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Okanogan County Shoreline Master Program

June 30, 2015
Final Draft

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1 **Article I: Authority and Purpose**

2 **14.15.010 Shoreline Management Act**

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

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

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

23 **14.15.020 Authority**

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

26 **14.15.030 Applicability**

27 A. All proposed uses and development occurring within the shoreline jurisdiction
28 must conform to Chapter 90.58 RCW, the Shoreline Management Act and this
29 Program whether or not a permit is required.

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31 B. Shoreline Permits administered by Okanogan County within the boundaries of
32 the Colville Confederated Tribe shall be processed in accordance with CCT SMP Chapter
33 4-15.

34 **14.15.040 Purpose and Intent**

35 The purposes of this SMP are to:

- 36 A. To promote the public health, safety, and general welfare of the community by
37 providing comprehensive policies and effective, reasonable regulations for
38 development and use and protection of Okanogan County shorelines; and
- 39 B. Recognize and protect private property rights; and
- 40 C. Nothing in these regulations shall constitute authority of any person to trespass or
41 in any way infringe upon private property or upon the rights of private ownership
42 as guaranteed by the U. S. and State Constitutions, land deeds and abstracts.
- 43 D. Promote reasonable and appropriate use of the shorelines which will not
44 jeopardize public and private interests; and
- 45 E. Protect rights of navigation; and
- 46 F. Preserve and protect fragile natural resources and cultural significant features; and
- 47 G. Increase public access to publicly owned areas of the shorelines where increased
48 use levels are desirable; and
- 49 H. To manage shorelines in a positive, effective and equitable manner; and
- 50 I. To further assume and carry out the local government responsibilities established
51 by the Act in RCW 90.58.050 including planning and administering the
52 regulatory program consistent with the policy and provisions of the Act in RCW
53 90.58.020; and
- 54 J. To adopt and promote the following policy contained in RCW 90.58.020

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

- 61 1. Recognize and protect the statewide interest over local interest;
- 62 2. Preserve the natural character of the shoreline;
- 63 3. Result in long term over short term benefit;
- 64 4. Protect the resources and ecology of the shoreline;
- 65 5. Increase public access to publicly owned areas of the shorelines;
- 66 6. Increase recreational opportunities for the public in the shoreline;

67 7. Provide for any other element as defined in RCW [90.58.100](#) deemed
68 appropriate or necessary.

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70 **14.15.050 Relationship to other Codes and Ordinances**

71 A. All applicable federal, state, and local laws shall apply to properties in the
72 shoreline jurisdiction.

73 B. The goals and policies of this SMP approved under chapter 90.58 RCW shall be
74 considered an element of Okanogan County's comprehensive plan. All other
75 portions of this SMP, including use regulations, shall be considered a part of
76 Okanogan County's development regulations.

77 C. Where this Program makes reference to any RCW, WAC, or other state, or federal
78 law or regulation, the most recent amendment or current edition shall apply.

79 **14.15.060 Liberal Construction**

80 As provided for in RCW 90.58.900, the Act is exempted from the rule of strict
81 construction; the Act and this Program shall be liberally construed to give full
82 effect to the purposes, goals, objectives, and policies for which the Act and this
83 Program were enacted and adopted, respectively.

84 **14.15.070 Severability**

85 Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of
86 this Program be declared unconstitutional or invalid for any reason; such decision
87 shall not affect the validity of the remaining portions of this Program.

88 **14.15.080 Effective Date**

89 This Program and all amendments thereto shall become effective immediately
90 upon final approval and adoption by the Department of Ecology.

91 **14.15.090 Definitions**

92 The definitions have been updated to include requirements from WAC 173-26-020 et
93 sec, including definitions and general principles and governing principles WAC 173-
94 26-186. This chapter lists the official (legal) definitions of terms used in this SMP.
95 As used in this SMP, unless the context requires otherwise, the following definitions
96 and concepts apply:

97 **A**

- 98 1. "Accessory Building or Use" means a subordinate building or use which is located on
99 the same legal lot as the principal building or use.
- 100 2. "Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.
- 101 3. "Administrative Authority" shall, in the context of these regulations, mean the Okanogan
102 County Office of Planning and Development.
- 103 4. "Administrator" shall, in the context of this master program, mean the duly appointed
104 representative of the County.
- 105 5. "Adoption by Rule" means an official action by the department to make a local
106 government shoreline master program effective through rule consistent with the
107 requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby
108 incorporating the adopted shoreline master program or amendment into the state master
109 program.
- 110 6. "Agriculture" and "Agricultural Activities" means agricultural uses and practices
111 including, but not limited to: Producing, breeding, or increasing agricultural products;
112 rotating and changing agricultural crops; allowing land used for agricultural activities to
113 lie fallow in which it is plowed and tilled but left unseeded; allowing land used for
114 agricultural activities to lie dormant as a result of adverse agricultural market conditions;
115 allowing land used for agricultural activities to lie dormant because the land is enrolled in
116 a local, state, or federal conservation program, or the land is subject to a conservation
117 easement; conducting agricultural operations; maintaining, repairing, and replacing
118 agricultural equipment; maintaining, repairing, and replacing agricultural facilities,
119 provided that the replacement facility is no closer to the shoreline than the original
120 facility; and maintaining agricultural lands under production or cultivation;
- 121 7. "Agricultural Equipment" and "Agricultural Facilities" includes, but is not limited to: (i)
122 The following used in agricultural operations: Equipment; machinery; constructed
123 shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion,
124 withdrawal, conveyance, and use equipment and facilities including, but not limited to,
125 pumps, pipes, tapes, canals, ditches, and drains; (ii) Corridors and facilities for
126 transporting personnel, livestock, and equipment to, from, and within agricultural lands;
127 (iii) Farm residences and associated equipment, lands, and facilities; and (iv) Roadside
128 stands and on-farm markets for marketing fruit or vegetables.

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- 130 8. "Agricultural Land" means those specific land areas on which agriculture activities are
131 conducted.
- 132 9. "Agricultural Products" includes, but is not limited to, horticultural, viticultural,
133 floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary
134 products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar
135 hardwood trees grown as crops and harvested within twenty years of planting; and
136 livestock including both the animals themselves and animal products including, but not
137 limited to, meat, upland finfish, poultry and poultry products, and dairy products;
- 138 10. "Amendment" means a revision, update, addition, deletion, and/or reenactment to an
139 existing shoreline master program.
- 140 11. "Approval" means an official action by a local government legislative body agreeing to
141 submit a proposed shoreline master program or amendments to the department for review
142 and official action pursuant to this chapter; or an official action by the department to
143 make a local government shoreline master program effective, thereby incorporating the
144 approved shoreline master program or amendment into the state master program.
- 145 12. "Appurtenance" means development that is necessarily connected to the use and
146 enjoyment of a single family residence and is located landward of the OHWM and/or the
147 perimeter of a wetland. Appurtenances include a garage, deck, driveway, utilities, fences,
148 installation of a septic tank and drain field, swimming pools, hot tubs, saunas,
149 landscaping retaining walls outside buffer, and grading which does not exceed 250 cubic
150 yards and which does not involve placement of fill in any wetland or waterward of the
151 ordinary high water mark.
- 152 13. "Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and
153 animals. Aquaculture does not include the harvest of wild geoduck associated with the
154 state managed wildstock geoduck fishery.
- 155 14. "Archaeological resource/site" means archaeological and historic resources that are
156 either recorded at the state historic preservation office and/or by local jurisdictions or
157 have been inadvertently uncovered, are located on Okanogan County shorelands and
158 including, but not limited to, submerged and submersible lands and the bed of the rivers
159 within the state's jurisdiction, that contains archaeological objects.
- 160 15. "Average Grade Level" means the average of the existing topography of the portion of
161 the lot, parcel, or tract of real property which will be directly under the proposed building
162 or structure; provided that in the case of structures to be built over water, average grade
163 level shall be the elevation of ordinary high water. Calculation of the average grade level
164 shall be made by averaging the ground elevations at the center of all exterior walls of the
165 proposed building or structure.

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1. -“Best management practices” means (BMP’s) means conservation practices or systems of practices and management measures that:
 - A. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment:
 - B. Minimize adverse impacts to surface water and ground water flow, circulation pattern, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats.
 - C. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.
2. “Boat launch ramp” means a structure constructed of concrete or other material, which extends waterward of the ordinary high-water mark.
3. “Buffer”. See Setback.
4. “Building” Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind and not including advertising signboards or fences.
5. “Bulkhead” A solid wall erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves or current action.
6. “Bulk storage” means non-portable storage of bulk products in fixed tanks.

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1. "CAFO" As defined by the Code of Federal Regulations 122.23.

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2. "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 CMZ is comprised of two areas defined as severe and moderate channel migration zones, which are delineated on maps maintained by Okanogan County. (Currently only maps for the Okanogan, Similkameen and Methow Rivers are available, and are attached as Appendix I).

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a. Severe Channel Migration Zones consists of: 1) the historic boundaries of channel migration; together with avulsion zones subject to rapid erosion during moderate to high streamflows; together with erosion expected within the next fifty years, measured from either the avulsion zones or the current stream channel (whichever is greater); less the area of potential channel migration limited by natural geologic features (such as a rock bluff); less the area of potential channel migration cut off by public infrastructure which is currently maintained.

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b. Moderate Channel Migration Zone consists of that portion of the 100 year horizontal floodplain, as defined by horizontal boundaries, which is outside the severe channel migration zone.

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3. "City expansion area". An area designated by the county, in consultation with the city or town, that already exhibits urban growth or where urban growth is to be encouraged.

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4. "Clearing". The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

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5. "Commercial use" Facilities used or established to provide goods, merchandise or services for compensation or exchange, excluding facilities for the growth, production, or storage of agricultural products.

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6. "Community boating facilities" including docks, piers, ramps, marinas, etc...are typically designed and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-water front property owners.

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7. "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;

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8. "Comprehensive Master Program Update" means a master program that fully achieves the procedural and substantive requirements of the department's shoreline master program guidelines effective January 17, 2004, as now or hereafter amended;

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9. Critical Areas

A. "Critical Areas" as defined under chapter 36.70A RCW includes the following areas and ecosystems:

- i. Wetlands;
- ii. Areas with a critical recharging effect on aquifers used for potable waters;
- iii. Fish and wildlife habitat conservation areas;
- iv. Frequently flooded areas; and
- v. Geologically hazardous areas.

B. Critical areas on shorelines must meet the requirements of RCW 36.70A.480. Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

D

1. "Density" An expression of the intensity of use of property, usually indicated in the following manner: For residential uses, the ratio of dwelling units per unit of land area or for other uses the number of equivalent uses per unit of land area.
2. "Development" means a use consisting of the construction or significant 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 of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(d).)
3. "Development regulations" means the controls placed on development or land uses by Okanogan County, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.
4. "Dike" an artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

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

286 **E**

- 287 1. "Ecological functions" or "shoreline functions" means the work performed or role played
288 by the physical, chemical, and biological processes that contribute to the maintenance of
289 the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.
290 See WAC 173-26-201 (2)(c).
- 291 2. "Ecosystem-wide processes" means the suite of naturally occurring physical and
292 geologic processes of erosion, transport, and deposition; and specific chemical processes
293 that shape landforms within a specific shoreline ecosystem and determine both the types
294 of habitat and the associated ecological functions.

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- 296 3. An "emergency" is an unanticipated and imminent threat to public health, safety, or the
297 environment which requires immediate action within a time too short to allow full
298 compliance with this chapter.
- 299 4. "Emergency construction" is construed narrowly as that which is necessary to protect
300 property from the elements (RCW 90.58.030(3eiii)).
- 301 5. "Erosion hazard areas" are those areas containing soils which, according to the United
302 States Department of Agriculture Natural Resources Conservation Service Soil Survey
303 Program, may experience significant erosion. Erosion hazard areas also include channel
304 migration zones.
- 305 6. "Exempt substantial development" are those set forth in WAC 173-27-040 and RCW
306 90.58.030 (3)(e), 90.58.140(9), 90.58.147,90.58.355 , and 90.58.515 which are not
307 required to obtain a substantial development permit but which must otherwise comply
308 with applicable provisions of the act and the local master program.
- 309 7. "Experimental aquaculture" means an aquaculture project that uses methods or
310 technologies that are unprecedented or unproven in the State of Washington.

311 **F**

- 312 1. "Fair market value" of a development is the open market bid price for conducting the
313 work, using the equipment and facilities, and purchase of the goods, services and
314 materials necessary to accomplish the development. This would normally equate to the
315 cost of hiring a contractor to undertake the development from start to finish, including the
316 cost of labor, materials, equipment and facility usage, transportation and contractor
317 overhead and profit. The fair market value of the development shall include the fair
318 market value of any donated, contributed or found labor, equipment or materials;(WAC
319 173-27-030(8))
- 320 2. "Feasible" means, for the purpose of this chapter, that an action, such as a development
321 project, mitigation, or preservation requirement, meets all of the following conditions:
 - 322 A. The action can be accomplished with technologies and methods that have been
323 used in the past in similar circumstances, or studies or tests have demonstrated in
324 similar circumstances that such approaches are currently available and likely to
325 achieve the intended results;
 - 326 B. The action provides a reasonable likelihood of achieving its intended purpose; and
 - 327 C. The action does not physically preclude achieving the project's primary intended
328 legal use. In cases where this SMP requires certain actions unless they are
329 infeasible, the burden of proving infeasibility is on the applicant. In determining
330 an action's infeasibility, the local or tribal government reviewing the application
331 may weigh the action's relative public costs and public benefits, considered in the
332 short- and long-term time frames.

- 333 3. "Feedlot" A feedlot shall be an enclosure or facility used or capable of being used for
334 feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for
335 growing crops or vegetation for livestock feeding and/or grazing, nor shall it include
336 normal livestock wintering.
- 337 4. "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or
338 other material to an area waterward of the OHWM, in wetlands, or on shorelands in a
339 manner that raises the elevation or creates dry land.
- 340 5. "Fish and wildlife habitat conservation areas" are areas that serve a critical role in
341 sustaining needed habitats and species for the functional integrity of the ecosystem, and
342 which, if altered, may reduce the likelihood that the species will persist over the long
343 term.
- 344 6. "Floating homes" A structure designed and operated substantially as a permanently based
345 over water residence. Floating homes are not vessels and typically lack adequate self-
346 propulsion and steering equipment to operate as a vessel. They are typically served by
347 permanent utilities and semi-permanent anchorage/moorage facilities.
- 348 7. "Floats" means a detached, anchored structure that is free to rise and fall with water
349 levels including any floating, anchored platform or similar structure, used for boat
350 mooring, swimming or similar recreational activities that is not anchored or accessed
351 directly from the shoreline.
- 352 8. "Floodplain" is synonymous with one hundred-year floodplain and means that land area
353 susceptible to inundation with a one percent chance of being equaled or exceeded in any
354 given year. The limit of this area shall be based upon Federal Emergency Management
355 Agency (FEMA) Flood Insurance Rate Maps (FIRM maps).
- 356 9. "Floodway" means the channel of a river or other watercourse and the adjacent land areas
357 that must be reserved in order to discharge the base flood without cumulatively
358 increasing the water surface elevation more than a designated height.
- 359 10. "Forest practices" means any activity conducted on or directly pertaining to forest land
360 and associated with such activities as growing, harvesting, or processing timber,
361 including but not limited to: road and trail construction, harvesting, final and
362 intermediate, precommercial thinning, reforestation, fertilization, prevention and
363 suppression of diseases and insects, salvage of trees, and brush control. "Forest practice"
364 shall not include: Forest species seed orchard operations and intensive forest nursery
365 operations; or preparatory work such as tree marking, surveying and road flagging; or
366 removal or harvest of incidental vegetation from forest lands such as berries, ferns,
367 greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be
368 expected to result in damage to forest soils, timber or public resources.
- 369 11. "Frequently flooded areas" are lands in the flood plain subject to at least a one percent or
370 greater chance of flooding in any given year
- 371 12. "Frontage" is the distance measured along the ordinary high water mark.

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1. "Geologically hazardous areas" are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. Any area meeting the definition of "Geological Hazardous Area" including the following:

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- A. Erosion hazard areas: areas containing soils which, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include coastal erosion-prone areas and channel migration zones.

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- B. Landslide hazard areas: areas that have the potential of risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors; They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors, and include, at a minimum, the following:

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- i. Areas of historic failures, such as:
 - (a) Those areas delineated by the United States Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
 - (b) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington department of natural resources.
 - ii. Areas with all three of the following characteristics:
 - (a) Slopes steeper than fifteen percent;
 - (b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (c) Springs or groundwater seepage.
 - iii. Areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;
 - iv. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - v. Slopes having gradients steeper than eighty percent subject to rock fall during seismic shaking;
 - vi. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
 - vii. Areas that show evidence of, or are at risk from snow avalanches;
 - viii. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;
- and

415 ix. Any area with a slope of forty percent or steeper and with a vertical relief
416 of ten or more feet except areas composed of bedrock. A slope is
417 delineated by establishing its toe and top and measured by averaging the
418 inclination over at least ten feet of vertical relief.

419
420 C. Seismic hazard areas: areas that are subject to severe risk of damage as a result of
421 earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction;
422 Seismic hazard areas must include areas subject to severe risk of damage as a
423 result of earthquake induced ground shaking, slope failure, settlement or
424 subsidence, soil liquefaction, surface faulting,. Settlement and soil liquefaction
425 conditions occur in areas underlain by cohesionless soils of low density, typically
426 in association with a shallow groundwater table. One indicator of potential for
427 future earthquake damage is a record of earthquake damage in the past. Ground
428 shaking is the primary cause of earthquake damage in Washington, and ground
429 settlement may occur with shaking. The strength of ground shaking is primarily
430 affected by:

- 431 i. The magnitude of the earthquake;
432 ii. The distance from the source of an earthquake;
433 iii. The type or thickness of geologic materials at the surface; and
434 iv. The type of subsurface geologic structure.

435
436 D. Mine hazard areas: areas that are directly underlain by, adjacent to, or affected by
437 mine workings such as adits, tunnels, drifts, or air shafts;

438 E. Volcanic hazard areas: areas subject to pyroclastic flows, lava flows, and
439 inundation by debris flows, mud flows, or related flooding resulting from volcanic
440 activity.

441 2. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation
442 conducted by a qualified expert that includes a description of the ground and surface
443 hydrology and geology, the affected land form and its susceptibility to mass wasting,
444 erosion, and other geologic hazards or processes, conclusions and recommendations
445 regarding the effect of the proposed development on geologic conditions, the adequacy
446 of the site to be developed, the impacts of the proposed development, alternative
447 approaches to the proposed development, and measures to mitigate potential site-
448 specific and cumulative geological and hydrological impacts of the proposed
449 development, including the potential adverse impacts to adjacent and down-current
450 properties. Geotechnical reports shall conform to accepted technical standards and must
451 be prepared by qualified professional engineers or geologists-who have professional
452 expertise about the regional and local shoreline geology and processes.

453

454 3. "Grading" means the movement or redistribution of the soil, sand, rock, gravel,
455 sediment, or other material on a site in a manner that alters the natural contour of the
456 land.

457 4. "Guidelines" means those standards adopted by the department to implement the policy
458 of chapter [90.58](#) RCW for regulation of use of the shorelines of the state prior to
459 adoption of master programs. Such standards shall also provide criteria for local
460 governments and the department in developing and amending master programs.
461

462 **H**

463 1. "Habitat" means the specific area or environment in which a particular type of plant or
464 animal lives.

465 2. "Hard shoreline stabilization" means shore erosion control practices using hardened
466 structures that armor and stabilize the shoreline landward of the structure from further
467 erosion including but not limited to, bulkheads, rip-rap, jetties, groins, breakwaters, and
468 stone reinforcement.

469 3. "Height, building" is measured from average grade level to the highest point of a
470 structure: Provided, That television antennas, chimneys, and similar appurtenances shall
471 not be used in calculating height, except where such appurtenances obstruct the view of
472 the shoreline of a substantial number of residences on areas adjoining such shorelines, or
473 this master program specifically requires that such appurtenances be included: Provided
474 further, That temporary construction equipment is excluded in this calculation;

475
476 4. "Historic Site" means those sites that are eligible or listed on the Washington Heritage
477 Register, National Register of Historic Places, or any locally developed historic registry
478 formally adopted by the Okanogan County.

479 5. "Houseboat" A vessel, principally used as an over water residence. Houseboats are
480 licensed and designed for use as a mobile structure with detachable utilities or facilities,
481 anchoring and the presence of adequate self-propulsion and steering equipment to operate
482 as a vessel. Principal use as an over-water residence means the occupant resides on the
483 vessel in a specific location, and/or in the same area on more than a total of thirty days in
484 any forty-day period or on more than a total of ninety days in any three hundred sixty-
485 five-day period. "In the same area" means within a radius of one mile of any location
486 where the same vessel previously moored or anchored on state-owned aquatic lands.
487 This definition includes liveaboard vessels.

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

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2. "In-stream Structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has 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, fish habitat enhancement, or other purpose.

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L

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1. "Landfill" see fill

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

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

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

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

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6. "Legal Pre-Existing Lot" a lot which was created prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the SMP.

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7. "Legal Pre-Existing Structure" a building or structure which was existing prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the SMP.

- 524 8. "Legal Pre-Existing Use" a use of the land which was lawful prior to the adoption,
525 revision, or amendment of the SMP, but which fails, by reason of such adoption, revision,
526 or amendment, to conform to the current requirements of the SMP.
527
- 528 9. "Limited Master Program Amendment" means a master program amendment that
529 addresses specific procedural and/or substantive topics and which is not intended to meet
530 the complete requirements of a comprehensive master program update.
- 531 10. "Litter container" means a container provided on public or private property for temporary
532 disposal of wastepaper, used beverage or food containers, and other small articles of
533 rubbish, trash, or garbage by users of the site. Every litter container shall be closed with
534 a well-fitting lid or designed to reasonably prevent its contents from becoming litter.
- 535 11. "Local Government" means Okanogan County.
- 536 12. "Lot Coverage" is the percentage that portion of a parcel within shoreline jurisdiction,
537 less the required buffer, to be covered with impervious surfaces.
- 538 13. "Lot of Record"* for the purposes of this plan a lot of record shall be any parcel created
539 prior to the adoption of this plan or parcels created after the adoption of this plan
540 consistent with Okanogan County subdivision regulations.

541 **M**

- 542 1. "May" means an action is acceptable, provided it conforms to the provisions of this SMP.
- 543 2. "Marina" means a commercial facility which provides boat launching, storage, supplies
544 and services for small pleasure craft. There are two basic types of Marinas; open type
545 construction (floating breakwater and/or open pile work) and solid type construction
546 (bulkhead and/or landfill).
- 547 3. "Mineral extraction" means the removal of topsoil, gravel, rock, clay, sand or other earth
548 material, including accessory activities such as washing, sorting, screening, crushing and
549 stockpiling. Not included is the leveling, grading, filling, or removal of materials during
550 the course of normal site preparation for an approved use (e.g., residential subdivision,
551 commercial development, etc.) subject to the provisions of this Program.
- 552 4. "Mineral prospecting" Mineral prospect(-ing) – To excavate, process, or classify
553 aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.
- 554 5. "Mining" The act of extracting from the earth minerals and/or ores via open pit, shaft,
555 leaching, hydraulic, or other methods, except dredging and sand and gravel.
- 556 6. "Mitigation." Mitigation is a step or steps required of a project proponent, whether or not
557 a permit is required to assure that the project meets the test of no net loss in the affected
558 stretch or reach or watershed on which the project is located. Mitigation may be provided
559 by buffers as provided herein or through design and engineering techniques which

560 achieve the same result--no net loss of ecosystem habitat functions and values. Mitigation
561 may only include conditions the County can demonstrate are reasonably necessary as a
562 direct result of the proposed development or plat to which the condition or easement is to
563 apply.

564 7. "Mixed use development" means a combination of uses within the same building or.
565 Mixed use developments, which incorporate non-water oriented uses, must include water
566 dependent use(s), except commercial uses complying with WAC 173-26-241(3)(d).

567 8. "Monitoring" means evaluating the impacts of development on the environment (which
568 may include biology, geology, hydrology, hydraulics, and other factors related to safety
569 and shoreline ecological function) and determining how well any required mitigation
570 measures are functioning through the monitoring period. Monitoring may also include
571 collection and analysis of data by various methods for the purpose of understanding and
572 documenting changes in natural ecosystems and features; and does also include gathering
573 baseline data.

574 9. "Multi-family dwelling (residence)" means a single building, or portion thereof, designed
575 for or occupied by three (3) or more families living independently of each other in
576 separate dwelling units on one legal lot of record and, for the purpose of this code,
577 includes triplexes, fourplexes, apartment buildings, and residential condominiums.

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

580 11. "Must" means an action is required.

581 **N**

582 1. "Natural or existing topography" means the topography of the lot, parcel, or tract of real
583 property immediately prior to any site preparation or grading, including excavation or
584 filling;

585 2. "Navigable waters of the United States" For purposes of this plan, means a water body
586 that in its ordinary condition, or by being united with other water bodies, forms a
587 continued route over which commerce is or may be carried on with other states or foreign
588 countries in the customary modes in which such commerce is conducted by water.

589

- 590 3. “No net loss” No net loss means the ecosystem habitat affected by a particular
591 development so that it retains its overall integrity and functionality. Mitigation to achieve
592 no net loss may be at the site of the development or within an affected reach, or
593 watershed so long as the approval makes a written finding that the no net loss of factors
594 affected by the development is achieved.
- 595 4. “Non-structural shoreline stabilization” includes building setbacks, and planning and
596 regulatory measures to avoid the need for structural stabilization, vegetation stabilization
597 and bioengineered stabilization.
- 598 5. “Non-water-oriented use” means a use that is not a water-dependent, water-related, or
599 water-enjoyment use.

