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PREPARED FOR: LINCOLN COUNTY, TOWN OF ODESSA, AND TOWN OF REARDAN

Final Draft Shoreline Master Program

Lincoln County Coalition Shoreline Master Program Update

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TABLE OF CONTENTS

SECTION I: Shoreline Goals and Policies (RCW 90.58.100) 1

Introduction 1

Relationship between the Growth Management Act and Shoreline Management Act 1

Profile of the Shoreline Jurisdiction within the Lincoln County Coalition..... 2

 Rivers and Streams 2

 Lakes and Reservoirs 2

 Shorelines of Statewide Significance..... 3

Development of Goals and Policies 3

 Economic Development Element..... 4

 Public Access and Recreation Element..... 5

 Circulation Element 6

 Shoreline Uses and Modifications Element 8

 Conservation Element..... 18

 Historic, Cultural, Scientific, and Educational Resources Element 19

 Flood Hazard Management Element..... 19

 Private Property Right 20

SECTION II: Shoreline Regulations 21

Article I. Authority and Purpose 21

 18.02.010 Authority..... 21

 18.02.020 Applicability..... 21

 18.02.030 Purpose 21

 18.02.040 Relationship to Other Codes, Ordinances, and Plans..... 22

 18.02.050 Liberal Construction..... 24

 18.02.060 Severability..... 24

 18.02.070 Effective Date..... 24

Article II. Environment Designation..... 25

 18.02.100 Environment Designations..... 25

 18.02.110 Aquatic 26

 18.02.120 Aquatic – Crab Creek 28

 18.02.130 Natural..... 29

 18.02.140 Agricultural Conservancy 30

 18.02.150 Rural Conservancy..... 32

 18.02.160 Recreation Conservancy..... 33

 18.02.170 Recreation 35

 18.02.180 High Intensity – Public Facility..... 37

18.02.190	Shoreline Residential.....	38
18.02.195	High Intensity – Commercial.....	39
Article III. General Regulations.....		41
18.02.200	Shoreline Use and Modification	41
18.02.210	Development Standards.....	45
18.02.220	Archaeological and Historic Resources	48
18.02.230	Environmental Protection.....	48
18.02.240	Shoreline Vegetation Conservation.....	49
18.02.250	Water Quality, Stormwater, and Nonpoint Pollution.....	50
18.02.260	Public Access.....	51
18.02.270	Flood Hazard Reduction.....	56
Article IV. Shoreline Modifications and Use Regulations.....		60
18.02.300	Agriculture	60
18.02.310	Aquaculture.....	61
18.02.320	Boating Facilities.....	63
18.02.330	Breakwater, Jetties, Groins, and Weirs.....	66
18.02.340	Commercial Development	66
18.02.350	Dredging and Dredge Material Disposal	68
18.02.360	Fill and Excavation	72
18.02.370	Forest Practices	74
18.02.380	Industrial Development	74
18.02.390	In-stream Structures	75
18.02.400	Mining.....	77
18.02.410	Piers and Docks.....	78
18.02.420	Recreational Development.....	86
18.02.430	Residential Development	88
18.02.440	Shoreline Habitat and Natural Systems Enhancement Projects	90
18.02.450	Shoreline Stabilization.....	91
18.02.460	Transportation: Trails, Roads, and Parking.....	92
18.02.470	Utilities	94
Article V. Critical Areas		98
18.02.500	General Provisions.....	98
18.02.510	General Mitigation Requirements	104
18.02.520	Wetlands	110
18.02.530	Critical Aquifer Recharge Areas	126
18.02.540	Fish and Wildlife Habitat Conservation Areas	131
18.02.550	Frequently Flooded Areas	139
18.02.560	Geologically Hazardous Areas	140

Article VI. Existing Uses, Structures and Lots	148
18.02.600 Applicability.....	148
18.02.610 Nonconforming Uses	148
18.02.620 Nonconforming Structures.....	149
Article VII. Administration and Enforcements	152
18.02.700 Roles and Responsibilities	152
18.02.710 Interpretation.....	153
18.02.720 Statutory Noticing Requirements	154
18.02.730 Application Requirements	154
18.02.740 Shoreline Substantial Development Permits.....	154
18.02.750 Shoreline Conditional Use Permits.....	155
18.02.760 Shoreline Variance Permits	156
18.02.770 Exemptions from Shoreline Substantial Development Permits....	157
18.02.780 Duration of Permits	163
18.02.790 Initiation of Development.....	163
18.02.800 Review Process	164
18.02.810 Appeals	164
18.02.820 Amendments to Permits.....	165
18.02.830 Enforcement.....	165
18.02.840 Cumulative Effects of Shoreline Developments	166
18.02.850 Amendments to Shoreline Master Program.....	166
18.02.860 Definitions.....	166
18.02.870 Shoreline Environment Designation Map.....	189

SECTION I: Shoreline Goals and Policies (RCW 90.58.100)

Introduction

Lincoln County, the Town of Odessa, and the Town of Reardan have formed the Lincoln County Coalition to develop a regional Shoreline Master Program (SMP). The SMP intends to implement the requirements of the Washington State Shoreline Management Act (SMA; Revised Code of Washington [RCW] 90.58). The SMA was enacted in 1971 to provide for the management and protection of shorelines of the state by regulating development in the shoreline area. The goal of the SMA is “to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines” (RCW 90.58.020). The SMA requires cities, towns, and counties to adopt an SMP to regulate shoreline development and accommodate “all reasonable and appropriate uses” consistent with “protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life... and public rights of navigation.”

Lincoln County adopted its SMP in 1975. The towns of Odessa and Reardan did not have SMPs prior to this date. The Washington State Department of Ecology (Ecology) adopted the 2003 SMA guidelines (Chapter 173-26 Washington Administrative Code [WAC]) (Guidelines), which require local government review and updates of SMPs. The updated version of the Lincoln County Coalition SMP provides goals, policies, and regulations for the Lincoln County Coalition shorelines.

Relationship between the Growth Management Act and Shoreline Management Act

- A. An SMP contains goals, policies, regulations, and a use map that guide shoreline development in accordance with the SMA (RCW 90.58), Ecology SMP Guidelines (WAC 173-26), and Shoreline Management Permit and Enforcement Procedures (WAC 173-27).
- B. The provisions of this program implement the requirements of the SMA. The Lincoln County Coalition’s SMP is integrated with the County and the towns’ land use regulation system. Lincoln County and towns within the County are partially planning under the Growth Management Act (GMA) according to RCW 36.70A.040. This includes planning for natural resource lands and critical areas per RCW 36.70A.060. All the regulations are considered a part of the Lincoln County Coalition’s development regulations required by the SMA and GMA.
- C. The Inventory and Characterization Report, Restoration Plan, Cumulative Impacts Analysis/No Net Loss Report, and Public Participation Plan are supporting documents and are not adopted as part of this SMP or the Lincoln County Coalition’s Comprehensive Growth Management Plan.
- D. The Inventory and Characterization Report establishes the baseline against which the standard “no net loss of shoreline ecological functions” is measured.

1 The Restoration Plan identifies and prioritizes shoreline restoration
 2 opportunities that may be undertaken independently or in conjunction with
 3 mitigation for development impacts to improve shoreline ecological functions
 4 over time.

5 **Profile of the Shoreline Jurisdiction within the Lincoln County Coalition**

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

10 The Lincoln County Coalition’s SMP encompasses shoreline along four rivers and streams, and
 11 37 lakes. Lincoln County’s shoreline jurisdiction includes all shoreline within the unincorporated
 12 County. The Lincoln County Coalition’s shoreline jurisdiction waterbodies are listed below (the
 13 Town of Odessa’s shoreline jurisdiction includes Crab Creek, and the Town of Reardan’s
 14 shoreline jurisdiction includes the Audubon Lakes).

15 **Rivers and Streams**

- 16 A. Columbia River
- 17 B. Crab Creek
- 18 C. Spokane River
- 19 D. Negro Creek

20 **Lakes and Reservoirs**

21 **Table 1. Shoreline Jurisdiction Lakes**

Lake Name	Total Area Proposed Shoreline (acres)	Lake Name	Total Area Proposed Shoreline (acres)
Ames Lake	25	Sprague Lake	1,760 ¹
Bergeau Lake	35	Sullivan Lake	57
Browns Lake	38	Swanson – Lower	22
Coffee Pot Lake	311	Swanson Lake – Upper	34
Cormana Lake	45	Sylvan Lake	592
Deer Springs Lake	62	Tavares Lake	43
Downs Lake	357 ²	Twin Lakes – Lower	49
Fishtrap Lake	191	Twin Lakes – Upper	41
Florence Lake	29	Unnamed_T25N_R39E_9 ³	39
Fourth of July Lake	101	Unnamed_T25N_R39E_10 ⁴	67
Goetz Lake ⁵	33	Unnamed_T21N_R39E_10	24
Greenwood Lake	38	Unnamed_T21N_R39E_26	89
H Lake	25	Unnamed_T24N_R35E_4	35

Lake Name	Total Area Proposed Shoreline (acres)	Lake Name	Total Area Proposed Shoreline (acres)
Little Falls Reservoir	204	Unnamed_T24N_R35E_16	64
Long Lake	20 ⁶	Unnamed_T24N_R34E_27 ⁷	
Long Lake Reservoir	4,748 ⁸	Unnamed_T25N_R34E_27	25
Meadow Lake	20	Wall Lake	33
Peterson Lake	24	Wills Lake	55
Phillips Lake	21		

Notes:

- 1 = About 750 acres in Lincoln County
- 2 = About 20 acres in Lincoln County
- 3 = Field verification may be necessary
- 4 = Field verification may be necessary

- 5 = Field verification may be necessary
- 6 = About 18 acres in Lincoln County
- 7 = Field verification may be necessary
- 8 = About 330 acres in Lincoln County

Shorelines of Statewide Significance

Of the four rivers and streams and 37 lakes in the Lincoln County Coalition’s shoreline jurisdiction, five are considered shorelines of statewide significance (three rivers and two lakes) and are listed below. Shorelines of statewide significance for east of the crest of the Cascades (RCW 90.58.030) are those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the OHWM; and streams or rivers (or segments of natural streams) “that have either: a mean annual flow of 200 cubic feet per second or more, or the portion downstream from the first 300 square miles of drainage area.”

- Shorelines of Statewide Significance – Streams
 - A. Columbia River
 - B. Crab Creek
 - C. Spokane River
- Shorelines of Statewide Significance – Lakes and Reservoirs
 - A. Sprague Lake
 - B. Long Lake Reservoir

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

Development of Goals and Policies

Goals express broad value statements that reflect the Lincoln County Coalition’s vision of its shorelines. Goals also provide a framework upon which the more detailed SMP shoreline use

1 environments, policies, regulations, and administrative procedures are based in subsequent
 2 chapters. Policies are more detailed statements reflecting the County and town’s goals and
 3 visions for its shorelines. Policies provide detail to the broader goals with which they are
 4 associated and act as a bridge between the goals and implementing regulations.

5 The goals and policies of the SMP described in this element are categorized according to the
 6 SMP elements mandated in the SMA. The general goal and policy statements found within each
 7 element of the SMP are intended to provide the policy basis for administration of the
 8 Lincoln County Coalition’s SMP.

9 **Economic Development Element**

10 A. Goals:

- 11 1. Goal A: Maximize the region’s agricultural economy with sensitivity to
 12 the environment.
- 13 2. Goal B: Support water-oriented uses to maximize the positive economic
 14 impact of tourism and recreational development.
- 15 3. Goal C: Promote economic growth that conserves natural resources and
 16 open spaces, and maintains environmental quality and rural character.
- 17 4. Goal D: Secure commercial and industrial infrastructure necessary for
 18 future development in shoreline areas where it is most feasible and when it
 19 maintains environmental quality.

20 B. Policies:

- 21 1. Ensure healthy, orderly economic growth by allowing those economic
 22 activities, which will be an asset to the local economy and for which the
 23 adverse effects on the quality of the shoreline and surrounding
 24 environment can be mitigated.
- 25 2. Maintain current agricultural uses as a major economic strength of the
 26 region.
- 27 3. Protect current agricultural land uses and provide for development of new
 28 agricultural uses.
- 29 4. Support wine-related agricultural uses within the Columbia Valley
 30 American Viticultural Area consistent with Lincoln County’s Economic
 31 Development Strategy.
- 32 5. Develop and maintain, as an economic asset, the recreation and tourism
 33 industry along shorelines in a manner that will enhance public enjoyment.

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

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

- 8 8. Ensure that any economic activity taking place along the shorelines
9 operates without causing irreparable harm to the quantity of the site’s
10 environment or adjacent shorelands.

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

- 14 10. Require non-water-oriented commercial or recreational development
15 provide for ecological restoration and public access as appropriate.

- 16 11. Ensure that commercial and agricultural uses will not result in a net loss of
17 shoreline ecological functions or have significant adverse impacts on
18 navigation, recreation, and public access.

19 **Public Access and Recreation Element**

- 20 A. Goals:
 - 21 1. Goal A: Develop a public access system that increases the amount and
22 diversity of public access consistent with private property rights, public
23 safety, and the natural shoreline character.
 - 24 2. Goal B: Ensure diverse, convenient, and adequate water-oriented
25 recreational opportunities along the shorelines for the public.

- 26 B. Policies:
 - 27 1. Protect and enhance visual and physical access to shorelines.
 - 28 2. Ensure that developments, uses, and activities on or near the shoreline do
29 not impair or detract from the public’s access to the water. Where
30 practicable, public access to the shoreline should be enhanced.
 - 31 3. Design public access that minimizes potential impacts to private property
32 and individual privacy.

- 1 B. Policies:
- 2 1. Provide safe, reasonable, and adequate circulation systems to shorelines
3 where routes will minimize adverse effects on unique or fragile shoreline
4 features and existing ecological systems, while contributing to the
5 functional and visual enhancement of the shoreline.
- 6 2. Within the shoreline jurisdiction, locate land circulation systems that are
7 not shoreline-oriented as far from the land-water interface as practicable to
8 reduce interference with either natural shoreline resources or other
9 appropriate shoreline uses.
- 10 3. Allow for maintenance and improvements to existing roads and parking
11 areas. Allow for necessary new roads and parking areas where other
12 locations outside of shoreline jurisdiction are not feasible.
- 13 4. Plan and develop a circulation network, which is compatible with the
14 shoreline environment and respects and protects ecological and aesthetic
15 values in the shoreline of the state, as well as private property rights.
- 16 5. In the circulation network, plan for pedestrian, bicycle, equestrian, and
17 public transportation where appropriate. Circulation planning and projects
18 should support existing and proposed shoreline uses that are consistent
19 with the SMP.
- 20 6. Promote existing transportation corridors for reuse for water-dependent
21 uses or public access when they are abandoned.
- 22 7. Encourage relocation or improvement of those circulation elements that
23 are functionally or aesthetically disruptive to the shoreline, public
24 waterfront access, and ecological functions.
- 25 8. Plan parking areas to achieve optimum use. Where possible, parking
26 should serve more than one use (e.g., serving recreational use on
27 weekends and commercial uses on weekdays).
- 28 9. Encourage low-impact parking facilities, such as those with gravels or
29 permeable pavements and bio-swales.
- 30 10. Encourage trail and bicycle paths along shorelines in a manner compatible
31 with the natural character, resources, and ecology of the shoreline.
- 32 11. Encourage the linkage of shoreline parks, recreation areas, and public
33 access points with linear systems, such as hiking paths, bicycle paths,
34 easements, and/or scenic drives.

1 **Shoreline Uses and Modifications Element**

2 A. Goals:

- 3 1. Goal A: Encourage shoreline development that recognizes
 4 Lincoln County’s natural and cultural values and its unique aesthetic
 5 qualities offered by its variety of shoreline environment.
- 6 2. Goal B: The Lincoln County Coalition recognizes and protects the
 7 functions and values of the shoreline environments of statewide and local
 8 significance. For shorelines of statewide significance, protection and
 9 management priorities are to:
- 10 a. Recognize and protect the state-wide interest over local interest;
- 11 b. Preserve the natural character of the shoreline;
- 12 c. Provide long-term over short-term benefits;
- 13 d. Protect the resources and ecology of shorelines;
- 14 e. Increase public access to publicly owned areas of shorelines; and
- 15 f. Increase recreational opportunities for the public in shoreline areas.

16 B. General Policies:

- 17 1. Maintain areas within the shoreline jurisdiction with unique attributes for
 18 specific long-term uses, including agricultural, commercial, industrial,
 19 residential, recreational, and open space uses.
- 20 2. Ensure that proposed shoreline uses are distributed, located, and
 21 developed in a manner that will maintain or improve the health, safety,
 22 and welfare of the public when such uses occupy shoreline areas.
- 23 3. Ensure that activities and facilities are located on the shorelines in such a
 24 manner as to retain or improve the quality of the environment.
- 25 4. Ensure that proposed shoreline uses do not infringe upon the rights of
 26 others, upon the rights of private ownership, upon the rights of the public
 27 under the Public Trust Doctrine or federal navigational servitude, and
 28 treaty rights of Indian tribes.
- 29 5. Minimize the adverse impacts of shoreline uses and activities on the
 30 environment during all phases of development (e.g., design, construction,
 31 management, and use).

32 C. Shoreline Environment Designation Policies:

- 1 1. Provide a comprehensive shoreline environment designation system to
 2 categorize Lincoln County’s shorelines into environments based on the
 3 primary characteristics of shoreline areas to guide the use and
 4 management of these areas.
- 5 2. Designate properties as Natural in order to protect and restore those
 6 shoreline areas that are relatively free of human influence or that include
 7 intact or minimally degraded shoreline functions that are sensitive to
 8 potential impacts from human use.
- 9 3. Assign appropriate environment designation(s) to acknowledge and
 10 maintain support for existing agricultural land uses and, as applicable, for
 11 anticipated new agricultural development.
- 12 4. Designate properties as Rural Conservancy to accommodate low-density
 13 rural home sites and low-intensity agriculture or rangeland uses, create a
 14 separation between urban areas, maintain an open-space character, and
 15 provide opportunities for recreational uses.
- 16 5. Assign appropriate designations to accommodate recreational uses. Ensure
 17 intense recreational uses, such as boat launches and parks, do not conflict
 18 with the sensitive nature of the shoreline (e.g., habitat management units)
 19 where low-impact recreational uses are more appropriate.
- 20 6. Assign properties as High Intensity to support industrial, commercial,
 21 irrigation supply, transportation, and navigation activities while
 22 maintaining the ecological functions. Ensure public services, such as
 23 irrigation and navigation uses, are separately addressed from the industrial
 24 or commercial uses.
- 25 7. Designate properties as Shoreline Residential to accommodate higher
 26 density residential development and recognize existing and proposed land
 27 uses. This designation is appropriate for residential uses on lands with
 28 zoning classifications for detached and attached residences.
- 29 8. Assign appropriate environment designations for preservation of wildlife
 30 habitat area, natural resources, and public agency operations.

31 D. Agriculture Policies:

- 32 1. This SMP recognizes the importance of agriculture in Lincoln County and
 33 supports its continued economic viability. This SMP allows for ongoing
 34 agricultural activities and should protect agricultural lands from
 35 conflicting uses such as intensive or unrelated residential, industrial, or
 36 commercial uses, while also maintaining shoreline ecological functions
 37 and processes.

- 1 2. New agricultural development should be conducted in a manner that
2 ensures no net loss of shoreline ecological functions and processes.
- 3 3. Maintain a vegetative buffer between agricultural lands and waterbodies
4 or wetlands.
- 5 4. Conversion of agricultural uses to other uses should comply with all
6 policies and regulations for non-agricultural uses.
- 7 E. Aquaculture Policies:
- 8 1. Aquaculture is a water-dependent use and, when consistent with control of
9 pollution and avoidance of adverse impacts to the environment and
10 preservation of habitat for resident native species, is a preferred use of the
11 shoreline (WAC 173-26-241(3)(b)).
- 12 2. Give preference to aquaculture operations that minimize environmental
13 impacts through use of fewer visible structures or less extensive substrate
14 and vegetation modifications.
- 15 3. Aquaculture should not be allowed in areas where it would degrade water
16 quality, result in a loss of shoreline ecological function, impair navigation,
17 or conflict with other water-dependent uses.
- 18 4. Design aquaculture facilities to minimize nuisance odors and noise, as
19 well as visual impacts on surrounding shoreline development.
- 20 5. The rights of treaty tribes to aquatic resources within their usual and
21 accustomed areas should be addressed through the permit review process.
22 Direct coordination between the applicant/proponent and the tribe should
23 be encouraged.
- 24 F. Boating Facilities Policies:
- 25 1. Locate and design boating facilities so their structures and operations will
26 be compatible with the area affected, such as environmental conditions,
27 shoreline configuration, access, and neighboring upland and aquatic uses.
- 28 2. Require restoration activities when substantial improvements or repair to
29 existing boating facilities is planned.
- 30 3. Boating facilities that minimize the amount of shoreline modification are
31 preferred.
- 32 4. Boating facilities should provide physical and visual public shoreline
33 access and provide for multiple uses, including water-related use, to the
34 extent compatible with shoreline ecological functions and processes and
35 adjacent shoreline use.

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

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

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

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

- 16 H. Dredging and Dredge Material Disposal Policies:

- 17 1. Dredging and dredge material disposal should avoid and minimize
18 significant ecological impacts. Impacts which cannot be avoided should be
19 mitigated.

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

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

- 26 4. Allow dredging for the primary purposes of flood hazard reduction only as
27 part of a long-term management strategy.

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

- 31 I. Fill Policies:

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

- 34 2. Allow fill consistent with floodplain regulations upland of the OHWM
35 provided it is located, designed, and constructed to protect shoreline
36 ecological functions and ecosystem-wide processes, including channel

1 migration, and is the minimum necessary to implement an approved
 2 project.

3 J. Forest Practices Policies:

- 4 1. Ensure compliance with the State’s Forest Practices Act for all forest
 5 management activities, including Class IV, general forest practices, where
 6 shorelines are being converted or are expected to be converted to
 7 non-forest uses.
- 8 2. Conduct forest practices within shoreline areas to ensure water quality and
 9 the maintenance of vegetative buffer strips to protect fish populations and
 10 avoid erosion of streambanks.
- 11 3. When forest lands are converted to another use, ensure no net loss of
 12 shoreline ecological functions or significant adverse impacts on other
 13 shoreline uses, resources, and values such as navigation, recreation, and
 14 public access.

15 K. In-Stream Structures Policies:

- 16 1. Locate, plan, and permit in-stream structures consistent with existing
 17 plans, including the National Park Service (NPS)-allowed water diversions
 18 on Lake Roosevelt. For instream structures on Lake Roosevelt and other
 19 areas in the County, consider public interests, ecological functions and
 20 processes, environmental concerns, and protecting and restoring priority
 21 habitats and species in the permitting review process.

22 L. Mining Policies:

- 23 1. Locate mining facilities outside shoreline jurisdiction whenever feasible.
- 24 2. Do not allow mining in any location waterward of the OHWM.
- 25 3. Design and locate mining facilities and associated activities to prevent loss
 26 of ecological function. Give preference to mining uses that result in the
 27 creation, restoration, or enhancement of habitat for priority species.
- 28 4. Protect waterbodies from sources of pollution, including but not limited to,
 29 sedimentation and siltation, chemical and petrochemical use, and spillage
 30 and storage/disposal of mining wastes and spoils.
- 31 5. Mining operations should be located, designed, and managed so that other
 32 appropriate uses are not subjected to substantial or unnecessary adverse
 33 impacts from noise, dust, or other effects of the operation. The operator
 34 may be required to implement measures such as buffers, limited hours, or
 35 other mitigating measures for the purpose of minimizing adverse
 36 proximity impacts.

M. Piers and Docks Policies:

1. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible. Moorage for water-related and water-enjoyment uses or shared moorage for multifamily use should be allowed as part of a mixed-use development or where it provides public access. For Lake Roosevelt, Community Access Points are allowed consistent with NPS criteria and requirements and must also provide for public use of the proposed facility.
2. New moorage, excluding docks accessory to single-family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.
3. As an alternative to continued proliferation of individual private moorage, mooring buoys are preferred over docks or floats. Shared moorage facilities are preferred over single user moorage where feasible, especially where water use conflicts exist or are predictable. New subdivisions of more than two lots and new multifamily development of more than two dwelling units should provide shared moorage where feasible.
4. Docks, piers, and mooring buoys, including those accessory to single-family residences, should avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift.
5. Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming, and pleasure boating, as well as private riparian rights of adjacent land owners.
6. Moorage should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width, and height of piers and docks should be no greater than that required for safety and practicality for the primary use.
7. Pile supports and/or temporary fill are preferred over permanent fills because piles do not displace water surface or aquatic habitat and are removable and thus more flexible in terms of long-term use patterns. Floats may be less desirable than pile structures where aquatic habitat or littoral drift are significant.
8. The use of buoys for small craft moorage is preferred over pile or float structures because of less long-term impact on shore features and users; moorage buoys should be placed as close to shore as possible to minimize obstruction to navigation.

- 1 9. Piers and docks should be constructed of materials that will not adversely
2 affect water quality or aquatic plants and animals in the long term.
- 3 10. New pier and dock development should be designed so as not to interfere
4 with lawful public access to or use of shorelines. Developers of new piers
5 and shared moorage should be encouraged to provide physical or visual
6 public access to shorelines whenever safe and compatible with the primary
7 use and shore features.
- 8 N. Recreational Development Policies:
 - 9 1. Shoreline recreational development should be given priority for shoreline
10 location to the extent that the use facilitates the public’s ability to reach,
11 touch, and enjoy the water’s edge, to travel on the waters of the state, and
12 to view the water and the shoreline. Where appropriate, such facilities
13 should be dispersed along the shoreline in a manner that supports more
14 frequent recreational access and aesthetic enjoyment of the shoreline for a
15 substantial number of people.
 - 16 2. Recreational developments should facilitate appropriate use of shoreline
17 resources while conserving them. These resources include, but are not
18 limited to: accretion shoreforms, wetlands, soils, groundwater, surface
19 water, native plant and animal life, and shore processes.
 - 20 3. Recreational facilities should be a combination of active and passive
21 types. Location of such facilities should consider the ecological function
22 and sensitive nature of the shorelines in order to avoid adverse impacts.
23 For example, wildlife and habitat preservation areas with sensitive nature
24 of shoreline should have low-impact recreational uses.
 - 25 4. Recreational developments and plans should provide the regional
26 population a varied and balanced choice of recreation experiences in
27 appropriate locations. Public agencies should coordinate their plans and
28 activities to provide a wide variety of recreational opportunities without
29 needlessly duplicating facilities.
 - 30 5. Recreational development should acknowledge the variety of recreational
31 opportunities offered by NPS on the NPS-managed shoreline area on
32 Lake Roosevelt.
 - 33 6. Recreational development should encourage the linkage of shoreline
34 parks, recreation areas, and public access points with linear systems, such
35 as hiking paths, bicycle paths, easements, and/or scenic drives.
 - 36 7. When feasible, recreation facilities should incorporate public education
37 regarding shoreline ecological functions and processes, the role of human
38 actions on the environment, and the importance of public involvement in
39 shorelines management. Opportunities incorporating educational and

- 1 interpretive information should be pursued in design and operation of
2 recreation facilities and nature trails.
- 3 8. Recreational development should be located and designed to preserve,
4 enhance, or create scenic views and vistas in accordance with
5 Lincoln County Code (LCC) 18.02.260, Public Access.
- 6 O. Residential Development Policies:
- 7 1. Consider single-family residential development as a priority use only
8 when developed in a manner consistent with the control of pollution and
9 prevention of damage to the natural environment.
- 10 2. Locate and construct residential development in a manner that ensures no
11 net loss of shoreline ecological functions.
- 12 3. Ensure the overall density of development, lot coverage, and height of
13 structures is appropriate to the physical capabilities of the site and
14 consistent with the comprehensive plan.
- 15 4. Ensure new residential development provides adequate buffers or open
16 space from the water to protect or restore ecological functions and
17 ecosystem-wide processes, preserve views, preserve shoreline aesthetic
18 characteristics, protect the privacy of nearby residences, and minimize use
19 conflicts.
- 20 5. Make adequate provisions for services and infrastructure necessary to
21 support residential development.
- 22 6. Design and locate residential development to preserve existing shoreline
23 vegetation, control erosion, and protect water quality.
- 24 7. Design and locate new residences so that shoreline stabilization will not be
25 necessary to protect the structure. The creation of new residential lots
26 should not be allowed unless it is demonstrated the lots can be developed
27 without:
- 28 a. Constructing shoreline stabilization structures (such as bulkheads).
29 b. Causing significant erosion or slope instability.
30 c. Removing existing native vegetation within shoreline buffers.
- 31 P. Shoreline Habitat and Natural Systems Enhancement Projects Policies:
- 32 1. Include provisions for shoreline vegetation restoration or enhancement,
33 fish and wildlife habitat enhancement, and low-impact development
34 techniques in projects located within shoreline jurisdiction, where feasible.

