMZ is mapped and on file at the County.)

32. "County" means Franklin County.

33. "Clearing" means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.

34. "Community access" means a shoreline access available to a group or community (e.g., homeowners association), which may not be accessible to general public.

35. "Compensation project" means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include land acquisition, planning, construction plans, monitoring, and contingency actions.

36. "Compensatory mitigation" means types of mitigation used to replace project-induced critical areas and buffer losses or impacts.

37. "Critical aquifer recharge area" means those areas that are:

    a. Designated as "Wellhead Protection Areas" pursuant to WAC 246-290-135(4) and the groundwater contribution area in WAC 246-291-100 (2)(e). Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group A public water supply wells and those Group B wells with a wellhead protection plan filed with the Franklin County Health District; and

    b. Identified in the Soil Survey of Franklin County as having high potential for aquifer recharge, including those soil types identified by the Shoreline Administrator.

38. "Crown" means the area of a tree containing leaf- or needle-bearing branches.

39. "Cultural and historic resources" means buildings, sites and areas having archaeological, historic, cultural, or scientific value or significance.

40. "Designated floodway" means the regulatory floodway that has been delineated on the County's FIRM.

41. "Developable area" means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this SMP.

42. "Development" means a use consisting of: the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature, which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level.

43. "Development permit" means any permit issued by Franklin County or other authorized agency, for construction, land use, or the alteration of land.

44. "Dock" means, as a general term, a structure, or group of structures that provides boat moorage or other uses. A dock may be made up of piers (which are structures on fixed piles) and floats (which float on the water's surface and are typically attached to piles so that they may rise and fall with changes in the water's elevation).

45. "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that

contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

46. "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition, and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

47. "Erosion" means the detachment and movement of soil or rock by water, wind, ice, or gravity.

48. "Erosion hazard area" means those areas that, because of natural characteristics, including vegetative cover, soil texture, slope gradient, rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

49. "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short-and long-term time frames.

50. "Federal Emergency Management Agency (FEMA)" means the agency that oversees the administration of the National Flood Insurance Program (44 CFR).

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

52. "Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

a. Areas within which state and federal endangered and threatened species exist, or state sensitive, candidate, and monitor species have a primary association;

b. Priority Habitat and Species Areas identified by the WDFW;

c. Habitats and species of local importance that have been designated by the County at the time of application;

d. Naturally occurring ponds less than 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds of less than 3 years duration, and landscape amenities. Naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority;

e. Waters of the state as defined by WAC 222-16;

f. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

g. Areas with which anadromous fish species have a primary association; and

h. State natural area preserves and natural resources conservation areas.

53. "Flood" or "flooding" mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

54. "Flood hazard area" means any area subject to inundation by the base flood or risk from channel migration, including, but not limited to, an aquatic area, wetland, or closed depression.

55. "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Franklin County.

56. "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes the flood profiles, the FIRM, and the water surface elevation of the base flood (44 CFR Part 59).

57. "Floodplain" is synonymous with 100-year floodplain and means that land area susceptible to inundation with a 1 percent chance of being equaled or exceeded in any given year. The limit of this area shall be based on flood ordinance regulation maps or a reasonable method, which meets the objectives of the act.

58. "Floodway" means the channel of a river or other watercourse and the adjacent land areas through which the base flood is discharged. Floodways identified on flood boundary and floodway maps become "regulatory floodways" within which encroachment of obstructions are prohibited. (see also Designated Floodway)

59. "Floodway-dependent structure" for purposes of applying Article V-Critical Areas, means structures such as, but not limited to, dams, levees, pump stations, streambank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.

60. "Functions" and "values" for purposes of applying Article V-Critical Areas, mean the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, and recreation. Functions and values may be considered independently, with functions being measured indicators such as water quality, hydrologic functions, and habitat functions and values being non-measured indicators such as local importance, potential qualities, or recreational benefits.

61. "Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geologic events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. Geologically Hazardous Areas include Erosion Hazards, Landslide Hazards, Mine Hazards, and Seismic Hazards, as defined herein and specified in FCC 24.12.550.

62. "Geotechnical Report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected landform and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts on adjacent and down-current properties. Geotechnical Reports shall conform

to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

63. "Grading" means stripping, cutting, filling, or stockpiling of land, including the land in its cut or filled condition to create new grade.

64. "Groin" means a barrier type of structure extending from the streambank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

65. "Ground cover" means all types of vegetation other than trees.

66. "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of SMPs. Such standards shall also provide criteria for local governments and the department in developing and amending SMPs.