600 **O**

- 601 1. “Office of Financial Management” means the Office of Financial Management of the
602 State of Washington.
- 603 2. “Official Map of Shorelines” means all maps adopted as part of this Master Program
604 delineating the approximate geographic boundaries of all designated water bodies of
605 Okanogan County, coming under the jurisdiction of the Shoreline Management Act of
606 1971. Streams and Lakes are naturally fluctuating systems and are not static, therefore,
607 the actual boundaries of the shoreline jurisdiction are determined on the ground at the
608 time of application using the definition of “Shoreline Jurisdiction” found in RCW
609 90.58.030(2).
- 610 3. “Open Space, Common” Land within or related to a development, not individually owned
611 (undivided interest), which remains undeveloped (except for approved trails and
612 accessory structures as allowed by this SMP and approved by the Dept. of Fish and
613 Wildlife) and that is dedicated to one or more of the following purpose:
614 Historical/architectural preservation and/or wildlife habitat and/or recreation.
- 615 4. “Open Space, Conservation” Land retained in an open or unimproved condition, which
616 has been set aside, dedicated, designated, or reserved for fish and wildlife preservation or
617 enhancement purposes. Mechanisms for preservation of Conservation Open Space
618 include but are not limited to: Subdivision, Planned Development (PD), or Planned
619 Destination Resort (PDR) process. Lands within this type of an open space dedication
620 may include portions and combinations of forest, agricultural and grazing lands, priority
621 fish and wildlife habitats, on-site watersheds, 100 year floodplains, county shorelines or
622 shorelines of state-wide significance and riparian areas and wetlands. Land so designated
623 shall not include areas of human impact and shall contain no structures or impervious
624 surfaces other than those which are approved by the Administrator e.g., part of an
625 organized trail system, structure approved by the Dept. of Fish and Wildlife, and
626 structures of historical/architectural preservation significance or used as designated
627 Conservation open space.

628

- 629 5. "Open space, Individual Ownership" Land within or related to a development owned
630 individually, which remains undeveloped (except for trails) and that is dedicated for use
631 in the development and is retained or restored to its native state or used for agricultural or
632 recreational purposes as allowed by this SMP, e.g., part of an organized trail system,
633 structure approved by the Dept. of Fish and Wildlife, and structures of historical/
634 architectural preservation significance or used as designated wildlife open space.
- 635 6. "Open Space, Public" Any land which has been acquired, set aside, dedicated,
636 designated or reserved for general public use or enjoyment.
- 637 7. "Ordinary High-Water Mark" on all lakes and streams is that mark that will be found by
638 examining the bed and banks and ascertaining where the presence and action of waters
639 are so common and usual, and so long continued in all ordinary years, as to mark upon
640 the soil a character distinct from that of the abutting upland, in respect to vegetation as
641 that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may
642 change thereafter in accordance with permits issued by a local government or the
643 department of ecology. The following criteria clarify this mark on lakes and streams:
- 644 A. Lakes. Where the ordinary high water mark cannot be found, it shall be the line
645 of mean high water.
- 646 B. Streams. Where the ordinary high water mark cannot be found, it shall be the line
647 of mean high water. For braided streams, the ordinary high water mark is found
648 on the banks forming the outer limits of the depression within which the braiding
649 occurs.
- 650 8. "Over-water structures" Any structure located waterward of the OHWM. Common
651 examples include, but are not limited to, residential piers, marinas, and bridges.

652 **P**

- 653 9. "Party of record" includes all persons, agencies or organizations who have submitted
654 written comments in response to a notice of application; made oral comments in a formal
655 public hearing conducted on the application; or notified local government of their desire
656 to receive a copy of the final decision on a permit and who have provided an address for
657 delivery of such notice by mail;
- 658 10. "Permit" means any substantial development, variance, conditional use permit, or
659 revision authorized under chapter 90.58 RCW;
- 660 11. "Person" means an individual, partnership, corporation, association, organization,
661 cooperative, public or municipal corporation, or agency of the state or local governmental
662 unit however designated.
- 663 12. "Placer mining" the mining (by panning or dredging) of alluvial (waterborne) or glacial
664 deposits of precious metals or minerals, usually in stream beds or valleys adjacent to
665 uplands rich in these minerals.

- 666 13. "Pier" means a fixed platform above the water, perpendicular to the shoreline.
- 667 14. "Primary utilities" are transmission, collection, production, or treatment facilities that are
668 generally regional or area wide in scope and provide the primary service to a large area
669 and may or may not be connected directly to the uses along the shoreline. Utilities
670 include primary transmission facilities related to a hydropower and communications, and
671 distribution or collection systems for water, sewer mains, gas and oil pipelines, and
672 wastewater and water treatment plants.
- 673 15. "Priority Habitat" means a habitat type with unique or significant value to one or more
674 species. An area classified and mapped as priority habitat must have one of the attributes
675 listed in WAC 173-26-211(5) as mapped in Appendix I to this master program.
- 676 16. "Priority Species" means a species requiring protective measures and/or management
677 guidelines to ensure its persistence at genetically viable population levels. Priority
678 species are those that meet any of the criteria listed below.
- 679 A. Criterion 1. State-listed or state proposed species. State-listed species are those native
680 fish and wildlife species legally designated as endangered (WAC 232-12-014),
681 threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed
682 species are those fish and wildlife species that will be reviewed by the department of
683 fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or
684 sensitive according to the process and criteria defined in WAC 232-12-297.
- 685 B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species
686 or groups of animals susceptible to significant population declines, within a specific
687 area or statewide, by virtue of their inclination to congregate. Examples include heron
688 colonies, seabird concentrations, and marine mammal congregations.
- 689 C. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and
690 nonnative fish, shellfish, and wildlife species of recreational or commercial
691 importance and recognized species used for tribal ceremonial and subsistence
692 purposes that are vulnerable to habitat loss or degradation.
- 693 D. Criterion 4. Species listed under the federal Endangered Species Act as either
694 proposed, threatened, or endangered.
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- 697 17. "Provisions" means policies, regulations, standards, guideline criteria or environment
698 designations.
- 699 18. "Public Access" means the public's right to get to and use the State's public waters the
700 water/land interface and associated shoreline area. It includes physical access that is
701 either lateral (areas paralleling the shore) or perpendicular (an easement or public
702 corridor to the shore), and/or visual access facilitated by means such as scenic roads and
703 overlooks, viewing towers and other public sites or facilities.

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Q

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

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

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

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- 3. "Recreational development" "Recreational Development" means the modification of the natural or existing environment to accommodate recreation. This includes commercial and public facilities designed and used to provide recreational opportunities to the public.

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

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

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

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- 7. "Responsible Official" shall mean the Director of Planning for Okanogan County.

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- 8. "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be

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742 accomplished through measures including, but not limited to, revegetation, removal of
743 intrusive shoreline structures and removal or treatment of toxic materials. Restoration
744 does not imply a requirement for returning the shoreline area to aboriginal or pre-
745 European settlement conditions.

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

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

755 **S**

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

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

760 3. "Setback" means the required minimum distance between the ordinary high water mark
761 or, where relevant, any other lot or property line, and the outer-most vertical plane of any
762 building, structure, device, fence, swimming pool, landscaped or graded area, or other
763 improvement causing a disturbance to the natural landscape.

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

765 5. "Shoreline Areas" see shoreline jurisdiction

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767 6. "Shoreline Administrator" means the Director of Planning & Development Department
768 or staff member designated by the Director to perform and review functions required in
769 this program. "Shorelines" means all of the water areas of the state, including reservoirs,
770 and their associated shorelands, together with the lands underlying them; except

771 A. Shorelines of statewide significance;

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

776 7. "Shoreline ecological function" see "Ecological function"

777 8. "Shoreline frontage" means the land that lies adjacent to the lake, river, or stream subject

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to this program.

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9. “Shoreline Jurisdiction or “Shoreline Area” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030. The County regulates flood plains outside of the described shoreline area under its County Codes and does not extend its shoreline jurisdictional boundary to include the flood hazard regulations beyond the defined shoreline area in WAC 173-26-020(33).

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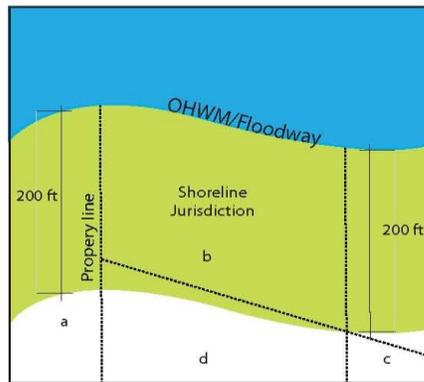
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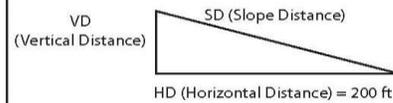
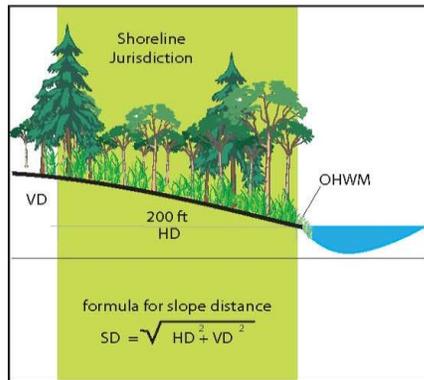
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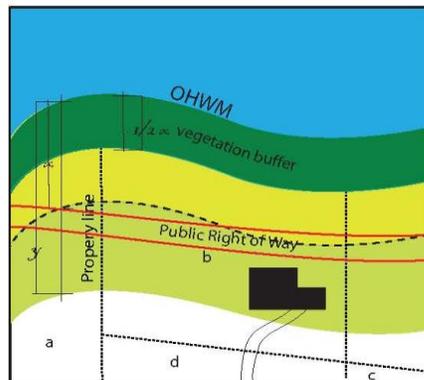
Shoreline Jurisdiction

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



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

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



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

- 785 11. "Shoreline Master Program" or "SMP" means the comprehensive use plan for the
786 shoreline area of a jurisdiction subject to this title, and the use regulations together with
787 maps, diagrams, charts, or other descriptive material and text, a statement of desired
788 goals, and standards developed in accordance with the policies enunciated in RCW
789 [90.58](#);
- 790 12. "Shoreline Modifications" means those actions that modify the physical configuration or
791 qualities of the shoreline area, usually through the construction of a physical element
792 such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline
793 structure. They can include other actions, such as clearing, grading, or application of
794 chemicals.
- 795 13. "Shoreline permit" means a shoreline substantial development permit, a shoreline
796 conditional use, or a shoreline variance, or any combination thereof issued by Okanogan
797 County, pursuant to RCW 90.58.
- 798 14. "Shorelines of the State" are the total of all "shorelines" and "shorelines of state-wide
799 significance" within the state
- 800 15. "Shorelines of State-wide Significance" in Okanogan County means:
- 801 A. Those lakes, whether natural, artificial or a combination thereof with a surface
802 acreage of one thousand acres or more measured from the ordinary high-water
803 mark.
- 804 B. Those natural rivers or segments thereof that are downstream of a point where
805 the mean annual flow is measured at two hundred cubic feet per second or more,
806 or those portions of rivers downstream from the first three hundred square miles
807 of drainage area, whichever is longer.
- 808 C. Those shorelands associated with such water bodies.
- 809 16. "Should" means that the particular action is required unless there is a demonstrated,
810 compelling reason, based on policy of the Shoreline Management Act and this chapter,
811 against taking the action.

- 812 17. "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or
813 ground cover by clearing, grading, cutting, burning, chemical means, or other activity
814 that causes significant ecological impacts to functions provided by such vegetation. The
815 removal of invasive or noxious weeds does not constitute significant vegetation removal.
816 Tree pruning, not including tree topping, where it does not affect ecological functions,
817 does not constitute significant vegetation removal.
- 818 18. "Soft shoreline stabilization" means shore erosion control and restoration practices using
819 only plantings or organic materials to restore, protect or enhance the natural shoreline
820 environment.
- 821 19. "Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes,
822 including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition
823 and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.
824 This includes all liquid, solid and semisolid, materials which are not the primary products
825 of public, private, industrial, commercial, mining, and agricultural operations. Solid
826 waste includes but is not limited to sludge from wastewater treatment plants and septage,
827 from septic tanks, woodwaste, dangerous waste, and problem wastes.
- 828 20. "State Master Program" means the cumulative total of all shoreline master programs and
829 amendments thereto approved or adopted by rule by the department.
- 830 21. "Structural shoreline stabilization" means shore erosion control practices using hardened
831 structures that armor and stabilize the shoreline landward of the structure from further
832 erosion, examples include, bulkheads, concrete walls, rip-rap, jetties, groins, breakwaters,
833 stone reinforcement.
- 834 22. "Structure" Anything constructed in the ground, or anything erected which requires
835 location on the ground or water, or is attached to something having location on or in the
836 ground, but not including fences or paved areas, or standard roof mounted antennas.
- 837 23. "Subdivision" division or redivision of land into five or more lots, tracts, parcels, sites or
838 divisions for the purpose of sale, lease or transfer of ownership including any remaining
839 portions of the parent parcel. (Ord. 95-7 § 1, 1995).
- 840 24. "Substantial accessory use facilities" Substantial accessory including but not limited to
841 rest rooms, recreation halls and gymnasiums, commercial services, access roads, and
842 parking areas associated with recreational development.

843

844 25. "Substantial development" shall mean any development of which the total cost or fair
845 market value exceeds six thousand four hundred sixteen dollars (\$6416) or the dollar
846 value as amended by the State of Washington Office of Financial Management, or any
847 development which materially interferes with the normal public use of the water or
848 shorelines of the state. The dollar threshold established in this subsection (3)(e) must be
849 adjusted for inflation by the office of financial management every five years, beginning
850 July 1, 2007, based upon changes in the consumer price index during that time period.

851 26. "Substantially degrade" means cause significant ecological impact.

852 **T**

853 1. "Temporary" means having a specific, short-term duration. (See Seasonal).

854 2. "Temporary sign" means a sign not intended to be permanently installed.

855 3. "Temporary Use" A use that is limited in scope, duration, and frequency.

856 **U**

857 1. "Upland", when used as an adjective, means outside of the shoreline area.

858 2. "Uplands" means those lands outside of the shoreline area and not under shoreline
859 jurisdiction.

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

862 **V**

863 1. "Variance" is a means to grant relief from the specific bulk, dimensional or performance
864 standards set forth in this master program.

865 2. "Vegetation conservation areas" includes activities to prevent the loss of plant
866 communities that contribute to the ecological functioning of shoreline areas.

867 3. "Visual public access" see public access.

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1. "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

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2. "Water-oriented use" means any one or combination of water-dependent, water-related or water-enjoyment uses.

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3. "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

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

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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

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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.

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5. "Wetlands" means areas that are inundated or saturated by surface water or ground water 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 nonwetland 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 nonwetland areas to mitigate the conversion of wetlands.

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

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

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

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

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

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

919 **Article II General Regulations**

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

923 **14.15.100 Archeological, Cultural and Historic Resources**

924 The following regulations apply to all shoreline uses and activities within shoreline
925 jurisdiction having archaeological, cultural, or historic resources that are recorded at the
926 Washington Department of Archaeology and Historic Preservation (DAHP) and/or with local
927 jurisdictions, including Okanogan County, cities and towns within the county, Colville
928 Confederated Tribes (CCT), and other affected Indian tribes and bands; or that have been or
929 may be inadvertently uncovered.

930 A. Archaeological sites are subject to the National Historic Preservation Act, as
931 amended (16USC470), RCW 27.44 (Indian Graves and Records), RCW 27.53
932 (Archaeological Sites and Resources), and WAC 25-48 (Archaeological
933 Excavation and Removal Permit) as well as the provisions of this chapter.

934 B. Recorded historic, cultural, and archaeological sites

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

942 a. If the evaluation identifies the presence of significant historic,
943 cultural, or archaeological resources, a Cultural Resource
944 Management Plan (CRMP) shall be prepared by a cultural
945 resource management professional who meets the qualification
946 standards promulgated by the National Park Service and
947 published in 36 CFR Part 61. The fee for the services of the
948 cultural resource management professional shall be paid by the
949 applicant.

950 b. A permit or other requirements administered by the Washington
951 State Department of Archaeology and Historic Preservation
952 pursuant to RCW 27.44 and RCW 27.53 may apply.

953 C. Inadvertent Discovery

954 1. If historic, cultural or archaeological sites or artifacts are discovered in the
955 process of development in shoreline areas, work on that portion of the
956 development site shall be stopped immediately, the site secured, and the
957 find reported as soon as possible to the Administrator.

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- 959 2. Upon notification of such find, the property owner shall notify DAHP,
960 History and Archaeology Department of CCT, and any Indian or First
961 Nations tribes or bands known to be affected.
- 962 3. Upon notification of such find, the Administrator shall conduct a site
963 investigation to determine the significance of the discovery. Based upon
964 the findings of the site investigation and consultation with the parties
965 listed above, the Administrator may require that an immediate evaluation
966 be conducted or may allow stopped work to resume. The evaluation shall
967 meet the minimum reporting standards of DAHP and shall be conducted
968 by a cultural resource management professional who meets the
969 qualification standards promulgated by the National Park Service and
970 published in 36 CFR Part 61, to determine the presence of significant
971 historic, cultural, or archaeological resources. The fee for the services of
972 the cultural resource management professional shall be paid by the
973 landowner or responsible party.
- 974 D. The requirements of this section shall not apply where an applicant has obtained
975 an approved Archeological Excavation and Removal permit from DAHP pursuant
976 to WAC 25-48-060, provided that the applicant must adhere to the requirements
977 of said approved permit.

978 **14.15.110 Critical Areas within Shoreline Jurisdiction**

979 Shorelines of the state shall not be considered critical areas under this chapter except to the
980 extent that specific areas located within shorelines of the state qualify for critical area
981 designation based on the definition of critical areas provided by RCW 36.70A.030(5) and
982 have been designated as such by Okanogan County pursuant to RCW 36.70A.060(2).

983 The required definitions are set forth in Article I above

984 The specific designations are as follows;

985
986 **A. Flood Hazard Reduction**

987 The 100 year flood plain, within the defined shoreline jurisdiction as shown
988 on FEMA/FIRM flood hazard maps attached in Appendix I to this Master
989 Program.

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991 Where the shoreline jurisdiction boundary cuts into either a critical area or a
992 required buffer, that portion within the shoreline jurisdiction shall be regulated by
993 the Master Program, that portion outside shoreline jurisdiction shall be regulated
994 under the County Critical Areas Ordinance OCC 14.12.

- 995 1. All development shall conform to the provisions of the Okanogan County
996 Flood Hazard Ordinance, the Zoning Code, and the International Building
997 Code as adopted in Title 15 of Okanogan County Code , all of which
998 contain safeguards to reduce the risk of damage from flooding.

- 999 2. Any use or development shall maintain the pre-development movement

- 1000 (volume and velocity) of surface water and prevent or minimize the
1001 unnatural diversion of flood water to otherwise flood-free areas which
1002 could necessitate expensive and environmentally disruptive flood control
1003 methods.
- 1004 3. All development applications shall clearly delineate the 100 year flood
1005 plain boundary on FIRM maps.
- 1006 4. In-stream structures shall provide for the protection and preservation, of
1007 ecosystem-wide processes, ecological functions, and cultural resources,
1008 including, but not limited to, fish and fish passage, wildlife and water
1009 resources, shoreline conservation areas, hydro geological processes, and
1010 natural scenic vistas. The location and planning of in-stream structures
1011 shall give due consideration to the full range of public interests, watershed
1012 functions and processes, and environmental concerns, with special
1013 emphasis on protecting and restoring priority habitats and species.
- 1014 5. Normal and routine repair and maintenance of flood control structures¹ in
1015 existence on the date of adoption of this SMP shall be exempt from permit
1016 requirements.
- 1017 6. All shoreline uses and activities shall be located and designed to minimize
1018 or prevent the need for shoreline stabilization measures, flood protection
1019 works, filling, or substantial site re-grading. The use of car bodies, scraps
1020 of building materials, tires, asphalt or concrete from street work, or any
1021 discarded pieces of equipment, appliances or other debris for the
1022 stabilization of shorelines is prohibited. See 14.15.350, for specific
1023 shoreline stabilization regulations and standards.
- 1024 7. Development in floodplains should not significantly or cumulatively
1025 increase flood hazards or be inconsistent with comprehensive flood hazard
1026 management plans adopted pursuant to Chapter 86.12 RCW.
- 1027 8. New structural flood hazard reduction measures are allowed in shoreline
1028 jurisdiction only when it can be demonstrated by a scientific and
1029 engineering analysis that they are necessary to protect existing
1030 development, that nonstructural measures are not feasible, that impacts on
1031 ecological functions and priority species and habitats can be successfully
1032 mitigated so as to assure no net loss, and that appropriate vegetation
1033 conservation actions are undertaken consistent with section 14.15.130
1034 Vegetation Conservation and WAC 173-26-221(5).
- 1035 9. New structural flood hazard reduction measures shall be placed landward
1036 of the associated wetlands, and designated vegetation conservation areas,
1037 except for actions that increase ecological functions, such as wetland
1038 restoration, or as noted below. Provided that such flood hazard reduction

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

1039 projects be authorized if it is determined that no other alternative to reduce
1040 flood hazard to existing development is feasible. The need for, and
1041 analysis of feasible alternatives to, structural improvements shall be
1042 documented through a geotechnical analysis.

1043 10. New structural public flood hazard reduction measures, such as dikes and
1044 levees shall dedicate and improve public access pathways unless public
1045 access improvements would cause unavoidable health or safety hazards to
1046 the public, inherent and unavoidable security problems, unacceptable and
1047 unmitigable significant ecological impacts, unavoidable conflict with the
1048 proposed use, or a cost that is disproportionate and unreasonable to the
1049 total long-term cost of the development.

1050 **B. Aquifer Recharge Areas**

1051 Areas with a critical recharging effect on aquifers used for potable water include
1052 Areas designated for wellhead protection pursuant to the Federal Safe Drinking
1053 Water Act.

1054 1. Commercial and industrial uses involving the processing, use, storage, or
1055 production of hazardous, toxic, or dangerous materials shall meet
1056 applicable federal, state, and local regulations within critical aquifer
1057 recharge areas because of the potential for introduction of those materials
1058 to ground water.

1059 2. Agricultural and forest practices shall adhere to all applicable local, state,
1060 and federal laws regarding feedlots, pesticide and fertilizer application,
1061 forest conversions, and shall be conducted in a manner so as to limit
1062 introduction of contaminants to ground water.

1063 3. All proposed activities within aquifer recharge areas must comply with the
1064 water source protection requirements of the federal Environmental
1065 Protection Agency, state Department of Health and the Okanogan County
1066 Public Health District.

1067 4. The County Health District shall comply with any state or federally
1068 required well-head protection program for the County's public water
1069 supplies.

1070 5. Any application for a county permit for a use that utilizes or generates
1071 hazardous or toxic materials, shall be required to comply with state and
1072 federal regulations (the Clean Drinking Water Act and the Clean Water
1073 Act) that pertain to hazardous or toxic materials.

1074 6. All household hazardous waste shall be disposed of according to
1075 Okanogan County Comprehensive Solid Waste Management Plan, as
1076 amended.

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1078 7. All new development activity shall comply with the maximum lot
1079 coverage required in that zone. When no maximum lot coverage is
1080 specified, and the proposed development is in an area identified as a
1081 critical aquifer recharge area, then a maximum of 50% of the land area
1082 within the boundaries of the aquifer recharge area shall be maintained in
1083 pervious surfaces. This allows for the continued recharging of the aquifer.

1084 **C. Geologically Hazardous Areas**

1085 Geologically hazardous areas include areas susceptible to erosion, sliding,
1086 earthquake, or other geological events including channel migration as listed in
1087 the definitions under 14.15.090(G)(1).

1088 1. Lots containing geologically hazardous areas, as defined by
1089 14.15.090G(1), shall not be developed, or subdivided, where the proposed
1090 development would

- 1091 a. cause a foreseeable risk to people or improvements from the
1092 geological condition;
- 1093 b. or require structural shoreline stabilization, during the life of the
1094 development, unless demonstrated during subdivision that the
1095 geological hazard can be reduced or mitigated by engineering,
1096 design or modified construction, e.g. such as lots created have
1097 safe buildable areas.

- 1098 1. Hazards to developments proposed in or near
1099 geologically hazardous areas can be reduced or mitigated
1100 by engineering, design, or modified construction so that
1101 risks to public health and safety are minimized.

- 1102 c. When technology cannot reduce risks to acceptable levels,
1103 building in geologically hazardous areas must be avoided.
1104 Development, structures, or uses in or near geologically
1105 hazardous areas shall not be approved unless certified as safe and
1106 lot development is designed and constructed so as not to pose a
1107 foreseeable risk to people or improvements, or require structural
1108 shoreline stabilization during the life of the development as
1109 designed by a qualified engineer or geologist, licensed in the
1110 state of Washington. Additionally, any shoreline stabilization
1111 proposal and the structure will not increase the hazard risk, such
1112 that:

- 1113 i. New structural flood hazard reduction measures in
1114 shoreline jurisdiction may be allowed only when it can be
1115 demonstrated by a scientific and engineering analysis that
1116 they are necessary to protect existing development, that
1117 nonstructural measures are not feasible, that impacts on
1118 ecological functions and priority species and habitats can
1119 be successfully mitigated so as to assure no net loss, and
1120 that appropriate vegetation conservation actions are
1121 undertaken consistent with WAC [173-26-221\(5\)](#).