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

- 3 Q. Shoreline Stabilization Policies:

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

- 6 2. Design, locate, size and construct new or replacement structural shoreline
7 stabilization measures to minimize and mitigate the impact of these
8 modifications on the Lincoln County Coalition’s shorelines.

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

- 12 4. Allow location, design, and construction of riprap and other bank
13 stabilization measures primarily to prevent damage to existing
14 development or to protect the health, safety, and welfare of the
15 Lincoln County Coalition’s residents.

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

- 18 R. Utilities Policies:

- 19 1. Allow for utility and utility rights of way maintenance and extension with
20 criteria for location and vegetation restoration as appropriate. Allow for
21 owners of permitted hydroelectric developments to maintain and repair
22 facilities consistent with federal and/or state standards to ensure
23 operational service, including necessary construction activities and
24 associated staging areas.

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

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

- 1 priority for the planning, development, and operation of primary utility
 2 facilities.
- 3 4. Locate utility transmission facilities for the conveyance of services, such
 4 as power lines, cables, and pipelines, outside of shoreline jurisdiction
 5 where feasible. Where permitted within shoreline jurisdiction, such
 6 facilities should be located within existing or approved road crossings,
 7 rights-of-way, and corridors or in such a way as to minimize potential
 8 adverse impacts on shoreline areas. Joint use of rights-of-way and
 9 corridors in shoreline areas should be encouraged.
- 10 5. Locate new utility facilities so as not to require extensive shoreline
 11 protection works.
- 12 6. Locate utility facilities and corridors to protect scenic views from public
 13 parks and trails. Whenever possible, such facilities should be placed
 14 underground, or alongside or under bridges. Ensure, when located within
 15 shoreline, utility structures such as wireless communication towers or
 16 wind turbines protect shoreline views and vistas.
- 17 7. Design utility facilities and rights-of-way to preserve the natural landscape
 18 and to minimize conflicts with present and planned land uses.
- 19 S. Existing Uses Policies:
- 20 1. Allow nonconforming, existing legal uses and structures to continue in
 21 accordance with this SMP. Residential structures and appurtenant
 22 structures that were legally established and are used for a conforming use,
 23 but that do not meet standards for the following, should be considered a
 24 conforming structure: setbacks, buffers, or yards; area; bulk; height; or
 25 density.
- 26 2. Allow alterations of nonconforming structures, uses, and lots in
 27 consideration of historic development patterns, when occupied by
 28 preferred uses and consistent with public safety and other public purposes.
- 29 3. Encourage transitions from nonconforming uses to conforming uses.
- 30 4. Allow for nonconforming structures to expand when they do not increase
 31 the nonconformity according to SMP requirements.
- 32 5. Allow for existing roads, driveways, and utility lines to continue and
 33 expand when they do not increase the nonconformity according to SMP
 34 requirements.
- 35 6. Consider the no-net-loss of ecological function objective to guide review
 36 of proposed expansions or other changes to nonconforming uses and new
 37 development on nonconforming vacant lots. This objective may be

1 addressed in an area-wide manner consistent with the SMP cumulative
 2 impacts analysis.

3 **Conservation Element**

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

6 A. Goals:

7 1. Goal A: Protect the natural hydraulic, hydrologic, and habitat functions, as
 8 well as scenic and recreational values of the Lincoln County Coalition
 9 shorelines.

10 B. Policies:

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

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

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

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

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

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

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

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

- 1 9. Prohibit the introduction of invasive plant species along shorelines and
2 encourage the removal of noxious and invasive weeds and trees.
- 3 10. Protect, enhance, and maintain healthy vegetation consistent with the local
4 climate and nature of shoreline.
- 5 11. Enhance and restore areas, which are biologically and aesthetically
6 degraded to the greatest extent feasible while maintaining appropriate use
7 of the shoreline.

8 **Historic, Cultural, Scientific, and Educational Resources Element**

9 A. Goals:

- 10 1. Goal A: Identify, preserve, and protect historical, cultural, and
11 archaeological resources found to be significant by recognized local, state,
12 or federal processes.
- 13 2. Goal B: Encourage educational and scientific projects and programs that
14 foster a greater appreciation of the importance of shoreline management,
15 water-oriented activities, environmental conservation, and local historic
16 connections with the Lincoln County Coalition’s shoreline.

17 B. Policies:

- 18 1. Identify, protect, preserve, and restore important archeological, historical,
19 and cultural sites located in shorelands.
- 20 2. Encourage educational projects and programs that foster a greater
21 appreciation of the importance of shoreline management, maritime
22 activities, environmental conservation, and maritime history, consistent
23 with protecting no net loss of ecological functions.
- 24 3. Prevent public or private uses and activities from damaging, altering,
25 removing, or destroying any site having historical, cultural, scientific, or
26 educational value without appropriate analysis and mitigation.

27 **Flood Hazard Management Element**

28 A. Goals:

- 29 1. Goal A: Protect public safety within rivers’ and creeks’ floodways and
30 floodplains and protect natural systems by preserving the flood storage
31 function of floodplains.

32 B. Policies:

- 1 1. Manage development proposed within floodplains and floodways
2 consistent with the SMA, the Federal Emergency Management Agency
3 (FEMA) standards, and the Critical Areas Regulations for frequently
4 flooded areas contained within this SMP.
- 5 2. Work with cities and towns, and state and federal agencies to deal
6 effectively with regional flooding issues.
- 7 3. Control stormwater runoff in a manner consistent with low-impact
8 development practices, utilizing natural detention, retention, and recharge
9 techniques to the extent possible.
- 10 4. Prohibit any development within the floodplain, which would individually
11 or cumulatively cause any increase in the base flood elevation beyond
12 FEMA standards.

13 **Private Property Right**

14 A. Goals:

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

17 B. Policies:

- 18 1. Shoreline uses should be located and designed to respect private property
19 rights, maintain privacy of private property, be compatible with the
20 shoreline environment, protect ecological functions and processes, and
21 protect aesthetic values of the shoreline.
- 22 2. Public access to shoreline such as trails, bikeways, or roads should
23 consider privacy of private property owners when locating them near
24 private properties.

SECTION II: Shoreline Regulations

Article I. Authority and Purpose

18.02.010 Authority

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

18.02.020 Applicability

- A. This SMP shall apply to all of the shorelands and waters within the Lincoln County Coalition, which includes unincorporated Lincoln County and the towns of Odessa and Reardan, as described in SMP Section I, Shoreline Goals and Policies, Profile of the Shoreline Jurisdiction within the Lincoln County Coalition.
- B. Except when specifically exempted by statute, all proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of RCW 90.58, the SMA, and this SMP, whether or not a permit or other form of authorization is required. See SMP Shoreline Goals and Policies section for the shoreline jurisdiction description and SMP Article VII for the definition of uses, activities, and development.
- C. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of RCW 90.58. This SMP shall apply to all non-federal developments and uses undertaken on federal lands and on lands subject to non-federal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.
- D. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.
- E. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best-available science, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this SMP.

18.02.030 Purpose

- A. The purposes of this SMP are:
 - 1. To promote the public health, safety, and general welfare of the Lincoln County Coalition by providing comprehensive policies and effective,

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

19 **18.02.040 Relationship to Other Codes, Ordinances, and Plans**

- 20 A. All applicable federal, state, and local laws shall apply to properties in the
 21 shoreline jurisdiction. Where this SMP makes reference to any RCW, WAC, or
 22 other state, or federal law or regulation, the most recent amendment or current
 23 edition shall apply.
- 24 B. In the event provisions of this SMP conflict with provisions of federal, state,
 25 county or town regulations, the provision that is most protective of shoreline
 26 resources shall prevail. It is understood that the provisions of this chapter may
 27 not allow development to occur at what otherwise might be the property’s full
 28 zoning potential.
- 29 1. Local plans of programs include:
- 30 a. Watershed Management Plans (Water Resource Inventory Area
 31 [WRIA] 43 – Upper Crab-Wilson, and WRIA 53 – Lower Lake
 32 Roosevelt)
- 33 b. LCC, Title 17

- 1 c. The Town of Odessa Zoning Ordinance, Title 17
- 2 d. The Town of Reardan Zoning map and permit procedure charts
- 3 e. Lincoln County Solid Waste Permits
- 4 f. Lincoln County On-site Sewage Disposal Permits
- 5 g. Lincoln County Open Space Taxation Program (County Verify
- 6 highlights applicable or delete)
- 7 2. State and federal programs include:
 - 8 a. State Environmental Policy Act (SEPA)
 - 9 b. Washington State Hydraulic Project Approval (HPAs)
 - 10 c. Washington State Pesticide Applicator License Requirements
 - 11 d. Washington State Waste Discharge Permits
 - 12 e. Washington State Water Quality Certification Requirements (401)
 - 13 f. Federal Corps 404 Permits and Section 10 Permits
- 14 C. The policies in the SMP and contained in the SMP elements, state the
- 15 underlying objectives the regulations are intended to accomplish. The policies
- 16 guide the interpretation and enforcement of the SMP regulations contained in
- 17 LCC 18.02. The policies are not regulations in themselves and, therefore, do not
- 18 impose requirements beyond those set forth in the regulations.
- 19 D. This SMP contains critical areas regulations in LCC 18.02 Article V, applicable
- 20 only in shoreline jurisdictions that provide a level of protection to critical areas
- 21 ensuring no net loss of shoreline ecological functions necessary to sustain
- 22 shoreline natural resources. (RCW 36.70A.480). In the event of any conflict
- 23 between the requirements of this chapter, LCC 18.02, and any other code or
- 24 ordinance of the Lincoln County Coalition, the regulation that provides the
- 25 greater protection for the particular critical area within shoreline jurisdiction
- 26 shall apply.
- 27 E. Projects in the shoreline jurisdiction that have either been deemed technically
- 28 complete through the application process or have been approved through local
- 29 and state reviews prior to the adoption of this SMP are considered accepted.
- 30 Major changes or new phases of projects that were not included in the originally
- 31 approved plan will be subject to the policies and regulations of this SMP.

1 **18.02.050 Liberal Construction**

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

5 **18.02.060 Severability**

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

8 **18.02.070 Effective Date**

9 A. The SMP is hereby adopted by the Town of Odessa on the seventeenth day of
10 December 2015, by Lincoln County on the fourth day of January 2016, and by
11 the Town of Reardan on the eighteenth day of February 2016. This SMP and all
12 amendments thereto shall become effective fourteen days after final approval
13 and adoption by Ecology.

Article II. Environment Designation

18.02.100 Environment Designations

A. The Lincoln County Coalition has designated shorelines pursuant to chapter 90.58 RCW by defining them, providing criteria for their identification, and establishing the shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this SMP. The SMP classifies Lincoln County Coalition shorelines into 10 shoreline environment designations consistent with the purpose and designation criteria as follows:

1. Aquatic
2. Aquatic – Crab Creek
3. Natural
4. Agricultural Conservancy
5. Rural Conservancy
6. Recreation Conservancy
7. Recreation
8. High Intensity – Public Facility
9. Shoreline Residential
10. High Intensity – Commercial

B. Official Shoreline Maps:

1. Shoreline Area Designations are delineated on a map, hereby incorporated as a part of this SMP (LCC 18.02.870, Shoreline Environment Designation Map) that shall be known as the Official Shoreline Map. The purpose of the Official Shoreline Map is to identify Shoreline Area Designations. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best-available science, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed.

- 1 C. Unmapped or Undesignated Shorelines:
- 2 1. All areas meeting the definition of a shoreline of the state or a shorelines
- 3 of statewide significance, whether mapped or not, are subject to the
- 4 provisions of this SMP.
- 5 D. Interpretation of Environment Designation Boundaries:
- 6 1. Whenever existing physical features are inconsistent with boundaries on
- 7 the Official Shoreline Map, the Shoreline Administrator shall interpret the
- 8 boundaries. Appeals of such interpretations may be filed pursuant to
- 9 LCC 18.02.810, Appeals.
- 10 2. All shoreline areas waterward of the OHWM shall be designated Aquatic.
- 11 3. Only one shoreline area designation shall apply to a given shoreland area.
- 12 In the case of parallel designations, designations shall be divided along an
- 13 identified linear feature. Such linear features shall be clearly noted in the
- 14 metadata associated with the Official Shoreline Map.
- 15 4. All areas within shorelines that are not mapped and/or designated are
- 16 automatically assigned to the environment designations as follows:
- 17 a. Rural Conservancy environment designation in Lincoln County;
- 18 b. Shoreline Residential environment designation in the Town of
- 19 Odessa; and
- 20 c. Recreation Conservancy environment designation in the Town of
- 21 Reardan.
- 22 **18.02.110 Aquatic**
- 23 A. Purpose:
- 24 1. The purpose of the Aquatic environment designation is to protect, restore,
- 25 and manage the unique characteristics and resources of the areas
- 26 waterward of the OHWM.
- 27 B. Designation Criteria:
- 28 1. An Aquatic environment designation is assigned to lands and waters
- 29 waterward of the OHWM.
- 30 C. Management Policies:
- 31 1. In addition to the other applicable policies and regulations of this SMP,
- 32 the following management policies shall apply:

- 1 a. New overwater structures should be allowed only for
2 water-dependent uses, public access, recreation, or ecological
3 restoration.
- 4 b. Shoreline uses and modifications should be designed and managed
5 to prevent degradation of water quality and natural hydrographic
6 conditions.
- 7 c. In-water uses should be allowed where impacts can be mitigated to
8 ensure no net loss of shoreline ecological functions. Permitted
9 in-water uses must be managed to avoid impacts to shoreline
10 ecological functions. Unavoidable impacts must be minimized and
11 mitigated.
- 12 d. On navigable waters or their beds, all uses and developments
13 should be located and designed to:
 - 14 i. Minimize interference with surface navigation;
 - 15 ii. Consider impacts to public views; and
 - 16 iii. Allow for the safe, unobstructed passage of fish and
17 wildlife, particularly species dependent on migration.
- 18 2. Multiple or shared use of overwater and water-access facilities should be
19 encouraged to reduce the impacts of shoreline development and increase
20 effective use of water resources.
- 21 3. Structures and activities permitted should be related in size, form, design,
22 and intensity of use to those permitted in the immediately adjacent upland
23 area. The size of new overwater structures should be limited to the
24 minimum necessary to support the structure's intended use.
- 25 4. Natural light should be allowed to penetrate to the extent necessary to
26 support fisheries and nearshore aquatic habitat, unless other illumination is
27 required by state or federal agencies.
- 28 5. Aquaculture practices should be encouraged in those waters and beds most
29 suitable for such use. Aquaculture should be discouraged where it would
30 adversely affect the strength or viability of native stocks or unreasonably
31 interfere with navigation.
- 32 6. Shoreline uses, development, activities, and modifications in the Aquatic
33 shoreline designation requiring use of adjacent landside property should
34 be in a shoreline designation that allows that use, development, activity, or
35 modification.

18.02.120 Aquatic – Crab Creek

A. Purpose:

1. The purpose of the Aquatic – Crab Creek environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM, while acknowledging the loss of ecological function that occurs in Crab Creek in typical years when the stream is often dry for several months of the year.

B. Designation Criteria:

1. An Aquatic – Crab Creek environment designation is assigned to lands and waters waterward of the OHWM for Crab Creek, where in typical years the stream is often dry for several months of the year.

C. Management Policies:

1. In addition to the other applicable policies and regulations of this SMP, the following management policies shall apply:
 - a. New overwater structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.
 - b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.
 - c. In-water uses should be allowed where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.
2. Shoreline uses, modifications, activities, and construction of structures and facilities, to the extent possible, should occur during times when the stream channel is dry and impacts will be limited.
3. Multiple or shared use of overwater and water-access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.
4. Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use.

1 5. Natural light should be allowed to penetrate to the extent necessary to
2 support fisheries and aquatic habitat, unless other illumination is required
3 by state or federal agencies.

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

8 **18.02.130 Natural**

9 (Unimproved U.S. Bureau of Reclamation-owned and NPS-managed
10 Columbia River shoreline, areas along the Spokane River, and potentially area
11 around Audubon Lake)

12 A. Purpose:

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

20 B. Designation Criteria:

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

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

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

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

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

33 e. The shoreline has a high potential for low-impact or passive or
34 public recreation.

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

3 C. Management Policies:

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

6 a. Any use that would substantially degrade shoreline ecological
7 functions or natural character of the shoreline area should not be
8 allowed.

9 b. Scientific, historical, cultural, educational research, and
10 low-impact, passive recreational uses are allowed, while meeting
11 no net loss of ecological function requirements.

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

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

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

25 f. Only physical alterations that serve to protect a significant or
26 unique physical, biological, or visual shoreline feature that might
27 otherwise be degraded or destroyed, or those alterations that are
28 the minimum necessary to support a permitted use, should be
29 allowed.

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

33 **18.02.140 Agricultural Conservancy**

34 (Crab Creek and Portions of the Spokane River)

35 A. Purpose:

1 1. The purpose of the Agricultural Conservancy environment designation is
 2 to protect shoreline ecological functions, conserve existing natural and
 3 agricultural resources in order to provide for sustained resource use,
 4 achieve natural floodplain processes where applicable, and provide
 5 recreational opportunities. In addition to existing and future agriculture
 6 uses, examples of uses that are appropriate in Agricultural Conservancy
 7 shoreline designation include low-impact, passive recreation uses, natural
 8 resource-based low-intensity uses, development in support of agricultural
 9 uses, and low-intensity residential development.

10 B. Designation Criteria:

11 1. The following criteria are used to consider an Agricultural Conservancy
 12 environment designation:

- 13 a. The shoreline is located outside of incorporated municipalities;
- 14 b. The shoreline is not highly developed, and most development is
 15 agriculture and low-density residential;
- 16 c. The shoreline has riparian vegetation with high to moderate
 17 ecological functions;
- 18 d. The shoreline has low to moderate potential for public,
 19 water-oriented recreation where ecological functions can be
 20 maintained or restored; or
- 21 e. The shoreline has high potential for agricultural uses.

22 C. Management Policies:

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

- 25 a. Uses in the Agricultural Conservancy. In addition to existing
 26 agriculture uses, other shoreline uses should be limited to those
 27 that sustain the shoreline area's physical and biological resources
 28 and do not substantially degrade shoreline ecological functions or
 29 the rural or natural character of the shoreline area.
- 30 b. Residential development shall ensure no net loss of shoreline
 31 ecological functions and preserve the existing character of the
 32 shoreline consistent with the purpose of this designation.
- 33 c. Encourage regulations that limit lot coverage, provide adequate
 34 buffers from the shoreline, promote water quality protection and
 35 native vegetation conservation, promote invasive species
 36 control/removal and replacement with native species, and reduce

- 1 the need for shoreline stabilization to ensure no net loss of
 2 shoreline ecological functions.
- 3 d. Water-dependent and water-enjoyment recreation facilities that do
 4 not deplete the resource over time are preferred uses, provided
 5 significant adverse impacts to the shoreline are avoided and
 6 unavoidable impacts are minimized and mitigated.
- 7 e. Developments and uses that would substantially degrade or
 8 permanently deplete the biological resources of the area should not
 9 be allowed.
- 10 f. New shoreline stabilization, flood-control measures, vegetation
 11 removal, and other shoreline modifications should be designed and
 12 managed consistent with these guidelines to ensure that the natural
 13 shoreline functions are protected. Such shoreline modification
 14 should not be inconsistent with planning provisions for restoration
 15 of shoreline ecological functions.

16 **18.02.150 Rural Conservancy**

17 (All other non-agriculture rural areas, e.g., Lake Creek lakes or Southeast County
 18 lakes)

19 A. Purpose:

- 20 1. The purpose of the Rural Conservancy environment designation is to
 21 protect shoreline ecological functions and conserve existing natural
 22 resources and valuable historical and cultural areas in order to provide for
 23 sustained resource use, achieve natural floodplain processes where
 24 applicable, and provide recreational opportunities. In addition to existing
 25 agriculture uses, examples of uses that are appropriate in a Rural
 26 Conservancy shoreline designation include low-impact passive agriculture
 27 and recreation uses, and low-intensity residential development.

28 B. Designation Criteria:

- 29 1. The following criteria are used to consider a Rural Conservancy
 30 environment designation:
- 31 a. The shoreline is located outside of incorporated municipalities;
- 32 b. The shoreline is not highly developed and most development is
 33 low-density residential. The shoreline may also have small-scale
 34 farms, and unimproved land used for livestock grazing and
 35 harvesting of non-cultivated crops;

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

- 4 d. The shoreline has high scientific or educational value or unique
5 historical or cultural resources value.

- 6 C. Management Policies:

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

- 9 a. Uses in the Rural Conservancy. In addition to existing uses, other
10 shoreline uses should be limited to those that sustain the shoreline
11 area's physical and biological resources and do not substantially
12 degrade shoreline ecological functions, or the rural or natural
13 character of the shoreline area.

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

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

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

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

- 30 f. New shoreline stabilization, flood-control measures, vegetation
31 removal, and other shoreline modifications should be designed and
32 managed consistent with these guidelines to ensure that the natural
33 shoreline functions are protected. Such shoreline modification
34 should not be inconsistent with planning provisions for restoration
35 of shoreline ecological functions.

36 **18.02.160 Recreation Conservancy**

37 (Plum Point, Jones Bay, Coffee Pot Lake, and Audubon Lake)

- 1 A. Purpose:
- 2 1. The purpose of the Recreation Conservancy environment designation is to
- 3 provide continued and enhanced recreational opportunities while
- 4 protecting shoreline ecological functions and to conserve existing natural
- 5 resources and valuable historical and cultural areas in order to provide
- 6 for sustained resource use, and achieve natural floodplain processes
- 7 where applicable. Examples of uses that are appropriate in a
- 8 Recreation Conservancy shoreline designation include public lands with
- 9 low-impact recreation uses and water-oriented commercial development.
- 10 B. Designation Criteria:
- 11 1. The following criteria are used to consider a Recreation Conservancy
- 12 environment designation:
- 13 a. The shoreline is located outside of incorporated municipalities;
- 14 b. In most cases, the shoreline is publically owned and includes NPS
- 15 facilities that provide aquatic habitat and water supply benefits;
- 16 c. The shoreline has moderate to high ecological function with
- 17 moderate to high opportunity for preservation and low to moderate
- 18 opportunity for restoration, or low to moderate opportunity for
- 19 restoration;
- 20 d. The shoreline is not highly developed and most development is
- 21 low-intensity recreation-related;
- 22 e. The shoreline has existing or moderate to high potential for public,
- 23 water-oriented recreation where ecological functions can be
- 24 maintained or restored, and for Lake Roosevelt, shorelines are
- 25 designated as Dispersed Recreation Zones in the Lake Roosevelt
- 26 National Recreation Area Plans; or
- 27 f. The shoreline has high scientific or educational value or unique
- 28 historical or cultural resources value.
- 29 C. Management Policies:
- 30 1. In addition to the other applicable policies and regulations of this SMP,
- 31 the following management policies shall apply:
- 32 a. Uses in the Recreation Conservancy – Low-intensity recreational
- 33 uses that sustain the shoreline area's physical and biological
- 34 resources and do not substantially degrade shoreline ecological
- 35 functions or the rural or natural character of the shoreline area.

- 1 a. The shoreline has low to moderate ecological function with low to
- 2 moderate opportunity for preservation, and restoration.
- 3 b. The shoreline is highly developed, and most development is
- 4 recreation-related with potential for additional recreation and
- 5 recreation-related commerce or is suitable and planned for
- 6 water-oriented uses.
- 7 c. The shoreline is designated Concentrated Recreation or Developed
- 8 Recreation Zone in the Lake Roosevelt National Recreation Area
- 9 Plans.
- 10 d. The shoreline has existing recreation uses or moderate to high
- 11 potential for public and private, water-oriented recreation where
- 12 ecological functions can be maintained or enhanced.
- 13 e. The shoreline has limited scientific or educational value or unique
- 14 historic or cultural resources values.
- 15 C. Management Policies:
- 16 1. In addition to the other applicable policies and regulations of this SMP,
- 17 the following management policies shall apply:
- 18 a. In regulating uses in the Recreation environment, first priority
- 19 should be given to water-dependent recreational uses. Second
- 20 priority should be given to water-related and water-enjoyment
- 21 recreational uses. Non-water-oriented uses should not be allowed,
- 22 except as part of mixed-use developments with a recreation focus.
- 23 b. Policies and regulations shall ensure no net loss of shoreline
- 24 ecological functions as a result of new development. Consistent
- 25 with the Lincoln County Coalition's restoration plan, new
- 26 development shall include restoration of shoreline functions as part
- 27 of project proposals.
- 28 c. In the NPS' Developed Recreation Zone, resources will be
- 29 managed to maintain the natural character of the area and enhance
- 30 the visitor experience. Native plant species will be maintained in
- 31 natural areas, but non-native species can be used in developed area
- 32 landscapes to resolve specific problems that cannot be addressed
- 33 with native species.
- 34 d. In the NPS' Concentrated Recreation Zone, resources will be
- 35 primarily managed to enhance visitor experience. Maintaining
- 36 native plant species will continue to be an emphasis, but
- 37 non-native species can be considered to resolve landscape
- 38 problems.

- 1 e. Where feasible, visual and physical public access should be
2 required as provided for in LCC 18.02.260, Public Access.
3 Recreational objectives should be enhanced by combining physical
4 and visual public access opportunities with other recreational
5 opportunities where feasible.
- 6 f. Water-oriented commercial uses should be allowed.
- 7 g. Aesthetic objectives should be implemented by means such as sign
8 control regulations, appropriate development siting, screening, and
9 architectural standards, and maintenance of natural vegetative
10 buffers.

11 **18.02.180 High Intensity – Public Facility**

12 (Little Falls Reservoir and Dam, Long Lake Dam, and area surrounding the
13 railroad in Crab Creek in Odessa)

14 A. Purpose:

- 15 1. The purpose of the High Intensity – Public Facility environment
16 designation is to provide for higher intensity public facility utility or
17 infrastructure that needs shoreline location for operation and that are
18 associated with high-intensity, water-oriented power generation, irrigation
19 water supply conveyance, transportation, or navigation uses. This
20 environment may also provide for some recreational uses while protecting
21 public safety, existing ecological functions, conserving existing natural
22 resources and restoring ecological functions in areas that have been
23 previously degraded.