67. "Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

68. "Hazardous substance(s)" means:

    a. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act; any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act; and

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

69. "High-intensity land use" means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

70. "Hydraulic project approval (HPA)" means a permit issued by WDFW for modification to waters of the state in accordance with RCW 75.20.

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

72. "In-stream structures" function for the impoundment, diversion, or use of water for hydroelectric generation and transmission (including public and private facilities), flood control, irrigation, water supply (domestic and industrial), recreation, or fisheries enhancement.

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

74. "Landslide" means down slope movement of a mass of soil, rock, snow or ice, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows, and snow avalanches.

75. "Landslide hazard areas" means those areas potentially subject to landslides based upon a combination of geologic, topographic, and hydrologic factors.

76. "Low-intensity land use" includes forestry and open space (such as passive recreation and natural resources preservation).

77. “Low intensity recreational uses” means recreational uses that maintain the rural or natural character of the shoreline area, involve a low level of development, and do not substantially degrade shoreline ecological functions, such as primitive walking trail, benches, rustic picnic areas, bird watching, angling, or hunting.

78. "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

79. "Mitigation sequencing" means the process of avoiding, reducing, or compensating for the adverse environmental impact(s) of a proposal, including the following actions, listed in the order of preference, the first being the most preferred:

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

    b. Where impact on critical areas or their buffers will not be avoided, demonstrating that the impact meets the criteria for granting a Shoreline Variance or other administratively approved alteration;

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

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

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

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

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

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

81. "Moderate-intensity land use" includes residential at a density of 1 unit per acre or less, moderate intensity open space (parks), and agriculture (moderate intensity land uses such as orchards and hay fields).

82. "Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

83. "Must" means a mandate; the action is required.

84. "Native vegetation" means plant species that are indigenous to the region.

85. "New agricultural activities" are activities that meet the definition of agricultural activities but are proposed on land not in agricultural use at the adoption date of this SMP.

86. "New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this SMP.

87. "Non-water-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

88. "Normal maintenance" means those usual acts that are necessary to prevent a property's decline, lapse, or cessation from a lawfully established condition.

89. "Normal repair" means to restore a structure or development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse impacts on shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse impacts on shoreline resources or environment.

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

91. "Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact on critical areas.

92. "Primitive trail" means unimproved and unpaved, but physically defined pathway for non-motorized movement.

93. "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

    a. Comparatively high fish or wildlife density;

    b. Comparatively high fish or wildlife species diversity;

    c. Fish spawning habitat;

    d. Important wildlife habitat;

    e. Important fish or wildlife seasonal range;

    f. Important fish or wildlife movement corridor;

    g. Rearing and foraging habitat;

    h. Refugia habitat;

    i. Limited availability;

    j. High vulnerability to habitat alteration; or

    k. Unique or dependent species.

    A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as caves or snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

94. "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the following criteria:

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

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

c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and non-native fish and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4. Species listed under the Federal Endangered Species Act as either proposed, threatened, or endangered.

95. "Provisions" means any definition, policy, goal, regulation, requirement, standard, authorization, prohibition, guideline criteria, or environment designations.

96. "Public Access" means physical and visual access. Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. The following are examples of public access:

a. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

b. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, or other area serving as a means of physical approach to public waters.

97. "Public agency" means every city, county, state, or federal office, every officer, every institution, whether educational, correctional, or other, and every department, division, board, and commission that provides services or recommendations to the public or other such agencies.

98. "Public utility" means a public service corporation performing some public service subject to special governmental regulations, or a governmental agency performing similar public services, either of which are paid for directly by the recipients thereof. Such services shall include water supply, electric power, gas, and transportation for persons and freight.

99. "Qualified professional" means a person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or shoreline subject. A qualified

professional must have obtained a B.S., B.A., or equivalent degree or certification in biology, engineering, environmental studies, fisheries, geomorphology, landscape architecture, forestry or related field, and 2 years of related work experience.

a. A qualified professional for wildlife, habitats, or wetlands must have a degree in biology, zoology, ecology, fisheries, or related field, and professional experience in Washington State.

b. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.

c. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

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

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

f. A qualified archaeologist must be a person qualified for addressing cultural and historic resources protection and preservation, with a degree in archaeology, anthropology, history, classics or other germane disciplines with a specialization in archaeology and/or historic preservation and with a minimum of 2 years of experience in preparing cultural resource site assessments reports.

100. "Recreational development" means the modification of the natural or existing environment to accommodate commercial and public facilities designed and used to provide recreational opportunities to the public. Commercial recreational development should be consistent with commercial development defined herein.