- 1122 2. A reasonable setback or design standards shall be developed based on the
1123 geotechnical report for the structure on or next to a geologically hazardous
1124 area on a case by case basis.
- 1125 3. Existing uses legally established in geologically hazardous areas shall be
1126 allowed to continue. Expansion of any existing use shall meet structural
1127 standards that ensure the safety of the structure.
- 1128 4. A storm water management plan may be required of anyone proposing to
1129 develop in a geologically hazardous area.
- 1130 5. A geotechnical report and mitigation plan may be required to ensure no
1131 net loss of ecological function. See section 14.15.350, Shoreline
1132 Stabilization.
- 1133 6. Severe Channel Migration Zones
- 1134 a. Severe Channel Migration Zones are defined in 14.15.090(C)(2)
1135 and are specified and delineated on maps maintained by
1136 Okanogan County. (Maps are attached in Appendix I).
- 1137 b. Development or structures, or uses which materially alter the
1138 natural function of the Severe Channel Migration Zone shall
1139 require a Conditional Use Permit and shall only be approved
1140 where a geotechnical report authored and signed by a qualified
1141 professional (as defined in 14.15.090(Q)(1)) is provided by the
1142 applicant certifying that:
- 1143 ii. such development is safe and the development is
1144 designed and constructed so as not to pose a foreseeable
1145 risk to people or improvements during the life of the
1146 development;
- 1147 iii. no structural shoreline stabilization will be required
1148 during the life of the development;
- 1149 iv. and the development or use would not interfere with the
1150 process of channel migration that may cause significant
1151 adverse impacts to upstream, downstream or across
1152 stream properties or public improvements.
- 1153 c. Legal pre-existing structures or uses (see 14.15.090(L)(7) and
1154 14.15.090(L)(8)) in Severe Channel Migration Zones shall be
1155 allowed to continue. Expansion of any existing legal use shall
1156 require a conditional use permit and shall meet the requirements
1157 of 14.15.110 (C)(6)(b).
- 1158 d. No net loss of ecological function shall result from new
1159 development, structures or uses, or from expansion of existing
1160 legal development, structures or uses in the Severe Channel
1161 Migration Zone.
- 1162 e. Upon issuance of a Conditional Use Permit under
1163 14.15.110(C)(6)(b) or 14.15.110(C)(6)(c), a notice of the
1164 Conditional Use Permit shall be filed for the affected parcels

1165 containing an adequate legal description thereof and containing
1166 the following acknowledgement:

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1168 i. "This property is in a severe channel migration zone.
1169 Based on historical data, the channel or stream is
1170 expected to migrate and change locations over time,
1171 possible undercutting or eroding portions of this property.
1172 Property and; or structures within the channel migration
1173 zones may be at risk from the migrating channel and
1174 could be damaged or destroyed. Activities in the channel
1175 migration zone are subject to the provisions of section
1176 14.15.110(C)".

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1178 ii. The notice shall include a map of the parcel showing the
1179 channel migration zone so as to indicate suitable areas for
1180 construction of structures or improvements.

1181
1182 f. A project proponent may have a channel migration zone study
1183 completed by a qualified professional (as defined in
1184 14.15.090(Q)(1)) experienced in fluvial geomorphology and
1185 evaluating channel response. The study shall be reviewed and
1186 accepted by the Okanogan County Planning Director. If the study
1187 demonstrates that the entirety of the development project is
1188 outside of the severe channel migration zone, then this section
1189 will not further apply to the project.

1190 D. Fish and Wildlife Habitat Conservation Areas
1191 Fish and Wildlife Habitat Conservation Areas are areas that serve a critical role in
1192 sustaining needed habitats and species for the functional integrity of the
1193 ecosystem, and which, if altered, may reduce the likelihood that the species will
1194 persist over the long term. Shoreline related Fish and Wildlife Habitat
1195 Conservation Areas.

1196 1. A fish and wildlife habitat conservation area must:
1197 i. Serve a critical role in sustaining needed habitats and
1198 species for the functional integrity of the ecosystem, and
1199 ii. Which, if altered, may reduce the likelihood that the
1200 species will persist over the long term.(See WAC 365-
1201 190-030(6)).

1202 2. For anadromous and other fish and aquatic resources, all Natural areas
1203 which meet the criteria designated in subsection 1 shall be considered Fish
1204 and Wildlife Habitat Conservation Areas.

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1206 3. Areas mapped as areas with which a priority upland species has a primary
1207 association shall be considered a critical area for purposes of this chapter.

- 1208 4. In regulating freshwater critical habitat areas the following principles shall
- 1209 be applicable:
 - 1210 a. Critical freshwater habitats. In addition to the requirements for
 - 1211 development in the Natural area and to achieve the objectives of
 - 1212 WAC 173-26-221 (2)(c)(iv)(B) the following shall guide any
 - 1213 review or approval of a project within the shoreline jurisdiction
 - 1214 adjacent to a Natural Environment area.
 - 1215 b. All permits in FWHCA shall require written findings that the
 - 1216 project and related mitigation will assure no net loss of
 - 1217 ecological functions, including where applicable the associated
 - 1218 hyporheic zone, results from new development.
- 1219 5. Specific Permit criteria: In approving any shoreline permit or exemption
- 1220 with fish and wildlife habitat conservation areas, the following findings
- 1221 shall be required:
 - 1222 a. The permit or approval as conditioned:
 - 1223 i. Provides for the protection of ecological functions
 - 1224 associated with critical freshwater habitat as necessary to
 - 1225 assure no net loss of ecological functions within the
 - 1226 applicable reach, stretch or watershed.
 - 1227 ii. Preserves intact ecological communities to the extent
 - 1228 feasible
 - 1229 iii. Assures any required mitigation to achieve no net loss is
 - 1230 timely installed and monitored for not less than five
 - 1231 years.

1232 E. Wetlands

1233 Wetlands within shoreline jurisdiction are designated as follows:
 1234 "Wetland" or "wetlands" means areas that are inundated or saturated by surface
 1235 water or groundwater at a frequency and duration sufficient to support, and that
 1236 under normal circumstances do support, a prevalence of vegetation typically
 1237 adapted for life in saturated soil conditions. Wetlands generally include swamps,
 1238 marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands
 1239 intentionally created from nonwetland sites, grass-lined swales, canals, detention
 1240 facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or
 1241 those wetlands created after July 1, 1990, that were unintentionally created as a
 1242 result of the construction of a road, street, or highway. However, wetlands may
 1243 include those artificial wetlands intentionally created from nonwetland areas to
 1244 mitigate conversion of wetlands, if permitted by the county or city.
 1245 Wetlands shall be delineated in accordance with WAC 173-22-035.

- 1247 1. Wetland buffers in shoreline areas shall be as follows:
 - 1248 a. The Administrator may waive the delineation requirement if the
 - 1249 use or structure is greater than 300 feet away from the OHWM of
 - 1250 the wetland.

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- b. Alternative I- (Table 2): Buffer width based only on the category of wetland impacted. The wetland shall be categorized by a qualified professional using the Washington State Wetland Rating System for Eastern Washington as amended.

i. Table 2

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

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- c. Alternative II-(Table 3) Wetland buffers based on intensity of land use², providing the wetland is delineated and categorized by a qualified professional using the Washington State Wetland Identification and Delineation Manual for Eastern Washington as amended:

i. Table 3

Category of Wetland	Land Use with Low Impact *	Land Use with Moderate Impact *	Land Use with High Impact*
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	100 ft	150 ft	200 ft
I	125 ft	190 ft	250 ft

* See Table 4 for types of land uses that can result in low, moderate, and high impacts to wetlands.

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² See Table 4 for a list of uses and their intensity.

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i. Table 4

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

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

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

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)	Other Measures Recommended for Protection
Natural Heritage Wetlands	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
High level of function for habitat (score for habitat –8-9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat – 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

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

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)	Other Measures Recommended for Protection
High level of function for habitat (score for habitat –8-9 points)	Low - 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat –5-7 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality –8-9 points; habitat less than 5 points)	Low - 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Vernal pool	Low - 100 ft Moderate – 150 ft High – 200 ft OR Develop a regional plan to protect the most important vernal pool complexes – buffers of vernal pools outside protection zones can then be reduced to: Low - 40 ft Moderate – 60 ft High – 80 ft	No intensive grazing or tilling in the wetland
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or sub-basin scale (protection of the water regime in the watershed) Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low - 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

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

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 5-7 points) If wetland scores 8-9 habitat points use table 6.	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
Score for habitat 3-4 points	Low - 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time

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

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 16 points	Low - 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time

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

- 1318 d. That width averaging will not materially degrade the wetland
- 1319 functional values. This will be accomplished by submitting a
- 1320 fish and wildlife habitat management and mitigation plan
- 1321 pursuant to 14.15.430(B) and 14.15.430(C).
- 1322 e. The minimum buffer width at its narrowest point shall not be
- 1323 less than 75 percent of the buffer..
- 1324 f. The total area contained within the buffer after averaging is no
- 1325 less than that contained within the standard buffer prior to
- 1326 averaging.
- 1327 g. Sites which have had buffer widths reduced or modified, by
- 1328 any prior action administered by local jurisdiction are not
- 1329 eligible for the provisions of this section. Sites which utilize
- 1330 this provision are not eligible for any future buffer width
- 1331 reductions, under any provision of this Program, except as
- 1332 administered under Section 14.15.530, Variances of this
- 1333 Program.
- 1334 h. The variation of buffer widths on a site, via buffer width
- 1335 averaging, must be supported by the most current technical and
- 1336 scientific information as demonstrated by the submittal and
- 1337 approval of a fish and wildlife habitat conservation area
- 1338 management and mitigation plan in conformance with
- 1339 14.15.430(C).
- 1340 3. Administrative Reduction of Standard Buffer Area Width: The
- 1341 Administrator shall have the authority to reduce buffer widths established
- 1342 on a case-by-case basis for single family dwelling units which would be
- 1343 placed on existing legal lots of record in place at the time of adoption of
- 1344 this Program; provided that the general standards for avoidance and
- 1345 minimization per Section 14.15.110(E)(6) shall apply, and when the
- 1346 applicant demonstrates to the satisfaction of the Administrator that all of
- 1347 the following criteria have been met:
- 1348 a. The buffer reduction shall not result in a net loss of functions of
- 1349 the habitat conservation area or buffer.
- 1350 b. The maximum buffer width reduction allowed shall not exceed
- 1351 twenty-five (25) percent total required buffer established in
- 1352 section
- 1353 c. The buffer width reduction is contingent upon the submittal and
- 1354 approval of a habitat management report and mitigation plan in
- 1355 conformance with 14.15.430 section B and C.
- 1356 d. Sites which have had buffer widths reduced or modified, by any
- 1357 prior action administered by local jurisdiction are not eligible for
- 1358 the provisions of this section. Sites which utilize this provision
- 1359 are not eligible for any future buffer width reductions, under any
- 1360 provision of this Program, except as administered under
- 1361 14.15.530 Variances, of this Program.

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

a. Table 9: Wetland Mitigation Ratios

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

³ 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.

⁴ Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some special functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

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5. Permitted Uses in a Wetland Buffer. Activities shall not be allowed in a buffer except for the following:
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- a. Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include but are not limited to: low intensity, passive recreational activities such as unpaved trails, wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;
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 - b. With respect to Category III and IV wetlands, storm water management facilities having no reasonable alternative on-site location; or
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 - c. With respect to Category II, III, and IV wetlands, low-intensity development having no feasible alternative location.
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 - d. Existing agricultural activities, normal or necessary to general farming conducted according to best management practices including the raising of crops or grazing of livestock.
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 - e. Uses and activities on parcels physically separated from the OHWM by a parcel under separate ownership, flood control levee, or a public right-of-way are exempt from the buffer requirements providing the physical separation is greater than the width of the required buffers for the wetland or shoreline designation buffers at the location.
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6. Mitigation
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- a. The mitigation measures will be considered as outlined below in order of priority with :
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 - i. Avoiding the impact altogether by not taking a certain action or parts of an action;
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 - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
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 - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
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 - iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
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 - v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
 - 1404
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 - vi. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

1406 b. In determining appropriate mitigation measures applicable to
1407 shoreline development, lower priority measures shall be applied
1408 only where higher priority measures are determined to be
1409 infeasible or inapplicable.

1410 i. Consistent with WAC 173-26-186 (5) and (8), master
1411 programs shall also provide direction with regard to
1412 mitigation for the impact of the development so that:

1413 (a) Application of the mitigation sequence achieves
1414 no net loss of ecological functions for each new
1415 development; and

1416 (b) does not result in required mitigation in excess
1417 of that necessary to assure that development will
1418 result in no net loss of shoreline ecological
1419 functions; and

1420 (c) not have a significant adverse impact on other
1421 shoreline functions fostered by the policy of the
1422 act.

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14.15.120 Shoreline Bulk and Dimensional Standards

1426 A. Table 10 establishes the minimum dimensional requirements for development.
1427 Dimensional standards for critical areas are governed by the provisions of 14.15.110.

1428 B. No new structures within the shoreline shall exceed a height of 35 feet above average
1429 grade level without a shoreline variance provided for in 14.15.530.

1430 C. Lot frontage shall be measured along the OHWM.

1431 D. All uses and activities, including those exempt from the requirement to obtain a shoreline
1432 substantial development permit, shall adhere to all required setbacks and other
1433 development standards, and shall retain all required buffers, in accordance with the
1434 provisions of this master program.

1435 E. Table 10: Building setbacks, height limits, and lot frontage.

1436 All uses and activities must comply with all applicable standards for the shoreline
1437 designation where the use or activity will occur. All development standards are subject to
1438 modification based on a site specific assessment, but in no case shall the standards be
1439 reduced greater than 25% of the minimums stated below without the approval of a Shoreline
1440 Variance. Specific assessment tied to the overall objective that any such development shall
1441 result in no net loss of shoreline functions and values in that reach of the stream or segment
1442 of the lake. The acreage and setback/buffer limits identified below shall apply except when a
1443 zoning ordinance adopted under the updated Comprehensive Plan require additional site or
1444 buffer setback limitations in which case the more restrictive shall apply.

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TABLE 10 SHORELINE DEVELOPMENT STANDARDS

Standards	Aquatic	Natural	Conservancy	Rural	Urban Conservancy	Shoreline Residential
Non-Water Related Uses and Activities	N/A	150'	100'	50'	100'	25'
Water-Related/ Water-Oriented Uses and Activities	N/A	150'	100'	50'	30'	25'
Water Dependent Uses and Activities ⁵	N/A	100'	50'	30'	10'	20'
Minimum Lot Size See OCC Title 17		Underlying Zoning	Underlying Zoning	Underlying Zoning	Underlying Zoning	Underlying Zoning
Minimum Water Frontage ⁶	N/A	50% of length (Not less than 500')	50% of length (Not less than 200')	50% of length (Not less than 100')	50% of the length (Not less than 100')	No Minimum
Height Requirements						
Non-Water Related Uses and Activities	N/A	35'	35'	35'	35'	35'
Water-Related/ Water-Oriented Uses and Activities	N/A	35'	35'	35'	35'	35'
Water Dependent Uses and Activities	N/A	35'	35'	35'	35'	35'

1446

1447 **14.15.130 Vegetation Conservation**

1448 A. Restoration or enhancement of any shoreline area that has been disturbed or degraded
 1449 shall use plant materials from the recommended list (Appendix H) or other species
 1450 approved by agencies or organizations operating within the jurisdiction, such as the
 1451 departments of Ecology, County Extension, Fish and Wildlife or the Native Plant
 1452 Society, Natural Resource Conservation Service.

1453

1454 B. Stabilization of erosion-prone surfaces along shorelines shall primarily use vegetative,
 1455 non-structural means and shall comply with the provisions of 14.15.350. More intensive
 1456 measures may be permitted providing the project will result in no net loss in shoreline
 1457 function and if compliant with the provisions of 14.15.350.

⁵ The setback may be reduced to 0' for those water-dependent uses (e.g. aquaculture, marinas) that require location adjoining the water, but in all cases such a setback shall be limited to the smallest area possible.

⁶ Minimum water frontage only applies to lots or parcels created subsequent to the date of adoption of this SMP, lots existing at the time of adoption shall be considered existing conforming parcels. Lot frontage shall be measured along the ordinary high water mark.

- 1458 C. Vegetation removal that would be likely to result in significant soil erosion or the need
1459 for structural shoreline stabilization measures is prohibited. This does not preclude the
1460 removal of noxious weeds or removal of non-native species.
- 1461 D. Noxious Weed abatement shall comply with all provisions of RCW 17.10.
- 1462 E. Pruning and trimming of vegetation for maintenance purposes shall be permitted.
- 1463 F. Permits issued for projects in ecologically degraded areas shall include a condition that
1464 appropriate shoreline vegetation shall be planted or enhanced, to contribute to the
1465 restoration of ecological processes and functions.
- 1466 G. If weather does not permit immediate restoration of disturbed areas, replanting shall be
1467 completed during the next planting season, and the soil shall be protected until replanting
1468 is complete.
- 1469 H. Vegetation from the recommended list (see Chapter 14) or other species authorized by
1470 Okanogan County shall be used. Native plants are preferred. Replanted areas shall be
1471 maintained until desired vegetation is well established (a minimum of three years). In the
1472 case of transportation, utility, or other capital facility construction, the agency or
1473 developer constructing the facility shall also be responsible for maintaining the
1474 vegetation until it is established.
- 1475 I. All clearing and grading activities shall be limited to the minimum necessary for the
1476 allowed or permitted development and shall comply with the provisions of 14.15.130,
1477 14.15.200, and 14.15.230.
- 1478 J. View Corridor Provision.
 - 1479 1. View corridors may be allowed, subject to the provisions of this section, to
1480 provide the general public and property owners of single family residences
1481 with opportunities for visual access to water bodies associated with
1482 shoreline lots. No more than one view corridor will be allowed per parcel.
 - 1483 2. Vegetation removal that would be likely to result in significant soil
1484 erosion or the need for structural shoreline stabilization measures is
1485 prohibited.
 - 1486 3. In creating a view corridor, removal of vegetation shall be limited to the
1487 minimum necessary to preserve or enhance views. In no case shall the
1488 view corridor exceed 15 feet of width with no more than 10 feet in
1489 impervious surfaces
 - 1490 4. Removal of noxious weeds on the state and county list.
 - 1491 5. Pruning
 - 1492 a. Non-destructive thinning of lateral branches to enhance views is
1493 allowed, but in no circumstance shall removal of more than half
1494 of the live crown be permitted.
 - 1495 b. Native Shrubs shall not be pruned to a height less than 6 feet.
 - 1496 c. Pruning of vegetation waterward of the ordinary high watermark

1497 is prohibited except for noxious weeds. make the same as above

1498 K. Where impacts to buffers are permitted, new developments shall be required to develop
1499 and implement a management and mitigation plan. When required, management and
1500 mitigation plans shall be prepared by a qualified professional and shall be consistent with
1501 the requirements in 14.15.430(C).

- 1502 1. Management and mitigation plans shall describe actions that will ensure
- 1503 no net loss of ecological functions. Vegetation shall be maintained over
- 1504 the life of the use and /or development by means of a conservation
- 1505 easement or similar legal instrument recorded with the County Auditor.
- 1506 2. Mitigation measures will be considered as outlined in 14.15.110(E)(6).
- 1507 3. Application of mitigation sequence shall achieve no net loss for each new
- 1508 development; and
- 1509 4. Does not require mitigation in excess of that necessary to assure that
- 1510 development will result in no net loss of shoreline ecological functions;
- 1511 and
- 1512 5. The development shall not have a significant adverse impact on other
- 1513 shoreline functions fostered by the policy of the act.

1514 **14.15.140 Water Quality**

1515 A. Dumping and/or burning of residential, commercial or municipal yard waste within the
1516 shoreline setback is prohibited in all shoreline designations.

1517 B. All shoreline development shall be conducted so as to minimize the effects on water
1518 quality from the addition of suspended solids, leaching of contaminants, or disturbances
1519 to habitat, and shall be consistent with this Master Program as well as the requirements of
1520 applicable regulatory agencies, including but not limited to the Washington departments
1521 of Ecology and of Fish and Wildlife and the U. S. Army Corps of Engineers. See
1522 following sections for activity specific regulations and standards.

1523
1524 C. The disposal or dumping of solid waste is strictly prohibited in all shoreline areas, except
1525 in litter containers, which shall be regularly emptied, with the contents collected for
1526 transportation to an approved sanitary landfill or transfer station.

1527 D. All shoreline uses and activities shall comply with the Storm water Management Manual
1528 for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as
1529 amended).

1530 E. All shoreline areas disturbed by transportation, utility or other facility maintenance in all
1531 shoreline designations shall be restored in compliance with an approved mitigation
1532 management plan (if required) and be subject to posting a reclamation bond. Vegetation
1533 from the recommended list (Appendix H) or other species authorized by the County shall
1534 be used. Planting of non-native plant species shall be prohibited in buffer areas. Plants
1535 that may compromise shoreline values shall be prohibited. The permit application
1536 submittal shall identify the size, location, and species of plants that will be used. The

1537 agency or developer maintaining the facility shall also be responsible for maintaining the
1538 vegetation until it is established. See 14.15.130 for specific regulations and standards.

1539 F. All shoreline areas disturbed by residential, commercial or industrial development in all
1540 shoreline designations shall be restored in compliance with an approved mitigation
1541 management plan (if required) and be subject to posting a reclamation bond. Vegetation
1542 from the recommended list (Appendix H) or other species authorized by the County, shall
1543 be used. Planting of non-native plant species shall be prohibited within buffer areas.
1544 Plants that may compromise shoreline values shall be prohibited. The permit application
1545 submittal shall identify the size, location, and species of plants that will be used. The
1546 owner or manager of the use shall also be responsible for maintaining the vegetation until
1547 it is established. See 14.15.130 for specific regulations and standards.

1548 **Article III General Use Regulations**

1549 **14.15.150 Accessory Utilities**

1550 Accessory utilities are small-scale distribution facilities connected directly to the uses along
1551 the shoreline. Electrical, gas, telephone, cable, water and sewer lines serving a residential
1552 development or a commercial establishment are examples of utilities accessory to shoreline
1553 uses. Transmission facilities related to a hydropower generating facility are not accessory
1554 utilities—they are primary utility facilities.

1555 A. Sites disturbed for utility installation shall be stabilized following construction to avoid
1556 adverse impacts from erosion.

1557 B. Sites disturbed for utility installation shall be replanted using native species from the
1558 recommended list (Appendix H), with a diversity and type similar to or better than that
1559 which originally occurred on the site. Questions about appropriate diversity, plant type,
1560 and plant species shall be directed to agencies with expertise, such as the departments of
1561 Ecology and Fish and Wildlife.

1562 C. New Utilities shall be placed landward of the primary structural setback requirements
1563 found in 14.15.120(E). Compliance with Okanogan County health district standards for
1564 the placement of onsite sewer systems shall be indicated on application drawings. If
1565 feasible, utility lines shall be placed underground. Where lines must be placed
1566 aboveground, consideration shall be given to the maintenance of trees in the vicinity of
1567 the lines, and the utility line located to eliminate the need for topping or pruning trees.

1568 D. Except where no other feasible alternative exists, accessory utilities that require
1569 continued maintenance (i.e. no growth over septic systems, electrical transmission lines
1570 that require removal of undergrowth) shall not be placed in Buffers (between OHWM
1571 and structure setback), and;

1572 E. Accessory Utilities should not result in a net loss of shoreline ecological functions or
1573 significant impacts to other shoreline resources and values.

1574 **14.15.160 Agriculture**

1575 A. No new areas may be brought into production without compliance with the section
1576 below. For existing areas under cultivation or use, no permits are required for change of
1577 use to alternate agriculture activities as described in RCW 90.58.065 and this section.
1578 Similarly, legal pre-existing agricultural uses shall not be subject to the provisions of the
1579 shoreline code which require replanting or restoration with native species. New
1580 agricultural activities on lands that did not have agricultural activities in place at the time
1581 of adoption of this Master Program; conversion of agricultural lands or the development
1582 of non-agricultural activities on agricultural lands; and uses in support of agricultural
1583 activities are governed by the provisions of this Master Program and subject to the
1584 following criteria:

- 1585 1. Non-Agricultural land converted to an agricultural use shall preserve pre-
1586 existing riparian habitat and will have a buffer strip of native vegetation no
1587 less than the use setback for the shoreline designation where it is located.
1588 Said buffer will be established and maintained along shorelines to protect
1589 shoreline ecological functions.
- 1590 2. Uses and activities shall be consistent with regulations specific to the
1591 shoreline designation in which the site is located, including regulations in
1592 section 14.15.120 and 14.15.360;
- 1593 3. Uses and activities shall be located and designed to ensure no net loss of
1594 ecological functions;
- 1595 4. Uses and activities shall not have a significant impact on other shoreline
1596 ecological function.

1597 B. Discharge of any manure storage facility into ground or surface water is prohibited.

1598 C. Fertilizers shall be applied in a manner which will minimize entry into an adjacent water
1599 body.

1600 D. All pesticides shall be handled in accordance with provisions of the Washington
1601 Pesticides Application Act (RCW 17.21) and the Washington Pesticides Act (RCW
1602 15.57).

1603 E. Nothing in this section limits or changes the terms of the current exception to the
1604 definition of substantial development. A substantial development permit shall be required
1605 for all agricultural development not specifically exempted by the provisions of RCW
1606 90.58.030(3)(a)(vi).

1607 F. The provisions of this Master Program do not require modification of or limitations on
1608 agricultural activities legally underway on agricultural lands as of the date of adoption of
1609 this SMP.

1610 G. All agricultural practices shall comply with all current state and local regulations.

1611 **14.15.170 Aquaculture**

1612 A. Aquaculture projects that involve minimal or no substrate modification shall be given
1613 preference over those that involve substantial modification. The applicant shall
1614 demonstrate that the degree of proposed substrate modification is the minimum necessary
1615 for feasible aquaculture operations at the site. The installation of submerged structures
1616 and floating structures shall be allowed only when the applicant demonstrates that no
1617 alternative method of operation is feasible.

1618 B. Aquaculture projects that involve minimal or no impact on the aesthetic qualities of the
1619 shoreline shall be given preference over those that involve substantial impact. The
1620 applicant shall demonstrate that the aesthetic impact is the minimum necessary for
1621 feasible aquaculture operations at the site.