24 B. Designation Criteria:

- 25 1. The following criteria are used to consider a High Intensity – Public
26 Facility environment designation:
 - 27 a. The shoreline has low to moderate ecological function with low to
28 moderate opportunity for preservation or restoration.
 - 29 b. The shoreline is highly developed, and most development is public
30 utility or infrastructure-related with potential for additional related
31 development or facility rehabilitation or upgrade modifications, or
32 is suitable and planned for more intensive public facility uses.
 - 33 c. Shoreline areas that are managed by public agencies to provide
34 public services, that operation of such services depend on
35 proximity to water and that includes high-intensity uses related to
36 power generation, irrigation water supply conveyance,
37 transportation, or navigation uses.

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

- 3 C. Management Policies:

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

- 6 a. In regulating uses in the High Intensity – Public Facility
- 7 environment, first priority should be given to water-dependent
- 8 public-facility uses. Second priority should be given to
- 9 water-related and water-enjoyment uses that are not in conflict
- 10 with the public-facility uses. Non-water-oriented uses are allowed
- 11 as part of public facility operational needs.

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

- 18 c. Where feasible, visual and physical public access should be
- 19 required as provided for in LCC 18.02.260, Public Access.

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

24 **18.02.190 Shoreline Residential**
25 (Cayuse Cove, Odessa, and Reardan)

- 26 A. Purpose:

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

- 32 B. Designation Criteria:

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

- 1 a. The shoreline has low to moderate ecological function with low to
- 2 moderate opportunity for restoration.
- 3 b. The shoreline contains mostly residential development at urban
- 4 densities or in clusters in rural setting.
- 5 c. The shoreline has low to moderate potential for low-impact,
- 6 passive, or active water-oriented recreation where ecological
- 7 functions can be restored.
- 8 C. Management Policies:
- 9 1. In addition to the other applicable policies and regulations of this SMP,
- 10 the following management policies shall apply:
- 11 a. Encourage regulations that ensure no net loss of shoreline
- 12 ecological functions as a result of new development such as
- 13 limiting lot coverage, providing adequate setbacks from the
- 14 shoreline, promoting vegetation conservation, reducing the need
- 15 for shoreline stabilization, and maintaining or improving water
- 16 quality to ensure no net loss of ecological functions.
- 17 b. The scale and density of new uses and development should be
- 18 compatible with sustaining shoreline ecological functions and
- 19 processes, and the existing residential character of the area.
- 20 c. Public access and joint (rather than individual) use of recreational
- 21 facilities should be promoted.
- 22 d. Access, utilities, and public services to serve proposed
- 23 development within shorelines should be constructed outside
- 24 wetland and riparian buffers to the extent feasible, and be the
- 25 minimum necessary to adequately serve existing needs and
- 26 planned future development.
- 27 e. Public or private outdoor recreation facilities should be provided
- 28 with proposals for subdivision development and encouraged with
- 29 all shoreline development if compatible with the character of the
- 30 area. Priority should be given first to water-dependent and then to
- 31 water-enjoyment recreation facilities.
- 32 f. Commercial development should be limited to water-oriented uses.
- 33 Non-water-oriented commercial uses should only be allowed as
- 34 part of mixed-used developments.

35 **18.02.195 High Intensity – Commercial**

36 (Commercial and industrial areas within Odessa)

- 1 A. Purpose:
- 2 1. The purpose of the High Intensity – Commercial environment designation
- 3 is to provide for intensive land uses such as commercial, industrial, office,
- 4 transportation, retail, and mixed-use developments, together with
- 5 appropriate accessory uses, while protecting existing ecological functions
- 6 and restoring ecological functions in areas that have been previously
- 7 degraded.
- 8 B. Designation Criteria:
- 9 1. Assign a High Intensity – Commercial environment designation to
- 10 shoreline areas within town limits if they currently support high-intensity
- 11 uses related to commerce, retail, industry, residential, transportation or
- 12 navigation, or are suitable and planned for mixed-use high-intensity water-
- 13 oriented uses.
- 14 C. Management Policies:
- 15 1. Manage development so that it enhances and maintains the shorelines for a
- 16 variety of urban uses, with priority given first to water-dependent uses,
- 17 and second to water-related and water-enjoyment uses.
- 18 2. New non-water-oriented uses may be allowed as part of an existing or
- 19 mixed-use development, or where they do not conflict with or limit
- 20 opportunities for water-oriented uses, or on sites where there is no direct
- 21 access to the shoreline, or when associated with public access or
- 22 ecological restoration.
- 23 3. Policies and regulations shall ensure no net loss of shoreline ecological
- 24 functions as a result of redevelopment and new development. Where
- 25 applicable, development shall include environmental cleanup and
- 26 restoration of the shoreline to comply in accordance with any relevant
- 27 state and federal law.
- 28 4. Where feasible, visual and physical public access should be required as
- 29 provided for in LCC 18.02.260, Public Access.
- 30 5. Aesthetic objectives should be implemented by means such as sign control
- 31 regulations, appropriate development siting, screening and architectural
- 32 standards, and maintenance of natural vegetative buffers.

Article III. General Regulations

18.02.200 Shoreline Use and Modification

A. Regulations:

1. LCC Table 18.02.200 (B) indicates which shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

- a. “Permitted Uses” require a Shoreline Substantial Development Permit or a Shoreline Exemption.
- b. “Conditional Uses” require a Shoreline Conditional Use Permit per LCC 18.02.750.
- c. “Prohibited” activities, uses, developments, and modifications are not allowed and cannot be permitted through a Variance or Shoreline Conditional Use Permit.
- d. General Regulations (LCC 18.02, Article III) and Shoreline Modification and Uses Regulations (LCC 18.02, Article IV) shall be considered for additional limitations.

2. All uses shall comply with the written provisions and regulations in this SMP and the shoreline use and modification matrix in LCC 18.02.200 (B). Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

3. General:

- a. Accessory uses shall be subject to the same shoreline permit process as their primary use.
- b. Authorized uses and modifications shall be allowed only in shoreline jurisdiction where the underlying zoning allows for it and where subject to the policies and regulations of this SMP.
- c. A use is considered unclassified when it is not listed in Table 18.02.200 (B), or in the Shoreline Modification and Uses Regulations (LCC 18.02, Article IV). Any proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this SMP and the requirements for conditional uses.
- d. If any part of a proposed activity, use, modification or development is not eligible for exemption per LCC 18.20.770

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

- e. When a specific use or modification extends into the Aquatic environment and an abutting upland environment without clear separation (e.g., private moorage facility, shoreline stabilization), the most restrictive permit process shall apply to that use or modification.
- f. Shoreline and critical areas buffers found in LCC 18.20, Article V, apply to all uses and modifications unless stated otherwise in the regulations.
- g. None of the allowed uses shall be conducted in the floodway in any environment designation, except as allowed by LCC 18.20.560, Frequently Flooded Areas.
- h. Administrative interpretation of these regulations shall be done according to Section 18.20.710 (B) of this document.

B. Shoreline Use and Modification Matrix:

Table 18.02.200 (B) Shoreline Use and Modification Matrix for Lincoln County Coalition

Use/Modification	Aquatic	Aquatic – Crab Creek	Natural	Agricultural Conservancy	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity – Public Facility	Shoreline Residential	High Intensity – Commercial
Resource Uses										
Agriculture	X	X	X	A	A ¹	X	X	X	C	X
Aquaculture	A	X	X	X	C	X	X	X	X	X
Forest Practices	NA	NA	C	C	A	A	A	X	X	X
Mining	X	X	X	C	C	X	X	X	X	X
Boating Facilities										
Boat Launch (motorized boats)	C	C	X	C	C	C	C	C	C	C

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable										
Use/Modification	Aquatic	Aquatic – Crab Creek	Natural	Agricultural Conservancy	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity – Public Facility	Shoreline Residential	High Intensity – Commercial
Boat Launch (non-motorized boats – canoe / kayak)	A	A	C	A	A	A	A	A	A	A
Marina	A	X	X	C	C	C	A	A	C	A
Docks, Piers, Mooring Facilities										
Private and Share Moorage	A	C	X	A	A	A	A	A	A	A
Public Moorage	A	C	X	C	C	A	A	A	C	A
Covered Moorage	C	X	X	X	C	C	C	X	X	X
Commercial Development										
Water-dependent	C	C	X	A	A	A	A	A	A	A
Water-related, Water-enjoyment	X	X	X	X	X	C	A	A	C	A
Non-water-oriented	C ²	C ²	X	C ²	C ²	C ²	A ²	A ²	X	A ²
Dredging Activities										
Dredging	A	A/C ³	NA	NA	NA	NA	NA	NA	NA	NA
Dredge Material Disposal	A	C	X	X	X	C	C	C	C	C
Dredging and Disposal as Part of Ecological Restoration/Enhancement	A	A	C	A	A	A	A	A	A	A
Fill										
Floodways	C	A	C	C	C	C	C	C	C	C
Other Upland Fill	NA	NA	C	A	A	A	A	A	A	A
Industrial Uses										
Water-dependent	X	X	X	X	X	X	X	A	X	A
Water-related, Water-enjoyment	X	X	X	X	X	X	X	A	X	A
Non-water-oriented	X	X	X	X	X	X	X	A ²	X	A ²
In-water Modifications										
Breakwater	C	C	X	C	C	C	C	C	C	C
Groins and Weirs	C	C	X	C	C	C	C	C	C	C
In-stream Structures	A	A	C	A	A/C ⁴	A/C ⁴	A	A/C ⁴	A/C ⁴	C
Research and Monitoring										
Water-dependent	A	A	A	A	A	A	A	A	A	A
Water-related, Water-enjoyment	X	X	C	C	C	C	A	A	A	A
Non-water-oriented	X	X	X	X	X	X	C	A	C	A

A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable											
Use/Modification	Aquatic	Aquatic – Crab Creek	Natural	Agricultural Conservancy	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity – Public Facility	Shoreline Residential	High Intensity – Commercial	
Recreational Development											
Water-dependent	A	A	A ⁵	A ⁵	A ⁵	A ⁵	A	A	A	A	
Water-related, Water-enjoyment (Trails and Accessory Buildings)	C	C	C	A	A	A	A	A	A	A	
Non-water-oriented	X	X	X	C	C	C	A	A	A ²	A	
Residential Development	X	X	C	A	A	A	A	X	A	A	
Shoreline Habitat and Natural Systems Enhancement Projects	A	A	A	A	A	A	A	A	A	A	
Shoreline Stabilization and Flood Control											
Flood Control											
Modification of Existing Flood-control Facilities (Dams, Dikes), Including Replacement Landward of Existing Location	A	A	A	A	A	A	A	A	A	A	
New Flood-control Facilities (Dams, Dikes)	C	C ⁶	C	C	C	C	C	C	C	C	
Shoreline Stabilization											
New											
Hard	C	C	X	C	C	C	C	C	C	C	
Soft	A	A	A	A	A	A	A	A	A	A	
Replacement ⁷	A	A	A	A	A	A	A	A	A	A	
Transportation											
Highways, Arterials, Railroads (Parallel to OHWM)	NA	NA	X	C	C	C	A	A	C	A	
Secondary/Public Access Roads (parallel to OHWM)	NA	C	X	A	A	A	A	A	A	A	
Roads Perpendicular to the OHWM	X	C	C	A	A	A	A	A	A	A	
Bridges (Perpendicular to Shoreline)	C	C	C	C	C	C	A	A	C	A	
Existing Bridges, Trails, Roads, and Parking Facilities: Improvement or Expansion	A	A	A	A	A	A	A	A	A	A	

Use/Modification	Aquatic	Aquatic – Crab Creek	Natural	Agricultural Conservancy	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity – Public Facility	Shoreline Residential	High Intensity – Commercial
A = Allowed with Substantial Development Permit C = Conditional Use X = Prohibited NA = Not Applicable										
New Parking, Accessory	Takes permit types of primary use									
New Parking, Primary	X	X	C	C	C	A ⁸	A ⁸	A ⁸	X	A
Utility										
Above-ground and Underground Utilities (Parallel and Across Shoreline)	C	A	C	A	A	A	A	A	A	A

Notes:

- 1 = Allowed when agricultural uses are passive such as livestock grazing, harvesting of non-cultivated crops, or small scale farms, or when ecological functions are degraded to the point where the land is functionally equivalent to cultivated land.
- 2 = New uses allowed as part of mixed use, or, according to LCC 18.02.340 B, LCC 18.02.380 B, or as part of an existing use according to Article VI, Existing Uses, Structures and Lots
- 3 = Allowed when streambed is dry; otherwise conditional use
- 4 = Allowed with Substantial Development Permit for Lake Roosevelt water diversions consistent with NPS management plans and requirements, or for habitat restoration and/or fish habitat enhance purposes only; conditional use for all other uses
- 5 = Low-intensity use only
- 6 = Only allowed when no other alternatives are available
- 7 = Exempt for protective bulkhead common to single-family residences according to LCC 18.02.770 (D), and when consistent with LCC 18.02.450 (E) and (F)
- 8 = Not allowed within 50 feet of edge of riparian vegetation corridor
- LCC = Lincoln County Code
- NPS = National Park Service
- OHWM = ordinary high water mark

1

2 **18.02.210 Development Standards**

3 A. Regulations:

4 1. To preserve the existing and planned character of the shoreline consistent
 5 with the purposes of the shoreline environment designations, development
 6 standards are provided in the table below. These standards apply to all use
 7 and modification unless indicated otherwise. In addition, shoreline
 8 developments shall comply with all other dimensional requirements of the
 9 Lincoln County's, Town of Odessa's, and Town of Reardan's codes.

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

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

B. Shoreline Development Standards Table:

Table 18.02.210 (B-1) Shoreline Development Standards for Lincoln County

Standard	Aquatic	Aquatic-Crab Creek	Natural	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity – Public Facility	Shoreline Residential
Building height maximum in feet	15	15	35				As required	35
Building line setback in feet ¹	NA	NA	10					
Impervious surface cover	NA	NA	5%	10% for lots greater than 5 acres; 15% for lots 5 acres or less			NA	Up to 50%
Riparian buffer width in feet (shrub-steppe habitat) ^{2, 3, 4, 5, 6}	NA	NA	Manage entire area for conservation	65 ⁵	65	50	35	65
Riparian buffer width in feet (forest habitat) ^{3, 4, 5, 7}	NA	NA	Manage entire area for conservation	100	100	50	35	100
Trail width in feet	NA	NA	Up to 10-feet-wide or as required by ADA regulations. Trails on private properties and not open for public use shall be up to 5-feet-wide.					

Notes:

1. Measured from the applicable riparian buffer line.
2. Based on *Grant County Semi-arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates*, Table 1 findings for fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet), erosion control (40 to 50 feet), water quality (50 to 65 feet), and organic input (less than 50 feet).
3. Measured from the ordinary high water mark or top of bank, as applicable.
4. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland buffers, priority habitat, and species-specific management recommendations for inland dunes, cliffs and bluffs habitat, and other Shoreline Master Program conditions, as applicable.
5. Except where roadway, paved trail, or parking area encroaches, providing an ecological functional break, and then to the waterward edge of the facility maintenance area (disturbed area), as applicable.
6. 130 feet for new agricultural development on slopes 15% or greater within shoreline jurisdiction.
7. Based on estimated functional area needed for riparian areas with both shrub-steppe and conifer (e.g., ponderosa pine) and deciduous (e.g., alder) forested areas on the Columbia (Reaches 2b, 4b, 4d, 4f-4i, 4l, 5, and 6) and Spokane (Reaches 1 to 5) rivers. Buffer width is based upon the following: instream habitat (100 feet); wildlife habitat riparian habitat (including riparian vegetation corridor of 20 to 50 feet and upland transition zone vegetation of 50 to 80 feet); shade and cover; erosion

control and water quality protections (up to 100 feet); and organic/large wood input (one-tree height—up to 100 feet; as adapted from Washington Department of Fish & Wildlife 1997 Riparian Habitat Management Recommendations).
 ADA = Americans with Disabilities Act
 NA = Not applicable

Table 18.02.210 (B-2) Shoreline Development Standards for the Town of Odessa

Standard	Aquatic-Crab Creek	Rural Conservancy	Recreation Conservancy	Recreation	High Intensity – Commercial and Public Facility)	Shoreline Residential
Building height maximum in feet	NA	35			As required for facilities up to height of existing highest building	35
Building line setback in feet ¹	NA	5				
Impervious surface cover	NA	15%		Up to 25%	Up to 50%	Up to 50%
Riparian buffer width in feet ^{2, 3, 4, 5, 6}	NA	50		35		
Trail width in feet	NA	Up to 10-feet-wide or as required by ADA regulations. Trails on private properties and not open for public use shall be up to 5-feet-wide.				

Notes:

1. Measured from the applicable riparian buffer line.
2. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland buffers, and other additional conditions, as applicable.
3. Measured from the ordinary high water mark or top of bank, as applicable.
4. Based on *Grant County Semi-arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master Program Updates*, Table 1 findings for fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet), erosion control (40 to 50 feet), water quality (50 to 65 feet), and organic input (less than 50 feet; Anchor QEA 2013).
5. Except where roadway, paved trail, parking area or other development provides an ecological functional break, and then to the waterward edge of the facility maintenance area (disturbed area), as applicable.
6. Paved bicycle/pedestrian trail allowed within the outer 35% of buffer.

ADA = Americans with Disabilities Act

NA = Not applicable

1 **Table 18.02.210 (B-3) Shoreline Development Standards for the Town of Reardan**

Standard	Aquatic	Recreation Conservancy	Shoreline Residential
Building height maximum in feet	NA	35	35
Building line setback in feet ¹	NA	5	
Impervious surface cover	NA	Up to 15% ¹	Up to 50% ¹
Riparian buffer width in feet ^{2, 3, 4, 5}	NA	75	50
Trail width in feet	NA	Up to 10-foot-wide or as required by ADA regulations. Trails on private properties and not open for public use shall be up to 5-foot-wide. ⁵	

2 Notes:

- 3 1. Measured from the applicable riparian buffer line.
- 4 2. Accompanied by stormwater management measures/facilities, geologic hazard protections, wetland buffers, and other
- 5 additional conditions, as applicable. Wetland protection provisions will likely encompass riparian buffer and potentially
- 6 extend beyond, depending on proposed development intensity.
- 7 3. Measured from the ordinary high water mark or top of bank, as applicable.
- 8 4. Based on *Grant County Semi-arid Riparian Functions and Associated Regulatory Protections to Support Shoreline Master*
- 9 *Program Updates*, Table 1 findings for fish and wildlife habitat (less than 50 feet), shade and cover (less than 50 feet),
- 10 erosion control (40 to 50 feet), water quality (50 to 65 feet), and organic input (less than 50 feet; Anchor QEA 2013).
- 11 5. Except where roadway, paved trail, or parking area encroaches, providing an ecological functional break, and then to the
- 12 waterward edge of the facility maintenance area (disturbed area), as applicable.
- 13 6. Bicycle/pedestrian trail allowed as consistent with wetland and fish and wildlife habitat conservation area standards.
- 14 ADA = Americans with Disabilities Act
- 15 NA = Not applicable
- 16

17 **18.02.220 Archaeological and Historic Resources**

- 18 A. In all developments, whenever an archaeological area or historic site is
- 19 discovered by a development in the shoreline area, the developer shall comply
- 20 with applicable state and federal laws and regulations.
- 21 B. Developers and property owners shall immediately stop work and notify the
- 22 local government, the office of archaeology and historic preservation and
- 23 affected Indian tribes if archaeological resources are uncovered during
- 24 excavation.
- 25 C. Prior to development, in areas documented to contain archaeological resources,
- 26 a site inspection or evaluation by a professional archaeologist is required in
- 27 coordination with affected Indian tribes.

28 **18.02.230 Environmental Protection**

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

- 1 B. Applicants shall apply the following sequence of steps in order of priority to
 2 avoid or minimize significant adverse effects and significant ecological impacts
 3 (with 1. being top priority):
- 4 1. Avoid the adverse impact altogether by not taking a certain action or parts
 5 of an action;
- 6 2. Minimize adverse impacts by limiting the degree or magnitude of the
 7 action and its implementation by using appropriate technology or by
 8 taking affirmative steps to avoid or reduce impacts;
- 9 3. Rectify the adverse impact by repairing, rehabilitating, or restoring the
 10 affected environment to the conditions existing at the time of the initiation
 11 of the project;
- 12 4. Reduce or eliminate the adverse impact over time by preservation and
 13 maintenance operations;
- 14 5. Compensate for the adverse impact by replacing, enhancing, or providing
 15 substitute resources or environments; and
- 16 6. Monitor the adverse impact and the compensation projects and taking
 17 appropriate corrective measures.
- 18 C. Projects that cause significant adverse environmental impacts, as defined in
 19 WAC 197-11-794 and LCC 18.02.860, Definitions, are not allowed unless
 20 mitigated according to LCC 18.02.230 (B), above, to avoid reduction or damage
 21 to ecosystem-wide processes and ecological functions. As part of this analysis,
 22 the applicant shall evaluate whether the project may adversely affect existing
 23 hydrologic connections between streams and wetlands and either modify the
 24 project or mitigate any impacts as needed.
- 25 D. When compensatory measures are appropriate pursuant to the mitigation
 26 priority sequence above, preferential consideration shall be given to measures
 27 that replace the adversely impacted functions directly and in the immediate
 28 vicinity of the adverse impact. However, alternative compensatory mitigation
 29 may be authorized within the affected drainage area or watershed that addresses
 30 limiting factors or identified critical needs for shoreline resource conservation
 31 based on watershed or resource management plans, including the Shoreline
 32 Restoration Plan, applicable to the area of adverse impact. Authorization of
 33 compensatory mitigation measures may require appropriate safeguards, terms,
 34 or conditions as necessary to ensure no net loss of ecological functions.

35 **18.02.240 Shoreline Vegetation Conservation**

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

- 1 developments may be maintained within shoreline jurisdiction as stipulated in
 2 the approval documents for the development.
- 3 B. Regulations specifying establishment and management of shoreline buffers are
 4 located in the LCC 18.02, Article V, Critical Areas. Vegetation within shoreline
 5 buffers, other stream buffers, and wetlands and wetland buffers shall be
 6 managed consistent with the LCC 18.02, Article V.
- 7 C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and
 8 wetland buffers and within shoreline jurisdiction shall be managed according to
 9 this LCC 18.02.230, Environmental Protection, and any other regulations
 10 specific to vegetation management contained in other chapters of this SMP.
- 11 D. Vegetation clearing outside of wetlands and wetland and stream buffers shall be
 12 limited to the minimum necessary to accommodate approved shoreline
 13 development that is consistent with all other provisions of this SMP. Mitigation
 14 sequencing shall be applied so that the design and location of the structure or
 15 development minimizes native vegetation removal.
- 16 E. Removal of noxious weeds and/or invasive species shall be incorporated in
 17 management and mitigation plans, as necessary, to facilitate establishment of a
 18 stable community of native plants.
- 19 F. Vegetation management shall be in compliance with applicable federal and state
 20 permit requirements.

21 **18.02.250 Water Quality, Stormwater, and Nonpoint Pollution**

- 22 A. The location, design, construction, and management of all shoreline uses and
 23 activities shall protect the quality and quantity of surface and groundwater
 24 adjacent to the site.
- 25 B. When applicable, all shoreline development should comply with the
 26 requirements of the latest version of Ecology's Stormwater Management
 27 Manual for Eastern Washington.
- 28 C. Best management practices (BMPs) for control of erosion and sedimentation
 29 shall be implemented for all shoreline development.
- 30 D. Potentially harmful materials, including, but not limited to, oil, chemicals, tires,
 31 or hazardous materials, shall not be allowed to enter any body of water or
 32 wetland, or to be discharged onto the land. Potentially harmful materials shall
 33 be maintained in safe and leak-proof containers.
- 34 E. Within 25 feet of a waterbody, herbicides, fungicides, fertilizers, and pesticides
 35 shall be applied in strict conformance to the manufacturer's recommendations
 36 and in accordance with relevant state and federal laws. Further, pesticides
 37 subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall

1 not be applied within 60 feet for ground applications or within 300 feet for
 2 aerial applications of the subject waterbodies and shall be applied by a qualified
 3 professional in accordance with state and federal law.

4 F. New development shall provide stormwater management facilities designed,
 5 constructed, and maintained in accordance with the latest version of the
 6 Ecology's Stormwater Management Manual for Eastern Washington, including
 7 the use of BMPs. Additionally, new development shall implement low-impact
 8 development techniques where feasible and necessary to fully implement the
 9 core elements of the Surface Water Design Manual.

10 G. For development activities with the potential for adverse impacts on water
 11 quality or quantity in a stream or Fish and Wildlife Habitat Conservation Area,
 12 a Critical Areas Report as prescribed in the LCC 18.02, Article V, Critical
 13 Areas, shall be prepared. Such reports should discuss the project's potential to
 14 exacerbate water quality parameters, which are impaired, and for which total
 15 maximum daily loads for that pollutant have been established, and prescribe any
 16 necessary mitigation and monitoring.

17 H. All materials that may come in contact with water shall be constructed of
 18 materials such as untreated wood, concrete, and approved plastic composites or
 19 steel that will not adversely affect water quality or aquatic plants or animals.
 20 Materials used for decking or other structural components shall be approved by
 21 applicable state agencies for contact with water to avoid discharge of pollutants
 22 from wave or boat wake splash, rain, or runoff. Wood treated with creosote,
 23 copper chromium arsenic, or pentachlorophenol is prohibited in shoreline
 24 waterbodies.

25 **18.02.260 Public Access**

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

- 30 1. Visual Access. Visual public access may consist of view corridors,
 31 viewpoints, or other means of visual approach to public waters.
- 32 2. Physical Access. Physical public access may consist of a dedication of
 33 land or easement and a physical improvement in the form of a walkway,
 34 trail, bikeway, park, boat or canoe and kayak launching ramp, dock area,
 35 view platform, or other area serving as a means of physical approach to
 36 public waters.

37 B. Except as provided in LCC 18.02.260 (C) below, new uses shall provide for
 38 safe and convenient public access to and along the shoreline where any of the
 39 following conditions are present:

- 1 1. The development is proposed by a public entity or on public lands;
- 2 2. The nature of the proposed use, activity, or development will likely result
- 3 in an increased demand for public access to the shoreline;
- 4 3. The proposed use, activity, or development is not a water-oriented or other
- 5 preferred shoreline use, activity or development under the SMA, such as a
- 6 non-water-oriented commercial or recreational use;
- 7 4. The proposed use, activity, or development may block or discourage the
- 8 use of customary and established public access paths, walkways, trails, or
- 9 corridors;
- 10 5. The proposed use, activity, or development will interfere with the public
- 11 use, activity, and enjoyment of shoreline areas or waterbodies subject to
- 12 the public trust doctrine;
- 13 6. The proposed use, activity, or development includes key areas for public
- 14 access recommended in the Shoreline Restoration Plan; or
- 15 7. The proposed activity is a publicly financed shoreline erosion-control
- 16 measure (when feasible).
- 17 C. An applicant shall not be required to provide public access where one or more
- 18 of the following conditions apply, provided such exceptions shall not be used to
- 19 prevent implementing the access and trail provisions mentioned in the Lincoln
- 20 County Coalition's and other agencies' management plans. In determining the
- 21 infeasibility, undesirability, or incompatibility of public access in a given
- 22 situation, the County and towns shall consider alternative methods of providing
- 23 public access, such as offsite improvements, viewing platforms, separation of
- 24 uses through site planning and design, and restricting hours of public access:
- 25 1. Proposed use, activity, or development only involves the construction of
- 26 four or fewer single-family or multifamily dwellings;
- 27 2. Proposed use is agricultural/ranching activities;
- 28 3. The nature of the use, activity, or development or the characteristics of the
- 29 site make public access requirements inappropriate due to health, safety
- 30 (including consistency Crime Prevention Through Environmental Design
- 31 [CPTED] principles, where applicable), or environmental hazards; the
- 32 proponent shall carry the burden of demonstrating by substantial evidence
- 33 the existence of unavoidable or unmitigable threats or hazards to public
- 34 health, safety, or the environment that would be created or exacerbated by
- 35 public access upon the site;
- 36 4. An existing, new, or expanded road or utility crossing through shoreline
- 37 jurisdiction shall not create the need for public access if the development

- 1 being accessed or served by the road or utility is located outside of
 2 shoreline jurisdiction;
- 3 5. The proposed use, activity, or development has security requirements that
 4 are not feasible to address through the application of alternative design
 5 features for public access such as offsite improvements, viewing
 6 platforms, and separation of uses through site planning and design;
- 7 6. The economic cost of providing for public access at the site is
 8 unreasonably disproportionate to the total long-term economic value of the
 9 proposed use, activity, or development;
- 10 7. Safe and convenient public access already exists in the general vicinity,
 11 and/or the County, towns, and agencies' plans show adequate public
 12 access at the property;
- 13 8. Public access has reasonable potential to threaten or harm the natural
 14 functions and native characteristics of the shoreline and/or is deemed
 15 detrimental to threatened or endangered species under the Endangered
 16 Species Act; and
- 17 9. The site is within or part of an overall development, a binding site plan, or
 18 a planned unit development, which has previously provided public access
 19 adequate to serve the project in full build-out through other application
 20 processes.
- 21 D. Undeveloped and unimproved public access is allowed in NPS-managed
 22 shorelines according to the NPS Lake Roosevelt National Recreation Area
 23 plans. Within the NPS land, designated public access can be provided for
 24 private facilities through Community Access Points, as approved by NPS.
- 25 E. Public access shall be located and designed to respect private property rights, be
 26 compatible with the shoreline environment, protect ecological functions and
 27 processes, protect aesthetic values of shoreline, and provide for public safety
 28 (including consistency with CPTED principles, where applicable).
- 29 F. For any development where public access is not required, shared community
 30 access may be allowed if there is no existing or planned public access along the
 31 shoreline identified in the County, towns, and other agencies' plan. Where
 32 provided, community access shall be subject to all applicable development
 33 standards of this section. Shared community access is not required when any of
 34 the conditions under LCC 18.02.260 (C) applies.
- 35 G. General Performance Standards:
- 36 1. Uses, activities, and developments shall not interfere with the regular and
 37 established public use.