101. "Recreational vehicle" means a vehicle designed primarily for recreational camping, travel, or seasonal use that has its own mode of power or is mounted on or towed by another vehicle, including, but not limited, to travel trailers, folding camping trailers, truck campers, motor homes, motorized boats, and multi-use vehicles or any structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the State of Washington or any other state or federal agency having the authority to approve recreational vehicles.

102. "Residential development" entails one or more buildings, structures, lots, parcels or portions thereof that are designed, used, or intended to be used as a place of abode for human beings. These include single-family residences, residential subdivisions, short residential subdivisions, attached dwellings, and all accessory uses or structures normally associated with residential uses. Accessory residential uses include garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Hotels, motels, dormitories, or any other type of overnight or transient housing are excluded from the residential category and must be considered commercial uses depending on project characteristics.

103. "Restore," "Restoration," or "ecological restoration" means the reestablishment or upgrading of impaired natural or enhanced ecological shoreline processes or functions. This may be accomplished through measures, including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to pre-aboriginal, or pre-European settlement conditions.

104. "Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of aquatic and terrestrial ecosystems that mutually influence each other.

105. "Salmonid" means a member of the fish family Salmonidae, including: King Chinook, Coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

106. "Section 404 Permit" means a permit issued by the U.S. Army Corp of Engineers for the placement of dredge or fill material waterward of the OHWM or clearing in waters of the United States, including wetlands, in accordance with 33 United States Code Section 1344.

107. "Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

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

109. "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

110. "Shoreline Master Program" means the comprehensive use plan for a described area and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies

of a SMP for a county or city approved under RCW 90.58 shall be considered an element of the county or city's comprehensive plan. All other portions of the SMP for a county or city adopted under RCW 90.58, including use regulations, shall be considered a part of the county or city's development regulations.

111. "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

112. "Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes such as current, flood, wind, or wave action. These actions include structural and non-structural methods. Non-structural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

113. "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this chapter, against taking the action.

114. "Significant adverse environmental impacts" (as used in SEPA) means a reasonable likelihood of more than a moderate adverse impact on environmental quality (WAC 197-11-794).

115. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts on functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

116. "Site Assessment Requirements" means requirements for Critical Areas Report.

117. "Snag" means the remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches.

118. "Special flood hazard area" means an area subject to a base or 100-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH.

119. "Species and habitats of local importance" means those species that may not be endangered, threatened, or critical from a state-wide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species may be priority habitats, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

120. "Species, threatened and endangered" means those native species that are listed by WDFW pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the Federal Endangered Species Act (16 United States Code 1533).

121. "Start of construction" means and includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

122. "Steep slopes" means those slopes (excluding County-approved geotechnical engineered slopes) 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

123. "Stream" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water mark of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses that flow on an intermittent basis or fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include

irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

124. "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water.

125. "Substantial damage" means damage of any origin, including intentional and unintentional demolition, sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

126. "Substantial improvement" means any rehabilitation, repair, reconstruction, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50 percent of the market value of the building before start of construction of the improvement. The term includes buildings that have incurred substantial damage or damage of any origin sustained by a building when the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value before the damage occurred. Substantial improvement does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and are the minimum necessary to ensure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

127. “Substantial number of residences” for the purpose of determining obstructing view of the shoreline constitutes existing ten or more contiguous residential units with lot sizes 2.5 acres or less that currently have a view of the shoreline.

128. "Substantially degrade" means to cause significant ecological impact.

129. "Technical Interdisciplinary Team" includes representatives from the Franklin County and departments, such as Community Development, Public Works, Health, and Emergency Management, as well as Resource Agency Personnel having technical expertise in the subject of interest.

130. "Topping" means the severing of main trunks or stems of vegetation at any place above 25 percent of the vegetation height.

131. "Transportation facilities" are those structures and developments that provide for the movement of people, goods, and services. These include roads and highways, railroad facilities, bridges, parking facilities, bicycle paths, trails, and other related facilities.

132. "Tree removal" means the removal of a tree, through either direct or indirect actions, including, but not limited to: (a) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (b) removal of at least half of the live crown; or (c) damage to roots or trunk that is likely to destroy the tree's structural integrity.

133. "Trees" means any living woody plant characterized by one main stem or trunk and many branches and having a diameter of four inches or more measured 24 inches above ground level.

134. "Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

135. "Utility" means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, stormwater, communications (including, but not limited to, telephone and cable), sewage, oil, and the like.

136. "Vegetation" means plant life growing below, at, and above the soil surface.

137. "Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

138. "Water-dependent use" means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

139. "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use, and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within. The project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

140. "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

141. "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term water quantity refers only to development and uses regulated under this chapter and affecting water quantity such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

142. "Water-related use" means a use or portion of a use, which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

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

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

18.16.870 Shoreline Environment Designation Maps