1622 C. Aquaculture projects that would have a significant adverse impact on natural, dynamic
1623 shoreline processes, or that would result in a net loss of shoreline ecological functions
1624 (including spreading disease to native aquatic life or establishing new nonnative species
1625 that cause significant ecological impacts), shall be prohibited.

1626 D. Aquaculture practices shall be designed to minimize use of artificial substances and shall
1627 use chemical compounds that are least persistent and have the least impact on plants,
1628 animals and water quality. Herbicides and pesticides shall be used only in conformance
1629 with state and federal standard and to the minimum extent needed for the health of the
1630 aquaculture activity.

1631 E. Aquaculture projects that would significantly conflict with navigation or with established
1632 water-dependent uses shall be prohibited.

1633 F. Applications for aquaculture projects shall include all information necessary to conduct a
1634 thorough evaluation of the proposed aquaculture activity, including but not limited to the
1635 following:

1636 1. A site plan map including:

1637 a. The perimeter of the proposed aquaculture operations area.

1638 b. Existing bathymetry depths based on the Ordinary High Water
1639 Mark (OHWM).

1640 c. Adjacent upland use, vegetation, presence of structures, docks,
1641 bulkheads and other modifications. If there are shore stabilization
1642 structures, provide the beach elevation at the toe of the structure
1643 and the top of the structure (OHWM datum).

1644 d. Areas where specific substrate modification will take place or
1645 structures will be constructed or installed.

1646 e. Access provisions.

1647 f. Location of storage or processing structures or facilities.

1648

- 1649 2. A baseline description of existing conditions, including best available
1650 information on:
- 1651 a. Water quality
 - 1652 b. Prevailing storm wind conditions
 - 1653 c. Current flows
 - 1654 d. Flushing rates
 - 1655 e. Areas of differing substrate composition.
 - 1656 f. Areas of aquatic and upland vegetation complexes.
 - 1657 g. Existing shoreline or water uses and structures.
 - 1658 h. Aquatic and benthic organisms.
 - 1659 i. Assessment of aquatic species, and spawning and other lifecycle
1660 use of, or adjacent to, the site. Further baseline studies including
1661 surveys and sampling may be required depending upon the
1662 adequacy of available information, existing conditions, and the
1663 nature of the proposal.
- 1664 3. A detailed description of the project proposal including:
- 1665 a. Species to be reared.
 - 1666 b. Substrate modification or vegetation removal.
 - 1667 c. Planting, harvest and processing location, method and timing,
1668 including work proposal and construction techniques proposed
1669 (list all hand tools, machinery used (such as track hoes, trucks or
1670 barges), type of work, frequency, and duration.
- 1671 4. Anticipated use of any feed, pesticides, herbicides, antibiotics, vaccines,
1672 growth stimulants, antifouling agents, or other chemicals, and an
1673 assessment of predicted impacts. No such materials shall be used until
1674 approval is obtained from all appropriate State and Federal agencies,
1675 including but not limited to the U.S. Food and Drug Administration, and
1676 the Washington State departments of Ecology, Fish and Wildlife, and
1677 Agriculture, as required, and proof thereof is submitted to the local
1678 government with jurisdiction. Compounds with the least persistence shall
1679 be used. An annual report of antibiotic use shall be submitted to the
1680 Okanogan County Public Health District. The report shall indicate the type
1681 and amount of antibiotics used during the previous calendar year. Actual
1682 usage data for all chemicals and antibiotics shall be maintained for review
1683 by Health District staff at all times.
- 1684 5. Number of employees/workers necessary for the project, including
1685 average and peak employment.
- 1686 6. Methods of waste disposal and predator control.
- 1687 7. Methods to address pollutant loading, including biological oxygen demand

- 1688 (BOD).
- 1689 8. Assessment of potential impacts on shoreline ecological functions and
1690 processes addressing the baseline conditions identified in the *Shoreline*
1691 *Characterization*, including but not limited to watershed-level, indirect
1692 and cumulative effects.
- 1693 9. For floating culture facilities or other structures, the local government with
1694 jurisdiction may require a visual impact analysis. (See the Department of
1695 Ecology's "Aquaculture Siting Study" 1986 for general approach.)
1696 Depending on the size and complexity of the proposal, such analysis may
1697 be prepared by the applicant without professional assistance, provided that
1698 it includes an adequate assessment of impacts.
- 1699 10. Information demonstrating that the site has natural potential for the type(s)
1700 of aquaculture proposed, due to necessary substrate or other conditions, as
1701 well as water quality suitable for the type(s) of aquaculture proposed.
- 1702 11. Information demonstrating that the proposed aquaculture activities will not
1703 result in a net loss of shoreline ecological functions or processes or
1704 adversely affect Conservation Areas.
- 1705 12. Information demonstrating that the proposed aquaculture activities will not
1706 substantially and materially conflict with areas devoted to established uses
1707 of the aquatic environment. Such uses include but are not limited to
1708 navigation, moorage, sport or commercial fishing, underwater utilities, and
1709 scientific research. Existing public opportunities for gathering wild stock
1710 aquatic resources on public lands shall be addressed in any application for
1711 aquaculture on public bedlands. Compensation for loss of public access to
1712 public aquatic resources may be required.
- 1713 13. Other pertinent information deemed necessary by the Administrator.
1714 Applications for aquaculture activities must demonstrate that the proposed
1715 activity will be compatible with surrounding existing and planned uses.
- 1716 14. Aquaculture activities shall comply with all applicable noise, air, and
1717 water quality standards. All projects shall be designed, operated and
1718 maintained to minimize odor and noise.
- 1719 15. Aquaculture activities shall be restricted to reasonable hours and/or days
1720 of operation when necessary to minimize substantial, adverse impacts
1721 from noise, light, and/or glare on nearby residents, other sensitive uses or
1722 critical habitat.
- 1723 16. Aquaculture facilities shall not introduce incompatible visual elements or
1724 substantially degrade the aesthetic qualities of the shoreline. Aquaculture
1725 structures and equipment, except navigation aids, shall be designed,
1726 operated and maintained to blend into their surroundings through the use
1727 of appropriate colors and materials.
- 1728 G. If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and
1729 for all experimental aquaculture activities, unless otherwise provided for, the local

1730 government with jurisdiction shall require baseline and periodic operational monitoring
1731 by a consultant approved by said government, at the applicant's expense, which continue
1732 until adequate information is available to determine the success of the project and the
1733 magnitude of any probable significant adverse environmental impacts. Permits for such
1734 activities shall include specific performance measures and provisions for adjustment or
1735 termination of the project at any time if monitoring indicates significant, adverse
1736 environmental impacts that cannot be adequately mitigated.

1737 H. All aquaculture projects shall be submitted for review to local, state and federal agencies
1738 with expertise, including the Washington departments of Ecology and of Fish and
1739 Wildlife, and to the operators of affected FERC licensed hydro-projects. The local
1740 government with jurisdiction shall make available to those agencies the *Shoreline*
1741 *Inventory and Characterization* and maps developed as part of this SMP and shall request
1742 technical assistance in establishing any conditions that should be required of a project and
1743 in assessing the monitoring plan.

1744 I. New aquatic species that have not previously been cultivated in Washington State shall
1745 not be introduced without prior written approval of the Director of the Washington State
1746 Department of Fish and Wildlife and the Director of the Washington Department of
1747 Health.

1748 J. Except for the sorting or culling of the cultured organism after harvest and the washing or
1749 removal of surface materials or organisms prior to or after harvest, no processing of any
1750 aquaculture product shall occur in or over the water unless specifically approved by
1751 permit. All other processing and processing facilities shall be located landward of the
1752 ordinary high water mark.

1753 K. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance
1754 with all applicable waste disposal standards, including but not limited to the Federal
1755 Clean Water Act, Section 401, and the Washington State Water Pollution Control Act,
1756 RCW Chapter 90.48.

1757 L. Predator control shall not involve killing or harassment of birds or mammals. Approved
1758 controls include, but are not limited to, overhead netting for birds. The use of other non-
1759 lethal, non-abusive predator control measures shall be contingent upon receipt of written
1760 approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife
1761 Service, as required.

1762 M. In the event of a significant fish kill at the site of a net pen facility, the aquaculture
1763 operator shall immediately report to the Okanogan County Health District stating the
1764 cause of death and shall detail remedial action(s) to be implemented to prevent
1765 reoccurrence. Permits shall include provisions for adjustment or termination of the
1766 project at any time if such an event cannot be remediated to the satisfaction of the Health
1767 District may be required.

1768 N. All floating and submerged aquaculture structures and facilities in navigable waters shall
1769 be marked in accordance with U.S. Coast Guard requirements.

1770 O. The rights of treaty tribes to aquatic resources within their usual and accustomed areas
1771 shall be addressed through direct coordination between the applicant and the affected
1772 tribe(s) as part of the permit review process.

1773 P. Aquaculture structures and equipment shall be of sound construction and shall be so
1774 maintained. Abandoned or unsafe structures and equipment shall be removed or repaired
1775 promptly by the owner. Where any such structure constitutes a hazard to the public, the
1776 local government with jurisdiction may, following notice to the owner, abate the structure
1777 if the owner fails to do so within 90 days. Said government may impose a lien on the
1778 associated shoreline property in an amount equal to the cost of the abatement.

1779 **14.15.180 Boating Facilities (including docks, marinas, launches, moorage)**

1780 A. When establishing regulation of motorized vs. non-motorized uses, hours and other
1781 limitations on boating use of waters in Okanogan County the regulations shall be based,
1782 in part, on protection of shoreline functions and values while not impacting recreation
1783 and tourism.

1784 B. Mitigation for any adverse development impacts of boating facilities may be required.
1785 On-site mitigation shall be preferred; however, in cases in which meaningful on-site
1786 mitigation is not feasible, off-site mitigation may be allowed. In such instances a
1787 mitigation management plan shall be required, and shall specify a suitable mitigation site.
1788 Adverse development impacts to adjacent properties shall not be allowed.

1789 C. New boating facilities shall be consistent with the applicable local comprehensive and
1790 recreation plans.

1791 D. For commercial and public boating facilities, the perimeter of parking and storage areas
1792 shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses
1793 or scenic areas, using primarily native, self-sustaining vegetation from the recommended
1794 list (see Appendix H). Landscaping along the waterward may also be required. The
1795 permit application submittal shall identify the size, location, and species of plants that
1796 will be used.

1797 E. Boating facilities shall be located where no or minimal shoreline stabilization will be
1798 necessary and where water depths are adequate to eliminate or minimize the need for
1799 offshore or foreshore channel construction dredging, maintenance dredging, spoil
1800 disposal, filling, beach enhancement, and other maintenance activities.

1801 F. Boating facility design shall minimize interference with geohydraulic processes and
1802 significant disruption of existing shore forms.

1803 G. Parking facilities shall be located outside shoreline jurisdiction, or, if that is not feasible,
1804 shall be located landward of the structure setback provided in section 14.15.120(E).

1805 H. Boating facilities, including boat lifts, and navigation aids shall be positioned so as not to
1806 be a hazard to navigation.

1807

- 1808 I. All boating facilities shall be in compliance with the applicable critical area regulations.
1809 A habitat management report shall be prepared according to the provisions of
1810 14.15.430(B). Only when such a report has established conclusively that the dock will
1811 cause no net loss of shoreline ecological functions shall the dock be permitted.
- 1812 J. Boating facilities shall provide public access in accordance with 14.15.290.
- 1813 K. Boating facilities shall be located and designed so their structures and operations will be
1814 aesthetically compatible with the area visually affected and will not unreasonably impair
1815 shoreline views. Use of natural non-reflective materials is encouraged.
- 1816 L. Okanogan County shall request technical assistance from agencies with jurisdiction
1817 and/or knowledge, including but not limited to the Washington departments of Ecology,
1818 of Fish and Wildlife, and of Health; and shall make available to those agencies the
1819 *Shoreline Inventory and Characterization* and maps developed as part of this master
1820 program. The local government with jurisdiction shall consider the comments received
1821 from those agencies before making a decision on whether or not to approve the permit,
1822 and any conditions or modifications required.
- 1823 M. Marina-specific regulations
- 1824 1. Marinas shall be constructed in accordance with the provisions of all
1825 applicable current state and local regulations.
- 1826 2. Marinas constructed after the effective date of these regulations that
1827 provide moorage space for watercraft containing toilet facilities shall
1828 provide sewage pump-out facilities.
- 1829 3. Marinas shall be sited, designed, and built to minimize conflicts with
1830 agriculture.
- 1831 N. Dock-specific regulations. The regulations that follow are applicable to all docks, shared
1832 moorage facilities, and other overwater boating facilities, and the word “dock” shall
1833 apply to all such facilities.
- 1834 1. The Administrator shall require and use the following information in his
1835 or her review of proposals for docks:
- 1836 a. Description of the proposed structure, including its size, location,
1837 design, materials, and any shoreline stabilization or other
1838 modifications required by the project.
- 1839 b. Proposed location of the dock relative to property lines and the
1840 ordinary high water mark.
- 1841 c. Orientation of the dock relative to neighboring docks.
- 1842 d. Anticipated impacts on views and on access to existing docks,
1843 and other reasonably foreseeable impacts on adjacent properties.
- 1844 e. Any provisions for public access, enjoyment and use of the water
1845 and shorelines.

- 1846
1847
2. For the installation of seasonal docks, the Administrator shall give the landowner the following choices for application requirements:
- 1848 a. The landowner shall submit a JARPA application and the
1849 information provided in section 14.15.180(N)(1). The
1850 Administrator will then circulate that information to the
1851 appropriate agencies for review and indication of additional
1852 permits. Or:
- 1853 b. The applicant shall contact the Department of Natural Resources,
1854 Department of Ecology, Department of Fish and Wildlife, and
1855 the Army Corp of Engineers directly to discover if additional
1856 permits are required from those agencies for seasonal docks.
- 1857
3. Docks shall not significantly interfere with the use of navigable waters or
1858 with public use of shorelines. The length of any dock shall be the
1859 minimum necessary to assure navigability and protect public use of the
1860 water body. In no case shall the length of a dock exceed eighty feet (80')
1861 from the OHWM or the point at which the depth of the water exceeds
1862 seven feet during high water. On "T" or "L" shaped docks, the length of
1863 the extension or extensions perpendicular to the main body of the dock
1864 shall not exceed 50% of the length of the lot property line at the OHWM,
1865 or the upland property line adjacent to the lake. Docks may be prohibited
1866 where necessary to protect navigation or public use of the water body.
1867 Docks not attached to the shoreline may be allowed where the dock serves
1868 a water-dependent or water-oriented use and measures have been taken to
1869 reduce the hazard to navigation.
- 1870
4. All new and improved docks shall be constructed and maintained in a safe
1871 condition. Wood treated with creosote, pentachlorophenol or other
1872 similarly toxic materials is prohibited. During maintenance, existing
1873 treated wood timbers and pilings shall be replaced with alternative
1874 materials, such as untreated wood, steel, concrete, or recycled plastic, or
1875 encased in a manner that prevents leaching of contaminants into surface
1876 water.
- 1877
5. New docks must have unobstructed grating over at least 50 percent of the
1878 surface area; grating material must have at least 60 percent open space.
1879 Skirting is prohibited. When existing structures undergo maintenance or
1880 repair, the replaced portions must meet these standards.
- 1881
6. Abandoned or unsafe docks shall be removed or repaired promptly by the
1882 owner. Where any such structure constitutes a hazard to the public, the
1883 local government with jurisdiction may, following notice to the owner,
1884 abate the structure if the owner fails to do so within 90 days. Said
1885 government may impose a lien on the associated shoreline property in an
1886 amount equal to the cost of the abatement.
- 1887
7. No over-water application of preservative treatment or other chemical
1888 compounds shall be permitted. Docks may be painted provided brush

- 1889 application is used and best management practices are followed to prevent
1890 paint from coming in contact with the water.
- 1891 8. Bulk storage for gasoline, oil, and other petroleum products is prohibited
1892 on docks.
- 1893 9. No more than two boat lifts shall be allowed on any one dock.
- 1894 10. All new permanent docks shall be designed and constructed in compliance
1895 with the following standards:
- 1896 a. Pilings must be structurally sound prior to placement in the
1897 water.
 - 1898 b. Piles, floats, or other materials in direct contact with the water
1899 must be approved by applicable state agencies, including the
1900 Washington Department of Fish and Wildlife and, in the case of
1901 navigable waters, the Washington Department of Natural
1902 Resources.
 - 1903 c. New Floating docks shall include stops to keep the floats off the
1904 bottom of the water body at low water level.
 - 1905 d. Overhead wiring or plumbing is not permitted on docks.
 - 1906 e. Lighting shall be the minimum necessary to locate the dock at
1907 night and shall focus downward to minimize glare. Any dock
1908 extending more than fifty feet (50') beyond the OHWM shall
1909 have white lights marking the outer dimensions. In all cases,
1910 solar-powered lights shall be preferred.
 - 1911 f. New Docks with feet or plates that rest on the lakebed or
1912 streambed are preferred over those requiring excavation and
1913 footings.
 - 1914 g. No new dock may exceed six feet (6') in width.
 - 1915 h. Dock design, placement, and orientation shall allow for access to
1916 existing docks in the vicinity and shall minimize impacts on
1917 adjacent properties, including impacts on views.
- 1918 11. All seasonal docks shall be subject to the following standards:
- 1919 a. Seasonal docks and rafts may be removed during seasonal
1920 periods when they are not in use.
 - 1921 b. Seasonal docks shall be no more than 6' wide.
 - 1922 c. Floating structures and boats must not rest on the substrate.
1923 Specific requirements include:
 - 1924 1. New overwater structures must be located in water
1925 sufficiently deep to prevent the structure from grounding
1926 at the lowest low water, or stoppers must be installed to
1927 prevent grounding, keeping the bottom of the structure at
1928 least 1.5 feet (0.5 meters) above the level of the substrate.

- 1929 d. Tires are prohibited as part of above and below water structures
- 1930 (e.g., floatation, fenders, decking). Existing tires must be
- 1931 replaced with inert or encapsulated materials such as plastic or
- 1932 encased foam, during maintenance or repair of the structure.

- 1933 e. For new docks, Floatation material must be encapsulated within
- 1934 a shell that prevents breakup or loss of the floatation material
- 1935 into the water, and is not readily subject to damage by ultraviolet
- 1936 radiation or abrasion. During maintenance, existing un-
- 1937 encapsulated floatation material must be replaced.

1938 O. All residential moorage facilities shall be subject to the following standards:

- 1939 1. New residential subdivisions or planned developments containing five or
- 1940 more waterfront lots along a shoreline of statewide significance shall be
- 1941 required to provide shared moorage facilities if any moorage facilities are
- 1942 provided.

- 1943 2. All multi-family residences proposing to provide moorage facilities shall
- 1944 be limited to a single shared moorage facility, provided that the
- 1945 Administrator may authorize more than one shared moorage facility if,
- 1946 based on conditions specific to the site, a single facility would be
- 1947 inappropriate for reasons of safety, security, or impact to the shoreline
- 1948 designation; and if the additional facility or facilities will have no net
- 1949 impact on shoreline ecological resources.

- 1950 3. For existing residential lots, no more than one dock shall be permitted for
- 1951 each shoreline lot.

- 1952 4. The length of any dock shall be the minimum necessary to accomplish
- 1953 moorage for the intended boating use and shall be only long enough to
- 1954 accomplish moorage for one boat for each residence served.

- 1955 5. A dock over 480 square feet or 80 feet in length is allowed only by
- 1956 variance in all shoreline designations.

- 1957 6. Side yard setbacks: Docks shall be set back a minimum of five feet (5')
- 1958 from side property lines, except that shared moorage facilities may be
- 1959 located adjacent to or upon a side property line when mutually agreed to
- 1960 by contract or covenant with the owners of both properties. A copy of the
- 1961 contract or covenant must be recorded with the Okanogan County Auditor
- 1962 and filed with the application for permit or shoreline exemption.

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P. Float-specific regulations.

1. No more than one float shall be permitted for each shoreline lot.
2. Floats shall not significantly interfere with navigation or with public use of shorelines. No portion of the float shall be placed more than eighty feet (80') from the OHWM or the point at which the depth of the water exceeds seven feet (7') during high water. Floats may be prohibited where necessary to protect navigation or public use of the water body.
3. No float shall have more than one hundred (100') square feet of surface area.
4. All multi-family residences proposing to provide floats shall be limited to a single shared float, provided that the Administrator may authorize more than one shared float if, based on conditions specific to the site, a single float would be inappropriate for reasons of safety, security, or impact to the shoreline designation; and if the additional float or floats will have no net loss on shoreline ecological function.

14.15.190 Bulkheads, Breakwaters, Jetties, Groins, and Weirs

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

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

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

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

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14.15.200 Clearing and Grading

A. No clearing or grading within the shorelines shall be initiated before the permit, exemption or variance is issued.

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B. Clearing or grading within the buffer for each shoreline designation shall be prohibited, except for the view corridor permitted under 14.15.130(J) and authorized water dependent uses.

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C. Clearing and grading of the shoreline area landward of the building buffer shall be subject to the following limitations:

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1. Table 11. Shoreline Designation Specific Clearing and Grading Standards⁷

Shoreline Designation	Percent of site that may be cleared and/or graded ⁸
Shoreline Residential	25%
Urban Conservancy	15%
Rural	20%
Conservancy	5%

⁷ - The standards in the table provide for a percentage that may be cleared outside of Setbacks/Buffer.

⁸ - The percentages represent the maximum allowable with an increase of up to 25% permitted subject to Variance. Application for a variance shall require a habitat management report and mitigation management plan that considers present ecological function, cumulative impacts of the development and restoration opportunities, both on and off-site.

Natural	5%
Aquatic	N/A

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D. Clearing and grading shall be addressed in the permit or exemption for the shoreline use or activity with which it is associated. Any clearing or grading within required buffer for each shoreline designation, or wetland buffer for each wetland category, or any clearing of the shoreline beyond the limits set forth in section 14.15.130(J), 14.15.120(D) and 14.15.200(C) shall require a variance in all shoreline designations.

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E. Existing native riparian vegetation shall be retained whenever possible.

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F. Shoreline permits shall be required in the following situations:

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1. Where more than 250 cubic yards of material will be moved within a shoreline area; or

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2. Any clearing or grading within shoreline building setbacks or buffers beyond the limits in 14.15.200(C) for shoreline areas landward of the buffer/setback.

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3. In its review of clearing and grading proposals, Okanogan County shall require and utilize a clearing and grading plan that addresses species removal, replanting, irrigation, erosion and sedimentation control, and plans for protecting shoreline resources from harm.

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4. Grading of a development site shall not alter natural drainage patterns in manner that would increase the rate or quantity of surface run-off.

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5. Immediately upon completion of the construction or maintenance activity, remaining cleared areas shall be restored to a naturalistic condition using compatible, self-sustaining vegetation in accordance with 14.15.130. Legal pre-existing agricultural use shall not be subject to the provisions of the shoreline code which require replanting or restoration with native species.

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6. Clearing by hand-held equipment of invasive non-native vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list or if the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons.

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7. All shoreline development and activity shall use applicable BMPS from Eastern Washington Storm water Management to minimize increases in surface water runoff that may result from clearing and grading activity.

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8. Soil stabilization associated with clearing and grading should (see 14.15.090) use bioengineering or other soft stabilization techniques.

- 2061 9. Any placement of materials from off site, or any creation or raising of dry
- 2062 upland, shall be considered filling and shall comply with the fill provisions
- 2063 of 14.15.230, except where any of these activities fall within the
- 2064 exemptions found in 14.15.510.
- 2065 10. Clearing and grading that is not part of an allowed and permitted shoreline
- 2066 use shall require a conditional use permit except on properties physically
- 2067 separated from the shoreline by another property or public right of way.

14.15.210 Commercial Uses and Activities

2068 A. Commercial developments permitted in shoreline areas are, in descending order
2069 of preference:
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- 2071 1. Water-dependent uses;
- 2072 2. Water-related uses;
- 2073 3. Water-enjoyment uses; and
- 2074 4. Non-water-oriented uses

2075 B. The Administrator shall require and use the following information in his or her
2076 review of commercial development proposals:

- 2077 1. Consistency with local comprehensive plan and zoning;
- 2078 2. Specific nature of the commercial activity;
- 2079 3. Need for shoreline frontage; determination if use qualifies as water-
- 2080 dependent, water-related or water-enjoyment
- 2081 4. Provisions for public visual and/or physical access to the shoreline;
- 2082 5. Provisions to ensure that the development will not result in loss of
- 2083 shoreline functions including conditions for ecological restoration;
- 2084 6. Measures for enhancing the relationship of the use to the shoreline,
- 2085 including aesthetics and landscaping; and
- 2086 7. The *Shoreline Inventory and Characterization* and accompanying maps.

2087 C. Non-water-oriented commercial uses are prohibited in all shoreline designations
2088 unless they meet the following criteria:

- 2089 1. The use is part of a mixed-use project that includes water-dependent uses
- 2090 and provides a significant public benefit with respect to the Shoreline
- 2091 Management Act's objectives such as providing public access and
- 2092 ecological restoration; or
- 2093 2. Navigability is severely limited at the proposed site; and the commercial
- 2094 use provides a significant public benefit with respect to the Shoreline
- 2095 Management Act's objectives such as providing public access and
- 2096 ecological restoration.

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- 2098 3. In areas designated or zoned for commercial use, non-water-oriented
- 2099 commercial development may be allowed if the site is physically separated
- 2100 from the shoreline by another property, flood control structure or public
- 2101 right of way.
- 2102 4. Non-water-dependent commercial uses should not be allowed over water
- 2103 except in existing structures or in the limited instances where they are
- 2104 auxiliary to and necessary in support of water-dependent uses.
- 2105 D. Commercial development shall be designed and maintained in a neat, orderly, and
- 2106 environmentally-compatible manner, consistent with the character and features of
- 2107 the surrounding area. To that end, the Administrator may, adjust the project
- 2108 dimensions and increase required setbacks established in 14.15.120(E) and/or
- 2109 prescribe reasonable use-intensity and screening conditions. Need and special
- 2110 considerations for landscaping and buffer areas shall also be subject to review and
- 2111 approval.
- 2112 E. All commercial loading and service areas shall be located on the upland
- 2113 (landward) side of the commercial structure or provisions shall be made to
- 2114 separate and screen the loading and service areas from the shoreline.
- 2115 F. Commercial developments shall be landscaped to visually enhance the shoreline
- 2116 area and contribute to shoreline functions and values, using primarily native, self-
- 2117 sustaining vegetation. Plants from the recommended list (see Appendix H) are
- 2118 preferred. Plants that may compromise shoreline values shall be prohibited. The
- 2119 permit application submittal shall identify the size, location, and species of plants
- 2120 that will be used.