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

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

- 9 4. Public access easements, trails, walkways, corridors, and other facilities
10 may encroach upon any buffers or setbacks required in LCC 18.02,
11 Article V, or under other provisions of this SMP, provided that such
12 encroachment does not conflict with other policies and regulations of this
13 SMP, and no net loss of ecological function can be achieved. Any
14 encroachment into a buffer or setback must be as close to the landward
15 edge of the buffer as possible.

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

- 18 H. Trails:

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

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

- 23 a. Easement for public access; and

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

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

- 30 4. The total width of public trails, including shoulders, shall be 10 feet
31 maximum or as required by Americans with Disabilities Act (ADA)
32 regulations.

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

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

- 1 7. Trails shall be located, constructed, and maintained so as to avoid, to the
2 maximum extent possible, removal and other impacts to perennial native
3 vegetation consistent with a Habitat Management Plan.
- 4 8. Trails on private properties and not open for public use shall be up to
5 5-feet-wide or the minimum width required by ADA regulations.
- 6 I. Rights-of-way, Easements, and Streets for Public Access:
- 7 1. The Lincoln County Coalition shall maintain public rights of ways or
8 easements as a means of retaining public access on the shoreline. Proposed
9 use, activity, or developments shall maintain public access provided by
10 public street ends, public utilities, and rights-of-way.
- 11 2. The public easements required pursuant to this section, for the purpose of
12 providing access across or through the site to the OHWM, shall be
13 maintained by the property owner to provide for reasonable and safe
14 public access to the OHWM.
- 15 J. Where public access routes terminate, connections should be made with the
16 nearest public street unless determined by the Shoreline Administrator to be
17 infeasible. Public access facilities required for an approved or permitted use,
18 activity, or development shall be completed prior to occupancy and use of the
19 site or operation of the activity. Public access shall make adequate provisions,
20 such as screening, buffer strips, fences, and signs, to prevent trespass upon
21 adjacent properties and to protect the value and enjoyment of adjacent or nearby
22 private properties and natural areas.
- 23 K. Off-site public access may be permitted by the Lincoln County Coalition where
24 it results in an equal or greater public benefit than on-site public access, or when
25 on-site limitations of security, environment, compatibility, or feasibility are
26 present. Off-site public access may include, but is not limited to, adequate
27 access on public lands in proximity to the site, opportunity to increase public
28 lands and access with adjoining or proximate public area, enhancing a County-
29 or Town-designated public property (e.g., existing public recreation site;
30 existing public access; road abutting a body of water; or similar) in accordance
31 with County or Town standards, or other related measures.
- 32 L. Signage:
- 33 1. Signage to be approved by the Shoreline Administrator shall be
34 conspicuously installed along public access easements, trails, walkways,
35 corridors, and other facilities to indicate the public's right of use and the
36 hours of operation. Public access and interpretive displays may be
37 provided for publicly funded restoration projects where significant
38 ecological impacts are addressed. The proponent shall bear the
39 responsibility for establishing and maintaining signs.

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

18.02.270 Flood Hazard Reduction

A. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, as well as applicable guidelines of FEMA and LCC 18.02.560, Frequently Flooded Areas, and LCC 15.16, Flood Damage Prevention.

B. The channel migration zone (CMZ) is considered to be that area of a stream channel that may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). Applicants for shoreline development or modification may submit a site-specific CMZ study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, historical aerial photographs, topographic mapping, flooding records, and field verification. The CMZ must be prepared by a licensed geologist or engineer with at least 5 years of applied experience in assessing fluvial geomorphic processes and channel response.

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

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

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

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

- 1 conditions, and that the measures include appropriate mitigation of
 2 adverse impacts on ecological functions associated with the river or
 3 stream.
- 4 4. Actions that protect or restore the ecosystem-wide processes or ecological
 5 functions or development with a primary purpose of protecting or
 6 restoring ecological functions and ecosystem-wide processes.
- 7 5. Mining when conducted in a manner consistent with LCC 18.02.400,
 8 Mining, and the shoreline environment designation.
- 9 6. Modifications or additions to an existing non-agricultural legal use,
 10 provided that channel migration is not further limited and that the
 11 modified or expanded development includes appropriate protection of
 12 ecological functions.
- 13 7. Repair and maintenance of existing legally established use and
 14 developments, provided that channel migration is not further limited, flood
 15 hazards to other uses are not increased, and significant adverse ecological
 16 impacts are avoided.
- 17 8. Existing and ongoing agricultural activities provided that no new
 18 restrictions to channel movement are proposed.
- 19 D. Existing structural flood hazard reduction measures, such as levees, may be
 20 repaired and maintained as necessary to protect legal uses on the landward side
 21 of such structures. Increases in height of an existing levee, with any associated
 22 increase in width, that may be needed to prevent a reduction in the authorized
 23 level of protection of existing legal structures and uses shall be considered an
 24 element of repair and maintenance.
- 25 E. Flood hazard reduction measures shall not result in channelization of normal
 26 stream flows, interfere with natural hydraulic processes such as channel
 27 migration, or undermine existing structures or downstream banks.
- 28 F. New development and subdivisions. Approve new development or subdivisions
 29 when it can be reasonably foreseeable that the development or use would not
 30 require structural flood hazard reduction measures within the CMZ or floodway
 31 during the life of the development or use consistent with the following (WAC
 32 173-26- 221(3)(c)(i)):
- 33 1. Floodway:
- 34 a. New development and subdivisions shall be subject to applicable
 35 floodway regulations in LCC 18.02.550, Frequently Flooded
 36 Areas, and LCC 15.16, Flood Damage Prevention.
- 37 2. Channel Migration Zone (CMZ):

- 1 a. New development in the CMZ is allowed subject to the following
2 conditions:
 - 3 i. Structures are located on an existing legal lot created prior
4 to effective date of this program;
 - 5 ii. A feasible alternative location outside of the CMZ is not
6 available on site; and
 - 7 iii. To the extent feasible, the structure and supporting
8 infrastructure is located the farthest distance from the
9 OHWM, unless the applicant can demonstrate that an
10 alternative location is the least subject to risk.

- 11 b. New subdivisions in the CMZ may be allowed subject to the
12 following conditions:
 - 13 i. All lots contain 5,000 square feet or more of buildable land
14 outside of the CMZ;
 - 15 ii. Access to all lots does not cross the CMZ; and
 - 16 iii. All infrastructure is located outside the CMZ, except that
17 an on-site septic system is allowed in the CMZ if: a feasible
18 alternative location is not available on-site, and to the
19 maximum extent practical, the septic system is located the
20 farthest distance from the OHWM.

- 21 G. New public and private structural flood hazard reduction measures shall be
22 approved when a scientific and engineering analysis demonstrates the
23 following:
 - 24 1. They are necessary to protect existing development;
 - 25 2. Non-structural measures, such as setbacks, land use controls, wetland
26 restoration, dike removal, use or structure removal or relocation,
27 biotechnical measures, and stormwater management programs are not
28 feasible;
 - 29 3. Adverse impacts on ecological functions and priority species and habitats
30 can be successfully mitigated so as to ensure no net loss; and
 - 31 4. Appropriate vegetation conservation actions are undertaken consistent
32 with LCC 18.02.240, Shoreline Vegetation Conservation.

- 33 H. Flood hazard reduction measures shall be placed landward of associated
34 wetlands and designated shoreline buffers, except for actions that increase
35 ecological functions, such as wetland restoration, or when no other alternative

- 1 location to reduce flood hazard to existing development is feasible as
2 determined by the Shoreline Administrator.
- 3 I. New public structural flood hazard reduction measures, such as levees, shall
4 dedicate and improve public access pathways unless public access
5 improvements would cause unavoidable health or safety hazards to the public,
6 inherent and unavoidable security problems, unacceptable and unmitigable
7 significant adverse ecological impacts, unavoidable conflict with the proposed
8 use, or a cost that is disproportionate and unreasonable to the total long-term
9 cost of the development.
- 10 J. In those instances where management of vegetation as required by this SMP
11 conflicts with vegetation provisions included in state, federal, or other flood
12 hazard agency documents governing Lincoln County Coalition -authorized,
13 legal flood hazard reduction measures, the vegetation requirements of this SMP
14 will not apply. However, the applicant shall submit documentation of these
15 conflicting provisions with any shoreline permit applications and shall comply
16 with all other provisions of this section and this SMP that are not strictly
17 prohibited by the approving flood hazard agency.
- 18 K. The removal of gravel or other riverbed material for flood management
19 purposes shall be consistent with the LCC 18.02.350, Dredging and Dredge
20 Material Disposal, and LCC 18.02.400, Mining, and must also demonstrate
21 extraction will have a long-term benefit to flood hazard reduction and not result
22 in a net loss of ecological functions.
- 23 L. Roads shall be located outside the floodway, except necessary crossings, which
24 shall be placed perpendicular to the waterbody as much as is physically feasible.
25 New transportation facilities shall be designed so that the effective base flood
26 storage volume of the floodplain is not reduced. The applicant shall provide all
27 necessary studies, reports, and engineering analysis which shall be subject to
28 review and modification by the Shoreline Administrator. If proposed
29 transportation facilities effectively provide flood control, they shall comply with
30 policies and regulations of this section.

Article IV. Shoreline Modifications and Use Regulations

18.02.300 Agriculture

- A. Existing agricultural uses shall be allowed to continue.
- B. For shorelands used for agricultural practices, new or additional uses, activities, and development that are not existing and ongoing agriculture shall be subject to the following requirements:
 - 1. Such uses, activities, and development shall be allowed or permitted in a manner to ensure maintenance of ecological functions and be consistent with the Coalition’s land use plans.
 - 2. Vegetation enhancement shall be required where the shoreline has been ecologically degraded.
 - 3. If the new use, activity, or development is more intensive than the existing and ongoing agriculture, no significant vegetation removal, development, or grading shall occur in the shoreline buffer except as necessary to accommodate low-intensity, water-dependent uses and public access that sustains ecological functions.
 - 4. New agricultural lands created by diking, draining, or filling wetlands or CMZs shall not be allowed.
- C. A Substantial Development Permit shall be required for all agricultural developments not specifically exempted by the provisions of LCC 18.02.770 (D)(5) except for agricultural developments in Shoreline Residential environment designation where a Shoreline Conditional Use Permit shall be required.
- D. SMP provisions shall apply in the following cases:
 - 1. New agricultural activities on land not meeting the definition of agricultural land;
 - 2. Expansion of agricultural activities on non-agricultural lands;
 - 3. Conversion of agricultural lands to other uses;
 - 4. Other development on agricultural land that does not meet the definition of agricultural activities; and
 - 5. Agricultural development and uses not specifically exempted by the Act.

- 1 E. New non-agricultural activities proposed on agricultural lands shall be
2 consistent with the environment designation and the Shoreline Use and
3 Modification Matrix table (LCC 18.02.200 (B)), as well as other applicable
4 shoreline use standards, e.g., Commercial (LCC 18.02.340) or Residential (LCC
5 18.02.410).
- 6 F. Agricultural uses and development in support of agricultural uses shall be
7 located and designed to ensure no net loss of ecological functions and no
8 significant adverse impact on other shoreline resources and values.
- 9 G. New feedlots are prohibited in critical area buffers. Feed lots shall be located in
10 such a manner as to prevent waste runoff from entering waterbodies or
11 groundwater.
- 12 H. Agricultural uses and activities shall prevent and control erosion of soils and
13 bank materials within shoreline areas. They shall minimize siltation, turbidity,
14 pollution, and other environmental degradation of watercourses and wetlands.
- 15 I. Agricultural chemicals shall be applied in a manner consistent with BMPs for
16 agriculture and LCC 18.02.250 (E).
- 17 J. New or redeveloped agricultural activities shall provide a buffer of permanent
18 native vegetation between all cropland or pasture areas and adjacent waters or
19 wetlands pursuant to the critical areas provisions of this SMP.
- 20 K. Agricultural development shall conform to applicable state and federal policies
21 and regulations.

22 **18.02.310 Aquaculture**

- 23 A. Non-commercial aquaculture undertaken for conservation or native species
24 recovery purposes is a preferred use within Lincoln County's shorelines.
25 Allowed fisheries enhancement uses shall include net pens in existing
26 waterbodies, hatcheries, rearing ponds, spawning channels, water diversion
27 structures, and groundwater wells, provided that their construction does not
28 result in a net loss of ecological function.
- 29 B. Aquaculture for non-native species or for commercial or other purposes shall
30 require a Shoreline Conditional Use Permit.
- 31 C. Proponents of an aquaculture use or activity shall supply, at a minimum, the
32 following information in their application for shoreline permit(s):
 - 33 1. Species to be reared;
 - 34 2. Aquaculture method(s);

- 1 3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines,
2 growth stimulants, anti-fouling agents or other chemicals, and their
3 predicted adverse impacts;
- 4 4. Harvest and processing method and timing;
- 5 5. Method of waste management and disposal;
- 6 6. Best-available background information and probable adverse impacts on
7 water quality, biota, and any existing shoreline or water uses;
- 8 7. Method(s) of predator control;
- 9 8. A description of the proposed use of lights and noise-generating
10 equipment, and an assessment of adverse impacts upon surrounding uses;
11 and
- 12 9. Other pertinent information as required by the County.
- 13 D. Aquacultural activities shall meet all applicable federal, state, and county
14 standards and regulations.
- 15 E. No garbage, wastes, or debris shall be allowed to accumulate upon the site of
16 any aquaculture use or activity, nor discharged to any waterbody regulated by
17 this SMP.
- 18 F. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling
19 agents or other chemicals shall be used until approved by all appropriate state
20 and federal agencies. Those agencies shall include, the Washington State
21 Department of Fish & Wildlife (WDFW), Washington State Department of
22 Agriculture, Ecology, and the U.S. Food and Drug Administration. Evidence of
23 such approval shall be submitted to the County.
- 24 G. Aquaculture structures and equipment that come in contact with the water shall
25 contain no substances that are toxic to aquatic life, and aquaculture activities
26 that would degrade water quality shall be prohibited.
- 27 H. Aquaculture activities shall be subject to conditioning and requirements for
28 mitigation to ensure that it does not result in a net loss of ecological function.
- 29 I. Aquaculture projects shall be located in areas that do not impact navigation,
30 public access, or normal public use of the water.
- 31 J. Aquaculture facilities shall be designed to minimize nuisance odors and noise,
32 as well as minimize visual impacts on surrounding shoreline development.

18.02.320 Boating Facilities

A. General Requirements:

1. All boating uses, development, and facilities shall protect the rights of navigation.
2. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and for Lake Roosevelt, shall meet NPS requirements in addition to other applicable requirements in this section. State-owned aquatic lands shall meet Department of Natural Resources (DNR) requirements and other state guidance.
3. Boating facilities shall be located on stable shorelines in areas where:
 - a. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard;
 - b. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities; and
 - c. Water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.
4. Boating facilities shall not be located:
 - a. Along braided or meandering river channels where the channel is subject to change in alignment;
 - b. On point bars or other accretion beaches;
 - c. Where new or maintenance dredging will be required; or
 - d. Where wave action caused by boating use would increase bank erosion rates, unless no-wake zones are implemented at the facility.
5. Boating uses and facilities shall be located far enough from public swimming beaches and aquaculture harvest areas to alleviate any aesthetic or adverse impacts, safety concerns, and potential use conflicts.
6. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity).
7. Accessory uses at boating facilities shall be:

- 1 a. Limited to water-oriented uses, including uses that provide
2 physical or visual shoreline access for substantial numbers of the
3 general public; and
- 4 b. Located as far landward as possible, while still serving their
5 intended purposes.
- 6 8. Parking and storage areas shall be landscaped or screened to provide
7 visual and noise buffering between adjacent dissimilar uses or scenic
8 areas.
- 9 9. Boating facilities shall locate where access roads are adequate to handle
10 the traffic generated by the facility and shall be designed so that lawfully
11 existing or planned public shoreline access is not unnecessarily blocked,
12 obstructed nor made dangerous.
- 13 10. Joint-use moorage with 10 or more berths is regulated under this section as
14 a marina (Section C below). Joint-use moorage with fewer than 10 berths
15 is regulated under this section as a dock or pier (see LCC 18.02.410, Piers
16 and Docks).
- 17 11. All marinas and public launch facilities shall provide at least portable
18 restroom facilities for boaters' use that are clean, well-lit, safe, and
19 convenient for public use.
- 20 12. Installation of boat waste disposal facilities such as pump-outs and
21 portable dump stations shall be required at all marinas and shall be
22 provided at public boat launches to the extent possible. The locations of
23 such facilities shall be considered on an individual basis in consultation
24 with the Washington Department of Health, Ecology, DNR, Washington
25 Department of Parks, and WDFW, as necessary.
- 26 13. All utilities shall be placed at or below dock levels or below ground, as
27 appropriate.
- 28 14. When appropriate, marinas and boat-launch facilities shall install public
29 safety signs, to include the locations of fueling facilities, pump-out
30 facilities, and locations for proper waste disposal.
- 31 15. Boating facilities shall be constructed of materials that will not adversely
32 affect water quality or aquatic plants and animals over the long term.
33 Materials used for submerged portions, decking, and other components
34 that may come in contact with water shall be approved by applicable state
35 agencies for use in water to avoid discharge of pollutants from wave
36 splash, rain, or runoff. Wood treated with creosote, copper chromium,
37 arsenic, pentachlorophenol, or other similarly toxic materials is prohibited
38 for use in moorage facilities.

- 1 16. Boating facilities in waters providing a public drinking water supply shall
- 2 be constructed of untreated materials, such as untreated wood, approved
- 3 plastic composites, concrete, or steel (see LCC 18.02.250, Water Quality,
- 4 Stormwater, and Nonpoint Pollution).

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

- 9 B. Boat Launch Facilities:

- 10 1. Private boat-launch facilities designed to accommodate the launching of
- 11 motorized watercraft are not allowed.

- 12 2. Public boat-launch facilities may be allowed in areas where no launching
- 13 opportunities exist within close proximity of a site (within less than
- 14 3 miles distance by road on a waterbody).

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

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

- 23 C. Marinas:

- 24 1. Marinas shall be designed to:

- 25 a. Provide flushing of all enclosed water areas;

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

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

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

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

- 1 4. To the maximum extent possible, marinas and accessory uses shall share
2 parking facilities.
- 3 5. New marina development shall provide public access amenities, such as
4 viewpoints, interpretive displays, and public access to accessory
5 water-enjoyment uses such as restaurants.
- 6 6. If a marina is to include gas and oil handling facilities, such facilities shall
7 be separate from main centers of activity in order to minimize the fire and
8 water pollution hazards, and to facilitate fire and pollution control.
9 Marinas shall have adequate facilities and procedures for fuel handling
10 and storage, and the containment, recovery, and mitigation of spilled
11 petroleum, sewage, and other potentially harmful or hazardous materials,
12 and toxic products.
- 13 7. The marina operator shall be responsible for the collection and dumping of
14 sewage, solid waste, and petroleum waste.

15 **18.02.330 Breakwater, Jetties, Groins, and Weirs**

- 16 A. Breakwaters shall be allowed in environments defined in LCC 18.02.200 (B),
17 Shoreline Use and Modification Matrix, with a Shoreline Conditional Use
18 Permit.
- 19 B. New, expanded, or replacement groins and weirs shall only be permitted if the
20 applicant demonstrates that the proposed groin or weir will not result in a net
21 loss of shoreline ecological functions and the structure is necessary for
22 water-dependent uses, public access, shoreline stabilization, or other specific
23 public purposes.
- 24 C. Groins and weirs shall require a Conditional Use Permit, except when such
25 structures are installed to protect or restore ecological functions, such as
26 installation of groins that may eliminate or minimize the need for hard shoreline
27 stabilization.
- 28 D. Groins and weirs shall be located, designed, constructed, and operated
29 consistent with mitigation sequencing principles, including avoiding critical
30 areas, as provided in LCC 18.02.230, Environmental Protection, and LCC
31 18.02, Article V, Critical Areas.

32 **18.02.340 Commercial Development**

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

- 1 B. Non-water-oriented commercial uses shall be allowed if they can demonstrate at
2 least one or more of the following:
 - 3 1. The commercial use is part of a mixed-use project that includes
4 water-dependent uses and provides a significant public benefit with
5 respect to the objectives of the SMA.
 - 6 2. Navigability is severely limited at the proposed site, including
7 opportunities for kayaking or other water-oriented uses.
 - 8 3. The commercial use is physically separated from the shoreline by another
9 property, public right-of-way, or levee.
 - 10 4. The commercial use is farther upland than 200 feet from the OHWM;
11 therefore, a water-oriented use is not a viable option.
- 12 C. Non-water-oriented uses, including, but not limited to, residential uses, may be
13 located with water-oriented commercial uses provided:
 - 14 1. The mixed-use project includes one or more water-dependent uses.
 - 15 2. Water-dependent commercial uses, as well as other water-oriented
16 commercial uses, have preferential locations along the shoreline.
 - 17 3. The underlying zoning district permits residential uses together with
18 commercial uses.
 - 19 4. Public access is provided and/or ecological restoration is provided as a
20 public benefit.
- 21 D. Review Criteria. Lincoln County Coalition shall utilize the following
22 information in its review of all commercial development applications:
 - 23 1. Whether there is a water-oriented aspect of the proposed commercial use
24 or activity when it is located within 200 feet of the OHWM;
 - 25 2. Whether the proposed commercial use is consistent with the Shoreline Use
26 and Modification Matrix (LCC 18.02.200 (B));
 - 27 3. Whether the application has the ability to enhance compatibility with the
28 shoreline environment and adjacent uses;
 - 29 4. Whether adequate provisions are made for public and private visual and
30 physical shoreline access; and
 - 31 5. Whether the application makes adequate provisions to prevent adverse
32 environmental impacts and provide for shoreline ecological or critical area
33 mitigation, where appropriate.

- 1 E. Commercial development shall be designed and maintained in a manner
2 compatible with the character and features of surrounding areas. Developments
3 are encouraged to incorporate low-impact development techniques into new and
4 existing projects and integrate architectural and landscape elements that
5 recognize the river and lake environments. The Lincoln County Coalition may
6 prescribe and modify project dimensions, screening standards, setbacks, or
7 operation intensities to achieve this purpose.
- 8 F. Eating and drinking facilities and lodging facilities shall be oriented to provide
9 views to the waterfront, when such view is available from the site.
- 10 G. Commercial uses shall provide for public access as a condition of approval,
11 unless such public access is demonstrated by the proponent to be infeasible or
12 inappropriate for the shoreline pursuant to LCC 12.08.260, Public Access.
- 13 H. Commercial uses shall provide for suitable measures to rehabilitate and enhance
14 the shoreline ecology as a condition of approval.
- 15 I. Non-water-oriented commercial uses shall not be allowed over water in any
16 shoreline environment.
- 17 J. All commercial loading and service areas shall be located upland or away from
18 the shoreline. Provisions shall be made to screen such areas with walls, fences,
19 and landscaping and to minimize aesthetic impacts.
- 20 K. The storage of potentially hazardous or dangerous substances or wastes is
21 prohibited in the floodway or within 200 feet of the OHWM, whichever
22 boundary extends farthest landward.
- 23 L. Development shall be located, designed, and constructed in a manner that
24 ensures no net loss of shoreline ecological functions and without significant
25 adverse impacts on other preferred land uses and public access features.

26 **18.02.350 Dredging and Dredge Material Disposal**

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

- 1 2. In an Aquatic – Crab Creek environment, new dredging shall be permitted
2 with a Substantial Development Permit, only when the streambed is dry
3 and when all other applicable conditions of this SMP are met, including
4 mitigation sequencing and meeting no net loss of ecological functions
5 requirement.

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

- 10 4. Dredging techniques that cause minimum dispersal and broadcast of
11 bottom material shall be used, and only the amount of dredging necessary
12 shall be permitted.

- 13 5. Dredging shall be permitted only:
 - 14 a. For navigation or navigational access;
 - 15 b. In conjunction with a water-dependent use of waterbodies or
16 adjacent shorelands;
 - 17 c. As part of an approved habitat improvement project;
 - 18 d. To improve water flow or water quality, provided that all dredged
19 material shall be contained and managed so as to prevent it from
20 re-entering the water; or
 - 21 e. In conjunction with a bridge, navigational structure, or wastewater
22 treatment facility for which there is a documented public need and
23 where other feasible sites or routes do not exist.

- 24 6. Dredging for fill is prohibited except where the material is necessary for
25 restoration of shoreline ecological functions.