2121 **14.15.220 Dredging**

- 2122 A. The following information shall be provided by the applicant for the County to
- 2123 use in review of shoreline dredging and dredge material disposal proposals:
 - 2124 1. Dredging volumes, methods, schedules, frequency, hours of operation, and
 - 2125 procedures.
 - 2126 2. Method of disposal, including the location, size, capacity, and physical
 - 2127 characteristics of the disposal site, transportation methods and routes,
 - 2128 hours of operation, and schedule.
 - 2129 3. Stability of bedlands adjacent to the proposed dredging site.
 - 2130 4. Stability of geologically hazardous areas in the vicinity of the proposed
 - 2131 dredging site.
 - 2132 5. Assessment of water quality impacts.
 - 2133 6. Habitat management report meeting the standards prescribed for Fish and
 - 2134 Wildlife Habitat Conservation Areas in 14.15.530(B) , including
 - 2135 migratory, seasonal, and spawning use areas.
- 2136 B. In evaluating permit applications for any dredging project, the Administrator

2137 and/or appropriate hearing or review body shall consider the need for and adverse
2138 effects of the initial dredging, subsequent maintenance dredging, and dredge
2139 disposal. Dredging and dredge material disposal shall only be permitted where it
2140 is demonstrated that the proposed actions will not:

2141 1. Result in significant and/or on-going damage to water quality, fish, or
2142 other biological elements;

2143 2. Adversely alter natural drainage and circulation patterns, or significantly
2144 reduce flood storage capacities;

2145 3. Affect slope stability; or

2146 4. Otherwise significantly damage shoreline or aquatic resources.

2147 C. Proposals for dredging and dredge disposal shall include all feasible mitigation
2148 measures to protect fish and wildlife habitat and minimize adverse impacts such
2149 as turbidity; release of nutrients, heavy metals, sulfides, organic materials, or
2150 toxic substances; dissolved oxygen depletion; or disruption of food chains.

2151 D. Dredging and dredge material disposal shall not occur in wetlands or channel
2152 migration zone except as authorized by Conditional Use Permit with conditions
2153 providing that valuable functions of the wetland, such as wildlife habitat and
2154 natural drainage, will not be diminished.

2155 E. Dredging waterward of the ordinary high water mark shall be allowed by
2156 conditional use permit only when:

2157 1. It has been proven that the development cannot be sited elsewhere and has
2158 been designed to avoid and minimize new and maintenance dredging
2159 (WAC 173-26-231(3)(f))

2160 2. For navigation or existing navigational access;

2161 3. In conjunction with a conforming allowed water-dependent use of water
2162 bodies or adjacent shorelands;

2163 4. As part of a habitat management plan that has been approved by the
2164 County, City or Town or other entity with jurisdiction, and has been
2165 accepted by the Washington Department of Fish and Wildlife or other
2166 agency with jurisdiction;

2167 5. The project is to improve water quality;

2168 6. The project is for mining, mineral extraction, mineral prospecting and
2169 placer mining as provided in 14.15.260;

2170 7. The project is in conjunction with a bridge or a navigational channel,
2171 basin, or structure for which there is a documented public need and where
2172 other feasible sites or routes do not exist; or

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2174 8. To improve water flow and/or manage flooding only when consistent with

- 2175 an approved flood and/or storm water comprehensive management plan in
2176 conjunction with a habitat mitigation management plan.
- 2177 F. Any impacts of dredging that cannot be avoided shall be mitigated in a manner
2178 that assures no net loss of shoreline ecological functions.
- 2179 G. Dredging shall use techniques that cause the minimum dispersal and broadcast of
2180 bottom material.
- 2181 H. Dredging for the primary purpose of obtaining material for fill is prohibited,
2182 except when the material is necessary for the restoration of ecological functions.
2183 The fill must be associated with a significant habitat enhancement project that is
2184 listed as part of a regional or watershed-scale plan, MTC or CERCLA habitat
2185 restoration project. When allowed, the site where the fill is to be placed must be
2186 located waterward of the OHWM (WAC 173-26-231(3)(f)) and conducted in
2187 accordance with the dredged material management program of the department of
2188 natural resources.
- 2189 I. Dredging to construct canals or basins for boat moorage or launching, water ski
2190 landings, swimming holes, and similar uses shall only be permitted as a
2191 conditional use and shall include a habitat enhancement/mitigation plan.
- 2192 J. Disposal of dredged materials shall be accomplished at approved contained
2193 upland sites in compliance with all Federal, State and local regulations.
- 2194 K. Depositing dredge materials in water areas shall be allowed only by Conditional
2195 Use Permit, for one or more of the following reasons:
- 2196 1. For wildlife habitat improvement.
- 2197 2. To correct problems of material distribution adversely affecting fish
2198 resources.
- 2199 3. For permitted enhancement of beaches that provide public access, where it
2200 has been conclusively demonstrated that no net loss of shoreline
2201 ecological functions will result or for public safety.
- 2202 L. Use of dredged material for beach enhancement shall be conducted so that:
- 2203 1. Erosion from the disposal site is minimized. Erosion of the dredged
2204 material shall not smother emergent vegetation or other shallow
2205 productive areas.
- 2206 2. To the extent possible, the volume of dredged material and frequency of
2207 disposal maintain a stable beach profile. Dredged material shall be graded
2208 as a uniform slope and contoured to reduce cove and peninsula formation
2209 and to preclude stranding of juvenile fish.
- 2210

2211 M. Land disposal sites within shoreline jurisdiction shall be replanted as soon as
 2212 feasible, and in no case later than the next planting season, in order to retard wind
 2213 and water erosion and to restore the wildlife habitat value of the site. Vegetation
 2214 from the recommended list (Appendix H) or other species authorized by the
 2215 County, City, or Town with jurisdiction shall be used. Native plants are
 2216 preferred. Plants that may compromise shoreline values are prohibited. The
 2217 permit application submittal shall identify the size, location, and species of plants
 2218 that will be used. The agency or developer responsible for the land disposal shall
 2219 also be responsible for maintaining the vegetation as established in the approved
 2220 mitigation management plan.

2221 N. Proposals for disposal on Shorelands or wetlands is discouraged and only allowed
 2222 by Conditional Use Permit (WAC 173-26-231(3)(f). Disposal in other shoreline
 2223 areas must show that the site will ultimately be suitable for a use permitted by this
 2224 master program.

2225 O. All dredging shall be the minimum required to support an existing permitted or
 2226 proposed allowed use and shall be subject to a conditional use permit.

2227 **14.15.230 Fill**

2228 A. Okanogan County shall require and use the following information in its review of
 2229 fill proposals:

- 2230 1. Proposed use of the fill area.
- 2231 2. Physical characteristics, such as chemical and biological composition if
 2232 appropriate, depending on where it is to be placed or will be subject to
 2233 inundation.
- 2234 3. Source of the fill material.
- 2235 4. Method of placement and compaction.
- 2236 5. Location of fill relative to existing drainage patterns and wetlands.
- 2237 6. Location of the fill perimeter relative to the ordinary high water mark.
- 2238 7. Perimeter erosion control or stabilization measures.
- 2239 8. Type of surfacing and runoff control devices.

2240 B. Fill waterward of the ordinary high water mark or in wetlands shall only be
 2241 permitted as a conditional use in all shoreline designations, and only for one of
 2242 the following purposes:

- 2243 1. water-dependent use,
- 2244 2. public access,
- 2245 3. cleanup and disposal of contaminated sediments as part of an interagency
 2246 environmental clean-up plan,
- 2247 4. disposal of dredged material considered suitable under, and conducted in

- 2248 accordance with the dredged material management program of the
2249 department of natural resources,
- 2250 5. Expansion or alteration of transportation facilities of statewide
2251 significance currently located on the shoreline and then only upon a
2252 demonstration that alternatives to fill are not feasible, mitigation action,
2253 environmental restoration, beach nourishment or enhancement project.
- 2254 6. Fill in wetlands must comply with the wetlands provisions of section
2255 14.15.110(E) of this chapter and shall result in no net loss of wetland area
2256 in functions including lost time when the wetland does not perform the
2257 function and is subject to mitigation in this SMP.
- 2258 C. Pier or pile support shall be utilized whenever feasible in preference to filling.
2259 Fills for approved road, bridge or navigational structure development in
2260 floodways or wetlands shall be permitted only if pile or pier supports are proven
2261 infeasible.
- 2262 D. Filling to create dry land is prohibited in floodplains except where it can be
2263 clearly demonstrated that the geo-hydraulic characteristics and floodplain storage
2264 capacity will not be altered to cause increased flood hazard or other damage to life
2265 or property in excess of accepted standards provided by state and/or federal
2266 agencies.
- 2267 E. Fills are prohibited in floodways, except when approved by conditional use permit
2268 and where required in conjunction with a proposed water-dependent or other use,
2269 as specified in Section 14.15.230(B).
- 2270 F. Fills shall be permitted only when it is demonstrated that the proposed action will
2271 not:
- 2272 1. Result in significant damage to water quality or fish and wildlife habitat;
2273 2. Adversely affect natural drainage and circulation patterns or significantly
2274 reduce flood water capacities;
2275 3. Affect slope stability; or
2276 4. Otherwise damage shoreline or aquatic resources.
- 2277 G. Placing fill in water bodies or wetlands to create usable land for shoreline
2278 development is prohibited.
- 2279

- 2280 H. Fills shall be designed, constructed, and maintained to prevent, minimize, and
2281 control all material movement, erosion, and sedimentation from the affected area.
2282 Perimeters of permitted fill projects shall be designed and constructed with silt
2283 curtains, vegetated buffer areas, or other methods, and shall be adequately sloped
2284 to prevent erosion and sedimentation both during initial fill activities and
2285 afterwards. Such containment practices shall occur during the first growing
2286 season following completion of the fill and shall be maintained until self-
2287 sustaining. The design shall incorporate natural-appearing and self-sustaining
2288 control methods unless they can be demonstrated to be infeasible due to existing
2289 environmental conditions such as currents and weather.
- 2290 I. Fill materials shall be sand, gravel, rock, soil, or similar materials. Use of
2291 polluted dredge spoils, solid waste, and sanitary landfill materials is prohibited.
- 2292 J. Fills shall be designed to allow surface water penetration into ground water
2293 supplies where such conditions existed prior to fill. Fills shall not be permitted in
2294 designated aquifer recharge areas if they would have the effect of preventing
2295 percolation of the water.
- 2296 K. The timing of fill construction shall be regulated to result in no net loss of
2297 shoreline ecological functions, including water quality and aquatic life.
- 2298 L. Fill on dry land shall not result in substantial changes to patterns of surface water
2299 drainage from the project site and onto adjacent properties; within shoreline areas;
2300 into aquatic areas; or onto steep slopes or other erosion hazard areas.
- 2301 M. All fill is prohibited except the minimum amount required for existing permitted
2302 or proposed allowed uses.
- 2303 N. All permitted fill shall require a conditional use permit or substantial development
2304 permit depending on the shoreline designation.

2305 **14.15.240 Forest Management**

- 2306 A. Forest management includes all practices related to the growing, harvesting, or
2307 processing of timber as defined in RCW 76.09.020.11. Forest management
2308 activities on private timberland in the shoreline jurisdiction shall be governed by
2309 the following state regulatory laws as amended:
 - 2310 1. Forest Practices Act RCW 76.09;
 - 2311 2. Stewardship of Nonindustrial Forests and Woodlands RCW 76.13;
 - 2312 3. Forest and Fish Law.
- 2313 B. All forest practices in the shorelines in Okanogan County shall be conducted as to
2314 assure no net loss of ecological function.
- 2315 C. Buffer widths for forest management activities in all shoreline jurisdictions shall
2316 be consistent with WAC 222-30-22 as amended.

- 2317 D. Forest practice conversions and other Class IV-General forest practices where
2318 there is a likelihood of conversion to nonforest uses, shall be subject to specific
2319 use regulations in this chapter and new uses must be compatible with the
2320 shoreline designation to assure no net loss of shoreline ecological functions and
2321 shall maintain the ecological quality of the watershed's hydrologic system.

- 2322 E. With respect to timber located in shorelines of statewide significance only
2323 selective harvesting may occur and no more than thirty percent of the
2324 merchantable trees may be harvested in any ten year period of time: PROVIDED,
2325 That other timber harvesting methods may be permitted in those limited instances
2326 where the topography, soil conditions or silviculture practices necessary for
2327 regeneration render selective logging ecologically detrimental: PROVIDED
2328 FURTHER, That clear cutting of timber which is solely incidental to the
2329 preparation of land for other uses authorized by this chapter may be permitted.

- 2330 F. Lands designated as "forest lands" pursuant to RCW 36.70A.170 shall be deemed
2331 consistent with either the "natural," "rural conservancy," or "conservancy"
2332 designation.

2333 **14.15.250 Industrial Uses**

- 2334 A. Industrial developments permitted in shoreline areas are, in descending order of
2335 preference:
 - 2336 1. Water-dependent uses;
 - 2337 2. Water-related uses;
 - 2338 3. Water-enjoyment uses; and
 - 2339 4. Non-water-oriented uses

- 2340 B. New non-water-oriented industrial development shall be prohibited in all
2341 shoreline designations except when:
 - 2342 1. The use is part of a mixed-use project that includes water-dependent uses
2343 and provides a significant public benefit with respect to the Shoreline
2344 Management Act's objectives such as providing public access and
2345 ecological restoration; or
 - 2346 2. Navigability is severely limited at the proposed site; and the industrial use
2347 provides a significant public benefit with respect to the Shoreline
2348 Management Act's objectives such as providing public access and
2349 ecological restoration.
 - 2350 3. In areas designated or zoned for industrial use, non-water-oriented
2351 industrial uses may be allowed if the site is physically separated from the
2352 shoreline by another property or public right of way.

2353

- 2354 C. The Administrator shall require and use the following information in his or her
2355 review of industrial development proposals:
- 2356 1. Consistency with Okanogan County comprehensive plan and zoning;
2357 2. Specific nature of the industrial activity;
2358 3. Need for shoreline frontage;
2359 4. Provisions for public visual and/or physical access to the shoreline;
2360 5. Provisions to ensure that the development will not result in loss of
2361 shoreline functions or reduction in shoreline values;
2362 6. Measures for enhancing the relationship of the use to the shoreline,
2363 including aesthetics and landscaping; and
2364 7. The Shoreline Inventory and Characterization and accompanying maps.
- 2365 D. Where industrial development is allowed, it shall be located, designed, or
2366 constructed in a manner that assures no net loss of shoreline ecological functions
2367 and such that it does not have significant adverse impacts to other shoreline
2368 resources and values.
- 2369
- 2370 E. Industrial development shall be designed and maintained in a neat, orderly, and
2371 environmentally-compatible manner, consistent with the character and features of
2372 the surrounding area. To that end, the Administrator may, following a public
2373 hearing, adjust the project dimensions and increase required setbacks established
2374 in 14.15.120(E) and/or prescribe reasonable use-intensity and screening
2375 conditions. Need and special considerations for landscaping and buffer areas
2376 shall also be subject to review and approval.
- 2377 F. New over-water construction for industrial uses is prohibited unless it can be
2378 shown to be essential to a water-dependent industrial use.
- 2379 G. All loading and service areas shall be located on the upland (landward) side of the
2380 industrial facility or provisions shall be made to separate and screen the loading
2381 and service areas from the shoreline, unless such provisions are infeasible due to
2382 the specific nature of the water-dependent industrial use or the proposed
2383 circulation poses a safety hazard to existing traffic patterns.
- 2384 H. Industrial development on private and public lands shall consider incorporating
2385 public access as mitigation for impacts to shoreline resources and values unless
2386 public access cannot be provided in a manner that does not result in significant
2387 interference with operations or hazards to life or property, as provided in WAC
2388 173-26-221(4).
- 2389

- 2390 I. Industrial developments shall be landscaped to visually enhance the shoreline area
2391 and contribute to shoreline functions and values, using primarily native, self-
2392 sustaining vegetation. Plants from the recommended list (Appendix H) are
2393 preferred. Plants that may compromise shoreline values shall be prohibited. The
2394 permit application submittal shall identify the size, location, and species of plants
2395 that will be used.
- 2396 J. Drainage and surface runoff from industrial developments shall be controlled so
2397 that pollutants will not be carried into water bodies.

2398 **14.15.260 Mining**

- 2399 A. Mineral prospecting and placer mining are allowed subject to compliance with the
2400 current edition of the Washington State Department of Fish and Wildlife’s Gold
2401 and Fish pamphlet.
- 2402 B. All surface mining shall be conducted in strict conformance with the Washington
2403 State Surface Mining Reclamation Act, Chapter 78.44 RCW.
- 2404 C. Mining not meeting the definition of mineral prospecting or placer mining shall
2405 require a conditional use permit in the conservancy and rural resource
2406 designation.
- 2407 D. In all shoreline designations, mining shall only be allowed by Conditional Use
2408 Permit and only when the proposed mine site has been identified as a mineral land
2409 of long term commercial significance.
- 2410 E. Mining waterward of the ordinary high water mark
 - 2411 1. Mining waterward of the ordinary high-water mark shall not be permitted
2412 unless:
 - 2413 i. Removal of specified quantities of sand and gravel or other
2414 materials at specific locations will not adversely affect the
2415 natural processes of gravel transportation for the river system as
2416 a whole; and
 - 2417 ii. The mining and any associated permitted activities will not have
2418 significant adverse impacts to habitat for priority species nor
2419 cause a net loss of ecological functions of the shoreline.
 - 2420 2. The determinations required by Section 14.15.260(E)(1), above, shall be
2421 made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a) and
2422 shall be integrated with required SEPA review.

- 2424 3. In considering renewal, extension or reauthorization of gravel bar and
2425 other in-channel mining operations in locations where they have
2426 previously been conducted, local government shall require compliance
2427 with the provisions of 14.15.260(F) and 14.15.260(G) to the extent that no
2428 such review has previously been conducted.
- 2429
- 2430 4. The provisions of this section do not apply to dredging of authorized
2431 navigation channels when conducted in accordance with WAC 173-26-
2432 231 (3)(f).
- 2433 F. The Administrator shall require and use the following information in his or her
2434 review of mining proposals (except mineral prospecting and placer mining):
- 2435 1. Materials to be mined;
- 2436 2. Need for those materials;
- 2437 3. Need for shoreline location;
- 2438 4. Quantity of materials to be mined, by type;
- 2439 5. Quality of materials to be mined, by type. For certain minerals, an
2440 evaluation by a geologist licensed under the provisions of RCW 18.220
2441 may be required;
- 2442 6. Mining technique and equipment to be used;
- 2443 7. Depth of overburden and proposed depth of mining;
- 2444 8. Lateral extent and depth of total mineral deposit;
- 2445 9. Cross section diagrams indicating present and proposed elevations and/or
2446 extraction levels;
- 2447 10. Existing drainage patterns, seasonal or continuous, and proposed
2448 alterations thereof including transport and deposition of sediment and
2449 channel changes that may result;
- 2450 11. Proposed means of controlling surface runoff and preventing or
2451 minimizing erosion and sedimentation including impacts to banks on both
2452 sides of the excavation;
- 2453 12. The location and sensitivity of any affected conservation areas;
- 2454 13. Subsurface water resources and aquifer recharge areas, including origin,
2455 depth, and extent;
- 2456 14. Quality analysis of overburden, excavation materials, and tailings, with
2457 plans for storage, use, or disposition;
- 2458 15. Mining plan and scheduling, including seasonal, phasing, and daily
2459 operation schedules;
- 2460 16. Reclamation plan that meets the requirements of this master program and
2461 Chapter 78.44 RCW (for surface mining operations only);

- 2462 17. Screening, earthen berm buffering, and/or fencing plans; and
- 2463 18. Impacts to aquatic and shoreline habitat.
- 2464 G. Mining operations (except mineral prospecting and placer mining) shall be sited,
2465 designed, conducted, and completed (including reclamation) to ensure no net loss
2466 of shoreline ecological functions, including watershed-scale functions and
2467 cumulative impacts. A reclamation plan prepared by a qualified professional and
2468 providing for restoration of slope stability, water conditions, safety conditions,
2469 and, where relevant, vegetative cover shall be required for any new mining and
2470 associated activities. Meeting the “no net loss” standard shall include avoidance
2471 and mitigation of adverse impacts during the course of mining and reclamation,
2472 and shall be based on an evaluation of the final reclamation required for the site.
2473 Preference shall be given to mining proposals that result in the creation,
2474 restoration, or enhancement of habitat for priority species. The proposed
2475 subsequent use of mined property must be consistent with the provisions of the
2476 shoreline designation in which the property is located. Performance security
2477 requirements are as follows:
 - 2478 1. Surface mining operations must comply with the relevant performance
2479 security requirements of RCW 78.44.
 - 2480 2. A public or governmental agency shall not be required to post
2481 performance security.
 - 2482 3. All other approved mining operations shall be required to post
2483 performance security in an amount adequate to complete reclamation,
2484 based on an approved reclamation plan.
- 2485 H. Mining operations shall comply with all local, state, and federal water quality
2486 standards and pollution control laws. Operations shall use effective techniques to
2487 prevent or minimize surface water runoff, erosion and sedimentation; prevent
2488 reduction of natural flows; protect all shoreline areas from acidic or toxic
2489 materials; and maintain the natural drainage courses of all streams. Surface water
2490 runoff shall be impounded as necessary to prevent accelerated runoff and erosion.
- 2491 I. Overburden, mining debris, and tailings shall not be placed in water bodies or
2492 floodways and shall be stored and protected so as to prevent or minimize erosion
2493 or seepage to surface and ground waters.
- 2494 J. Precautions shall be taken to insure that stagnant or standing water especially that
2495 of a toxic or noxious nature does not develop.
- 2496 K. In no case shall mining operations impair lateral support and thereby result in
2497 earth movements extending beyond the boundaries of the site.
- 2498 L. If substantial evidence indicates that mining operations are causing, or continued
2499 operation would cause, significant and adverse impacts to water quality, habitat,
2500 or any shoreline ecological function, the Administrator shall terminate the
2501 shoreline permit for mining or impose further conditions on the mining operation

2502 to ensure no net loss of shoreline ecological functions.

2503 **14.15.270 Municipal Uses**

2504 Municipal uses are those in support of local government functions and services. For the
2505 purposes of this SMP, recreational uses and utility facilities are excluded.

2506 A. Non-water-dependent municipal uses will be permitted in shoreline areas only
2507 when no other feasible location is available.

2508 B. The Administrator shall require and use the following information in his or her
2509 review of municipal use proposals:

- 2510 1. Specific nature of the proposed activity;
- 2511 2. Need for shoreline location;
- 2512 3. Other locations considered and the reasons for choosing a shoreline site;
- 2513 4. Provisions for public visual and/or physical access to the shoreline;
- 2514 5. Provisions to ensure that the development will not result in loss of
2515 shoreline functions or reduction in shoreline values;
- 2516 6. Measures for enhancing the relationship of the use to the shoreline,
2517 including aesthetics and landscaping; and

2518

2519 7. The Shoreline Inventory and Characterization and maps developed as part
2520 of this SMP.

2521 C. Municipal uses shall be designed and maintained in a neat, orderly, and
2522 environmentally-compatible manner, consistent with the character and features of
2523 the surrounding area and result in no net loss of shoreline function. To that end,
2524 the Administrator may, following a public hearing, adjust the project dimensions
2525 and increase required setbacks established in Table 10 and/or prescribe reasonable
2526 use intensity and screening conditions. Need and special considerations for
2527 landscaping and buffer areas shall also be subject to review and approval.

2528 D. All loading and service areas shall be located on the upland (landward) side of the
2529 principal structure or provisions shall be made to separate and screen the loading
2530 and service areas from the shoreline.

2531

- 2532 E. Municipal uses shall be landscaped to visually enhance the shoreline area and
2533 contribute to shoreline functions and values, using primarily native, self-
2534 sustaining vegetation. Plants from the recommended list (Appendix H) are
2535 preferred. Plants that may compromise shoreline values shall be prohibited. The
2536 permit application submittal shall include a landscape plan identifying the size,
2537 location, and species of plants that will be used.
- 2538 F. Drainage and surface runoff from municipal uses shall be controlled so that
2539 pollutants will not be carried into water bodies.
- 2540 G. Public access facilities must be dedicated, improved, and maintained as part of
2541 any shoreline municipal use.

2542 **14.15.280 Parking**

- 2543 A. Any new parking area in a shoreline area shall directly serve an existing
2544 conforming use or authorized shoreline use.
- 2545 B. All parking shall be prohibited over water.
- 2546 C. Parking facilities shall prevent surface water runoff from contaminating water
2547 bodies, using the best available technology and best management practices,
2548 including a maintenance program to assure proper functioning over time of any
2549 storm water facilities required to comply with this regulation.
- 2550 D. New commercial parking facilities, necessary to support an authorized use, in
2551 shoreline areas shall be sited and designed to minimize visual, pedestrian, and
2552 other transportation network impacts as well as to minimize environmental impact
2553 on shoreline resources.
- 2554 E. Commercial parking facilities shall be adequately screened and landscaped along
2555 the waterward side with plants from the recommended list (Appendix H).
- 2556 F. Parking facilities that will serve more than one use, such as recreational use on
2557 weekends and commercial use on weekdays shall be allowed and preferred to
2558 single use parking facilities.
- 2559 G. Parking as a primary use shall be prohibited in all shoreline designations.

2560 **14.15.290 Public Access**

- 2561 A. Okanogan County has adopted a Recreation Plan which contains an inventory of
2562 existing and desired public access points. The Recreation Plan will be consulted
2563 when reviewing Shoreline Permits.
- 2564 B. Water-oriented development, uses, and activities shall be designed to avoid
2565 unnecessarily impairing or detracting from the public's existing legal physical
2566 access to the water and shorelines.

2567

2568 C. Non-water-oriented development, uses, and activities shall be designed to avoid
2569 impairing or detracting from the public's existing legal physical access to the
2570 water and shorelines. This regulation does not apply to exempt single-family
2571 residences.

2572 D. Shoreline permits for water oriented development that create a demand for public
2573 access in excess of that provided by the development proposal, or where existing
2574 lawful public access has been blocked or otherwise altered by reason of a
2575 proposed development then the development shall be required to provide public
2576 access provided:

2577 1. Any requirement for public access shall comply with the provisions of
2578 RCW 82.02.020, which permits public access easements that the county
2579 can demonstrate are:

2580 i. Reasonably necessary

2581 ii. as a direct result of the proposed development or plat

2582 iii. to which the dedication of land or easement is to apply

2583 **14.15.300 Utilities**

2584 A. Utilities are transmission, collection, production, or treatment facilities that are
2585 generally regional or area wide in scope and provide the primary service to a large
2586 area and may or may not be connected directly to the uses along the shoreline.
2587 Utilities include primary transmission facilities related to a hydropower and
2588 communications, and distribution or collection systems for water, sewer mains,
2589 gas and oil pipelines, and wastewater and water treatment plants. On-site utility
2590 features serving a shoreline property, such as water, sewer or gas line connections
2591 to a residence, are "accessory utilities" and shall be considered a part of the
2592 primary use and are subject to the regulations contained in 14.15.150.

2593 B. Utility development shall be located within public rights-of-ways or existing
2594 infrastructure corridors whenever possible and be coordinated with government
2595 agencies to provide for compatible multiple uses.

2596 C. Utilities shall be located and designed assure no net loss to shoreline ecological
2597 function including wetlands, marshes, bogs and other swamps; important wildlife
2598 areas; and other unique and fragile areas.

2599 D. Underwater pipelines which transport material intrinsically harmful to aquatic life
2600 or potentially injurious to water quality, including sewer lines, shall be provided
2601 with automatic shut off valves at each end of the underwater segments.

2602 E. Sites disturbed for utility installation shall be stabilized during and immediately
2603 following construction to avoid adverse impacts from erosion and shoreline
2604 ecological function, including protection of water quality using Best Management
2605 Practices. .

- 2606 F. Sites disturbed for utility installation shall be replanted using native species from
2607 the recommended list (Appendix H), with a diversity and type similar to or better
2608 than that which originally occurred on the site. Questions about appropriate
2609 diversity, plant type, and plant species shall be directed to agencies with expertise,
2610 such as the departments of Ecology and Fish and Wildlife.

- 2611 G. The placing of utility lines shall not obstruct or hinder physical or visual access to
2612 shoreline areas from public right-of-ways or public use areas. Utilities shall be
2613 placed landward of the primary structural setback requirements found in
2614 14.15.120(E). Compliance with local health district standards for the placement
2615 of onsite sewer systems shall be indicated on application drawings. If feasible,
2616 utility lines shall be placed underground. Where lines must be placed
2617 aboveground, consideration shall be given to the maintenance of trees in the
2618 vicinity of the lines, and the utility line located to eliminate the need for topping
2619 or pruning trees.

- 2620 H. Except where no other feasible alternative exists, utilities that require continued
2621 maintenance and therefore disrupt ecological processes (i.e. electrical
2622 transmission lines that require removal of undergrowth) shall not be placed in
2623 Vegetation Conservation areas (between OHWM and structure setback).

- 2624 I. Where no other feasible alternative exists or the alternative would result in
2625 unreasonable and disproportionate cost, bridges, utility lines, and other public
2626 utility and transportation structures may be allowed within the floodway. Where
2627 such structures are allowed, mitigation shall address impacted functions and
2628 processes throughout the affected water body, including effects upstream and
2629 downstream of the project site, and shall be adequate to ensure no net loss of
2630 shoreline ecological function.

2631 **14.15.310 Recreational Uses**

- 2632 A. Shoreline recreational development is given priority and is primarily related to
2633 access to, enjoyment and use of the water and shorelines of the state.

- 2634 B. State-owned shorelines are particularly adapted to providing ecological study
2635 areas and other recreational uses for the public and shall be given special
2636 consideration when developing recreational uses in shoreline areas.

- 2637 C. The location, design and operation of publicly-owned shoreline recreational
2638 developments shall be primarily related to access, enjoyment and use of the water
2639 and shorelines of the state, consistent with the comprehensive plan and recreation
2640 plan of Okanogan County. All such uses shall not result in a net loss of shoreline
2641 function.

- 2642 D. Commercial recreational development shall comply with the provisions for
2643 commercial development 14.15.210.

2644

- 2645 E. Substantial accessory use facilities, such as rest rooms, , access roads, and parking
2646 facilities in shorelines are not a preferred use and shall be allowed only as
2647 necessary to support an authorized use, and shall be set back from the ordinary
2648 high water mark as specified in the Development Standards Table 14.15.120(E),
2649 unless it can be shown that such facilities are water dependent and the planned
2650 location will not adversely affect shoreline functions. Such facilities may be
2651 linked to the shoreline by walkways.
- 2652 F. Shoreline recreational developments shall maintain, and, when feasible, enhance
2653 or restore desirable shoreline features including those that contribute to shoreline
2654 ecological functions and processes, scenic vistas, and aesthetic values. Removal
2655 of healthy native vegetation to enhance views shall be discouraged.
- 2656 G. Recreational uses shall be designed to complement their environment and
2657 surrounding land and water uses.
- 2658 H. No recreational buildings or structures shall be built over water, other than water-
2659 dependent and/or public access structures such as piers, docks, bridges,
2660 boardwalks, or viewing platforms.
- 2661 I. Each development proposal shall include a landscape plan that uses native, or
2662 native compatible self-sustaining vegetation. Removal of on-site native
2663 vegetation shall be limited to the minimum necessary for the permitted
2664 development or structures.
- 2665 J. For recreational uses such as golf courses or parklands that require the use of
2666 fertilizers, pesticides, or other chemicals, the applicant shall specify the methods
2667 that will be used to ensure that the use complies with all provisions of this master
2668 program, including preventing the chemicals from entering adjacent water bodies
2669 or wetlands. Chemical-free buffer strips may be required at the discretion of the
2670 Administrator.
- 2671 K. Recreational uses may provide facilities for non-motorized access to the
2672 shoreline, such as pedestrian and bicycle paths, where those facilities will not
2673 result in loss of shoreline ecological functions.
- 2674 L. Recreational uses shall include adequate provisions for water supply, sewage,
2675 garbage disposal, and fire protection.
- 2676 M. Recreational development shall include adequate provisions, such as screening,
2677 buffer strips, fences, and signs, to buffer adjacent private property and natural
2678 areas and protect the value and enjoyment of those sites.
- 2679 N. Trails and paths on steep slopes shall be located, designed, and maintained to
2680 protect bank stability.
- 2681 O. Recreational uses shall be consistent with Okanogan County comprehensive plan
2682 provisions and zoning regulations and the Shoreline Designation in which they

2683 are located.

2684 **14.15.320 Residential Development**

2685 A. Minimum lot size shall be regulated according to underlying zoning lot size
2686 requirements.

2687 B. Any subdivision of land must be designed, configured and developed in a manner
2688 that assures that no net loss of ecological functions results from the plat or
2689 subdivision at full build-out of all lots.

2690 C. Any subdivision of land shall prevent the need for new shoreline stabilization or
2691 flood hazard reduction measures that would cause significant impacts to other
2692 properties or public improvements or a net loss of shoreline ecological functions.

2693 D. For any subdivision of land, Okanogan County shall require and use information
2694 about the impacts of the proposed development on shoreline ecological functions,
2695 including the cumulative impacts of exempt uses and activities within the
2696 development over time, and ensure there will be no net loss of shoreline function.

2697 E. No development designed for human habitation (e.g. houseboats, floating homes
2698 or cantilever type construction) is permitted on or over water.

2699 **14.15.330 Signage**

2700 The following provisions apply to any commercial or advertising sign directing attention to a
2701 business, professional service, community, site, facility, or entertainment; and to temporary
2702 and interpretive signs. Highway, public information, and temporary signs are addressed in
2703 the Use Chart.

2704 A. All signs shall comply with applicable regulations of Okanogan County and any
2705 other applicable regulations (e.g., Scenic Vistas Act).

2706 B. Signs shall be designed and placed so that they are compatible with the aesthetic
2707 quality of the existing shoreline and adjacent land and water uses with the
2708 exception of real estate signs. Except as necessary for safe navigation, moorage,
2709 or public safety signs shall be located landward of the required building setback.

2710 C. All signs shall be located and designed to minimize interference with vistas,
2711 viewpoints, and visual access to the shoreline.

2712 D. No signs shall be placed on trees or other natural features that will permanently
2713 damage or kill tree or feature.

2714 E. Off premises and non-appurtenant signs shall not be permitted, with the following
2715 exception: temporary signs and interpretive signs related to shoreline uses and
2716 ecological functions shall be allowed where they comply with the other policies of
2717 this SMP and, in the case of temporary signs, where adequate provisions are made
2718 for timely removal.

2719 F. No sign shall have a surface area larger than 36 square feet.

2720 G. Lighting of signs shall be prohibited unless the sign is necessary for safe
2721 navigation, moorage, or public safety. On-demand lighting shall be used
2722 whenever feasible.

2723 **14.15.340 Transportation**

2724 Transportation development serving non-water dependent uses should avoid the shoreline
2725 area where possible to avert damage to shoreline ecological function. Transportation
2726 development serving water oriented and water related uses shall be considered as part of that
2727 use and subject to the following provisions:

2728 A. Plan, locate, and design proposed transportation and parking facilities where
2729 routes will have the least possible adverse effect on unique or fragile shoreline
2730 features, will not result in a net loss of shoreline ecological functions or adversely
2731 impact existing or planned water-dependent uses.

2732 1. Design of roadways through shoreline areas should occupy the least
2733 narrow horizontal profile possible to convey traffic in a safe manner
2734 measured from ditch to ditch or shoulder to shoulder (whichever is largest)
2735 to minimize the footprint of roadway.

2736 2. Storm water runoff from roadways should be contained using Best
2737 Management Practices

2738 3. De-icing, salting, and graveling of roads should be conducted in
2739 accordance with best management practices.

2740 4. Surfacing materials should not input or erode sediment into waterways.

2741 B. Transportation and parking plans and projects shall be consistent with the master
2742 program public access policies, public access plan, and environmental protection
2743 provisions.

2744 C. Circulation system planning shall include integrated corridors for pedestrian,
2745 bicycle, and public transportation where appropriate. Circulation planning and
2746 projects should support existing and proposed shoreline uses that are consistent
2747 with the master program.

2748 D. Where no other feasible alternative exists or the alternative would result in
 2749 unreasonable and disproportionate cost, bridges, utility lines, and other public
 2750 utility and transportation structures may be allowed within the floodway. Where
 2751 such structures are allowed, mitigation shall address impacted functions and
 2752 processes throughout the affected water body, including effects upstream and
 2753 downstream of the project site, and shall be adequate to ensure no net loss of
 2754 shoreline ecological function.

2755 **14.15.350 Shoreline Stabilization**

2756 A. New development shall be located and designed to avoid the need for future
 2757 shoreline stabilization to the extent feasible. New development that would require
 2758 shoreline stabilization which causes significant impacts to adjacent or down-
 2759 current properties and shoreline areas shall not be allowed.

2760 B. Emergency construction may be permitted subject to WAC 173-27-040(2)(d)
 2761 (“Developments exempt from substantial development permit requirement”),
 2762 when, as determined by Okanogan County Emergency Services or under an
 2763 Emergency Declaration by the Board of County Commissioners, life and/or
 2764 property is in danger. Emergency construction must be consistent with the
 2765 policies of chapter 90.58 RCW and this master program. Prior to emergency
 2766 construction, the landowner must agree that, upon abatement of the emergency
 2767 situation any new structure shall be removed or any permit which would have
 2768 been required, absent an emergency, pursuant to chapter 90.58 RCW, WAC 173-
 2769 27, or this master program, obtained.

2770 C. New structural stabilization measures shall not be allowed except to protect an
 2771 existing primary structure or for the restoration of ecological functions except
 2772 when all of the conditions below apply:

2773 i. New or enlarged structural shoreline stabilization measures for an existing
 2774 primary structure, including residences, shall not be allowed unless there
 2775 is conclusive evidence, documented by a geotechnical analysis that the
 2776 structure is in danger from shoreline erosion caused by tidal action,
 2777 currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline
 2778 erosion itself, without a scientific or geotechnical analysis, is not
 2779 demonstration of need. The geotechnical analysis shall evaluate on-site
 2780 drainage issues and address drainage problems away from the shoreline
 2781 edge before considering structural shoreline stabilization;

2782 ii. Nonstructural measures, planting vegetation or installing on-site drainage
 2783 improvements are not feasible or not sufficient;

2784 iii. The erosion control structure will not result in a net loss of shoreline
 2785 ecological functions.

2786 D. Use of shoreline stabilization measures to create usable land is prohibited
 2787 including creation of new lots that will require shoreline stabilization in order to
 2788 allow development.

2789

- 2790 E. New non-water-dependent development, including exempt and non-exempt
2791 single-family residences, that include structural shoreline stabilization shall not be
2792 allowed unless all of the following conditions apply:
- 2793 1. The need for shoreline stabilization is to protect the development from
2794 destruction due to erosion caused by natural processes, such as currents
2795 and waves; This is demonstrated through a geotechnical report; and
 - 2796 2. The erosion is not being caused by upland conditions, such as drainage
2797 and the loss of vegetation; and
 - 2798 3. Non-structural measures (such as placing the development farther from the
2799 shoreline), vegetative methods, or installing on-site drainage, are not
2800 feasible or not sufficient; and
 - 2801 4. The stabilization will not result in a net loss of shoreline ecological
2802 functions.
- 2803 F. An existing shoreline stabilization structure may be replaced with a similar
2804 structure if there is a demonstrated need to protect principal uses or structures
2805 from erosion caused by currents or waves.
- 2806 1. The replacement structure should be designed, located, sized, and
2807 constructed to assure no net loss of ecological functions.
 - 2808 2. Replacement walls or bulkheads shall not encroach waterward of the
2809 ordinary high-water mark or existing structure unless the residence was
2810 occupied prior to January 1, 1992, and there is overriding safety or
2811 environmental concerns. In such cases, the replacement structure shall
2812 abut the existing shoreline stabilization structure.
 - 2813 3. Soft shoreline stabilization measures that provide restoration of shoreline
2814 ecological functions may be permitted waterward of the ordinary high-
2815 water mark.
 - 2816 4. For purposes of this section standards on shoreline stabilization measures,
2817 "replacement" means the construction of a new structure to perform a
2818 shoreline stabilization function of an existing structure which can no
2819 longer adequately serve its purpose. Additions to or increases in size of
2820 existing shoreline stabilization measures shall be considered new
2821 structures.
- 2822 G. A geotechnical report prepared to address the need to prevent potential damage to
2823 a primary structure when required shall address standards for a habitat
2824 management report for geologically hazardous areas.
- 2825 H. Geotechnical reports that address the need to prevent potential damage to a
2826 primary structure when required shall address the necessity for shoreline
2827 stabilization by estimating time frames and rates of erosion and report on the
2828 urgency associated with the specific situation.

2829

- 2830 I. As a general matter hard armoring solutions shall not be authorized except when a
2831 geotechnical report confirms that there is a significant possibility that the primary
2832 structure will be damaged within three years as a result of shoreline erosion in the
2833 absence of hard armoring measures, or where waiting until the need is that
2834 immediate, would foreclose the opportunity to use measures that avoid impacts on
2835 ecological functions. Where the geotechnical report confirms a need to prevent
2836 potential damage to a primary structure, but the need is not as immediate as the
2837 three years, the report may still be used to justify more immediate authorization to
2838 protect against erosion using soft measures.
- 2839 J. Shoreline stabilization shall not be allowed for new uses if it would cause a net
2840 loss of shoreline ecological functions on the site, or within the watershed; or if it
2841 would cause significant ecological impacts to adjacent properties or shoreline
2842 areas. Those impacts include accelerated erosion of adjacent properties caused by
2843 the stabilization measures.
- 2844 K. New uses, including exempt uses, in areas above unstable slopes and moderately
2845 unstable slopes shall be set back sufficiently to ensure that shoreline stabilization
2846 will not be needed during the life of the structure, as demonstrated by a
2847 geotechnical analysis if required by the Administrator.
- 2848 L. Where structural shoreline stabilization measures are shown to be necessary, the
2849 extent of the stabilization measures shall be limited to the minimum necessary.
- 2850 M. Stabilization measures shall be designed to minimize harm to and as much as
2851 possible restore ecological functions. Lost functions shall be mitigated to ensure
2852 no net loss of shoreline ecological functions. Soft approaches shall be used unless
2853 demonstrated to be insufficient to protect the primary structure or structures.
- 2854 N. Where stabilization is necessary to alleviate erosion caused by removal of
2855 vegetation, vegetative stabilization measures shall be the only stabilization
2856 measures allowed. See Section 14.15.130.
- 2857 O. Where feasible, ecological restoration and public access improvements shall be
2858 incorporated into public projects. Publicly financed or subsidized shoreline
2859 erosion control measures shall not restrict appropriate public access to the
2860 shoreline, except where such access is determined to be infeasible because of
2861 incompatible uses, safety, security, or harm to ecological functions.
- 2862 P. All applicable federal, state, and local permits shall be obtained and complied
2863 with in the construction of shoreline stabilization measures. All permits must be
2864 issued before any stabilization work takes place.
- 2865 Q. Dikes/levees, breakwaters, groins and jetties shall require a conditional use
2866 permit.

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

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

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14.15.360 Table 12: Use and Activity Table

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

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A = Allowed – requires exemption⁹; or, Substantial Development depending on fair market value and/or intensity of use or activity, or designation-specific requirements

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SDP = Shoreline Substantial Development Permit required.
SCUP = Shoreline Conditional Use Permit required.

2890

X = Prohibited use

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S = Same as in adjacent shoreline designation landward of the OHWM (applicable to areas designated Aquatic only)

2893

N/A = Not Applicable

2894

(-) = Subject to limitations.

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(+) = Subject to conditions.

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(*) = Subject to exceptions.

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(a) In the event that there is a conflict between the use(s) identified in Table 12 and the policies or regulations in this Shoreline Master Program, the policies and regulations shall apply.

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(b) Aquatic: Water-dependent use only, subject to the use and development regulations of the abutting upland shoreline area designation.

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⁹ - Exempt uses and activities are defined by statute, see definitions in 14.15.090.

2907 **TABLE 12 SHORELINE USE & ACTIVITY TABLE**
 2908 **Table 12 Use and Activity Chart^(a)**

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

Uses and Activities	Aquatic^(b)	Natural	Conservancy	Rural	Urban Conservancy	Shoreline Residential
Floats	S	A	A	A	A	A
<i>Mining</i>						
Surface Mining	S	X	SCUP	SCUP	X	X
Other Mining	S	X	SCUP	SCUP	X	X
Mineral Prospecting and Placer Mining	A	A	A	A	A	A
<i>Outdoor Advertising, Signs and Billboards</i>						
Commercial Signs	X	X	SDP	SDP	SDP	SDP
Public Highway, Safety, Directional and Informational Signs	SCUP	A	A	A	A	A
<i>Residential</i>						
Exempt single family dwellings ¹⁰	X	SCUP	A	A	A	A
Non-exempt single family dwellings (e.g. seasonal or year round rentals)	X	SCUP	SDP	SDP	SDP	SDP
Multi-family	X	SCUP	SCUP	A	SDP	A
<i>Utilities</i>						
Primary	SDP	SDP	SDP	SDP	SDP	SDP
Accessory	A	A	A	A	A	A
<i>Industry</i>						
Water-dependent	SCUP	SCUP	SDP	SDP	SDP	SDP
Water-related	X	X	SDP	SDP	SDP	SDP
Non-water Oriented	X	X	SCUP	SCUP	SCUP	SCUP
<i>Shoreline Modifications</i>						
Dikes/levees	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Breakwaters, groins and jetties	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Dredging and Material Disposal ¹¹	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Filling ¹²	SCUP	SCUP	SDP	SDP	SDP	SDP

¹⁰ RCW 90.58.030(3)(e)(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or Okanogan County, other than requirements imposed pursuant to this chapter

¹¹ All dredging shall be the minimum required to support an existing permitted or proposed allowed use and shall be subject to a conditional use permit.

Uses and Activities	Aquatic ^(b)	Natural	Conservancy	Rural	Urban Conservancy	Shoreline Residential
Clearing and Grading ¹³	X	SDP	SDP	SDP	SDP	SDP
Bulkheads and revetments	SDP	SDP	SDP	SDP	SDP	SDP
Shoreline Stabilization						
Hardening, Structural approaches	SDP	SDP	SDP	SDP	SDP	SDP
Bioengineering approaches	SDP	SDP	SDP	SDP	SDP	SDP
Shoreline Restoration and Enhancement ¹⁴	S	A	A	A	A	A
Transportation						
Railroads	S	SDP	SDP	SDP	SDP	SDP
Roads	S	SDP	SDP	SDP	SDP	SDP
Archaeological, Cultural, Educational, Historic and Scientific Resources						
Archaeological Areas, Scientific, Educational and Historic Sites	A	A	A	A	A	A
Recreation						
High Intensity	S	SCUP	SDP	A	A	A
Low Intensity / Passive	S	SDP	A	A	A	A

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¹² All fill is ONLY ALLOWED TO the minimum amount NECESSARY for existing permitted or proposed allowed uses which may require a SUBSTANTIAL DEVELOPMENT permit.

¹³ Clearing and grading that is not part of an allowed and permitted shoreline use shall require a conditional use permit except on properties physically separated from the shoreline by another property or public right of way.

¹⁴ Restoration and enhancement projects may require a Substantial Development Permit.

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2912 **Article IV Shoreline Designation Regulations**

2913 **14.15.370 Aquatic Designation**

2914

A. Purpose

2915

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

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B. Classification Criteria

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All shoreline areas waterward of the OHWM of rivers, lakes and streams shall be designated “Aquatic.”

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C. Permitted Uses

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1. Uses in the Aquatic Designation shall be subject to the requirements and limitations on uses in the adjoining upland and shall be devoted to serve the upland use or restoration and improvement of habitat, recreation , or hydraulic function

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D. Prohibited Uses

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The following uses are prohibited:

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1. Agriculture

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2. Forest Management

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3. Non-water dependent, water-related/water-enjoyment Commercial uses

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4. Non-water dependent, water-related Industrial uses

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5. Clearing and grading

2932 **14.15.380 Conservancy Designation**

2933

A. Purpose

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The purpose of the Conservancy Environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas and provide recreational opportunities on public lands and properties that are bound by a recorded conservancy easement in a trust or governmental control limiting potential uses on the site for environmental and stewardship purposes.

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B. Classification Criteria

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

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

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- 2949 3. The shoreline is either currently supporting lesser-intensity resource-based
2950 uses, such as agriculture, forestry, or recreational uses, or is designated
2951 agricultural or forest lands pursuant to RCW 36.70A.170; or of high
2952 recreational value or with unique historic or cultural resources.

2953 **C. Permitted Uses**

2954 The following uses may be permitted subject to the applicable policies and
2955 regulations of this Program:

- 2956
- 2957 1. Accessory utilities serving permitted uses are allowed subject to a
2958 substantial development permit.
 - 2959 2. Agriculture shall be limited to those practices which do not require
2960 extensive alteration of the physical characteristics of the shoreline area.
 - 2961 3. Grazing and watering of livestock is allowed.
 - 2962 4. Those agricultural practices are permitted which are in effect at the time of
2963 the adoption of this ordinance.
 - 2964 5. Agricultural structures are permitted.
 - 2965 6. Conversion from non-agricultural land to agricultural land use.
 - 2966 7. All aquaculture upland development and uses shall be permitted only if in
2967 compliance with the other applicable sections of this SMP.
 - 2968 8. Forest management
 - 2969 9. Docks
 - 2970 10. Piers
 - 2971 11. Covered Moorage
 - 2972 12. Commercial Wet Moorage
 - 2973 13. Mooring buoys/floatplane moorage accessory to permitted moorage.
 - 2974 14. Floats
 - 2975 15. Mineral prospecting and placer mining.
 - 2976 16. Water-oriented, water-related and water-dependent recreational uses shall
2977 require a substantial development permit and are subject to the
2978 development standards set forth in 14.15.120(E).
 - 2979 17. Commercial and public highway, safety, directional and informational
2980 signs.
 - 2981 18. Water-dependent and water-related/water-enjoyment commercial uses
2982 shall require a substantial development permit.
 - 2983 19. Public and commercial boat launch ramps
 - 2984 20. Primary utilities
 - 2985 21. Water Dependent Industrial uses

- 2986 22. Roads
- 2987 23. Railroads
- 2988 24. Exempt and non-exempt single family dwellings.
- 2989 25. Accessory utilities
- 2990 26. Filing
- 2991 27. Clearing and grading
- 2992 28. Bulkheads
- 2993 29. Bioengineering shoreline stabilization
- 2994 30. Hard shoreline stabilization approaches shall require a Substantial
- 2995 Development Permit.
- 2996 31. High and Low Intensity recreational uses.
- 2997 32. Shoreline restoration and enhancement
- 2998 33. Residential Development
- 2999 a. Residential Development is permitted as specifically reserved in
- 3000 conservation easement documents. On lands that do not contain
- 3001 a conservation easement, residential development is allowed. In
- 3002 such limited instances, no subdivided lot that is in the shoreline
- 3003 shall be less than five acres in size and its width is not less than
- 3004 50% of its length (and not less than 200 feet) and all impervious
- 3005 surfaces shall be not less than 100 feet from the shoreline and no
- 3006 more than 10% of the native vegetation is removed from the
- 3007 setback area for access and use and all stormwater from
- 3008 impervious or developed areas is captured and treated prior to
- 3009 discharge to the adjoining waters. Where proposed development
- 3010 intrudes into any of the setback areas the application shall be
- 3011 accompanied by a report identifying environmental conditions
- 3012 served by the native vegetation to be removed and how no net
- 3013 loss is to be achieve.
- 3014 b. Where residential development on existing lots of record less
- 3015 than that provided in subsection 5 above is permitted where
- 3016 clearing and setback limits can be achieved and the development
- 3017 can demonstrate no net loss as defined herein. Where proposed
- 3018 development intrudes into any of the setback areas the
- 3019 application shall be accompanied by a report identifying
- 3020 environmental conditions served by the native vegetation to be
- 3021 removed and how no net loss is to be achieve.
- 3022
- 3023 D. Conditional Uses
- 3024 The following may be permitted as conditional uses subject to the applicable
- 3025 policies and regulations of this Program:
- 3026 1. Surface and other mining

- 3027 2. Multi-family residential development
- 3028 3. Dikes/levees
- 3029 4. Breakwaters, groins, and jetties
- 3030 5. Dredging and material disposal.
- 3031 6. Water Related and Non-Water Oriented Industrial uses shall require a
- 3032 conditional use permit.