- 26 B. Dredge Material Disposal:
 - 27 1. Upland dredge material disposal within shoreline jurisdiction is
28 discouraged. In the limited circumstances when it is allowed, it will be
29 permitted under the following conditions:
 - 30 a. Shoreline ecological functions and processes will be preserved,
31 restored, or enhanced, including protection of surface and
32 groundwater;
 - 33 b. Erosion, sedimentation, floodwaters, or runoff will not increase
34 adverse impacts on shoreline ecological functions and processes or
35 property; and

- 1 c. The site will ultimately be suitable for a use allowed by this SMP.
- 2 2. Dredge material disposal shall not occur in wetlands nor within a stream's
- 3 CMZ, except as authorized by Conditional Use Permit as part of a
- 4 shoreline restoration project.
- 5 3. Dredge material disposal within areas assigned an Aquatic environment
- 6 designation may be approved only when authorized by applicable
- 7 agencies, which may include the U.S. Army Corps of Engineers pursuant
- 8 to Section 404 (Clean Water Act [CWA]) permits, WDFW, HPA, and/or
- 9 the Dredged Material Management Program of the Washington DNR; and
- 10 when one of the following conditions apply:
 - 11 a. Land disposal is infeasible, less consistent with this SMP, or
 - 12 prohibited by law; or
 - 13 b. Disposal as part of a program to restore or enhance shoreline
 - 14 ecological functions and processes is not feasible.
- 15 4. Dredge materials approved for disposal within areas assigned an Aquatic
- 16 environment designation shall comply with the following conditions:
 - 17 a. Aquatic habitat will be protected, restored, or enhanced;
 - 18 b. Adverse effects on water quality or biologic resources from
 - 19 contaminated materials will be mitigated;
 - 20 c. Shifting and dispersal of dredge material will be minimal; and
 - 21 d. Water quality will not be adversely affected.
- 22 5. When required by the Shoreline Administrator, revegetation of land
- 23 disposal sites shall occur as soon as feasible in order to retard wind and
- 24 water erosion and to restore the wildlife habitat value of the site. Native
- 25 species shall be used in the revegetation.
- 26 6. Dredge material disposal operating periods and hours shall be limited to
- 27 those stipulated by the WDFW and hours from 7:00 AM to 5:00 PM
- 28 Monday through Friday, except in time of emergency as authorized by the
- 29 Shoreline Administrator. Provisions for buffers at land disposal or transfer
- 30 sites, in order to protect public safety and other lawful interests and to
- 31 avoid adverse impacts, shall be required.
- 32 C. Submittal Requirements: The following information shall be required for all
- 33 dredging applications:
 - 34 1. A description of the purpose of the proposed dredging and analysis of
 - 35 compliance with the policies and regulations of this SMP

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

- 1 d. Means of transportation to the disposal site;
- 2 e. Proposed dewatering and stabilization of dredged material;
- 3 f. Methods of controlling erosion and sedimentation; and
- 4 g. Future use of the site and conformance with land use policies and
- 5 regulations.
- 6 7. Total estimated initial dredge volume.
- 7 8. Plan for disposal of maintenance spoils for at least a 20-year period, if
- 8 applicable.
- 9 9. Hydraulic modeling studies sufficient to identify existing geohydraulic
- 10 patterns and probable effects of dredging.

11 **18.02.360 Fill and Excavation**

- 12 A. Fill and excavation waterward of the OHWM, except fill to support ecological
- 13 restoration or when occurring in Crab Creek during dry riverbed conditions
- 14 associated with a use allowed by this SMP, requires a Conditional Use Permit
- 15 and may be permitted only when:
 - 16 1. In conjunction with water-dependent or public access uses allowed by this
 - 17 SMP;
 - 18 2. In conjunction with a bridge or transportation facility of statewide
 - 19 significance, for which there is a demonstrated public need and where no
 - 20 feasible upland sites, design solutions, or routes exist;
 - 21 3. In conjunction with implementation of an interagency environmental
 - 22 cleanup plan to clean up and dispose of contaminated sediments;
 - 23 4. Disposal of dredged material considered suitable under, and conducted in
 - 24 accordance with, the Washington State Dredged Material Management
 - 25 Program; or
 - 26 5. In conjunction with any other environmental restoration or enhancement
 - 27 project.
- 28 B. Waterward of the OHWM, pile or pier supports shall be utilized whenever
- 29 feasible in preference to fills. Fills for approved road development in floodways
- 30 or wetlands shall be permitted only if pile or pier supports are proven not
- 31 feasible.
- 32 C. In the Aquatic – Crab Creek environment during dry channel conditions, fill
- 33 upland and waterward of the OHWM, including in non-watered side channels,

- 1 shall be permitted when demonstrated that the fill will not adversely alter
 2 natural drainage and circulation patterns, currents, river flows or significantly
 3 reduce flood water capacities or alter channel migration, geomorphic, or
 4 hydrologic processes.
- 5 D. Except in the Aquatic – Crab Creek environment during dry channel conditions,
 6 fill upland and waterward of the OHWM, including in non-watered side
 7 channels, shall be permitted only where it is demonstrated that the proposed
 8 action will not:
- 9 1. Result in significant ecological damage to water quality, fish, and/or
 10 wildlife habitat;
 - 11 2. Adversely alter natural drainage and circulation patterns, currents, or river
 12 flows, or significantly reduce flood water capacities;
 - 13 3. Alter channel migration, geomorphic, or hydrologic processes; and
 - 14 4. Significantly reduce public access to the shoreline or significantly
 15 interfere with shoreline recreational uses.
- 16 E. Fills are prohibited in the floodway, except when approved by Conditional Use
 17 Permit and where required in conjunction with uses allowed by this SMP.
- 18 F. Fills are allowed in floodplains outside of the floodway only where they would
 19 not alter the hydrologic characteristics or flood storage capacity, or inhibit
 20 channel migration that would, in turn, increase flood hazard or other damage to
 21 life or property and are consistent with FEMA standards and LCC 18.02.270,
 22 Flood Hazard Reduction, and LCC 18.02.550, Frequently Flooded Areas.
- 23 G. Fill shall be of the minimum amount and extent necessary to accomplish the
 24 purpose of the fill.
- 25 H. Excavation waterward of the OHWM or within wetlands shall be considered
 26 dredging for purposes of this SMP.
- 27 I. Fills or excavation shall not be located where shore stabilization will be
 28 necessary to protect materials placed or removed. Disturbed areas shall be
 29 immediately stabilized and revegetated, as applicable.
- 30 J. Fills, beach nourishment, and excavation shall be designed to blend physically
 31 and visually with existing topography whenever possible, so as not to interfere
 32 with long-term appropriate use, including lawful access and enjoyment of
 33 scenery.

1 **18.02.370 Forest Practices**

- 2 A. Forest practice applications shall meet all local, state, and federal regulations
3 regarding forest practices and land clearing, especially the State’s
4 Forest Practices Act for all forest management activities including Class IV,
5 general forest practices, where shorelines are being converted or are expected to
6 be converted to non-forest uses.
- 7 B. Forest practice conversions and other Class IV-General forest practices, where
8 there is a likelihood of conversion to non-forest uses, shall ensure no net loss of
9 shoreline ecological functions and or significant adverse impacts to other
10 shoreline uses, resources, and values such as navigation, recreation, and public
11 access.
- 12 C. Uses that have minimal impact in terms of vegetation removal shall be given
13 priority. For example, parks and recreational facilities will be given preference
14 over residential or commercial use.
- 15 D. Proponents of a forest practice or activity shall supply the following information
16 in their application for shoreline permit:
 - 17 1. Documentation describing how the activity will protect water quality and
18 meet any applicable standards;
 - 19 2. Plan for maintaining vegetative buffer strips to protect fish populations
20 and other aquatic life; and
 - 21 3. Description of other measures to prevent erosion of streambank.

22 **18.02.380 Industrial Development**

- 23 A. Water-dependent, and then water-related industrial uses shall have priority over
24 non-water-oriented industrial uses, developments, and activities.
- 25 B. Non-water-oriented industrial uses shall be prohibited, unless the proponent
26 provides for public access and shoreline ecological enhancement and at least
27 one of the following criteria is met:
 - 28 1. The industrial use is part of a mixed-use project that includes
29 water-dependent uses.
 - 30 2. Navigability by recreational users is severely limited at the proposed site.
 - 31 3. The use provides a significant public benefit with respect to the objectives
32 of the SMA.
 - 33 4. The industrial use is physically separated from the shoreline by another
34 property, public right-of-way, or levee.

- 1 C. The Shoreline Administrator shall condition operational intensities, screening
2 requirements, setbacks or buffers, and other project elements as necessary to
3 preserve the character of the shoreline.
- 4 D. All loading and service areas shall be located upland of the activity. Loading
5 and service areas shall be screened from adjacent uses to protect the aesthetics
6 of the shoreline.
- 7 E. New industrial developments shall provide public access to the shorelines
8 unless public access is inappropriate due to health, safety (including consistency
9 with CPTED principles, where applicable), or environmental hazards.
- 10 F. The proponent shall demonstrate by use of the most current, available scientific
11 and technical information that appropriate practices and methods will be utilized
12 in connection with industrial uses and activities to prevent the contamination of
13 nearby waterbodies and any potential adverse impacts on plant, fish, and animal
14 life.
- 15 G. Development shall be located, designed, and constructed in a manner that
16 ensures no net loss of shoreline ecological functions and without significant
17 adverse impacts on other preferred land uses and public access features.

18 **18.02.390 In-stream Structures**

- 19 A. In-stream structures are those structures placed by humans within a stream or
20 river waterward of the OHWM that either cause or have the potential to cause
21 water impoundment or the diversion, obstruction, or modification of water flow.
22 In-stream structures may include those for hydroelectric generation, irrigation,
23 water supply, flood control, transportation, utility service transmission,
24 structures primarily intended for fisheries management, or other purposes.
25 Docks, piers, and marinas are not regulated as in-stream structures under this
26 section of the SMP. See LCC 18.02.460, Transportation: Trails, Roads, and
27 Parking and LCC 18.02.470, Utilities for regulations governing road and utility
28 crossings of streams.
- 29 B. General:
 - 30 1. The location, planning, and design of in-stream structures shall be
31 compatible with the following:
 - 32 a. The full range of public interests, existing agricultural operations,
33 demand for public access to shoreline waters, desire for protection
34 from floods, and need for preservation of historical and cultural
35 resources; and
 - 36 b. Protection and preservation of ecosystem-wide processes and
37 ecological functions, including, but not limited to, fish and
38 wildlife, with special emphasis on protecting and restoring priority

- 1 habitats and species, and water resources and hydrogeological
 2 processes, as applicable.
- 3 2. New structures shall be designed, located, and constructed consistent with
 4 mitigation sequencing principles in the Environmental Protection and
 5 Critical Areas Sections of this SMP, and as otherwise limited by
 6 floodplain regulations found in the Flood Hazard Reduction and
 7 Floodplain Management sections of this SMP.
- 8 3. New structures shall be designed and located to minimize removal of
 9 riparian vegetation and, if applicable, to return flow to the stream in as
 10 short a distance as possible.
- 11 4. In-stream structures shall provide for adequate upstream and downstream
 12 migration of resident fish, as applicable, and shall not adversely affect
 13 salmonid fish species or adversely modify salmonid fish habitat, as
 14 applicable.
- 15 5. Utilities and transmission lines shall be located so as to minimize
 16 obstruction or degradation of views and comply with applicable provisions
 17 of the Utilities section of this SMP.
- 18 6. Mitigation shall be required of the proponent for the loss of ecological
 19 functions and processes pursuant to Environmental Protection and Critical
 20 Areas Sections of this SMP. No net loss in function, value, or acreage
 21 shall occur from such development.
- 22 C. Submittal Requirements – In addition to the standard requirements listed in
 23 LCC, 18.02.730, Application Requirements, all permit applications for in-
 24 stream structures shall contain, at a minimum, the following additional
 25 information:
- 26 1. A site suitability analysis, which provides sufficient justification for the
 27 proposed site; the analysis must fully address alternative sites for the
 28 proposed development.
- 29 2. Proposed location and design of primary and accessory structures,
 30 transmission equipment, utility corridors, and access/service roads.
- 31 3. A plan that describes the extent and location of vegetation, which is
 32 proposed to be removed to accommodate the proposed facility, and any
 33 site revegetation plan required by this SMP.
- 34 4. A hydraulic analysis prepared by a licensed professional engineer that
 35 sufficiently describes the project’s effects on streamway hydraulics,
 36 including potential increases in base flood elevation, changes in stream
 37 velocity, and the potential for redirection of the normal flow of the
 38 affected stream.

- 1 5. A hydrologic analysis that analyzes the project’s effects on ecological
2 processes, including delivery and rate of water and sediment,
3 geomorphology, and recruitment of organic material.
- 4 6. Biological resource inventory and analysis that sufficiently describes the
5 project’s effects on fish and wildlife resources, prepared by a qualified
6 professional as defined in the Critical Areas section of this SMP.
- 7 7. Provision for erosion control, protection of water quality, and protection of
8 fish and wildlife resources during construction.
- 9 8. Long-term management plans that describe, in sufficient detail, provisions
10 for protection of in-stream resources during construction and operation;
11 the plan shall include means for monitoring its success.

12 **18.02.400 Mining**

- 13 A. Mining shall be prohibited waterward of the OHWM.
- 14 B. Mining facilities shall be located within shoreline jurisdiction only when no
15 feasible sites are available outside shoreline jurisdiction.
- 16 C. Mining in shoreline jurisdiction shall only be approved when the material
17 proposed to be extracted is only available in a shoreline location. This
18 determination shall be based on an evaluation of geologic factors such as the
19 distribution and availability of mineral resources for that jurisdiction; the need
20 for such mineral resources; and economic, transportation, and land use factors.
21 This demonstration may rely on analysis or studies prepared for purposes of
22 comprehensive plan designations and may be integrated with any relevant
23 environmental review conducted under SEPA (RCW 43.21C), or otherwise be
24 shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-
25 201(2)(a), as amended.
- 26 D. Mining facilities and associated activities shall be designed and located to
27 prevent loss of ecological function.
- 28 E. Application for permits for mining operations shall be accompanied by
29 operation plans, reclamation plans, and analysis of environmental impacts
30 sufficient to make a determination as to whether the project will result in net
31 loss of shoreline ecological functions and processes during the course of mining
32 and after reclamation. Creation, restoration, or enhancement of habitat for
33 priority species and the future productivity of the site may be considered in
34 determining no net loss of ecological functions.
- 35 F. Preference shall be given to mining uses that result in the creation, restoration,
36 or enhancement of habitat for priority species.

1 **18.02.410 Piers and Docks**

- 2 A. The purpose of this section is to provide regulations for the location and design
3 of private docks, watercraft lifts, swim floats, buoys, and moorage piles serving
4 four or fewer residential dwellings. Docks serving more than four residential
5 units shall be regulated under “boating facilities” (LCC 18.02.320). Dock is a
6 general term for the structure or group of structures that provides boat moorage
7 or other uses. A dock may be made up of piers (which are structures on fixed
8 piles) and floats (which float on the water’s surface and are typically attached to
9 piles so that they may rise and fall with changes in the water’s elevation). Swim
10 floats are addressed in LCC 18.02.410 (H) below.
- 11 B. All moorage facilities that extend onto State-owned aquatic lands must also
12 comply with Washington DNR¹ standards and regulations.
- 13 C. Docks, boatlifts, swim floats, buoys, watercraft lifts, and moorage piles shall
14 only be approved as an accessory to an existing principle permitted and
15 established use or may be permitted concurrently with a principle use.
- 16 D. Location standards. Docks, swim floats, buoys, watercraft lifts, and moorage
17 piles shall be located according to the following criteria:
- 18 1. Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be
19 sited to avoid adversely impacting shoreline ecological functions or
20 processes.
- 21 2. Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be
22 spaced and oriented in a manner that minimizes hazards and obstructions
23 to public navigation rights and corollary rights thereto such as, but not
24 limited to, fishing, swimming, and pleasure boating. The length of piers
25 and docks shall be limited in constricted waterbodies to ensure
26 navigability and public use. The Shoreline Administrator may require
27 reconfiguration of piers and docks proposals where necessary to protect
28 navigation, public use, or ecological functions.
- 29 3. Covered docks or other covered structures are not permitted waterward of
30 the OHWM.
- 31 E. General design standards. Docks, swim floats, buoys, watercraft lifts, and
32 moorage piles shall be designed according to the following criteria:
- 33 1. If moorage is to be provided or planned as part of a new residential
34 development of two or more waterfront dwelling units or lots or as part of
35 a subdivision or other divisions of land occurring after the effective date of

¹ The Washington Department of Natural Resources is currently developing new standards for uses and modifications on State-owned aquatic lands.

- 1 this SMP, joint-use or community dock facilities shall be required when
 2 feasible, rather than allow individual docks for each residence. A joint-use
 3 dock shall not be required for:
- 4 a. Single residential development;
 - 5 b. Existing single residential units that currently do not have a dock;
 6 and
 - 7 c. Replacement of existing single residential docks.
- 8 2. In order to evaluate the feasibility of a joint community dock in a new
 9 residential development of two or more waterfront dwelling units, the
 10 applicant/proponent shall demonstrate the following:
- 11 a. Existing facilities in the vicinity, including marinas and shared
 12 moorage, are not adequate or feasible for use; and
 - 13 b. The applicant/proponent has contacted abutting property owners
 14 and none have indicated a willingness to share an existing dock or
 15 develop a shared moorage in conjunction with the
 16 applicant/proponent.
- 17 3. If allowed, only one private dock shall be permitted on a shoreline
 18 residential lot.
- 19 4. Any adverse impacts of the proposed dock shall be adequately mitigated.
- 20 5. For joint-use or community docks, the following conditions apply:
- 21 a. New residential developments, including division of land, shall
 22 contain a restriction on the face of the plat prohibiting individual
 23 docks and identifying locations for joint-use or community dock
 24 facilities. However, a single-use dock may be authorized if the
 25 applicant can demonstrate that all other reasonable community or
 26 joint-use options have been investigated and found infeasible.
 - 27 b. A site for shared moorage at a joint-use dock should be owned in
 28 undivided interest by property owners or managed by a
 29 homeowner’s association as a common easement within the
 30 residential development.
 - 31 c. If moorage joint-use dock is provided, the applicant shall file (at
 32 the time of building permit submittal for the dock) a legally
 33 enforceable joint-use agreement or other legal instrument that, at a
 34 minimum, addresses the following:
 - 35 i. Provisions for maintenance and operation;

- 1 ii. Easements or tracts for joint-use access; and
- 2 iii. Provisions for joint use for all benefiting parties.
- 3 d. All over- and in-water structures shall be constructed and
- 4 maintained in a safe and sound condition. Abandoned or unsafe
- 5 structures or materials, including treated wood, pilings, derelict
- 6 structures, vessels, buoys, and equipment, shall be repaired
- 7 promptly by the owner or removed after obtaining any necessary
- 8 permits.
- 9 e. Lighting is prohibited unless required by a federal or state agency
- 10 for navigation or safety purposes. In instances where lighting is
- 11 required for these purposes, illumination levels shall be the
- 12 minimum necessary for safety (WAC 173-26-321(2)(b, d)).
- 13 f. Temporary moorages shall be allowed for vessels used in the
- 14 construction of shoreline facilities. The design and construction of
- 15 temporary moorages shall be such that upon termination of the
- 16 project, the aquatic habitat in the affected area can be returned to
- 17 its original (pre-construction) condition within 1 year at no cost to
- 18 the environment or the public.
- 19 g. No skirting is allowed on any structure
- 20 (WAC 173-26-321(2)(b,d)).
- 21 h. If a dock is provided with a safety railing, such railing shall meet
- 22 International Building Code requirements and shall be an open
- 23 framework, which follows appropriate safety standards, that does
- 24 not unreasonably interfere with shoreline views of adjoining
- 25 properties.
- 26 i. Moorage facilities shall be marked with reflectors or otherwise
- 27 identified to prevent unnecessarily hazardous conditions for water
- 28 surface users during the day or night. Exterior finish of all
- 29 structures shall be generally non-reflective.
- 30 j. Private moorage for float planes may be permitted accessory to
- 31 existing or concurrently proposed moorage where construction and
- 32 operation would not adversely affect shoreline functions or
- 33 processes, including wildlife use, or interfere with navigation.
- 34 F. Dock dimensional and materials standards. The following dimensional
- 35 standards shall apply to all new docks serving four or fewer residential
- 36 dwellings. Deviations from the dimensional standards must be approved
- 37 through a Shoreline Variance.
- 38 1. Width:

- 1 a. Piers and floats shall not exceed 8 feet in width. Ramps shall not
2 exceed 4 feet in width.
- 3 b. Dock finger extensions shall not exceed 2 feet in width.
- 4 2. Length:
- 5 a. The length of the dock shall not exceed the length necessary in
6 order for the end of the dock to reach a minimum water depth of
7 4 feet measured at ordinary high water.
- 8 3. Area:
- 9 a. The area of new docks shall be limited by the maximum width and
10 length allowed in 1. and 2. above. Only one float is allowed per
11 single-use dock. A maximum of two floats is allowed for joint-use
12 docks.
- 13 b. 320 square feet for single-use docks, excluding the ramp and all
14 associated appurtenances.
- 15 c. 450 square feet for joint-use docks, excluding the ramp and all
16 associated appurtenances.
- 17 4. Height. The bottom of any piers or the landward edge of any ramp must be
18 at least 1 foot above the OHWM. The freeboard height on all floats must
19 be at least 10 inches.
- 20 5. Dock Support Piles:
- 21 a. Piling shall be structurally sound and cured prior to placement in
22 the water.
- 23 b. Pilings shall not be treated with pentachlorophenol, creosote,
24 copper naphthalene, chromate copper arsenate, or comparably
25 toxic compounds.
- 26 c. Pilings shall not extend beyond the end of the dock.
- 27 d. Pilings shall not exceed 4 inches in diameter. If a piling is encased
28 in a sleeve, the piling plus sleeve diameter shall not exceed
29 5 inches. Piles up to 8 inches in diameter may be approved by the
30 Shoreline Administrator without a Shoreline Variance if the
31 designing engineer documents need for larger piles for safety or
32 structural reasons.
- 33 e. Pilings or piling sleeves shall be white in color.

- 1 6. Dock and Watercraft Lift Spacing:
 - 2 a. Private docks and watercraft lifts shall be spaced a minimum of
 - 3 10 feet from the side property lines for individual properties.
 - 4 Joint-use structures may abut or overlap property lines provided
 - 5 the adjacent property owners have mutually agreed to the structure
 - 6 location, and the agreement is recorded through contract or
 - 7 covenant is recorded with the County Auditor’s Office.
 - 8 b. For those new docks located adjacent to larger existing overwater
 - 9 structures, such as marinas or community docks, the responsible
 - 10 local government may require a greater separation between
 - 11 moorage structures to reduce potential navigation and use
 - 12 conflicts.
 - 13 c. No new structure may be installed within 100 feet of the outlet of
 - 14 any river or stream.
- 15 7. Decking Materials:
 - 16 a. Use of materials specified for freshwater use is required.
 - 17 b. Flotation materials shall be permanently encapsulated.
- 18 G. Mooring Buoys:
 - 19 1. Each waterfront single-family residence or parcel may be allowed one
 - 20 moorage buoy.
 - 21 2. Mooring buoys shall be placed at a distance specified by state and federal
 - 22 agencies with authority to avoid nearshore habitat and to minimize
 - 23 obstruction to navigation. However, buoys shall not extend farther
 - 24 waterward of the OHWM than 300 feet or one-third of the width of the
 - 25 waterbody, whichever is less, and no closer than 50 feet, and shall be
 - 26 anchored at least 25 feet from side property lines or at the center of a
 - 27 parcel when the lot is less than 50 feet wide. Private buoys shall not be
 - 28 placed within 100 feet of a public facility or park and shall not interfere
 - 29 with access to private or public property.
 - 30 3. At a minimum, the buoy shall be placed so that the boat will not ground
 - 31 during the waterbody’s typical moorage season and is in water at least
 - 32 7 feet deep at ordinary high water.
 - 33 4. A radius of 100 feet from the proposed buoy shall be clear of existing
 - 34 buoys, docks, and other hazards. A smaller radius may be approved if the
 - 35 applicant demonstrates that a boat moored at the proposed buoy provides a
 - 36 safety margin of at least 20 feet from any other fixed hazard, including
 - 37 from boats moored at nearby buoys.

- 1 5. A mooring buoy shall secure no more than two boats.
- 2 6. Anchor, buoy, and moored vessel are not located over or within 25 feet of
- 3 vegetated shallows (except where such vegetation is limited to
- 4 State-designated noxious weeds).
- 5 7. Anchor, buoy, and moored vessel are not to be located over or within
- 6 300 feet of spawning habitat for federal or state listed salmonid fish
- 7 species or over or within 25 feet of spawning habitat for other native fish
- 8 species.
- 9 8. Anchors should be helical screw anchors, other embedded anchors, or
- 10 other technologies to prevent anchors or lines from dragging or scouring.
- 11 The anchor system, including the tethering mechanism to connect the
- 12 vessel to the anchor, should be appropriate for the size and weight of the
- 13 vessel. Other design features shall meet WDFW, U.S. Army Corps of
- 14 Engineers, and/or DNR standards.
- 15 H. Swim Floats:
- 16 1. Private swim floats should be no longer than 8 feet and no wider than
- 17 8 feet.
- 18 2. Where private swim floats are allowed, they must utilize the least
- 19 impacting anchor method available and be suited to the site-specific
- 20 location. Anchors and other design features shall meet WDFW and/or
- 21 DNR standards.
- 22 3. Swim floats shall be placed at a distance specified by State and Federal
- 23 agencies to avoid nearshore habitat and to minimize obstruction to
- 24 navigation and must be located at least 10 feet from side property lines,
- 25 unless it is designated as a joint-use structure between two or more
- 26 adjoining waterfront properties.
- 27 4. Only one swim float may be approved per waterfront property.
- 28 I. Mitigation:
- 29 1. Consistent with the mitigation sequencing steps outlined in
- 30 LCC 18.02.230, Environmental Protection, new or expanded overwater
- 31 and in-water structures, including watercraft lifts and mooring buoys,
- 32 should be first designed to avoid and then minimize impacts, prior to
- 33 pursuing mitigation (WAC 173-26-231(3)(b)).
- 34 2. Mitigation proposals shall provide mitigation at a 1:1, at a minimum, by
- 35 area of overwater cover to mitigation action using any of the potential
- 36 measures listed under LCC 18.02.410 (I)(4) below. Applicants should

- 1 consult with other permit agencies, such as WDFW and/or U.S. Army
 2 Corps of Engineers, for additional specific mitigation requirements.
- 3 3. Applicants wishing to propose an alternate mitigation strategy may submit
 4 a mitigation plan prepared by a qualified professional that provides one
 5 unit of mitigation for each unit of lost function unless justified as outlined
 6 in LCC 18.02.230, Environmental Protection. The type and degree of
 7 potential adverse impacts typically associated with private moorage
 8 structures varies considerably by waterbody, location within a waterbody,
 9 and design of the structure. Potential adverse impacts may include
 10 substrate disturbance and alteration, vegetation disturbance or alteration,
 11 increases in sensitive species predation, increases in shoreline hardening,
 12 or reduction in presence or benefit of terrestrial vegetation adjacent to the
 13 water, among others. The mitigation provided shall be consistent with
 14 LCC 18.02.230, Environmental Protection. The proposed mitigation plan
 15 shall include a discussion of how the proposed mitigation adequately
 16 compensates for any lost or modified functions.
- 17 4. For new development and modification or reconstruction of legally
 18 existing structures, appropriate mitigation may include one or more of the
 19 following measures, or other measures when consistent with objective of
 20 compensating for adverse impacts to ecological function:
- 21 a. Removal of any additional legal existing overwater and/or in-water
 22 structures that are not the subject of the application or are not
 23 otherwise required to be removed because they are not legal.
- 24 b. For dock additions, partial dock replacements, or other
 25 modifications approved under this section, replacement of areas of
 26 existing, solid overwater cover with grated material or use of
 27 grating on those altered portions of piers if they are not otherwise
 28 required to be grated.
- 29 c. Planting of native vegetation along the shoreline immediately
 30 landward of the OHWM consisting of trees and/or shrubs native to
 31 the Lincoln County Coalition and typically found in undisturbed
 32 areas adjacent to the subject waterbody. When shoreline plantings
 33 are the only mitigation option for a given dock proposal, the
 34 additional overwater cover shall be compensated for at a 1:1
 35 planting area ratio (unless modified as described in LCC
 36 18.02.230, Environmental Protection) with required trees planted
 37 on 10-foot centers and/or shrubs planted on 5-foot centers. Native
 38 groundcover can be supplemental to the planted shoreline area, but
 39 does not count toward the total square footage requirement.
 40 Applicants may utilize species found on the native plant list on file
 41 at the County.