3033

3034 E. Prohibited Uses

3035 The following uses are prohibited:

- 3036 1. Feed lots and animal feeding operations
- 3037 2. Non-water oriented commercial development
- 3038 3. Marinas
- 3039 4. Boat lifts
- 3040 5. Commercial boat launch ramps
- 3041 6. Commercial dry boat storage
- 3042 7. Private boat launch ramps

3043 **14.15.390 Natural Designation**

3044 A. Purpose

3045 The purpose of the Natural Designation is to protect those shoreline areas that are
 3046 relatively free of human influence or that include intact or minimally degraded
 3047 shoreline functions intolerant of human use. These systems require that only very
 3048 low intensity uses be allowed in order to maintain the ecological functions and
 3049 ecosystem-wide processes. Consistent with the policies of the designation,
 3050 Okanogan County should include planning for restoration of degraded shorelines
 3051 within this environment.

3052

3053 B. Classification Criteria

- 3054 1. The shoreline is ecologically intact and therefore currently performing an
- 3055 important, irreplaceable function or ecosystem-wide process that could be
- 3056 damaged by development over time;
- 3057 2. The shoreline is considered to represent ecosystems and geologic types
- 3058 that are of particular scientific and educational interest or are rare or
- 3059 fragile (for instance, an outcropping that contains fragile plant
- 3060 communities); or
- 3061 3. The shoreline is unable to support new development or uses without
- 3062 significant adverse impacts to ecological functions or risk to human safety.

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C. Permitted Uses

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

1. Agriculture shall be limited to those practices which do not require extensive alteration of the physical characteristics of the shoreline area.
2. Grazing and watering of livestock is allowed.
3. Those agricultural practices are permitted which are in effect at the time of the adoption of this ordinance.
4. Agricultural Structures are permitted.
5. Conversion from non-agricultural land to agricultural land use.
6. Aquaculture small accessory structures (not greater than 64 sq. feet) shall be allowed as a water-related structure, located no closer than the setback required in 14.15.120(E).
7. All other aquaculture upland development and uses shall be permitted only if in compliance with the other applicable sections of this SMP.
8. Archaeological, Cultural, Educational, Historic and Scientific uses are allowed with a substantial development permit.
9. Mooring buoys/float plane moorage accessory to permitted moorage
10. Floats
11. Public and commercial boat launch ramps.
12. Clearing and grading
13. Bulkheads
14. Bioengineering and hardening shoreline stabilization
15. Shoreline restoration and enhancement
16. Accessory utilities serving permitted uses are allowed.
17. Primary utilities
18. Roads
19. Railroads
20. Mineral prospecting and placer mining
21. Low Intensity/passive recreational uses
22. Public Highway, safety, directional and informational signs

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23. Residential Development

- c. Residential development or subdivision shall require the minimum lot size of the underlying zoning, with the width not less than 50% of the length and not less than 500 feet to maintain shoreline integrity. All development shall be set back more than 150 feet (except trails to access the water). Where existing native vegetation removal is limited to less than 10% of the setback area, with all stormwater captured and treated prior to entry into the adjacent stream or lake the no-net-loss standard is assumed to have been met. Where proposed development intrudes into any of the setback areas the application shall be accompanied by a report identifying environmental conditions served by the native vegetation to be removed and how no net loss is to be achieve.

- d. Residential Development is permitted on a legal lot of record that does not conform to the minimum standards but which can be developed without impacts to the shoreline ecological functions which would change the characteristics which led to the Natural designation. Where proposed development intrudes into any of the setback areas the application shall be accompanied by a report identifying environmental conditions served by the native vegetation to be removed and how no net loss is to be achieve.

D. Conditional Uses

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

1. Agricultural Structures are permitted.
2. High intensity recreational uses
3. Forest management
4. Industrial uses
5. Single family dwelling
6. Multi-family dwellings
7. Dikes/levees
8. Breakwaters, groins and jetties
9. Dredging and material disposal
10. Filing

- 3134 E. Prohibited Uses
- 3135 The following uses are prohibited:
- 3136 1. Feed lots and animal feeding operations
- 3137 2. Marinas
- 3138 3. Moorage facilities
- 3139 4. Covered moorage (e.g., boat garages)
- 3140 5. Commercial wet moorage
- 3141 6. Commercial dry boat storage
- 3142 7. Boat lifts
- 3143 8. Private boat launch ramps
- 3144 9. Mining is prohibited
- 3145 10. commercial development
- 3146 11. industrial development
- 3147 12. Parking as a primary use
- 3148 13. Piers and docks
- 3149 14. Commercial signs

14.15.400 Rural Designation

- 3150
- 3151 A. Purpose
- 3152 The purpose of the Rural Designation is an area where there exists land capable of
- 3153 supporting cultivated and irrigated agriculture with associated activities as well as
- 3154 low intensity residential development and recreational uses.
- 3155 B. Classification Criteria
- 3156 1. Shoreline areas outside incorporated municipalities and outside city
- 3157 expansion areas, where any of the following characteristics apply:
- 3158 2. The shoreline is currently accommodating agricultural and/or residential
- 3159 uses or is planned for such use and is outside any incorporated city, town,
- 3160 or city expansion areas; or
- 3161 3. The shoreline is presently supporting human uses and has few
- 3162 environmental limitations
- 3163 C. Permitted Uses
- 3164 The following uses may be permitted subject to the applicable policies and
- 3165 regulations of this Program:
- 3166 1. Accessory utilities serving permitted uses are allowed.
- 3167 2. All types of agricultural activities are allowed.
- 3168
- 3169

- 3170 3. Animal feedlots are permitted provided:
 - 3171 a. Applicable state (Chapter 90.48 RCW) and federal regulations
 - 3172 (EPA) for CAFOs and AFOs are met.
 - 3173 b. There exists a minimum of the required Zone 1 and Zone 2
 - 3174 buffer or 100 feet (no buffer reduction allowed for this use) of
 - 3175 vegetated area between the lot and the ordinary high water mark.
- 3176 4. Conversion of non-agricultural lands to agriculture uses and activities
- 3177 shall require a substantial development permit.
- 3178 5. Agricultural structures are permitted.
- 3179 6. All aquaculture uses require a shoreline substantial development permit.
- 3180 7. Archaeological, Cultural, Educational, Historic and Scientific uses
- 3181 8. Forest management activities
- 3182 9. Public and commercial boat launch ramps are allowed subject to a
- 3183 substantial development permit
- 3184 10. Moorage buoys/float plan moorage accessory to permitted moorage
- 3185 11. High intensity and low intensity recreational uses
- 3186 12. All outdoor advertising, signs and billboards
- 3187 13. Water-dependent and water-related/water-enjoyment commercial
- 3188 development shall be allowed subject to a substantial development permit
- 3189 and the development standards set forth in 14.15.120(E).
- 3190 14. Mineral prospecting and placer mining
- 3191 15. High intensity recreational uses shall require a substantial development
- 3192 permit and are subject to the development standards set forth in
- 3193 14.15.120(E).
- 3194 16. Commercial and public highway, safety, directional and informational
- 3195 signs
- 3196 17. Bioengineering and Hard shoreline stabilization approaches shall require a
- 3197 substantial development permit.
- 3198 18. All residential uses
- 3199 19. Marinas
- 3200 20. Piers
- 3201 21. Docks
- 3202 22. Floats
- 3203 23. Covered moorage
- 3204 24. Commercial wet moorage
- 3205 25. Filling

- 3206 26. Clearing and grading
- 3207 27. Bulkheads
- 3208 28. Shoreline restoration and enhancement
- 3209 29. Roads
- 3210 30. Railroads
- 3211 31. Primary utilities
- 3212 32. Water Dependent Industrial Development
- 3213 33. Residential Development
 - 3214 a. Residential development and subdivision shall be permitted in
 - 3215 Rural areas subject to the underlying zoning limitations, provided
 - 3216 , the width of which is not less than 50% of its length nor less
 - 3217 than 100 feet, with all impervious surfaces set back not less than
 - 3218 50 feet from OHM and all stormwater from impervious surfaces
 - 3219 shall be captured and infiltrated or treated prior to any discharge
 - 3220 to a County ditch or water body.
 - 3221 b. All septic, parking, and utility facilities not directly tied to the
 - 3222 building shall be located no closer than 100 feet from the line of
 - 3223 ordinary high water.

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D. Conditional Uses

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

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- 1. Industrial development shall be allowed by conditional use permit subject to the provisions of 14.15.250 and the development standards set forth in 14.15.120(E).

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- 2. Boat lifts

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- 3. Mining shall be allowed subject to a Conditional Use Permit.

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- 4. Mining shall be allowed subject to a Conditional Use Permit.

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- 5. Primary utilities

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E. Prohibited Uses

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The following uses are prohibited:

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- 1. Private boat launch ramps

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- 2. Non-water oriented commercial development

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- 3. Commercial dry boat storage

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14.15.410 Shoreline Residential Designation

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A. Purpose

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The purpose of the Shoreline Residential Designation is to accommodate residential development outside of existing cities consisting of the infill,

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development, or redevelopment of existing commercial, industrial, residential, or

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3245 mixed-use areas, whether characterized as shoreline development, villages,
3246 hamlets, rural activity centers, or crossroads developments that are at a density or
3247 intensity greater than allowed in rural areas.

3248 B. Classification Criteria

3249 Assigned to shoreline areas outside incorporated municipalities that support a
3250 predominance of single-family residential development with some duplex and
3251 multi-family, are platted for residential development, or are planned for
3252 residential development at or exceeding 1 dwelling unit per acre.

3253 C. Permitted Uses

3254 The following uses may be permitted subject to the applicable policies and
3255 regulations of this Program:

- 3256 1. Accessory utilities serving permitted uses are allowed
- 3257 2. Primary utilities are allowed subject to a substantial development permit.
- 3258 3. All types of agricultural activities are allowed.
- 3259 4. Archaeological, Cultural, Educational, Historic and Scientific uses are
3260 allowed with a substantial development permit in all shoreline
3261 designations.
- 3262 5. Forest management
- 3263 6. Moorage facilities shall be allowed subject to a shoreline substantial
3264 development permit.
- 3265 7. Mooring buoys/float plane moorage shall be allowed subject to a shoreline
3266 substantial development permit.
- 3267 8. Floats shall be allowed
- 3268 9. Boat lifts are allowed subject to a shoreline substantial development
3269 permit.
- 3270 10. Public and commercial boat launch ramps are allowed subject to a
3271 shoreline substantial development permit.
- 3272
- 3273 11. Water-dependent and Water-related/water-enjoyment commercial
3274 development is allowed with a substantial development permit provided
3275 such development is consistent with local zoning regulations or directly
3276 related to an existing conforming or permitted agricultural, recreational or
3277 residential use and be subject to the development standards set forth in
3278 section 14.15.120(E).
- 3279 12. Water-dependent and water-related industrial development is allowed with
3280 a substantial development permit subject to the provisions of section
3281 14.15.250 and the development standards set forth in 14.15.120(E).
- 3282 13. Mineral Prospecting and placer mining are allowed
- 3283 14. High intensity recreational uses are allowed.

- 3284 15. Low intensity recreational uses.
- 3285 16. Subdivision of land shall be subject to a substantial development permit.
- 3286 17. Commercial and public highway, safety, directional and informational
- 3287 signs
- 3288 18. Bioengineering and Hard shoreline stabilization approaches shall require a
- 3289 substantial development permit.
- 3290 19. Marinas
- 3291 20. Piers
- 3292 21. Docks
- 3293 22. Covered moorage
- 3294 23. Commercial wet moorage
- 3295 24. Residential development
 - 3296 a. Minimum lot size: Underlying Zoning will determine lot size.
 - 3297 All new drainfields shall be 100 feet or more from the OHWM.
 - 3298 b. No residential structure shall be constructed over 35 feet in
 - 3299 height. No commercial structure shall be constructed over 35 feet
 - 3300 in height if it would block the views of a significant number of
 - 3301 residential properties an adjoining properties.
 - 3302 c. Minimum lot size for multiple family dwelling units shall be
 - 3303 determined by underlying zoning.
 - 3304 d. Construction shall comply with all applicable building, electrical
 - 3305 and plumbing codes.
 - 3306
- 3307 25. Filling
- 3308 26. Clearing and grading
- 3309 27. Bulkheads
- 3310 28. Shoreline restoration and enhancement
- 3311 29. Roads
- 3312 30. Railroads
- 3313

- 3314 D. Conditional Uses
- 3315 The following may be permitted as conditional uses subject to the applicable
- 3316 policies and regulations of this Program:
 - 3317 1. Dikes/levees
 - 3318 2. Breakwaters, groins, and jetties
 - 3319 3. Dredging and material disposal

3320 4. Non-water oriented industrial development

3321 E. Prohibited Uses

3322 The following uses are prohibited:

3323 1. Feedlots

3324 2. Aquaculture

3325 3. Non-water oriented commercial development

3326 4. Commercial dry boat storage

3327 5. Private boat launch ramps

3328 6. Parking as a primary use

3329 7. Mining

3330 **14.15.420 Urban Conservancy Designation**

3331 A. Purpose

3332 Protect and restore ecological functions of open space, floodplains, and other
3333 sensitive lands within incorporated municipalities or City Expansion Areas, while
3334 allowing a variety of compatible uses.

3335 B. Classification Criteria

3336 1. Areas within City expansion areas that are suitable and planned primarily
3337 for public development that is compatible with maintaining or restoring
3338 the ecological functions of the area, and are not generally suitable for
3339 water-dependent uses, if any of the following characteristics apply:

3340 a. They are suitable for water-related or water-enjoyment uses;

3341 b. They are publically-owned open space, flood plain or other
3342 sensitive areas that may be suited for low levels of development
3343 associated with water-related or water-enjoyment uses but are
3344 unsuitable for high intensity development;

3345 c. They have potential for ecological restoration; or

3346 d. They retain important ecological functions (such as riparian or
3347 wetland habitat, buffers, storm water and wastewater abatement,
3348 and open space) even though partially developed.

3349 C. Permitted Uses

3350 The following uses may be permitted subject to the applicable policies and
3351 regulations of this Program:

3352 1. Accessory utilities serving permitted uses

3353 2. All types of agricultural activities

3354 3. Agricultural structures are permitted.

3355 4. All aquaculture uses require a shoreline substantial development permit.

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- 3358 5. Archaeological, Cultural, Educational, Historic and Scientific uses are
3359 allowed with a substantial development permit in all shoreline
3360 designations.
- 3361 6. Forest management uses require a shoreline substantial development
3362 permit.
- 3363 7. Public and commercial boat launch ramps
- 3364 8. Water-dependent and Water-related/water-enjoyment commercial
3365 development is allowed with a substantial development permit provided
3366 such development is consistent with zoning regulations or directly related
3367 to an existing conforming or permitted agricultural, recreational or
3368 residential use and be subject to the development standards set forth in
3369 section 14.15.120(E).
- 3370 9. Water-dependent and water-related industrial development is allowed with
3371 a substantial development permit subject to the provisions of section
3372 14.15.250 and the development standards set forth in 14.15.120(E).
- 3373 10. Mineral prospecting and placer mining are allowed
- 3374 11. Marinas
- 3375 12. Piers
- 3376 13. Docks
- 3377 14. Covered moorage
- 3378 15. Commercial wet moorage
- 3379 16. Mooring buoys/float plane moorage accessory to permitted moorage
- 3380 17. Floats
- 3381 18. High intensity recreational uses are allowed with a substantial
3382 development permit and are subject to the development standards set forth
3383 in 14.15.120(E).
- 3384 19. Low intensity recreational uses are allowed
- 3385 20. Commercial and public highway, safety, directional and informational
3386 signs are allowed subject to the provisions of 14.15.330.
- 3387 21. Residential development is allowed non-exempt single family and multi-
3388 family dwellings are allowed with a substantial development permit.
- 3389 22. Filling
- 3390 23. Clearing and grading
- 3391 24. Bulkheads
- 3392 25. Bioengineering and Hard shoreline stabilization approaches shall require a
3393 substantial development permit.
- 3394 26. Shoreline restoration and enhancement

- 3395 27. Roads
- 3396 28. Railroads
- 3397 29.
- 3398 30. Primary utilities
- 3399 D. Conditional Uses
- 3400 The following may be permitted as conditional uses subject to the applicable
- 3401 policies and regulations of this Program:
- 3402 1. Non water oriented industrial development
- 3403 2. Dikes/levees
- 3404 3. Breakwaters, groins and jetties
- 3405 4. Dredging and material disposal
- 3406 E. Prohibited Uses
- 3407 The following uses are prohibited:
- 3408 1. Feedlots
- 3409 2. Non-water oriented commercial development
- 3410 3. Private boat launch ramps
- 3411 4. Mining
- 3412 5. Parking as a primary use

3413 **Article V Administration**

3414 **14.15.430 Minimum Application Requirements**

- 3415 A. A complete application for a substantial development, conditional use, or variance
- 3416 permit shall contain, at a minimum, the following information; provided that the
- 3417 Administrator may vary or waive these requirements according to administrative
- 3418 application requirements and may vary or waive these requirements on a case-by-
- 3419 case basis. The Administrator may require additional specific information
- 3420 depending on the nature of the proposal and the presence of sensitive ecological
- 3421 features or issues related to compliance with other county requirements.
- 3422 1. Applicant/Proponent Information
- 3423 a. The name, address and phone number of the applicant/proponent,
- 3424 applicant's representative, agent on behalf of the owner, and /or
- 3425 property owner if different from the applicant/proponent.
- 3426 b. The applicant/proponent should be the owner of the property or
- 3427 an authorized agent. A landowner/agent consent form will be
- 3428 required with the application.

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2. Property Information

- a. The property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
 - b. Identification of the name of the shoreline (water body) that the site of the proposal is associated with and the shoreline designation.
 - c. A general description of the property as now exists including its use, physical and ecological characteristics, existing improvements and existing structures.
 - d. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
 - e. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
3. A site plan identifying existing conditions consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information, that shall include:
- a. The boundary of the parcel(s) of land upon which the development is proposed. A survey may be required where substantial questions exist regarding the location of property lines or other important features.
 - b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

- 3468 c. Existing and proposed land contours. The contours shall be at
3469 intervals sufficient to accurately determine the existing character
3470 of the property and the extent of proposed change to the land that
3471 is necessary for the development. Areas within the boundary that
3472 will not be altered by the development may be indicated as such
3473 and contours approximated for that area.
- 3474 d. Existing conservation areas as designated in 14.15.110 together
3475 with any supporting information consistent with the reporting
3476 requirements of 14.15.430(C).
- 3477 e. A general indication of the character of vegetation found on the
3478 site
- 3479 f. The dimensions and locations of all existing and proposed
3480 structures and improvements including but not limited to;
3481 buildings, paved or graveled areas, roads, utilities, septic tanks
3482 and drain fields, material stockpiles or surcharge, and storm
3483 water management facilities.
- 3484 g. A delineation of all wetland areas that will be altered or used as a
3485 part of the development.
- 3486 h. Where applicable, landscaping plans for the project.
- 3487 i. Where applicable, plans for development of areas on or off the
3488 site as mitigation for impacts associated with the proposed
3489 project shall be included and contain information consistent with
3490 the requirements of this section.
- 3491 j. Quantity, source and composition of any fill material that is
3492 placed on the site whether temporary or permanent.
- 3493 k. Quantity, composition and destination of any excavated or
3494 dredged material.
- 3495 l. A vicinity map showing the relationship of the property and
3496 proposed development or use to roads, utilities, existing
3497 developments and uses on adjacent properties.
- 3498 m. Where applicable, a depiction of the impacts to views from
3499 existing residential uses and public areas.
- 3500 n. Where applicable, habitat management report and mitigation
3501 plans in accordance sections 14.15.430(B) and 14.15.430(C).
- 3502 o. On all variance applications the plans shall clearly indicate where
3503 development could occur without approval of a variance, the
3504 physical features and circumstances on the property that provide
3505 a basis for the request, and the location of adjacent structures and
3506 uses.
- 3507

- 3508 4. A site plan identifying existing conditions consisting of photographs, text,
3509 maps and elevation drawings, drawn to an appropriate scale to clearly
3510 depict all required information, that shall include:
- 3511 5. Operation and maintenance plan(s) as required pursuant to other
3512 applicable sections of this program.
- 3513 B. When a Habitat Management Plan is required, “At a minimum, the report shall
3514 contain the following:
 - 3515 1. The name and contact information of the applicant, a description of the
3516 proposal, and identification of the permit requested;
 - 3517 2. A copy of the site plan for the development proposal including: A map to
3518 scale depicting conservation areas, buffers, the development proposal, and
3519 any areas to be cleared; and a description of the proposed storm water
3520 management plan for the development and consideration of impacts to
3521 drainage alterations.
 - 3522 3. The dates, names, and qualifications of the persons preparing the report
3523 and documentation of any fieldwork performed on the site; Public docks-
3524 are constructed and utilized for use by the general public, typically owned
3525 and managed by a public agency and may include a boat ramp.
 - 3526 4. Identification and characterization of all conservation areas, wetlands,
3527 water bodies, and buffers 200 feet from adjacent to the proposed project
3528 area;
 - 3529 5. A statement specifying the accuracy of the report, and all assumptions
3530 made and relied upon;
 - 3531 6. An assessment of the probable cumulative impacts to conservation areas
3532 resulting from development of the site and the proposed development;
 - 3533 7. An analysis of site development alternatives including a no development
3534 alternative;
 - 3535 8. A description of reasonable efforts made to apply mitigation sequencing to
3536 avoid, minimize, rectify, reduce and mitigate impacts to conservation
3537 areas;
 - 3538 9. Plans for adequate mitigation, as needed, to offset any impacts, in
3539 accordance with Mitigation Plan Requirements 14.15.430(C), including,
3540 but not limited to: The impacts of any proposed development within or
3541 adjacent to a conservation area or buffer on the conservation area; and The
3542 impacts of any proposed alteration of a conservation area or buffer on the
3543 development proposal, other properties and the environment;
 - 3544 10. A discussion of the performance standards including monitoring
3545 applicable to the conservation area and proposed activity;
 - 3546 11. Financial guarantees to ensure compliance; and
3547

- 3548 12. Any additional information required for the conservation area as specified
3549 in the corresponding chapter.
- 3550 C. When a Mitigation Plan is required the plan shall include the following:
- 3551 1. "Mitigation plan" shall include a written report identifying environmental
3552 goals and objectives of the compensation proposed and including:
- 3553 a. A description of the anticipated impacts to the
3554 conservation area and the mitigating actions proposed and
3555 the purposes of the compensation measures, including the
3556 site selection criteria; identification of compensation
3557 goals; identification of resource functions; and dates for
3558 beginning and completion of site compensation
3559 construction activities. The goals and objectives shall be
3560 related to the functions and values of the impacted
3561 conservation area;
- 3562 b. A review of the best available science the most current,
3563 accurate, and complete scientific and technical
3564 information supporting the proposed mitigation and a
3565 description of the report author's experience to date in
3566 restoring or creating the type of conservation area
3567 proposed; and
- 3568 c. An analysis of the likelihood of success of the
3569 compensation project.
- 3570 d. The mitigation plan shall include measurable specific
3571 criteria for evaluating whether or not the goals and
3572 objectives of the mitigation project have been
3573 successfully attained and whether or not the requirements
3574 of this Title have been met.
- 3575 e. The mitigation plan shall include written specifications
3576 and descriptions of the mitigation proposed, such as: The
3577 proposed construction sequence, timing, and duration;
3578 Grading and excavation details; Erosion and sediment
3579 control features; A planting plan specifying plant species,
3580 quantities, locations, size, spacing, and density; and
3581 Measures to protect and maintain plants until established.
3582 These written specifications shall be accompanied by
3583 detailed site diagrams, scaled cross-sectional drawings,
3584 and topographic maps showing slope percentage and final
3585 grade elevations, and any other drawings appropriate to
3586 show construction techniques or anticipated final
3587 outcome.
- 3588

3589 **14.15.440 Pre-application Conference**

3590 A. An applicant has the option to request a pre-application conference prior to the
3591 submittal of application materials.

3592 B. The benefit of the pre-application conference is to review and discuss the
3593 application requirements with the prospective applicant and provide initial
3594 feedback on the development proposal. The pre-application conference shall be
3595 scheduled by the county, at the request of an applicant, and shall be held in a
3596 timely manner, within thirty (30) days from the date of the applicant's request.