- 1 d. Removal or ecological improvement of hardened shoreline,
2 including existing launch ramps or hard structural shoreline
3 stabilization. Improvements may consist of softening the face and
4 toe of the stabilization with soil, gravel, and/or cobbles and
5 incorporating vegetation or organic material.

- 6 e. Removal of manmade debris waterward of the OHWM, such as oil
7 drums, concrete or asphalt debris, remnant docks, or other material
8 detrimental to ecological functions and ecosystem-wide processes.

- 9 f. Recruitment of organic material if consistent with local, state,
10 and/or federal regulations.

- 11 g. Participation in an approved mitigation banking or in-lieu-fee
12 program.

- 13 J. Replacement of Existing Docks.² Proposals involving replacement of the entire
14 existing private dock or 75 percent or more of the dock support piles are
15 considered a new moorage facility and must meet the dimensional, materials
16 and mitigation standards for new private docks as described in LCC 18.02.410
17 (E) and LCC 18.02.410 (I), except the Shoreline Administrator may approve an
18 alternative design if it meets all of the following criteria:

- 19 1. As applicable, Federal agencies have already approved the proposal;

- 20 2. The total square footage of the replacement structure is no larger than the
21 existing dock;

- 22 3. The maximum width for the portion of the dock located within 30 feet of
23 the OHWM shall not be greater than the width allowed for new docks
24 under LCC 18.02.410 (F) above;

- 25 4. Replacement piles shall meet the spacing and material specifications under
26 LCC 18.02.410 (F) above; and

- 27 5. Decking and deck materials shall meet the specifications under
28 LCC 18.02.410 (F) above.

- 29 K. Additions to Private Dock. Proposals involving the modification and/or
30 enlargement of existing private docks must comply with the following
31 measures:

- 32 1. The applicant must demonstrate to the satisfaction of the responsible local
33 government that there is a need for the enlargement of an existing dock.

² Nonconforming dock facilities are governed by regulations found in LCC 24.12.620, Nonconforming Structures.

1 Proposals that demonstrate an enlargement is necessary due to safety
 2 concerns or inadequate depth of water will be considered.

3 2. Enlarged portions of docks must comply with the dimensional, design,
 4 materials, and mitigation standards for new private docks as described in
 5 LCC 18.02.410 (I). Dock additions that result in the completed structure
 6 exceeding the area limits for reasons not specifically allowed above may
 7 only be approved through a Shoreline Variance.

8 L. Repair of Existing Private Dock:

9 1. Repair proposals which replace 75 percent or greater of the existing
 10 dock-support piles are considered replacement docks and must comply
 11 with requirements for Replacement Docks.

12 2. All proposed replacement piles shall be the minimum size allowed by
 13 site-specific engineering or design considerations.

14 3. Pentachlorophenol, creosote, chromated copper arsenate, or comparably
 15 toxic compounds shall not be utilized to repair piles or as treatments for
 16 replacement piles.

17 4. Repair proposals which replace 50 percent or more of the decking must
 18 use grating as specified above.

19 5. Other repairs to existing legally established moorage facilities where the
 20 nature of the repair is not described in the above subsections shall be
 21 considered minor repairs and are permitted, consistent with all other
 22 applicable codes and regulations. If the cumulative repair proposed over a
 23 3-year period exceeds thresholds established for reconstructed or repaired
 24 piers listed above in LCC 18.02.410 (L), the current repair proposal shall
 25 be reviewed under those replacement provisions.

26 **18.02.420 Recreational Development**

27 A. General Preferences:

28 1. Recreational uses and facilities shall include features that relate to access,
 29 enjoyment, and use of the Lincoln County Coalition’s shorelines.

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

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

- 1 4. Existing passive recreational opportunities, including nature appreciation,
2 non-motorized trails, environmental interpretation, and native habitat
3 protection, shall be maintained.
- 4 5. Preference shall be given to the development and enhancement of public
5 access to the shoreline to increase fishing, kayaking, and other
6 water-related recreational opportunities.
- 7 B. General Performance Standards:
- 8 1. The potential adverse impacts of all recreational uses shall be mitigated
9 and adequate provisions for shoreline rehabilitation shall be made part of
10 any proposed recreational use or development to ensure no net loss of
11 shoreline ecological function.
- 12 2. Sites with fragile and unique shoreline conditions, such as high-quality
13 wetlands and wildlife habitats, shall be used only for non-intensive
14 recreation activities, such as trails, viewpoints, interpretive signage, and
15 similar passive and low-impact facilities that result in no net loss of
16 shoreline ecological function, and do not require the construction and
17 placement of permanent structures.
- 18 3. For proposed recreation developments that require the use of fertilizers,
19 pesticides, or other toxic chemicals, the proponent shall specify the BMPs
20 to be used to prevent these applications and resultant leachate from
21 entering adjacent waters.
- 22 4. Recreational developments shall be located and designed to preserve,
23 enhance, or create scenic views and vistas.
- 24 5. In approving shoreline recreational developments, the Shoreline
25 Administrator shall ensure that the development will maintain, enhance, or
26 restore desirable shoreline features including unique and fragile areas,
27 scenic views, and aesthetic values. The Shoreline Administrator may,
28 therefore, adjust or prescribe project dimensions, on-site location of
29 project components, intensity of use, screening, lighting, parking, and
30 setback requirements.
- 31 C. Signs indicating the public's right to access shoreline areas shall be installed and
32 maintained in conspicuous locations at all points of access.
- 33 D. Recreational developments shall provide facilities for non-motorized access to
34 the shoreline such as pedestrian and bicycle paths, and equestrian, as applicable.
35 New motorized vehicle access shall be located and managed to protect riparian,
36 wetlands, and shrub steppe habitat functions and value.
- 37 E. Proposals for recreational developments shall include a landscape plan
38 indicating how native, self-sustaining vegetation is incorporated into the

1 proposal to maintain ecological functions. The removal of on-site native
 2 vegetation shall be limited to the minimum necessary for the development of
 3 permitted structures or facilities and shall be consistent with provisions of LCC
 4 18.02.240, Shoreline Vegetation Conservation, and LCC 18.02, Article V,
 5 Critical Areas.

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

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

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

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

22 J. Recreational developments shall make adequate provisions for:

- 23 1. On-site and off-site access and, where appropriate, equestrian access;
- 24 2. Appropriate water supply and waste disposal methods; and
- 25 3. Security and fire protection.

26 K. Structures associated with recreational development shall not exceed 35 feet in
 27 height, except for as noted in LCC 18.02.210, Development Standards, when
 28 such structures document that the height beyond 35 feet will not obstruct the
 29 view of a substantial number of adjoining residences.

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

32 **18.02.430 Residential Development**

33 A. Single-family residential development is a preferred use when it is developed in
 34 a manner consistent with pollution control and prevents damage to the natural
 35 environment.

- 1 B. Residential development shall be located and constructed to result in no net loss
2 of shoreline ecological function. No net loss of shoreline ecological functions
3 shall be ensured through the implementation of buffers specified in Article V,
4 Critical Areas, and other provisions of this SMP related to shoreline
5 stabilization, vegetation management, and on-site sewage disposal.
- 6 C. Lots for residential use shall have a maximum density consistent with the
7 Lincoln County Coalition’s Comprehensive Plan and zoning regulations.
- 8 D. Accessory uses and structures shall be located outside of the riparian buffer,
9 unless the structure is or supports a water-dependent use. Storage structures to
10 support water-related uses are not water-dependent uses and therefore, shall be
11 located outside of the riparian buffer.
- 12 E. All residential development shall be located or designed in such a manner as to
13 prevent measurable degradation of water quality from stormwater runoff.
14 Adequate mitigation measures shall be required and implemented where there is
15 the reasonable potential for such adverse effect on water quality.
- 16 F. New shoreline residences and appurtenant structures shall be sufficiently set
17 back from steep slopes and shorelines vulnerable to erosion so that structural
18 improvements, including bluff walls and other shoreline stabilization and
19 flood-control structures, are not necessary to protect proposed residences and
20 associated uses.
- 21 G. New floating residences and overwater residential structures shall be prohibited
22 in shoreline jurisdiction.
- 23 H. New, multi-unit residential development, including duplexes, fourplexes, and
24 the subdivision of land into five or more lots, shall make adequate provisions
25 for public access consistent with the regulations set forth in LCC 18.02.260,
26 Public Access.
- 27 I. New residential development shall connect with sewer systems, when available.
- 28 J. All new residential development shall be required to meet the vegetation
29 management provisions contained in LCC 18.02.240, Shoreline Vegetation
30 Conservation, and LCC 18.02.530, Fish and Wildlife Habitat Conservation
31 Areas.
- 32 K. Residential development clustering may be required by the
33 Shoreline Administrator where appropriate to minimize ecological and visual
34 impacts on shorelines, including minimization of impacts on shoreline
35 vegetation consistent with LCC 18.02.240, Shoreline Vegetation Conservation.

- 1 **18.02.440 Shoreline Habitat and Natural Systems Enhancement Projects**
- 2 A. Shoreline restoration and enhancement activities designed to restore or enhance
 3 shoreline ecological functions and processes and/or shoreline features should be
 4 targeted toward meeting the needs of sensitive and/or regionally important
 5 plant, fish, and wildlife species, and shall be given priority.
- 6 B. Shoreline restoration, enhancement, and mitigation activities designed to create
 7 dynamic and sustainable ecosystems to assist the Lincoln County Coalition in
 8 achieving no net loss of shoreline ecological functions are preferred.
- 9 C. Restoration activities shall be carried out in accordance with an approved
 10 shoreline restoration plan and in accordance with the provisions of this SMP.
- 11 D. To the extent possible, restoration, enhancement, and mitigation activities shall
 12 be integrated and coordinated with other parallel natural resource management
 13 efforts, such as those identified in the shoreline restoration plan.
- 14 E. Habitat and beach creation, expansion, restoration, and enhancement projects
 15 may be permitted subject to required state or federal permits when the applicant
 16 has demonstrated that:
- 17 1. The primary objective is clearly restoration or enhancement of the natural
 18 character or ecological function of the shoreline;
 - 19 2. The project will not adversely impact spawning, nesting, or breeding Fish
 20 and Wildlife Habitat Conservation Areas;
 - 21 3. Upstream or downstream properties or Fish and Wildlife Habitat
 22 Conservation Areas will not be adversely affected;
 - 23 4. Water quality will not be degraded;
 - 24 5. Flood storage capacity will not be degraded;
 - 25 6. Impacts to critical areas and buffers will be avoided and where
 26 unavoidable, minimized and mitigated; and
 - 27 7. The project will not interfere with the normal public use of the navigable
 28 waters of the state.
- 29 F. The Shoreline Administrator shall review the projects for consistency with this
 30 SMP in an expeditious manner and shall issue its decision along with any
 31 conditions within 45 days of receiving all materials necessary to review the
 32 request for exemption from the applicant (see LCC 18.02.770).

1 **18.02.450 Shoreline Stabilization**

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

1 still be used to justify more immediate authorization for shoreline stabilization
 2 using bioengineering approaches.

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

7 I. Small-scale shoreline stabilization projects (for example, tree planting projects
 8 or other minimally intrusive enhancements) shall be reviewed by a qualified
 9 professional to ensure that the project has been designed using best-available
 10 science.

11 J. Large-scale or more complex shoreline stabilization projects (for example,
 12 projects requiring fill or excavation, placing objects in the water, or hardening
 13 the bank) shall be designed by a qualified professional using best-available
 14 science. The applicant may be required to have a qualified professional oversee
 15 construction or construct the project.

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

- 18 1. Limit the size of the project to the minimum amount necessary;
- 19 2. Include measures to ensure no net loss of shoreline ecological functions;
 20 and
- 21 3. Use biotechnical bank stabilization techniques unless those are
 22 demonstrated to be infeasible or ineffective before implementing “hard”
 23 structural stabilization measures.

24 **18.02.460 Transportation: Trails, Roads, and Parking**

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

- 27 1. The proponent demonstrates that no feasible upland alternatives exist;
- 28 2. The project represents the minimum development necessary to serve
 29 another specific, localized, and permitted shoreline use; or
- 30 3. In the case of a water crossing, the proponent demonstrates that the project
 31 is necessary to further a substantial public interest.

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

- 1 1. Meet mitigation sequencing provisions of LCC 18.02.230 Environmental
2 Protection;
- 3 2. Avoid adverse impacts on existing or planned water-oriented uses;
- 4 3. Set back from the OHWM to allow for a usable shoreline area for
5 vegetation conservation and any preferred shoreline uses unless infeasible;
- 6 4. Minimize grading, vegetation clearing, and alterations of the natural
7 topography; and
- 8 5. Use BMPs for preventing erosion and degradation of surface water
9 quality.

- 10 C. Improvements to existing motor vehicle and rail transportation facilities shall
11 not interfere with pedestrian and bicycle access and shall, whenever possible,
12 provide for expansion and enhancement of pedestrian and bicycle transportation
13 facilities.
- 14 D. Transportation facilities and services for motor vehicles and rail shall utilize
15 existing transportation corridors whenever possible.
- 16 E. The development, improvement, and expansion of pedestrian and bicycle
17 transportation facilities are allowed within all environments. Such transportation
18 facilities are a preferred use wherever they are compatible with the natural
19 character, resources, and ecology of the shoreline.
- 20 F. Pedestrian and bicycle transportation facilities shall be designed, located, and
21 constructed consistent with the policies and regulations for public access as
22 provided in LCC 18.02.260, Public Access, of this SMP. Linkage among
23 shoreline parks, recreation areas, and public access points are encouraged, when
24 feasible.
- 25 G. Parking facilities are not a water-dependent use and shall only be permitted in
26 the shoreline jurisdiction to support an authorized use where it can be
27 demonstrated to the satisfaction of the Shoreline Administrator that there are no
28 feasible alternative locations away from the shoreline. Parking as a primary use
29 shall not be allowed within 50 feet of edge of riparian vegetation corridor.
30 Accessory parking facilities shall be subject to the same permit type as the
31 primary use.
- 32 H. Accessory parking facilities shall be planned to avoid or minimize adverse
33 effects on unique or fragile shoreline features and shall not result in a net loss of
34 shoreline ecological functions or adversely affect existing or planned
35 water-dependent uses. Parking facilities shall be located upland of the principal
36 structure, building, or development they serve, and preferably outside of
37 shoreline jurisdiction, except:

- 1 1. Where the proponent demonstrates that an alternate location would reduce
2 adverse impacts on the shoreline and adjacent uses;
- 3 2. Where another location is not feasible; and/or
- 4 3. Except when ADA standards require otherwise.

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

- 9 I. Parking facilities shall be landscaped in a manner to minimize adverse visual
10 and aesthetic impacts on adjacent shoreline and abutting properties.
- 11 J. All forms of transportation facilities shall, wherever feasible, consolidate water
12 crossings and make joint use of rights-of-way with existing or planned future
13 primary utility facilities and other transportation facility modalities.
- 14 K. Improvements to all existing transportation facilities shall provide for the
15 reestablishment and enhancement of natural vegetation along the shoreline
16 when appropriate.
- 17 L. If located in the side yard or waterward side of a structure, loading areas shall
18 be screened from view of pedestrians on either side of the waterway. The visual
19 screen shall be composed of a fence or wall with trees and shrubs consistent
20 with the County and towns' landscape standards.
- 21 M. Shoreline crossings and culverts shall be designed to minimize adverse impacts
22 on riparian and aquatic habitat and shall allow for fish passage. See
23 LCC 18.02.530, Fish and Wildlife Habitat Conservation Areas, for regulations
24 governing crossings of non-shoreline streams located in shoreline jurisdiction.
- 25 N. Trails shall be designed consistent with public access requirements in
26 LCC 18.02.260, Public Access.

27 **18.02.470 Utilities**

- 28 A. Non-water-oriented utility production and processing facilities and transmission
29 facilities are permitted in shoreline jurisdiction only if no practical upland
30 alternative or location exists. New primary utility production and processing
31 facilities or parts of those facilities, such as power plants, solid waste storage, or
32 disposal facilities that are non-water-oriented should not be permitted within
33 shoreline jurisdiction unless no other options are feasible.
- 34 B. The principal uses permitted by this section include facilities within the
35 High Intensity – Public Facilities designation (e.g., hydropower generating
36 dams) and other facilities, including sewage collection, holding, transfer and

- 1 treatment pipelines, tanks, structures, containment facilities, and buildings.
 2 Accessory facilities are also permitted, including but not limited to:
- 3 1. Plant monitoring and control facilities and on-site administrative offices;
 - 4 2. Plant access and logistical facilities such as storage areas and material
 5 handling ramps and facilities, including utility delivery (electrical and
 6 communication) facilities;
 - 7 3. Plant security and safety features such as fences and signage; and
 - 8 4. Other accessory or auxiliary uses or features, necessary to of the effective
 9 and efficient operation of the plant, which cannot feasibly be located
 10 outside the shoreline jurisdiction.
- 11 C. Expansion of existing primary utility facilities within shoreline jurisdiction must
 12 demonstrate:
- 13 1. The expansion is designed to protect adjacent shorelands from erosion,
 14 pollution, or other environmentally detrimental factors during and after
 15 construction.
 - 16 2. The project is planned to fit existing natural topography as much as
 17 practical and avoid alteration of the existing natural environment.
 - 18 3. Debris, overburden, and other construction waste materials shall be
 19 disposed of so as to prevent erosion or pollution of a waterbody.
- 20 D. New primary utility facilities and expansions shall include provisions to control
 21 the quantity and quality of surface water runoff to natural waterbodies, using
 22 BMPs to retain natural flow rates. A maintenance program to ensure continued
 23 proper functioning of such new facilities shall be required.
- 24 E. Applications for installation of utility facilities other than water-dependent
 25 facilities within the High Intensity – Public Facility Environment Designation
 26 shall include the following (at a minimum):
- 27 1. Reason why the utility facility must be in shoreline jurisdiction;
 - 28 2. Alternative locations considered and reasons for their elimination;
 - 29 3. Location of the same, similar, or other utility facilities in the vicinity of
 30 the proposed project;
 - 31 4. Proposed method(s) of construction;
 - 32 5. Plans for reclamation of areas to be disturbed during construction;
 - 33 6. Landscape plans;

- 1 7. Methods to achieve no net loss of ecological function and minimize
2 clearing of native vegetation; and
- 3 8. Consistency with County and towns’ plans for utilities, where such plans
4 exist.
- 5 F. Applications for installation of utility facilities shall include the following (at a
6 minimum):
 - 7 1. Proposed method(s) of construction;
 - 8 2. Plans for reclamation of areas to be disturbed, including landscape plans,
9 during construction;
 - 10 3. Methods to achieve no net loss of ecological function and minimize
11 clearing of native vegetation.
- 12 G. Where feasible, utilities shall be consolidated within a single easement and
13 utilize existing rights-of-way. Any utility located within property owned by the
14 utility, which must of necessity cross shoreline jurisdiction, shall be designed
15 and operated to reserve the option of general public recreational usage of the
16 right-of-way in the future. This option shall be exercised by the public only
17 where:
 - 18 1. The public will not be exposed to dangers from the utility equipment; and
 - 19 2. The utility itself will not be subjected to unusual risks of damage by the
20 public.
- 21 H. In areas where utilities must cross shoreline jurisdiction, they shall do so by the
22 most direct route feasible, unless such a route would negatively affect an
23 environmentally critical area, obstruct public access to the shoreline, or interfere
24 with the navigability of a waterbody regulated by this SMP. See LCC
25 18.02.530, Fish and Wildlife Habitat Conservation Areas, for regulations
26 governing crossings of non-shoreline streams located in shoreline jurisdiction.
- 27 I. Utility facilities shall be designed and located in a manner that protects scenic
28 views and minimizes adverse aesthetic impacts.
- 29 J. New utilities, which must be constructed across shoreline jurisdiction in
30 previously undisturbed areas, must submit a mitigation plan demonstrating the
31 restoration of the shoreline to at least its existing condition. Upon completion of
32 utility installation or maintenance, any disturbed areas shall be regraded to be
33 compatible with the natural terrain of the area and revegetated with appropriate
34 native plants to prevent erosion.
- 35 K. Outside of the Public Facilities Environment Designation, all underwater
36 pipelines or those paralleling the waterway transporting liquids potentially

- 1 injurious to aquatic life or water quality shall be prohibited, unless no other
 2 alternative exists to serve a public interest. In those limited instances where
 3 permitted, shut-off valves shall be provided at both sides of the waterbody
 4 except for public sanitary sewers of a gravity or siphon nature. In all cases, no
 5 net loss of ecological functions shall be maintained.
- 6 L. Where utilities cannot cross a shoreline waterbody via a bridge or other existing
 7 water crossing, the utilities shall evaluate site-specific habitat conditions and
 8 demonstrate whether impacts can mitigated to negatively impact substrate, or
 9 whether utilities will need to be bored beneath the waterbody such that the
 10 substrate is not disturbed. Construction of pipelines placed under aquatic areas
 11 should be placed in a sleeve, or use another appropriate method as feasible, to
 12 avoid the need for excavation in the event of a failure in the future.
- 13 M. Minor trenching to allow the installation of necessary underground pipes or
 14 cables is allowed if no alternative, including boring, is feasible, and if:
- 15 1. Impacts on fish and wildlife habitat are avoided to the maximum extent
 16 possible.
 - 17 2. The utility installation shall not increase or decrease the natural rate,
 18 extent, or opportunity of channel migration.
 - 19 3. Appropriate BMPs are employed to prevent water quality impacts or other
 20 environmental degradation.
- 21 N. Utility installation and maintenance operations shall be conducted in a manner
 22 that does not negatively affect surface water quality or quantity. Applications
 23 for new utility projects in shoreline jurisdiction shall include a list of BMPs to
 24 protect water quality.
- 25 O. Vegetation management plans for public right-of-way maintenance corridors
 26 associated with under- or above-ground utilities shall be submitted to the
 27 applicable jurisdiction for review and comment prior to maintenance activities
 28 being conducted. The plan should including identifying reasonable measures to
 29 reduce the adverse effects where possible.

Article V. Critical Areas

18.02.500 General Provisions

A. Statutory Authorization – Consistency:

- 1. The legislature of the State of Washington has in Chapter 36.70A RCW mandated each county to:
 - a. Designate critical areas.
 - b. Adopt development regulations that protect critical areas designated pursuant to RCW 36.70A.170.
 - c. These regulations must be consistent with the Comprehensive Plans of the Lincoln County Coalition (Coalition), adopted pursuant to RCW 36.70, and the SMA and Guidelines (RCW 90.38 and WAC 173-26).

B. Purpose and Objectives:

- 1. The purpose of this is to define, identify and protect the following critical areas as required by the GMA of 1990 (Chapter 17, Laws of 1990) and the Shoreline Management Act (RCW 90.58).
- 2. The Coalition shall regulate in shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas.

C. Applicability:

- 1. Critical areas in the Coalition’s shoreline jurisdiction are categorized as follows:
 - a. Wetlands.
 - b. Fish and Wildlife Habitat Conservation Areas.
 - c. Critical Aquifer Recharge Areas.
 - d. Geologically Hazardous Areas.
 - e. Frequently Flooded Areas.
- 2. Unless specifically exempted, the provisions of LCC 18.02, Article V, Critical Areas, shall be consistently applied to development proposals within the incorporated and unincorporated areas and jurisdictions of the Coalition.

- 1 D. Allowed Activities. The following developments, activities, and associated uses
 2 shall be considered an allowed use, provided that they are otherwise consistent
 3 with the intent and provisions of this SMP.
- 4 1. Landscape Maintenance. Maintenance activities such as mowing, normal
 5 pruning, and gardening accessory to single-family residential use
 6 (provided that such maintenance activities are limited to existing
 7 landscaping improvements and do not expand into critical areas or
 8 associated buffers) that will maintain no net loss of ecological functions
 9 by not exposing soils, altering topography, or destroying or clearing native
 10 vegetation, and not diminishing water quality or quantity. This allowance
 11 shall not be construed as applying to existing agricultural activities (see
 12 LCC Chapter 18.02.770).
- 13 2. Existing and ongoing agriculture activities, including farming,
 14 horticulture, aquaculture, irrigation, ranching or grazing of animals.
- 15 3. Normal and routine maintenance of legally constructed irrigation and
 16 drainage ditches. Normal and routine maintenance of existing utility
 17 corridors.
- 18 4. Normal and routine maintenance, repair or operation of existing
 19 serviceable structures, utilities, facilities or improved areas, not including
 20 expansion, change in character or scope or construction of a maintenance
 21 road.
- 22 5. Minor modification (such as construction of a patio, balcony, or second
 23 story) of existing serviceable structures where the modification does not
 24 adversely impact the functions of the critical area.
- 25 6. Recreation, education, and scientific research activities that do not degrade
 26 the critical area or buffer ecological functions, including, but not limited
 27 to, fishing, hunting, hiking, bird watching, or other passive recreational
 28 activities.
- 29 7. Normal and routine activities conducted by public agencies to control
 30 mosquitoes and other pests throughout the area.
- 31 8. Operation and maintenance of the Columbia Basin Project and related
 32 facilities by the U.S. Bureau of Reclamation.
- 33 9. Artificial structures intentionally constructed for upland areas for purposes
 34 of stormwater drainage or water quality control, or ornamental landscape
 35 ponds that are not part of a mitigation plan.
- 36 10. Renovation of historical structures, provided that the renovation does not
 37 include any modification that changes the character, scope, or size of the
 38 original structure, facility or improved areas.

- 1 E. Most Current Scientific and Technical Information:
- 2 1. WAC 173.26.201(2)(a) requires the Lincoln County Coalition to identify
3 and assemble the most current, accurate, and complete scientific and
4 technical information available regarding the development of policies
5 related to identification of and policies governing management
6 recommendations for critical areas.
- 7 2. Critical Area Reports, mitigation plans, and decisions to permit the
8 alteration of critical areas within the shoreline jurisdiction shall rely on the
9 most current scientific and technical information to ensure the protection
10 of the ecological functions and values of critical areas, and must give
11 special consideration to conservation or protection measures necessary to
12 preserve or enhance anadromous fish and their habitat.
- 13 3. The most current scientific and technical information is that scientific
14 information that is consistent with criteria established in
15 WAC 173.26.201(2)(a), and may include the following:
- 16 a. Critical area maps included in the Comprehensive Plans of the
17 Coalition;
- 18 b. Maps and reference documents in the Coalition SMP Inventory,
19 Characterization, and Analysis Report, as applicable;
- 20 c. U.S. Geological Survey topographic quadrangle maps;
- 21 d. Aerial photographs;
- 22 e. Soil Survey of Lincoln County, Washington, by the
23 U.S. Department of Agriculture, Soil Conservation Service;
- 24 f. National Wetland Inventory maps; and
- 25 g. WDFW Priority Habitats and Species maps.
- 26 4. GIS Mapping. Lincoln County recognizes the importance of the most
27 current and accurate scientific and technical information regarding critical
28 areas. The County compiles data from the various resource agencies and
29 maintains the data on the GIS located at the Land Services offices. These
30 maps contain the best graphic information available for critical areas and
31 will be continuously updated as funds and new information become
32 available. These maps are for information and illustrative purposes only
33 and will assist landowners and developers in the assessment and
34 permitting process. The following serves as guidance for developing
35 maps.

- 1 a. The indication of a possible critical area on the maps may result in
 2 the need for further information prior to a development application
 3 being deemed complete.
- 4 b. Approximate critical area locations indicated on the GIS maps are
 5 presumed to exist and are protected under all the provisions of this
 6 chapter. If after review of the proposal and determined applicable
 7 by the Shoreline Administrator, a delineation of the critical areas
 8 shall be determined by a qualified professional using the
 9 definitions and methodology pursuant to this chapter.
- 10 c. All development applications are required to include an accurate
 11 scaled drawing of the boundary(s) of any critical areas within the
 12 proposal area prior to the development application being
 13 considered complete.
- 14 F. General Review Process – Provisions:
- 15 1. Applications for permits to conduct activities that would impact critical
 16 areas must identify the critical area(s) and make an estimate of the
 17 probable impact.
- 18 2. The Shoreline Administrator may grant permits that include mitigating
 19 measures if those measures adequately provide for the public’s health,
 20 safety, and welfare and protect the critical area’s ecological functions and
 21 values.
- 22 3. The Shoreline Administrator may deny requests for permits that would
 23 result in activities degrading a wetland or fish and wildlife habitat
 24 conservation area, result in a net loss of ecological function, put people or
 25 property in a position of unacceptable risk with respect to floods or
 26 geological hazards, or negatively impact critical aquifer recharging areas.
- 27 4. Application materials and required fee(s) shall be submitted to
 28 Lincoln County and the towns of Odessa and Reardan’s planning services.
- 29 5. If after review of the application, related materials, including a SEPA
 30 checklist (RCW 43.21C), and/or a Coalition member’s critical areas
 31 checklist, a determination will be made if sufficient information has been
 32 submitted or if additional information is needed and the type of evaluation
 33 and/or site-specific analysis will be required in order for the application to
 34 be considered complete and for the review process to continue.
- 35 6. If after a site visit the Shoreline Administrator’s analysis indicates that the
 36 project area is not within or adjacent to a critical area or buffer and that the
 37 proposed activity is unlikely to degrade the functions or values of a critical
 38 area, then the Shoreline Administrator shall rule that the critical area

- 1 review is complete and note on the checklist the reasons that no further
2 review is required.
- 3 7. After the review of a completed application and site inspection, a
4 determination will be made in regards to SEPA compliance.
- 5 8. If the Shoreline Administrator determines that there are critical areas
6 within or adjacent to the project area, but that the proposed activity is
7 unlikely to degrade the functions or values of the critical area, the
8 Shoreline Administrator may waive the requirement for a Critical Areas
9 Report. A waiver may be granted if there is substantial evidence that all of
10 the following requirements will be met:
- 11 a. There will be no alteration of the critical area or buffer.
- 12 b. The development proposal will not impact the critical area in a
13 manner contrary to the purpose, intent, and requirements of this
14 chapter.
- 15 c. The proposal is consistent with other applicable regulations and
16 standards.
- 17 9. GIS data and maps and an on-site inspection, where determined necessary
18 by the Shoreline Administrator, in conjunction with the
19 landowner/applicant, will be used in determining whether or not the
20 proposed activity is within or near a critical area or buffer.
- 21 10. A determination regarding the apparent absence of one or more critical
22 areas by the Shoreline Administrator is not an expert certification
23 regarding the presence of critical areas, and the determination is subject to
24 possible reconsideration and reopening if new information is received.
- 25 11. If the applicant wants greater assurance of the accuracy of the critical area
26 review determination, the applicant may choose to hire a qualified
27 professional to provide such assurances.
- 28 12. All proposals must be in compliance and consistent with the
29 Lincoln County Coalition Comprehensive Plans; building, zoning,
30 subdivision, and short subdivision codes; SMP; applicable GMA
31 provisions; flood prevention requirements; and other applicable
32 development regulations.
- 33 13. Approval of a permit or development proposal, pursuant to the provisions
34 of this chapter, does not discharge the obligation of the applicant to
35 comply with the provisions of this chapter.

- 1 G. Critical Areas Report:
- 2 1. If determined necessary pursuant to LCC 18.02.500 (F), the applicant shall
- 3 submit a Critical Areas Report prepared by a qualified professional.
- 4 2. The Critical Areas Report shall use scientifically valid methods and
- 5 studies in the analysis of critical area data and field reconnaissance and
- 6 reference the source of science used. The Critical Areas Report shall
- 7 evaluate the proposal and likely impacts to critical areas in accordance
- 8 with the provisions of this chapter.
- 9 3. At a minimum, the Critical Areas Report shall contain the following:
- 10 a. The name and contact information of the applicant, a description of
- 11 the proposal, and identification of the permit requested;
- 12 b. A copy of the site plan for the development proposal showing:
- 13 i. Identified critical areas, buffers, and the development
- 14 proposal with dimensions;
- 15 ii. Limits of any areas to be cleared; and
- 16 iii. If applicable, a description of the proposed stormwater
- 17 management plan for the development and consideration of
- 18 impacts to drainage alterations.
- 19 c. The dates, names, and qualifications of the persons preparing the
- 20 report and documentation of any fieldwork performed on the site;
- 21 d. Identification and characterization of all critical areas, wetlands,
- 22 waterbodies, and buffers adjacent to the proposed project area;
- 23 e. A statement specifying the accuracy of the report and all
- 24 assumptions made and relied upon;
- 25 f. An assessment of the probable cumulative impacts to critical areas
- 26 resulting from the proposed development;
- 27 g. An analysis of site development alternatives;
- 28 h. A description of reasonable efforts made to apply mitigation
- 29 sequencing and plans for adequate mitigation; and
- 30 i. A discussion of the performance standards applicable to the critical
- 31 area and proposed activity.
- 32 4. Unless otherwise provided, a Critical Areas Report may be supplemented
- 33 by or composed, in whole or in part, of any reports or studies required by

1 other laws and regulations or previously prepared for and applicable to the
2 development proposal site, as approved by the Shoreline Administrator.

3 **18.02.510 General Mitigation Requirements**

4 A. General Mitigation Standards:

- 5 1. This section provides general mitigation requirements applicable to
6 alteration of critical areas. Additional specific mitigation requirements are
7 found under the sections for the particular type of critical area.
- 8 2. All proposed alterations to critical areas or associated buffers shall require
9 mitigation sufficient to provide for and maintain the functions and values
10 of the critical area or to prevent risk from a critical area hazard and shall
11 give adequate consideration to the reasonable economically viable use of
12 the property. Mitigation of one critical area impact should not result in
13 unmitigated impacts to another critical area. Mitigation may include:
14 buffers; setbacks; limits on clearing and grading; BMPs for erosion control
15 and maintenance of water quality; or other conditions appropriate to avoid
16 or mitigate identified adverse impacts.
- 17 3. Any approval of mitigation to compensate for impacts on a critical area or
18 its buffer shall be supported by the most current, accurate, and complete
19 scientific and technical information available.

20 B. Mitigation Sequencing. Mitigation includes avoiding, minimizing, or
21 compensating for adverse impacts to regulated critical areas or their buffers,
22 unless part of a restoration plan for significantly degraded wetland or stream
23 buffer. The preferred sequence of mitigation shall be according to LCC 18.02.230
24 (B).

25 C. Mitigation Timing. Mitigation shall be completed immediately following
26 disturbances and prior to use or occupancy of the activity or development, or
27 when seasonally appropriate. Construction of mitigation projects shall be timed
28 to reduce impacts on existing fisheries, wildlife, and water quality.

29 D. Restoration/Rehabilitation Requirements:

- 30 1. Restoration/rehabilitation is required when a critical area or its buffers
31 have been altered on a site in violation of County and towns' regulations
32 prior to development approval, and as a consequence its functions and
33 values have been degraded. Restoration is also required when the
34 alteration occurs in violation of County and towns' regulations during the
35 construction of an approved development proposal. At a minimum, all
36 impacted areas shall be restored to their previous condition pursuant to an
37 approved mitigation plan.

- 1 5. Decreased Replacement Ratios. The Shoreline Administrator may
- 2 decrease the ratios required in the “on-site” ratios specified under the
- 3 compensation section of each critical area when all the following criteria
- 4 are met:

- 5 a. A minimum replacement ratio of 1:1 will be maintained;

- 6 b. Documentation by a qualified professional demonstrates that the
- 7 proposed mitigation actions have a very high rate of success;

- 8 c. Documentation by a qualified professional demonstrated that the
- 9 proposed mitigation actions will provide functions and values that
- 10 are significantly greater than the critical area being impacted; and

- 11 d. The proposed mitigation actions are conducted in advance of the
- 12 impact and have been shown to be successful.

13 F. Critical Area Enhancement as Mitigation:

- 14 1. Impacts on wetland and stream functions may be mitigated by
- 15 enhancement of existing significantly degraded areas. Applicants
- 16 proposing to use enhancement must produce a Critical Areas Report that
- 17 identifies how enhancement will increase the functions of the degraded
- 18 resource and how this increase will adequately mitigate for the loss of
- 19 critical area and its function at the impact site. An enhancement proposal
- 20 must also show whether existing critical area functions will be reduced by
- 21 the enhancement actions.

22 G. Monitoring:

- 23 1. The Lincoln County Coalition requires long-term monitoring of
- 24 development proposals, unless otherwise accepted where alteration of
- 25 critical areas or their buffers are approved. Such monitoring shall be an
- 26 element of the required mitigation plan and shall document and track
- 27 impacts of development on the functions and values of critical areas, and
- 28 the success and failure of mitigation requirements. Monitoring may
- 29 include, but is not limited to:

- 30 a. Establishing vegetation transects or plots to track changes in plant
- 31 species composition over time;

- 32 b. Using aerial or other photography to evaluate vegetation
- 33 community response;

- 34 c. Sampling surface and groundwater to determine pollutant loading;

- 35 d. Measuring base flow rates and stormwater runoff to model and
- 36 evaluate water quantity predictions;

- 1 e. Measuring sedimentation rates;
- 2 f. Sampling fish and wildlife populations to determine habitat
- 3 utilization, species abundance, and diversity; and
- 4 g. Sampling of water temperatures for wetlands and streams.
- 5 2. The Shoreline Administrator may require that a qualified professional, at
- 6 the direction of the Shoreline Administrator and at the applicant's
- 7 expense, monitor the development proposal site during construction and
- 8 for a sufficient period of time after construction to ensure satisfactory
- 9 mitigation of impacts on the critical area. The qualified professional shall
- 10 monitor per the provisions outlined in the approved mitigation plan based
- 11 on the conditions or restrictions imposed by the County and such
- 12 administrative rules as the planning official shall prescribe.
- 13 3. Performance Bond. Prior to issuance of any permit or approval that
- 14 authorizes site disturbance, the Shoreline Administrator may require
- 15 performance security as specified in LCC 18.02.510 (K), Mitigation
- 16 Security.
- 17 H. Contingencies/Adaptive Management. When monitoring reveals a significant
- 18 deviation from predicted impacts or a failure of mitigation measures, the
- 19 applicant shall be responsible for appropriate corrective action. Contingency
- 20 plans developed as part of the original mitigation plan shall apply, but may be
- 21 modified to address a specific deviation or failure. Contingency plan measures
- 22 shall be subject to the monitoring requirement to the same extent as the original
- 23 mitigation measures.
- 24 I. Mitigation Plan. All proposed mitigation components shall be included in the
- 25 Critical Area Report. Proposed mitigation components shall include:
- 26 1. A description of specific proposed mitigation, including a delineation of
- 27 critical areas lost and critical areas gained;
- 28 2. An analysis of avoidance, minimization, reduction, and compensation of
- 29 impacts to achieve no net loss of ecological functions;
- 30 3. An analysis of how the proposed mitigation will maintain the critical area
- 31 function and values;
- 32 4. A statement of any ongoing monitoring and/or inspection measures and
- 33 schedule that may be required, including specification of method and
- 34 frequency of submittal of reports on results to County;
- 35 5. A statement of any required critical area expertise necessary to install,
- 36 monitor, or inspect the proposed mitigation;

- 1 6. A listing of any other security required to ensure performance and/or
2 maintenance of the proposed mitigation; and
- 3 7. The Shoreline Administrator shall make the final determination regarding
4 required mitigation. Required mitigation shall be included in an approved
5 mitigation plan.
- 6 J. Buffers:
- 7 1. As described in more detail in each relevant section, buffers have in some
8 cases been determined to be necessary and appropriate to protect critical
9 areas and their functions or to prevent risk from a critical area hazard. In
10 those sections of this chapter where specific buffers are identified, those
11 buffers are deemed "required" or "standard" buffers. If a project or activity
12 does not propose any alteration to those buffers or to the associated critical
13 area, then additional mitigation will not be required to protect the critical
14 area.
- 15 2. If, however, based on unique features of the particular critical area or its
16 buffer or of the proposed development, the Shoreline Administrator
17 determines that additional buffers and/or mitigation measures beyond
18 these standard buffers are necessary to adequately protect the function of
19 the critical area or to prevent risk of a hazard from the critical area, the
20 Shoreline Administrator may impose such additional mitigation
21 requirements, provided the Shoreline Administrator can demonstrate,
22 based on the most current, accurate, and complete scientific or technical
23 information available, why that additional mitigation or buffering is
24 required to adequately protect the critical area function or to prevent
25 hazard from a critical area.
- 26 3. Building setback line (BSBL). A BSBL is established to reduce conflict
27 with hazardous trees and vegetation buffers, to enhance wildfire safety,
28 and to prevent construction intrusions into certain buffer areas as follows.
29 A minimum BSBL of 10 feet is required from the edge of any fish and
30 wildlife buffer, stream or wetland buffer, or erosion and landslide buffer.
- 31 4. If portions of a parcel that contain a proposed development activity have
32 not had their critical areas and associated buffers delineated because they
33 were outside the project or area affected by the project, pursuant to
34 LCC 18.02.500 (F), General Review Process, then additional critical area
35 assessments may be required in the future prior to any change in use or
36 development activity for that portion of the site.
- 37 5. Further, if the applicant seeks a variance to reduce these buffers or to alter
38 the critical area or its required buffer, then the applicant shall demonstrate,
39 based on the most current, accurate, and complete scientific or technical
40 information available, why such buffer and/or critical area modification,

1 together with such alternative mitigation proposed in the Critical Areas
2 Report, is sufficient to provide equal or better protection of the critical
3 area function. If necessary, variances shall provide for long-term buffer
4 protection. Variances requests shall be reviewed pursuant to
5 LCC 18.02.760, Shoreline Variance Permits.

- 6 6. The Critical Areas Report and the conditions of approval shall provide for
7 long-term buffer protection. Regarding land division, critical areas and
8 their associated buffers may be placed in separate tracts to be owned by all
9 lot owners in common, by a homeowners' association, or some other
10 separate legal entity such as a land trust. However, critical areas and/or
11 buffers identified and defined in this chapter do not require any provisions
12 for public access, and appropriate restrictions may be included in the
13 easement or title documents. Critical areas and/or buffers identified are,
14 however, subject to periodic inspection by the Shoreline Administrator,
15 upon prior notification to the landowner, to ensure long-term protection.

16 K. Mitigation Security:

- 17 1. The Shoreline Administrator shall have the discretion to withhold issuance
18 of a development permit or approval until required mitigation has been
19 completed. Alternatively, the Shoreline Administrator may require a
20 refundable cash payment that will ensure compliance with the approved
21 mitigation plan if there will be activity (e.g., monitoring or maintenance)
22 or construction to take place after the issuance of the shoreline permit or
23 other approval. The amount of the cash payment shall not exceed
24 150 percent of the estimated cost of the uncompleted actions or
25 construction as determined by the Shoreline Administrator. When the
26 Shoreline Administrator determines that the mitigation plan has been
27 successfully completed, the cash payment shall be refunded to the
28 applicant. If the mitigation plan is not successfully completed, the County
29 or town shall be entitled to keep all or part of the cash payment to the
30 extent necessary to rectify the deficiencies regarding the completion of the
31 mitigation plan.

32 L. Protection of Designated Critical Areas:

- 33 1. Identification and Recording of Critical Areas. Approval of development
34 projects and other land use activities that require a Critical Areas Report
35 pursuant to LCC 18.02.500 (G), Critical Areas Report, shall be subject to
36 the identification and designation of all critical areas and their buffers
37 identified in the assessment process. Each critical area shall be clearly
38 defined and labeled to show calculated area and type and/or class of
39 critical area within each lot. The Shoreline Administrator shall require of
40 the applicant that such designated critical areas be recorded on the final
41 plat map or site plan clearly showing the locations of critical areas,
42 existing vegetation, and buffers.

- 1 a. Construction Marking. During construction, clearly visible,
2 temporary marking, such as flagging and staking, shall be installed
3 and maintained along the outer limits of the proposed site
4 disturbance outside of the critical area. Such field markings may be
5 field-approved by the Shoreline Administrator prior to the
6 commencement of permitted activities. Markings shall be
7 maintained throughout the duration of any construction activities.
- 8 b. Mitigation Signing and Fencing. The Shoreline Administrator may
9 require permanent signing and/or fencing where it is determined a
10 necessary component of a mitigation plan. The intent of this
11 subsection is to provide clear and sufficient notice, identification,
12 and protection of critical areas on-site where damage to a critical
13 area or buffer by humans or livestock is probable due to the
14 proximity of the adjacent activity.
- 15 c. Sign, Marker, and Fence Maintenance. It shall be the responsibility
16 of the landowner to maintain, including replacement of, the
17 markers, signs, and fences required under this chapter in working
18 order throughout the duration of the development project or land
19 use activity. Removal of required markers, signs, and fences
20 without written approval of the Shoreline Administrator shall be
21 considered a violation of this chapter.

22 **18.02.520 Wetlands**

- 23 A. Identification and Designation:
 - 24 1. Wetlands shall be identified and designated based on the definitions,
25 methods and standards set forth in the currently approved Federal Wetland
26 Delineation Manual and supplements. Wetland delineations are valid for
27 5 years, after such date the Lincoln County Coalition shall determine
28 whether additional assessment is necessary.
- 29 B. Maps and References:
 - 30 1. In addition to the Critical Areas Checklist prepared by the applicant and
31 any site reconnaissance conducted by the County, the
32 Shoreline Administrator shall use the following maps and references, in
33 addition to those identified in LCC 18.02.500 (E), Most Current and
34 Scientific Information, to assist in making a preliminary determination
35 pursuant to LCC 18.02.500 (F), General Review Procedures:
 - 36 a. Wetlands mapped under the National Wetland Inventory by the
37 U.S. Department of Interior and U.S. Fish and Wildlife Service;
 - 38 b. Washington State Department of Fish and Wildlife Priority Habitat
39 and Species maps;

- 1 c. Maps and reference documents in the Lincoln County SMP
- 2 Inventory, Characterization and Analysis Report, as applicable;
- 3 d. Approved Federal Wetlands Delineation Manual and applicable
- 4 regional supplements;
- 5 i. U.S. Army Corps of Engineers. 2008. Regional Supplement
- 6 to the Corps of Engineers Wetland Delineation Manual:
- 7 Arid West Region (Version 2.0), ed. J. S. Wakeley,
- 8 R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28.
- 9 Vicksburg, MS: U.S. Army Engineer Research and
- 10 Development Center.
- 11 e. Washington State Wetlands Rating System for Eastern Washington
- 12 (Annotated Version), Washington State Department of Ecology
- 13 Publication No. #14-06-030 (October 2014), as amended. The
- 14 most current copy of this document should be used in classifying
- 15 wetlands and developing wetland mitigation plans;
- 16 f. Wetland Mitigation in Washington State – Parts 1 and 2,
- 17 Washington Department of Ecology Publication #06-06-011a and
- 18 #06-06-011b, March 2006); and
- 19 g. Wetlands previously identified through the methodology specified
- 20 under LCC 18.02.520 (A), Wetlands – Identification and
- 21 Designation, for another development permit or approval
- 22 application.

23 C. Classification:

- 24 1. Wetland rating classes shall be as follows:
- 25 a. Category I Wetlands. Those wetlands scoring a “Category I” rating
- 26 under Ecology's Washington State Wetlands Rating System for
- 27 Eastern Washington (Annotated Version), Publication #04-06-018,
- 28 July 2014, as may be amended in the future (hereinafter referred to
- 29 as the Ecology Wetlands Rating System);
- 30 b. Category II Wetlands. Those wetlands scoring a “Category II”
- 31 rating under the Ecology Wetlands Rating System;
- 32 c. Category III Wetlands. Those wetlands scoring a “Category III”
- 33 rating under the Ecology Wetlands Rating System;
- 34 d. Category IV Wetlands. Those wetlands scoring a “Category IV”
- 35 rating under the Ecology Wetlands Rating System;

- 1 e. Irrigation-influenced Wetlands. Those wetlands that have resulted
- 2 from Columbia Basin Project irrigation system development and
- 3 irrigated agriculture and that are not intentionally created. These
- 4 wetlands are to be classified per Wetland Rating Classes
- 5 Categories I – IV; or

- 6 f. Intentionally Created Artificial Wetlands. Wetlands and former
- 7 wetland areas not regulated are those intentionally created artificial
- 8 wetlands or irrigation-influenced wetlands that have dried up and
- 9 are no longer functioning as a wetland due to changes in farming
- 10 practices or irrigation supply management and/or conservation
- 11 measures.

- 12 D. Activities in Wetlands:

- 13 1. The following activities are regulated if they occur in a regulated wetland
- 14 or its buffer:

- 15 a. The removal, excavation, grading, or dredging of soil, sand, gravel,
- 16 minerals, organic matter, or material of any kind.

- 17 b. The dumping of, discharging of, or filling with any material.

- 18 c. The draining, flooding, or disturbing the water level or water table.

- 19 d. Pile driving.

- 20 e. The placing of obstructions.

- 21 f. The construction, reconstruction, demolition, or expansion of any
- 22 structure.

- 23 g. Activities that result in:

- 24 i. A significant change in water temperature.

- 25 ii. A significant change of physical or chemical characteristics
- 26 of the sources of water to the wetland.

- 27 iii. A significant change in the quantity, timing, or duration of
- 28 the water entering the wetland

- 29 iv. The introduction of pollutants.

- 30 2. A regulated wetland or its required buffer (as defined in LCC 18.02.520
- 31 (F)) can only be altered if the Wetland Site Assessment Report completed
- 32 pursuant to LCC 18. 02.520 (E) shows that the proposed alteration does
- 33 not degrade the quantitative and qualitative functioning of the wetland or

1 any degradation can be adequately mitigated to protect the wetland
 2 function and maintain no net loss of wetland function and value as a result
 3 of the overall project. Any alteration or activity approved pursuant to this
 4 section shall include mitigation necessary to offset impacts of the
 5 proposed alteration of the wetland as described in LCC 18.02.510, General
 6 Mitigation Requirements.

7 3. Stormwater Discharge. Stormwater discharges to wetlands shall be
 8 controlled and treated to provide all known and reasonable methods of
 9 prevention, control, and treatment as mandated in the State Water Quality
 10 Standards, WAC 173-201A, as required by state law, and consistent with
 11 the Ecology Stormwater Manual for Eastern Washington. Changes in
 12 hydrology that negatively impact functions of a wetland shall not be
 13 permitted. Potential changes may include, but not be limited to, flooding
 14 of plant communities resulting in changes in composition, flooding of
 15 nests, or associated drawdowns that dehydrate nests, particularly
 16 amphibian eggs.

17 4. Exceptions to Mitigation Requirements. Requirements for mitigation do
 18 not apply under the following circumstances:

19 a. When a wetland alteration is intended exclusively for the
 20 enhancement or restoration of an existing regulated wetland and
 21 the proposal will not result in a loss of wetland function and value,
 22 subject to the following conditions:

23 i. The enhancement or restoration project shall not be
 24 associated with a development activity; and

25 ii. An enhancement or restoration plan shall be submitted for
 26 site plan review. The restoration or enhancement plan must
 27 include the information required under LCC 18.02.540 (D).

28 E. Site Assessment Requirements:

29 1. The Shoreline Administrator shall conduct a review pursuant to
 30 LCC 18.02.500 (E) using maps and references identified in
 31 LCC 18.02.520 (B).

32 2. If the Shoreline Administrator has reason to believe that a wetland may
 33 exist within 100 feet of a proposed development activity, a written
 34 determination regarding the existence or non-existence of wetlands within
 35 100 feet of said proposed development activity must be submitted to the
 36 County by the applicant. Only written determinations prepared by the
 37 U.S. Army Corps of Engineers, Ecology, the Natural Resources
 38 Conservation Service, or a Qualified Wetlands Professional shall be
 39 accepted.

- 1 3. If it is determined that a wetland exists, a Site Assessment Report must be
2 submitted to the Shoreline Administrator by the applicant when an activity
3 regulated under this chapter is proposed within 100 feet of the boundary of
4 a wetland. Only a Site Assessment Report prepared by the U.S. Army
5 Corps of Engineers, Ecology, Natural Resources Conservation Service, or
6 a Qualified Wetlands Professional who has been approved by the
7 Department of Community Development shall be accepted.

- 8 4. The Site Assessment Report, at a minimum, shall cover the subject parcel
9 and all area within 100 feet of a proposed development activity. If the
10 applicant cannot obtain permission for access to properties within 100 feet
11 of the proposed development activity, then an approximation of the extent
12 of off-site wetlands within 100 feet of the proposed development activity
13 may be completed based on aerial interpretation and/or visual observation
14 from nearby vantage points.

- 15 5. The Site Assessment Report shall include the following information:
 - 16 a. A wetland boundary survey to identify and delineate all wetlands
17 within 100 feet of the project or activity area using the approved
18 federal wetland delineation manual and applicable regional
19 supplements as specified by WAC 173-22-035. The wetland
20 boundary shall be field staked by the Qualified Wetlands
21 Professional and surveyed by a land surveyor for disclosure on all
22 final plats, maps and site plans;
 - 23 b. A site plan, at a scale no smaller than 1 inch equals 200 feet,
24 indicating the results of the wetland boundary survey;
 - 25 c. Description of the methods used to identify and delineate the
26 wetland;
 - 27 d. Site plan indicating the location of all proposed improvements and
28 wetland boundaries and the locations of all data points, as surveyed
29 by a professional surveyor;
 - 30 e. Description of the hydrology, soils, and vegetative characteristics
31 of the wetland;
 - 32 f. List of priority species and habitats within the vicinity of the
33 wetland in question;
 - 34 g. Wetland community description, including the wetland rating
35 category pursuant to LCC 18.02.520 (C) and copies of all field
36 data sheets;
 - 37 h. Values and functions assessment, including a discussion of water
38 quality, fish and wildlife habitat, flood and stream flow

1 attenuation, recreation and aesthetics. The values and functions
 2 assessment shall be conducted in accordance with the Ecology
 3 Wetlands Rating System and shall be used to determine the
 4 category of wetland pursuant to LCC 18.02.520 (C);

- 5 i. A detailed narrative describing the project, its relationship to the
 6 wetland, and its potential impact to the wetland; and
- 7 j. A proposed mitigation plan pursuant to LCC 18.02.520 (G).

8 F. Buffers and Protection Standards:

9 1. Wetland Buffers:

- 10 a. Wetland buffer zones shall be required for all regulated activities
 11 adjacent to regulated wetlands. Any wetland created, restored, or
 12 enhanced as compensation for approved wetland alterations shall
 13 also include the standard buffer required for the category of the
 14 created, restored, or enhanced wetland.
- 15 b. Buffers shall not include areas that are functionally and effectively
 16 disconnected from the wetland by a road or other substantially
 17 developed surface of sufficient width and with use characteristics
 18 such that buffer functions are not provided.
- 19 c. Standard buffer widths. The standard buffer widths are based on
 20 wetland category, intensity of impacts, and wetland functions or
 21 special characteristics. The buffer is to be vegetated with native
 22 plant communities that are appropriate for the site conditions. If
 23 vegetation in the buffer is disturbed (grazed or mowed), applicants
 24 planning changes to land that will increase impacts to wetlands
 25 need to rehabilitate the buffer with native plant communities that
 26 are appropriate for the site conditions. The width of the buffer is
 27 measured in horizontal distance.
- 28 d. Measurement of wetland buffers. All buffers shall be measured
 29 from the wetland boundary as surveyed in the field. The width of
 30 the wetland buffer shall be determined according to the proposed
 31 land use (Table 18.02.520 (F)(2)) and wetland category
 32 (Table 18.02.520 (F)(3)).