3597 **14.15.450 Application Review Procedure**

3598 A. An application will be reviewed for completeness. This shall determine if
3599 adequate information is provided with the application in order to begin processing
3600 the application All information and materials required by the application form
3601 must be submitted. All studies supporting the application or addressing projected
3602 impacts of the proposed development must be submitted.

3603 B. Within 28 days of receiving, or receipting in of appropriate fees, of a project
3604 application, a written determination shall be sent to the applicant stating:

3605 1. The application is vested;or

3606 2. The application is incomplete and what is necessary to make the
3607 application complete:

3608 a. Should an application be deemed incomplete, the
3609 applicant shall have 21 days (expressed in calendar days)
3610 from the date of determination to submit additional
3611 documentation;

3612 b. Shall additional documentation not be submitted within
3613 21 days, the administrator will return to the applicant the
3614 application along with receipted fees, minus cancellation
3615 fee per the Okanogan County fee schedule;

3616 3. Within 14 days of additional documentation being submitted, a written
3617 determination shall notify the applicant wheter the application is vested or
3618 what additional documentation is needed; if additional documentation is
3619 needed, the timeline set out in subsection (B)(2)(a) of this section will take
3620 effect. This process shall continue under the timelines above until such
3621 time as the application is vested or additional documentation was not
3622 submitted pursuant to subsection (B)(2)(b) of this section.

3623 **14.15.460 Application Vesting**

3624 A. An application shall become vested on the date a determination of completeness is
3625 made. Thereafter the application shall be reviewed under the codes, regulations
3626 and other laws in effect on the date of vesting; provided, in the event an applicant
3627 substantially changes his/her proposed development after a determination of
3628 completeness, as determined by the department, the application shall not be
3629 considered vested until a new determination of completeness on the changes is
3630 made.

3631 **14.15.470 Notice of Application**

3632 A. Within fourteen days after issuing a determination of completeness, the
3633 department shall issue a notice of application. The notice shall include, but not be
3634 limited to the following:

- 3635 1. A description of the proposed project action, a list of permits and
3636 decisions (i.e. SEPA) required for the application, and if applicable, a list
3637 of any studies requested;
- 3638 2. The identification of other required permits not included in the
3639 application, to the extent known by the department;
- 3640 3. The identification of existing environmental documents which evaluate the
3641 proposed development and the location where the application and any
3642 studies can be reviewed;
- 3643 4. A statement of the public comment period, which shall be thirty days
3644 following the date of the notice of application, and a statement of the right
3645 of any person to comment on the application, receive notice of and
3646 participate in any hearings, and request a copy of the decision once made,
3647 and a statement of any appeal rights;
- 3648 5. Any other information determined by the department to be appropriate.

3649 B. Informing the public

3651 1. The notice of application shall be mailed to the latest recorded real
3652 property owners as shown by the records of the county assessor within at
3653 least three hundred feet of the boundary of the property upon which the
3654 development is proposed;

- 3655 2. In addition to mailing the notice of application, the Administrator may
3656 require the notice to be posted on the subject property for the duration of
3657 the public comment period, where the Administrator finds that such
3658 additional notice may be of benefit for the public. The applicant shall be
3659 responsible for posting and maintaining the posting throughout the entire
3660 public comment period. The applicant shall obtain the notice of
3661 application sign(s) from the department upon payment of all applicable
3662 fees. The sign location and condition shall be the responsibility of the
3663 applicant until the sign(s) are returned to the department. After the public
3664 comment period, the applicant shall sign an affidavit of posting before a
3665 notary public, using the form adopted by the department, and file the
3666 affidavit of posting with the department, together with a photograph of the
3667 notice of application sign(s) posted at the site. Any necessary replacement
3668 of the notice of application sign(s) and post(s) shall be the sole
3669 responsibility of the applicant.
- 3670 C. The notice of application is not a substitute for any required notice of a public
3671 hearing.
- 3672 D. A State Environmental Policy Act (SEPA) threshold determination may be issued
3673 for a proposal concurrent with the notice of application.
- 3674 E. Notice of application and SEPA determination will be published in the Okanogan
3675 County official newspaper of record.

3676 **14.15.480 Administrative Review**

- 3677 A. This review procedure under shall be as follows:
 - 3678 1. Upon the completion of the public comment period and the comment
3679 period required by SEPA, if applicable, the County may approve, approve
3680 with conditions, or deny the application. The County shall mail the notice
3681 of decision to the applicant and all parties of record. The decision shall
3682 include:
 - 3683 a. A statement of the applicable criteria and standards in the
3684 development codes and other applicable law;
 - 3685 b. A statement of the findings of the review authority, stating the
3686 application's compliance or noncompliance with each applicable
3687 criterion, and assurance of compliance with applicable standards;
 - 3688 c. The decision to approve or deny the application and, if approved,
3689 conditions of approval necessary to ensure the proposed
3690 development will comply with all applicable laws;
 - 3691 d. A statement that the decision is final unless appealed as provided
3692 in 14.15.540(A) of this Program. The appeal closing date shall be
3693 listed. The statement shall describe how a party may appeal the
3694 decision.

- 3695 e. A statement that the complete case file, including findings,
- 3696 conclusions and conditions of approval, if any, is available for
- 3697 inspection. The notice shall list the name and telephone number
- 3698 of the department’s representative to contact to arrange
- 3699 inspection.
- 3700 f. The decision may be appealed to the Hearing Examiner pursuant
- 3701 to the process established in 14.15.540(A) of this Program.

3702 **14.15.490 Notice of final decision**

- 3703 A. A notice of final decision on an application shall be issued in accordance with
- 3704 RCW 36.70C.
- 3705 B. The notice of final decision shall be published in Okanogan County’s official
- 3706 newspaper of record.
- 3707 C. The notice of final decision shall be mailed to all public members who
- 3708 commented on the project, previously notified agencies, and all tax payers of
- 3709 record within 300 feet of the proposed project as shown by the records of the
- 3710 county assessor.
- 3711 1. The local jurisdiction shall file the final decision with the Department of
- 3712 Ecology in accordance with WAC 173-27-130, as amended.

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3714 **14.15.500 Shoreline Substantial Development Permits**

- 3715 A. A Shoreline Substantial Development Permit shall be required for all
- 3716 development of shorelines, unless the proposal is specifically exempt per Section
- 3717 14.15.510(B).
- 3718 B. In order to be approved, the decision maker must find that the proposal is
- 3719 consistent with the following criteria:
- 3720 1. All regulations of this Program appropriate to the shoreline designation
- 3721 and the type of use or development proposed shall be met, except those
- 3722 bulk and dimensional standards that have been modified by approval of a
- 3723 shoreline variance under Section 14.15.530.
- 3724 2. All policies of this Program appropriate to the shoreline area designation
- 3725 and the type of use or development activity proposed shall be considered
- 3726 and substantial compliance demonstrated.
- 3727 C. Okanogan County may attach conditions to the approval of permits as necessary
- 3728 to assure consistency of the project with the Act and this SMP.

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3731 **14.15.510 Exemptions from Shoreline Substantial Development Permit Process**

3732 A. Application and Interpretation

- 3733 1. An exemption from the substantial development permit process is not an
3734 exemption from compliance with the Act or this Program, or from any
3735 other regulatory requirements. To be authorized, all uses and
3736 developments must be consistent with the policies and regulatory
3737 provisions of this Program and the Act.
- 3738 2. Exemptions shall be construed narrowly. Only those developments that
3739 meet the precise terms of one or more of the listed exemptions may be
3740 granted exemptions from the substantial development permit process.
- 3741 3. The burden of proof that a development or use is exempt is on the
3742 applicant/proponent of the exempt development action.
- 3743 4. If any part of a proposed development is not eligible for exemption, then a
3744 substantial development permit is required for the entire project.
- 3745 5. A development or use that is listed as a conditional use pursuant to this
3746 Program, must obtain a conditional use permit even if the development or
3747 use does not require a substantial development permit.
- 3748 6. A development or use that is an unlisted use, must obtain a conditional use
3749 permit even if the development or use does not require a substantial
3750 development permit.
- 3751 7. When a development or use is proposed that does not comply with the
3752 bulk, dimensional and/or performance standards of the Program, such
3753 development or use shall only be authorized by approval of a shoreline
3754 variance even if the development or use does not require a substantial
3755 development permit.
- 3756 8. All permits or statements of exemption issued for development or use
3757 within shoreline jurisdiction shall include written findings prepared by the
3758 Administrator, including compliance with bulk and dimensional standards
3759 and policies and regulations of this Program. The Administrator may
3760 attach conditions to the approval of exempt developments and/or uses as
3761 necessary to assure consistency of the project with the Act and the
3762 Program.

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B. Exemptions Listed from WAC 173.27.040

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred sixteen dollars (\$6,416) or as amended 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 the 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, equipment or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Normal maintenance includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal repair means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or the environment.
3. Construction of the normal protective bulkhead common to single family residences. A normal protective bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used for backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of

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Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An emergency is an unanticipated and imminent threat to public health, safety or the environment that requires immediate action within a time too short to allow full compliance with this Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58, WAC 173-27 or this Program, shall be obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels; provided, that this exemption shall not apply to agricultural activities proposed on land not in agricultural use on December 17, 2003, and further provided that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
6. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for their own use or for the use of their family, which residence does not exceed a height of 35 feet above average grade level and that meets all requirements of the State agency or local government having jurisdiction thereof. Single family residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance as defined in Chapter 2 of this program.

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8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if in fresh waters the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Shoreline Master Program.

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9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

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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;

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11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

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12. Any project with a certification from the governor pursuant to chapter 80.50 RCW, Energy Facilities -Site Locations;

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13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

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a. The activity does not interfere with the normal public use of the surface waters;

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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;

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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;

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d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to Okanogan County to ensure that the

- 3900 site is restored to preexisting conditions; and
- 3901 e. The activity is not subject to the permit requirements of RCW
- 3902 90.58.550, Oil or natural gas exploration in marine waters;
- 3903 14. The process of removing or controlling aquatic noxious weeds, as defined
- 3904 in RCW 17.26.020, through the use of an herbicide or other treatment
- 3905 methods applicable to weed control that are recommended by a final
- 3906 environmental impact statement published by the department of
- 3907 agriculture or the department of ecology jointly with other state agencies
- 3908 under chapter 43.21C RCW;
- 3909 15. Watershed restoration projects as defined below. Okanogan County shall
- 3910 review the projects for consistency with the Shoreline Master Program in
- 3911 an expeditious manner and shall issue its decision along with any
- 3912 conditions within forty-five days of receiving all materials necessary to
- 3913 review the request for exemption from the applicant. No fee may be
- 3914 charged for accepting and processing requests for exemption for
- 3915 watershed restoration projects as used in this section.
- 3916 a. "Watershed restoration project" means a public or private project
- 3917 authorized by the sponsor of a watershed restoration plan that
- 3918 implements the plan or a part of the plan and consists of one or
- 3919 more of the following activities:
- 3920 i. A project that involves less than ten (10) miles of stream
- 3921 reach, in which less than twenty-five (25) cubic yards of
- 3922 sand, gravel, or soil is removed, imported, disturbed or
- 3923 discharged, and in which no existing vegetation is
- 3924 removed except as minimally necessary to facilitate
- 3925 additional plantings;
- 3926 ii. A project for the restoration of an eroded or unstable
- 3927 stream bank that employs the principles of
- 3928 bioengineering, including limited use of rock as a
- 3929 stabilization only at the toe of the bank, and with primary
- 3930 emphasis on using native vegetation to control the erosive
- 3931 forces of flowing water; or
- 3932 iii. A project primarily designed to improve fish and wildlife
- 3933 habitat, remove or reduce impediments to migration of
- 3934 fish, or enhance the fishery resource available for use by
- 3935 all of the citizens of the state, provided that any structure,
- 3936 other than a bridge or culvert or instream habitat
- 3937 enhancement structure associated with the project, is less
- 3938 than two hundred square feet in floor area and is located
- 3939 above the OHWM of the stream.
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- iv. "Watershed restoration plan" means a plan developed or sponsored by the Washington Departments of Fish and Wildlife, Ecology, or Transportation; a federally recognized Indian tribe acting within and pursuant to its authority; a city; a county; or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act

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 been approved in writing by the State of Washington department of Fish and wildlife;
- b. The project has received hydraulic project approval by the State of Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and
- c. Okanogan County has determined that the project is substantially consistent with the local shoreline master program. Okanogan County shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs.

C. Letters of Exemption

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

- a. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or
- b. A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or

3983 wetland area. Specific applicability information should be
3984 obtained from the Corps of Engineers.)

3985 c. The letter shall indicate the specific exemption provision from
3986 WAC 173-27-040 that is being applied to the development and
3987 provide a summary of the analysis of the consistency of the
3988 project with the master program and the act.

3989 **14.15.520 Shoreline Conditional Use Permits**

3990 A. Uses specifically classified or set forth in this Shoreline Master Program as
3991 conditional uses shall be subject to review and condition by Okanogan County.

3992 B. Other uses which are not classified or set forth in this SMP may be authorized as
3993 conditional uses provided the applicant can demonstrate consistency with the
3994 requirements of this Section and the requirements for conditional uses contained
3995 in this SMP.

3996 C. Uses which are specifically prohibited by this SMP may not be authorized as a
3997 conditional use.

3998 D. Conditional Use Permit Review Criteria

3999 1. The purpose of a conditional use permit is to provide a system within the
4000 master program which allows flexibility in the application of use
4001 regulations in a manner consistent with the policies of RCW 90.58.020. In
4002 authorizing a conditional use, special conditions may be attached to the
4003 permit by Okanogan County or the department to prevent undesirable
4004 effects of the proposed use and/or to assure consistency of the project with
4005 the act and the local master program.

4006 2. Uses which are classified or set forth in the applicable master program as
4007 conditional uses may be authorized provided that the applicant
4008 demonstrates all of the following:

4009 a. That the proposed use is consistent with the policies of RCW
4010 90.58.020 and the master program;

4011 b. That the proposed use will not interfere with the normal public
4012 use of public shorelines;

4013 c. That the proposed use of the site and design of the project is
4014 compatible with other authorized uses within the area and with
4015 uses planned for the area under the comprehensive plan and
4016 shoreline master program;

4017 d. That the proposed use will cause no significant adverse effects to
4018 the shoreline environment in which it is to be located; and

4019 e. That the public interest suffers no substantial detrimental effect.

4020 E. In the granting of all Conditional Use Permits, consideration shall be given to the
4021 cumulative impact of additional requests for like actions in the area. For example,
4022 if Conditional Use Permits were granted for other developments in the area where

4023 similar circumstances exist, the total of the conditional uses shall also remain
4024 consistent with the policies of RCW 90.58.020 and shall not produce substantial
4025 adverse effects to the shoreline environment.

4026 **14.15.530 Shoreline Variance Review Criteria**

- 4027 A. The purpose of a variance is to grant relief to specific bulk or dimensional
4028 requirements set forth in this Program and any associated standards appended to
4029 this Program such as conservation area buffer requirements where there are
4030 extraordinary or unique circumstances relating to the property such that the strict
4031 implementation of this Program would impose unnecessary hardships on the
4032 applicant/proponent or thwart the policy set forth in RCW 90.58.020. Use
4033 restrictions may not be varied.
- 4034 B. Variance permits should be granted in circumstances where denial of the permit
4035 would result in a thwarting of the policy enumerated in RCW 90.58.020. In all
4036 instances the applicant must demonstrate that extraordinary circumstances shall
4037 be shown and the public interest shall suffer no substantial detrimental effect.
- 4038 C. Variance permits for development and/or uses that will be located landward of the
4039 ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or
4040 landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized
4041 provided the applicant can demonstrate all of the following:
- 4042 1. That the strict application of the bulk, dimensional or performance
4043 standards set forth in the applicable master program precludes, or
4044 significantly interferes with, reasonable use of the property;
 - 4045 2. That the hardship described in (a) of this subsection is specifically related
4046 to the property, and is the result of unique conditions such as irregular lot
4047 shape, size, or natural features and the application of the master program,
4048 and not, for example, from deed restrictions or the applicant's own actions;
 - 4049 3. That the design of the project is compatible with other authorized uses
4050 within the area and with uses planned for the area under the
4051 comprehensive plan and shoreline master program and will not cause
4052 adverse impacts to the shoreline environment;
 - 4053 4. That the variance will not constitute a grant of special privilege not
4054 enjoyed by the other properties in the area;
 - 4055 5. That the variance requested is the minimum necessary to afford relief; and
4056 6. That the public interest will suffer no substantial detrimental effect.
- 4057 D. Variance permits for development and/or uses that will be located waterward of
4058 the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or
4059 within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized
4060 provided the applicant can demonstrate all of the following:
- 4061 1. That the strict application of the bulk, dimensional or performance
4062 standards set forth in the applicable master program precludes all
4063 reasonable use of the property;

- 4064 2. That the proposal is consistent with the criteria established under
- 4065 subsection (C) (2) through (5) of this section; and
- 4066 3. That the public rights of navigation and use of the shorelines will not be
- 4067 adversely affected.

4068 E. In the granting of all variance permits, consideration shall be given to the
 4069 cumulative impact of additional requests for like actions in the area. For example
 4070 if variances were granted to other developments and/or uses in the area where
 4071 similar circumstances exist the total of the variances shall also remain consistent
 4072 with the policies of RCW 90.58.020 and shall not cause substantial adverse
 4073 effects to the shoreline environment.

4074 F. Variances from the use regulations of the master program are prohibited.

4075 **14.15.540 Appeals**

- 4076 A. Appeals to Shoreline Administrative Decisions
- 4077 B. Administrative decisions made by the Shoreline Administrator and/or designee in
- 4078 the enforcement of the provisions of this section may be appealed in accordance
- 4079 with OCC 2.67 Administrative Appeals. Appeals to the Shorelines Hearing
- 4080 Board
 - 4081 i. Appeals to the Shoreline Hearings Board of a decision on a Shoreline
 - 4082 Substantial Development Permit, Shoreline Variance, Shoreline
 - 4083 Conditional Use Permit, or a decision on an appeal of an administrative
 - 4084 action, may be filed by the applicant or any aggrieved party pursuant to
 - 4085 RCW 90.58.180 within twenty-one (21) days of filing the final decision by
 - 4086 Okanogan County with Ecology.

4087 **14.15.550 Legal Pre-Existing Structures**

- 4088 A. Legal Pre-Existing Residential Structures are considered Conforming when:
 - 4089 1. Residential structures and appurtenant structures that were legally
 - 4090 established and are used for a conforming use, but that do not meet
 - 4091 standards for the following to be considered a conforming structure:
 - 4092 Setbacks, buffers, or yards; area; bulk; height; or density; and
 - 4093 2. Redevelopment, expansion, changes with the class of occupancy or
 - 4094 replacement of the residential structure if it is consistent with the master
 - 4095 program, including requirements for no net loss of shoreline ecological
 - 4096 functions.
 - 4097 3. For purposes of this section, "appurtenant structures" means garages,
 - 4098 sheds, and other legally established structures. "Appurtenant structures"
 - 4099 does not include bulkheads and other shoreline modifications or over-
 - 4100 water structures.

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- 4102 B. Non-residential structures that were legally established and are used for a
- 4103 conforming use, but which are non-conforming with regard to setbacks, buffers or
- 4104 yards; area; bulk; height or density may be maintained and repaired and may be
- 4105 enlarged or expanded provided that said enlargement does not increase the extent
- 4106 of non-conformity by further encroaching upon or extending into areas where
- 4107 construction or use would not be allowed for new development or uses.

- 4108 C. A structure for which a Variance has been issued shall be considered a legal pre-
- 4109 existing structure and the requirements of this section shall apply as they apply to
- 4110 preexisting non-conformities.

- 4111 D. If a legal pre-existing structure is damaged, it may be reconstructed providing the
- 4112 resulting configuration does not encroach additionally beyond the required
- 4113 shoreline setback as it existed immediately prior to the time the development was
- 4114 damaged, provided that application is made for the permits necessary to restore
- 4115 the development within three years of the date the damage occurred, all permits
- 4116 are obtained, and the restoration is completed within four years of permit issuance
- 4117 unless otherwise extended.

- 4118 E. Nothing in this section shall be deemed to prevent the normal maintenance and
- 4119 repair of a legal pre-existing structure or its restoration to a safe condition when
- 4120 declared to be unsafe by any official charged with protecting the public safety.

4121 **14.15.560 Legal Pre-existing Uses**

- 4122 A. Uses and developments that were legally established and non-forming with regard
- 4123 to use regulations of the SMP may continue as legal pre-existing uses. Such uses
- 4124 shall not be enlarged or expanded, except that legal pre-existing single-family
- 4125 residences that are located landward of the OHWM may be enlarged or expanded
- 4126 in conformance with applicable bulk and dimensional standards by the addition of
- 4127 space to the main structure or by the addition of normal appurtenances as defined
- 4128 in 14.15.090(12)

- 4129 B. An existing use which is listed as a conditional use, but which legally existed
- 4130 prior to adoption of the SMP or any relevant amendment and which a Conditional
- 4131 Use Permit has not been obtained, shall be considered a legal pre-existing use and
- 4132 may be continued subject to the provisions of this section without obtaining a
- 4133 conditional use permit.

- 4134 C. A structure which is being or has been used for a legal pre-existing use may be
- 4135 used for a different nonconforming use only upon the approval of a Conditional
- 4136 Use Permit. A Conditional Use Permit may be approved only upon a finding that:
 - 4137 1. No reasonable alternative conforming use is practical; and
 - 4138 2. The proposed use will be at least as consistent with the policies and
 - 4139 provisions of the Act and the SMP and as compatible with the uses in the
 - 4140 area as the preexisting use. In addition, such conditions may be attached to
 - 4141 the permit as are deemed necessary to assure compliance with the above
 - 4142 findings, the requirements of the SMP and the Act, and to assure that the
 - 4143 use will not become a nuisance or a hazard.

4144 D. If a legal pre-existing use is abandoned for twenty four consecutive months or for
4145 twenty four months during any four-year period, the nonconforming rights shall
4146 expire and any subsequent use shall be conforming. A use authorized pursuant to
4147 14.15.560(B) of this Section shall be considered a conforming use for purposes of
4148 this section.

4149 **14.15.570 Legal Pre-existing Lots**

4150 An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which
4151 was established in accordance with local and state subdivision requirements prior to the effective
4152 date of the Act or this SMP, but which does not conform to the present lot size standards, may be
4153 developed if permitted by other land use regulations of Okanogan County and so long as such
4154 development conforms to all other requirements of this SMP and the Act.

4155 **14.15.580 Enforcement**

4156 A. If an activity being undertaken on Shorelines of the State is in violation of RCW
4157 90.58 or the local Shoreline Master Program the County shall have the authority
4158 to serve upon a person a cease and desist order.

- 4159 1. The order shall contain the following:
- 4160 2. A description of the specific nature or extent of the violation and the
4161 damage or potential damage; and
- 4162 3. A notice that the violation or the potential violation cease and desist or, in
4163 appropriate cases, the specific corrective action to be taken within a given
4164 time. A civil penalty under WAC 173-27-280 may be issued with the
4165 order.
- 4166 a. The cease and desist order issued under this section shall become
4167 effective immediately upon receipt by the person to whom the
4168 order is directed.
- 4169 b. Failure to comply with the terms of a cease and desist order can
4170 result in enforcement actions including, but not limited to, the
4171 issuance of a civil penalty.

4172 B. A person who fails to conform to the terms of a substantial development permit,
4173 conditional use permit or variance issued under RCW [90.58.140](#), who undertakes
4174 a development or use on shorelines of the state without first obtaining a permit, or
4175 who fails to comply with a cease and desist order issued under these regulations
4176 may be subject to a civil penalty.

- 4177 1. The County shall issue a notice of correction containing the following
4178 information:
- 4179 a. A description of the condition that is not in compliance and a
4180 specific citation to the applicable law or rule;
- 4181 b. A statement of what is required to achieve compliance;
- 4182 c. The date by which compliance shall be achieved;
- 4183

- 4184 2. Amount of penalty. The penalty shall not exceed one thousand dollars for
4185 each violation.
- 4186 3. Notice of penalty. A civil penalty shall be imposed by a notice in writing,
4187 either by certified mail with return receipt requested or by personal
4188 service, to the person incurring the same from the department and/or
4189 Okanogan County, or from both jointly. The notice shall describe the
4190 violation, approximate the date(s) of violation, and shall order the acts
4191 constituting the violation to cease and desist, or, in appropriate cases,
4192 require necessary corrective action within a specific time.
- 4193 4. Application for remission or mitigation. Any person incurring a penalty
4194 may apply in writing within thirty days of receipt of the penalty to the
4195 County for remission or mitigation of such penalty. Upon receipt of the
4196 application, the County may remit or mitigate the penalty only upon a
4197 demonstration of extraordinary circumstances, such as the presence of
4198 information or factors not considered in setting the original penalty.

4199 C. Appeals to Enforcement Action

- 4200 1. Persons incurring a penalty imposed by the County may appeal to the
4201 Hearing Examiner in accordance with OCC 2.67.
- 4202 2. Appeals should be filed within 30 days of the notice of penalty or the
4203 decision regarding the remission or mitigation by the administrator.
- 4204 3. Penalties due
 - 4205 a. Penalties imposed under this section shall become due and
4206 payable thirty days after receipt of notice imposing the same
4207 unless application for remission or mitigation is made or an
4208 appeal is filed. Whenever an application for remission or
4209 mitigation is made, penalties shall become due and payable thirty
4210 days after receipt of the administrator's decision regarding the
4211 remission or mitigation. Whenever an appeal of a penalty is filed,
4212 the penalty shall become due and payable upon completion of all
4213 review proceedings and upon the issuance of a final decision
4214 confirming the penalty in whole or in part.
 - 4215 b. Penalties recovered by the administrator shall be paid to the
4216 Okanogan County Treasurer.

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