- 33 2. Land Use Intensity table describes the types of proposed land use that can
 34 result in high, moderate, and low levels of impacts to adjacent wetlands.

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Table 18.02.520 (F)(2). Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than one unit/acre) • High-intensity recreation (e.g., golf courses and ball fields)
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (e.g., parks with biking and jogging) • Paved driveways and gravel driveways serving three or more residences • Paved trails
Low	<ul style="list-style-type: none"> • Low-intensity open space (e.g., hiking, bird-watching, and preservation of natural resources) • Timber management • Gravel driveways serving two or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

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3. Buffer widths based on the types of land use are provided in Table 18.02.520 (F)(2).

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Table 18.02.520 (F)(3). Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV Wetlands (For wetlands scoring less than 16 points for all functions)		
Score for all 3 basic functions is less than 16 points	Low – 25 feet Moderate – 40 feet High – 50 feet	No recommendations at this time
Category III Wetlands (For wetlands scoring 16 to 18 points or more for all functions)		
Moderate level of function for habitat (score for habitat 5 to 7 points) *If wetland scores 8 to 9 habitat points, use Category II buffers	Low – 75 feet Moderate – 110 feet High – 150 feet	No recommendations at this time
Score habitat for 3 to 4 points	Low – 40 feet Moderate – 60 feet High – 80 feet	No recommendations at this time

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category II Wetlands (For wetlands that score 19 to 21 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet	Maintain connections to other habitat areas.
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 8 to 9 points; habitat less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristic	Low – 50 feet Moderate – 75 feet High – 100 feet	No recommendations at this time
Vernal pool	Low - 100 feet Moderate - 150 feet High - 200 feet Or develop a regional plan to protect the most important vernal pool complexes – buffers of vernal pools outside protection zones can then be reduced to: Low – 40 feet Moderate - 60 feet High – 80 feet	No intensive grazing or tilling of wetland
Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet	No additional surface discharges to wetland or its tributaries. No septic systems within 300 feet of wetland. Restore degraded parts of buffer.
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet	Restore degraded parts of buffer. Maintain connections to other habitat areas

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet	No recommendations at this time
High level of function for water quality improvement (8 to 9 points) and low for habitat (less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet	No recommendations at this time

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4. Buffer Width Averaging. The width of a buffer for Category I, Category II, or Category III wetlands may be averaged, thereby reducing the width of a portion of the buffer and increasing the width of another portion, if all of the following requirements are met:
 - a. Buffer averaging is necessary to avoid hardship to the person seeking this option, which is caused by circumstances peculiar to the property, is necessary to accomplish the purposes of the proposed development or land use activity, and no reasonable alternative is available;
 - b. The wetland contains variation in sensitivity due to existing physical characteristics, as confirmed in a Critical Areas Report, and the reduction from standard buffer widths will occur only contiguous to the area of the wetland determined to be least sensitive;
 - c. Buffer width averaging will not adversely impact wetland functions and values;
 - d. The total area contained within the wetland buffer after averaging is not less than the total area of the buffer, which would have been required if buffer averaging was not allowed; and
 - e. No part of the buffer is reduced by more than 50 percent of the standard buffer width or 25 feet, whichever is greater.
 5. Buffer Width Measurement. Wetland buffers shall be measured horizontally in a landward direction from the wetland edge, as delineated in the field, pursuant to the requirements of LCC 18.02.520 (E). Where a wetland is located within 25 feet of the toe of slopes of 25 percent or greater, the buffer shall be increased to include such sloping areas and the

- 1 tops of slopes determined to be Erosion Hazard Areas as defined in LCC
 2 18.02.560 (A).
- 3 6. Restored Wetlands. Any wetland created, restored, or enhanced as
 4 compensation for approved wetland alterations shall also include the
 5 standard buffer required for the category of the created, restored, or
 6 enhanced wetland.
- 7 7. Temporary Buffer Alterations. Buffers shall not be disturbed. However,
 8 where temporary buffer disturbance has or will occur in conjunction with
 9 approved permitted activities, restoration, including replanting with
 10 adapted species as recommended by Ecology and/WDFW, shall be
 11 required.
- 12 8. Demonstration of Buffer Sufficiency. If an applicant proposes to decrease
 13 or alter a required buffer or alter a wetland, the applicant shall demonstrate
 14 why such buffer and/or wetland modification, together with such
 15 alternative mitigation proposed in the wetland area assessment, is
 16 sufficient to adequately protect the wetland functions and values.
- 17 9. Roads, bridges, and utilities. Road, bridge, and utility maintenance, repair,
 18 and construction may be permitted across wetland buffers under the
 19 following conditions:
- 20 a. It is demonstrated to the Shoreline Administrator that there are no
 21 alternative routes that can be reasonably used to achieve the
 22 proposed development;
- 23 b. The activity will have minimum adverse impact to the wetland
 24 area;
- 25 c. The activity will not significantly degrade surface or groundwater;
 26 and
- 27 d. Road maintenance, repair, and construction shall be the minimum
 28 necessary to provide safe traveling surfaces.
- 29 In making such determination, the Shoreline Administrator may solicit and
 30 may consider comments and recommendations provided by Ecology, and
 31 WDFW, and any Technical Interdisciplinary Team participating in review
 32 for the proposed development.
- 33 10. Allowed uses in buffers: Low-impact uses and activities, which are
 34 consistent with the purpose and function of the habitat buffer and do not
 35 detract from its integrity, may be permitted within the buffer depending on
 36 the sensitivity of the habitat involved, provided that such activity shall not
 37 result in a decrease in wetland functions and values and shall not prevent

1 or inhibit the buffer's recovery to at least pre-altered condition or function.
 2 Examples of uses and activities, which may be permitted in appropriate
 3 cases, as long as the activity does not retard the overall recovery of the
 4 buffer, include removal of noxious vegetation, pedestrian trails, and
 5 viewing platforms.

6 a. Trails. Public and private trails may be allowed within wetland
 7 buffers where it can be demonstrated in a Critical Areas Report
 8 that the wetland and wetland buffer functions and values will not
 9 be degraded by trail construction or use. Trail planning,
 10 construction, and maintenance shall adhere to the following
 11 criteria:

12 i. Permeable surface trail alignment shall be located only in
 13 the outer 25 percent of a wetland buffer width, except as
 14 needed to access viewing platforms or to cross the wetland.
 15 Private trails shall be a maximum of 5 feet wide, but public
 16 trails may be as wide as 7 feet, if they are part of a regional
 17 trail network. Trails may be placed on existing levees,
 18 railroad grades, or road grades where those features exist in
 19 any part of a wetland buffer and may occupy the full width
 20 of the levee, railroad grade, or road grade;

21 ii. Trails and associated viewing platforms shall be
 22 constructed of pervious materials, unless impervious
 23 surfaces are necessary for conformance to the ADA. The
 24 trail surface shall meet all other requirements, including
 25 water quality standards set forth in the Stormwater
 26 Management Manual for Eastern Washington
 27 (September 2004), or as revised;

28 iii. Trail alignment shall avoid trees in excess of 6 inches in
 29 diameter of any tree trunk at a height of 4.5 feet above the
 30 ground on the upslope side of the tree, where feasible;

31 iv. Trail construction and maintenance shall follow the
 32 U.S. Forest Service Trails Management Handbook
 33 (FSH 2309.18, April 1993) and Standard Specifications for
 34 Construction and Maintenance of Trails (EM-7720-103,
 35 September 1996, or as revised);

36 v. Access trails to viewing platforms within the wetland may
 37 be provided. Trail access and platforms shall be aligned and
 38 constructed to minimize disturbance to valuable functions
 39 of the wetland or its buffer and other habitat elements, and
 40 still provide enjoyment of the resource; and

- 1 vi. Buffer widths shall be increased, where possible, equal to
- 2 the width of the trail corridor, including disturbed areas.

- 3 b. Utilities. The criteria for alignment, construction, and maintenance
- 4 within the wetland buffers and LCC Section 18.02.470, Utilities,
- 5 shall apply to utility corridors within stream buffers. In addition,
- 6 corridors shall not be aligned parallel with any stream channel,
- 7 unless the corridor is outside the buffer, and crossings shall be
- 8 minimized. Installation shall be accomplished by boring beneath
- 9 the scour depth and hyporheic zone of the waterbody where
- 10 feasible. Crossings shall be contained within the existing footprint
- 11 of an existing or new road or utility crossing where possible.
- 12 Otherwise, crossings shall be at an angle greater than 60 degrees to
- 13 the centerline of the channel. The criteria for stream crossings shall
- 14 also apply.

- 15 c. Stormwater Management Facilities. Stormwater management
- 16 facilities are limited to stormwater dispersion outfalls and
- 17 bioswales. They may be allowed within the outer 25 percent of the
- 18 buffer of Category III or IV wetlands only, provided that:
 - 19 i. No other location is feasible; and
 - 20 ii. The location of such facilities will not degrade the
 - 21 functions or values of the wetland.

- 22 Stormwater management facilities are not allowed in buffers of
- 23 Category I or II wetlands.

- 24 d. Establishment of Limits of Clearing. The location of the outer
- 25 extent of the wetland buffer shall be permanently marked as
- 26 specified in LCC 18.02.520 (E). The limits of the areas to be
- 27 disturbed shall also be marked in the field as specified in
- 28 LCC 18.02.520 (E).

G. Mitigation:

- 30 1. Mitigation Plan. Where mitigation is required pursuant to LCC 18.02.510,
- 31 General Mitigation Requirements, the applicant shall prepare a Mitigation
- 32 Plan. The Mitigation Plan shall follow the general requirements described
- 33 in LCC 18.02.510, General Mitigation Requirements, herein below, and
- 34 Wetland Mitigation in Washington State – Part 2: Developing Mitigation
- 35 Plans (Version 1), Washington Department of Ecology Publication #06-
- 36 06-011b), March 2006. The following items at a minimum are required as
- 37 part of a mitigation plan:

- 1 a. Description of project or activity, including a detailed narrative
- 2 describing the project or activity, its relationship to the wetland,
- 3 and its potential impact to the wetland; and

- 4 b. Any proposed mitigation, including a discussion of how the project
- 5 has been designed to avoid and minimize adverse impacts to
- 6 wetlands, as well as the necessary monitoring and contingency
- 7 actions for the continued maintenance of the wetland and its
- 8 associated buffer.

- 9 c. A report, which includes:
 - 10 i. Location maps;
 - 11 ii. A site map prepared at a scale no smaller than 1 inch equals
 - 12 200 feet, indicating the: boundaries of the identified
 - 13 wetlands; the width and length of all existing and proposed
 - 14 structures, utilities, roads, easements; wastewater and
 - 15 stormwater management facilities; and adjacent land uses,
 - 16 zoning districts, and comprehensive plan designations;
 - 17 iii. A description of the vegetation in the wetland, on the
 - 18 overall project site, and adjacent to the site;
 - 19 iv. A discussion of any federal, state, or local management
 - 20 recommendations, which have been developed for the area;
 - 21 v. A discussion of the following mitigation alternatives as
 - 22 they relate to the proposal:
 - 23 – Avoiding the impact altogether by not taking a certain
 - 24 action or parts of an action;
 - 25 – Minimizing impacts by limiting the degree or
 - 26 magnitude of the action and its implementation by
 - 27 using appropriate technology or by taking affirmative
 - 28 steps to avoid or reduce impacts;
 - 29 – Rectifying the impact by repairing, rehabilitating, or
 - 30 restoring the affected environment; and
 - 31 – Compensating for the impact by replacing, enhancing,
 - 32 or providing substitute resources or environments.
 - 33 vi. A detailed discussion of ongoing management and
 - 34 monitoring practices, which will protect the wetland after
 - 35 the project site has been fully developed, including

- 1 proposed monitoring, contingency, maintenance and surety
 2 programs; and
- 3 vii. Proposed mitigation ratios, including a discussion of
 4 functions and values of and the variety of habitats provided
 5 by the proposed replacement wetland. Proposed mitigation
 6 ratios less than the standard ratios shall include full
 7 justification thereof.
- 8 2. General Provisions. As a condition of any permit or other approval
 9 allowing alteration, which results in the loss or degradation of a regulated
 10 wetland, mitigation shall be required to offset impacts resulting from the
 11 actions of the applicant or any violator of the LCC 18.02. The following
 12 shall apply to all mitigation:
- 13 a. Mitigation shall follow an approved Mitigation Plan pursuant to
 14 LCC 18.02.520 (G)(1) and reflect the ratios specified in
 15 LCC 18.02.520 (G)(4) below;
- 16 b. Mitigation shall be “on-site” and “in-kind”, except that “off-site”
 17 mitigation may be provided pursuant to LCC 18.02.520 (G)(5) and (6);
- 18 c. Enhancement of existing wetlands, other than Category I and
 19 Category II wetlands, may be considered for compensation by
 20 doubling the ratios in LCC 18.02.520 (G)(4) below;
- 21 d. Compensation shall be completed prior to, or concurrently with,
 22 wetland alteration, or, in the case of an enforcement action, prior to
 23 further development of the site;
- 24 e. Mitigation must be conducted on property that will be protected
 25 and managed to avoid further development or degradation. The
 26 applicant shall provide for long-term preservation of the mitigation
 27 area; and
- 28 f. The applicant shall demonstrate sufficient scientific expertise,
 29 supervisory capability, and financial resources, including bonding
 30 in accordance with LCC 18.02.510, General Mitigation
 31 Requirements, to carry out the project. The applicant shall
 32 demonstrate sufficient capability for monitoring the site and
 33 making corrections if the project fails to meet projected goals.
- 34 3. On-Site Mitigation. Any alteration of wetlands pursuant to
 35 LCC 18.02.520 (D) shall be mitigated by creating or restoring new
 36 wetlands at the standard mitigation ratios shown in Table 18.02.520
 37 (G)(4). The ratios apply to creation or restoration, which is in-kind (i.e.,
 38 the same type of wetland), on-site, and is accomplished prior to or
 39 concurrently with loss. The first number specifies the acreage of new

1 wetlands to be restored or created and the second specifies the acreage of
 2 wetlands altered.

3 4. The standard mitigation ratios may be increased or decreased by the
 4 Shoreline Administrator on a case-by-case, site-specific basis. The
 5 determination shall be based on the most current, accurate, and complete
 6 scientific or technical information available and on-site, specific, and
 7 project-related conditions as described in the approved Mitigation Plan. In
 8 making such determination, the Shoreline Administrator shall consider the
 9 functions and values of and the variety of habitats provided by the
 10 proposed replacement wetland and may solicit and may consider
 11 comments and recommendations provided by Ecology, WDFW, and any
 12 Technical Interdisciplinary Team participating in review for the proposed
 13 development.

14
 15 **Table 18.02.520(G)(4). Mitigation Ratios for Eastern Washington**

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ¹	Re-establishment or Creation and Rehabilitation ¹	Re-establishment or Creation and Enhancement ¹	Enhancement Only ¹
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage Site	Not considered possible ²	6:1 Rehabilitation of a Natural Heritage Site	R/C Not considered possible ²	R/C Not considered possible ²	Case-by-case

Notes

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

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

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, Washington.

R/C = Re-establishment or Creation
 RH = Rehabilitation
 E = Enhancement

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5. Off-Site Mitigation. Off-site mitigation allows replacement of wetlands away from the site on which the wetland has been impacted by a regulated activity. Off-site mitigation shall be conducted by creating or restoring new wetlands at the ratios shown in Table 18.02.520 (G)(4), for on-site mitigation pursuant to LCC 18.02.520 (G)(3), and by selecting mitigation sites pursuant to LCC 18.02.520 (G)(6). Off-site compensation shall occur within the same drainage basin of the same watershed where the wetland loss occurs. Off-site compensation will be allowed only when the applicant demonstrates to the satisfaction of the Shoreline Administrator that one or more of the following circumstances applies:

- a. On-site mitigation is not feasible due to hydrology, soils, or other factors;
- b. On-site mitigation is not practical due to probable adverse impacts from surrounding land uses or would conflict with a federal, state or local public safety directive;
- c. Potential functions and values at the site of the proposed restoration are greater than the lost wetland functions and values; or
- d. When the wetland to be altered is of low function and value mitigation shall be of the wetland community types needed most in the location of mitigation and those most likely to succeed with the highest function and value possible.

In making such determination, the Shoreline Administrator may solicit and may consider comments and recommendations provided by Ecology, WDFW, and any Technical Interdisciplinary Team participating in review for the proposed development.

6. Selecting Off-Site Mitigation Sites. Applicants shall pursue locations for off-site mitigation in the following order of preference:
- a. Filled, drained, or cleared sites that were formerly wetlands and where appropriate hydrology exists; and
 - b. Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature community of native species, and where the appropriate natural hydrology exists.

7. Mitigation Timing. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and plants. Construction shall be timed

1 to ensure that grading and soil movement occurs during those periods
 2 determined by the Shoreline Administrator to be most advantageous to the
 3 needs of the species present.

4 8. Alternative Mitigation Projects. The Shoreline Administrator may
 5 encourage, facilitate, and approve innovative wetland mitigation projects.
 6 Advance compensation or mitigation banking are examples of alternative
 7 mitigation projects allowed under the provisions of this chapter wherein
 8 one or more applicant(s), or an organization with demonstrated capability,
 9 may undertake a mitigation project together if it is demonstrated to the
 10 satisfaction of the Shoreline Administrator that all of the following
 11 circumstances exist:

- 12 a. Creation of one or several larger wetlands may be preferable to
 13 many small wetlands;
- 14 b. The group demonstrates the organizational and fiscal capability to
 15 act cooperatively;
- 16 c. The group demonstrates that long-term maintenance and
 17 management of the mitigation area will be provided;
- 18 d. There is a clear potential for success of the proposed mitigation at
 19 the identified mitigation site;
- 20 e. Conducting mitigation as part of a cooperative process does not
 21 reduce or eliminate the required replacement ratios outlined in
 22 LCC 18.02.520 (G)(4);
- 23 f. Permits and approvals are obtained from all other agencies having
 24 regulatory jurisdiction; and
- 25 g. Wetland mitigation banking programs are consistent with the
 26 provisions of RCW 90.84 and any Ecology guidelines
 27 implementing provisions of RCW 90.84, regarding wetland
 28 mitigation banking.

29 In making such determination, the Shoreline Administrator may solicit and
 30 may consider comments and recommendations provided by Ecology,
 31 WDFW, and any Technical Interdisciplinary Team participating in review
 32 for the proposed development.

33 **18.02.530 Critical Aquifer Recharge Areas**

34 A. Purpose:

- 35 1. The purpose and intent of this section is to safeguard groundwater
 36 resources within the shoreline jurisdiction from hazardous substance and

1 hazardous waste pollution by controlling or abating future pollution from
 2 new land uses or activities.

3 B. Classification. Aquifer recharge areas shall be classified as following:

- 4 1. Wellhead protection areas. Wellhead protection areas may be defined by
 5 the boundaries of the 10-year time of groundwater travel or boundaries
 6 established using alternate criteria approved by the Department of Health
 7 in those settings where groundwater time of travel is not a reasonable
 8 delineation criterion, in accordance with WAC 246-290-135.
- 9 2. Sole-source aquifers. Sole-source aquifers are areas designated by the
 10 U.S. Environmental Protection Agency pursuant to the Federal Safe Water
 11 Drinking Act.
- 12 3. Susceptible groundwater management areas. Susceptible groundwater
 13 management areas are areas that have been designated as moderately or
 14 highly vulnerable or susceptible in an adopted groundwater management
 15 program developed pursuant to Chapters 173-100 WAC.
- 16 4. Special protection areas. Defined pursuant to WAC 173-200-090.
- 17 5. Moderately, highly vulnerable, or highly susceptible aquifer recharge
 18 areas. Aquifer recharge areas that are moderately, highly vulnerable, or
 19 highly susceptible to degradation or depletion due to hydrogeologic
 20 characteristics are those areas delineated by a hydrogeologic study
 21 prepared in accordance with the state Department of Ecology guidelines or
 22 meeting the criteria established by the Department of Ecology.

23 C. Determination Process:

- 24 1. The following progressive steps will occur upon a determination by the
 25 Coalition, per LCC 18.02.500 (F) and (G), General Review Process and
 26 Critical Area Report Requirements, that a critical aquifer recharge area
 27 may exist on a site proposed for a shoreline substantial development
 28 permit:
 - 29 a. Shoreline Administrator will determine if the proposed
 30 development activity is within an Area of Project Review.
 - 31 b. If it is determined by the Shoreline Administrator that the proposed
 32 development activity is within an Area of Project Review,
 33 compliance with LCC 18.02.500 (F) and (G), General Review
 34 Process and Critical Area Report Requirements, of this SMP and
 35 development of a Critical Area Report is required.

- 1 D. Standards. The following standards will apply to development proposals
 2 determined to be located within critical aquifer recharge areas, as defined and
 3 described herein:
- 4 1. Regulated Activities. A site analysis and Critical Area Report is required
 5 for uses and activities within shoreline jurisdiction that have the potential
 6 to impact aquifer recharge areas.
- 7 2. Activities proposed within an Area of Project Review for Critical Aquifer
 8 Recharge, shall comply with local, state, and federal agency requirements
 9 for each of the following:
- 10 a. Connections to sanitary sewer systems;
- 11 b. Onsite sewage disposal systems;
- 12 c. Connections to public water supplies;
- 13 d. Existing and proposed wells; and
- 14 e. Water rights-related issues.
- 15 3. Surface impoundments, defined by Chapter 173-303 WAC, are not
 16 allowed in shoreline jurisdiction.
- 17 4. Septic drainfields and any required replacement drainfield area shall be at
 18 least 100 feet from wells and located per the County’s Health and Safety
 19 regulations in LCC 8.33.120, Sewage Disposal Systems.
- 20 5. Regulated activities and uses may only be permitted in a critical aquifer
 21 recharge area if the applicant can show that the proposed activity will not
 22 adversely affect the recharging of the aquifer and the proposed activity
 23 will not cause contaminants to enter the aquifer.
- 24 6. Regulated activities must, at a minimum, comply with the water source
 25 protection requirements and recommendations of the U.S. Environmental
 26 Protection Agency, state Department of Health, and the local health
 27 department, as applicable.
- 28 7. Activities proposed within a critical aquifer recharge area that have a high
 29 potential for contamination are not allowed, unless it is demonstrated no
 30 other options are feasible. A hydrogeologic study for these proposed
 31 activities shall be required and prepared by a qualified geologist. The
 32 study shall focus on the following:
- 33 a. Geologic setting, site location map, topography, and well logs for
 34 the surrounding area;

- 1 b. Current available data on springs or seeps for the surrounding area;
- 2 c. Background water quality data;
- 3 d. Water source/supply to facility;
- 4 e. Depth/location of any perched water tables or geological features
- 5 that could form perch water tables if recharge is increased;
- 6 f. Groundwater flow direction and gradient;
- 7 g. An analysis of physical parameters of the aquifer to include:
 - 8 i. Soil types.
 - 9 ii. Hydraulic conductivity.
 - 10 iii. Annual recharge.
 - 11 iv. Depth to water.
 - 12 v. Importance of the Vadose Zone based on the geology
 - 13 above the aquifer.
- 14 h. Description (qualitative and quantitative) of the impacts the project
- 15 will have on surrounding wells;
- 16 i. Discussion of the effects of proposed project on groundwater
- 17 resources; and
- 18 j. Other information required by the Shoreline Administrator in
- 19 consultation with other agencies of expertise.
- 20 8. Mitigation measures for groundwater protection may be required.
- 21 Implementation of protection measures to prevent contamination is
- 22 required. A qualified professional shall discuss potential mitigation
- 23 measures if the proposed project should have an adverse impact on
- 24 groundwater resources.
- 25 9. Parks, Schools, and Recreation Facilities. Fertilizer and pesticide
- 26 management practices of schools, parks, other recreation facilities, and
- 27 similar uses shall use BMPs as prescribed by the local Conservation
- 28 District and per LCC 18.02.250 (E).
- 29 10. All major and minor developments shall have an informational note placed
- 30 on the face of plat stating, "This subdivision is located within an aquifer
- 31 recharge area. BMPs shall be used for the containment of stormwater and
- 32 the application of pesticides and fertilizers."

- 1 E. Town-specific Standards:
- 2 1. In areas designated as high susceptibility for aquifer contamination, all
- 3 uses shall be connected to the Town’s sewer system. No new uses on a
- 4 septic system are permitted in high susceptibility areas of critical aquifer
- 5 recharge.
- 6 2. For uses locating within the critical aquifer recharge area and requiring
- 7 site plan review, a disclosure form indicating activities and hazardous
- 8 materials that will be used shall be provided for review and approval.
- 9 3. Impervious surfaces shall be minimized within the critical aquifer
- 10 recharge areas.
- 11 4. BMPs, as defined by State and federal regulations, shall be followed for
- 12 commercial and industrial uses located in the critical aquifer recharge
- 13 areas to ensure potential contaminants do not reach the aquifer.
- 14 5. A Spill Prevention and Emergency Response Plan shall be prepared and
- 15 submitted for review and approval by the Town and Fire District.
- 16 6. The following shall be prohibited uses within a critical aquifer recharge
- 17 areas:
- 18 a. Landfills, including hazardous waste, municipal solid waste,
- 19 special waste, woodwaste, inert waste, and demolition waste.
- 20 b. Underground injection wells of classes I, III, and IV and subclasses
- 21 5FO1, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15,
- 22 5W20, 5X28, and 5N24 of Class V wells.
- 23 c. Mining of Metals and Hard Rock. Sand and gravel mining shall
- 24 also be prohibited from critical aquifer recharge areas rated as
- 25 highly susceptible or vulnerable.
- 26 d. Wood treatment facilities that allow any portion of the treatment
- 27 process to occur over natural or manmade permeable surfaces.
- 28 e. Facilities that store, process, or dispose of radioactive substances.
- 29 f. Activities that would significantly reduce the recharge to aquifers
- 30 currently or potentially used as a potable water source.
- 31 g. Activities that would significantly reduce the recharge to aquifers
- 32 that are a source of significant baseflow to a regulated stream.
- 33 h. Activities that are not connected to an available sanitary sewer
- 34 system in areas associated with sole source aquifers.

1 **18.02.540 Fish and Wildlife Habitat Conservation Areas**

2 A. Identification and Designation:

3 1. Fish and Wildlife Habitat Conservation Areas (HCA) shall include:

4 a. Areas within which state and federal endangered and threatened
5 species exist, or state-sensitive, candidate, and monitor species
6 have a primary association;

7 b. Priority Habitat and Species Areas identified by the WDFW;

8 c. Habitats and species of local importance that have been designated
9 by the County at the time of application;

10 d. Naturally occurring ponds less than 20 acres and their submerged
11 aquatic beds that provide fish or wildlife habitat. These do not
12 include ponds deliberately designed and created from dry sites
13 such as canals, detention facilities, wastewater treatment facilities,
14 farm ponds, temporary construction ponds of less than 3 years
15 duration, and landscape amenities. Naturally occurring ponds may
16 include those artificial ponds intentionally created from dry areas
17 in order to mitigate conversion of ponds, if permitted by a
18 regulatory authority;

19 e. Waters of the state as defined by WAC 222-16;

20 f. Lakes, ponds, streams, and rivers planted with game fish by a
21 governmental or tribal entity;

22 g. Areas with which anadromous fish species have a primary
23 association; and

24 h. State natural area preserves and natural resources conservation
25 areas.

26 2. In addition to the HCAs identified in LCC 18.02.540 (A)(1), additional
27 species and habitats of local importance may be designated by the
28 Shoreline Administrator based on declining populations, sensitivity to
29 habitat manipulation, or special value. These include a seasonal range or
30 habitat element with which a given species has a primary association and
31 which, if altered, may reduce the likelihood that the species will maintain
32 and reproduce over the long term. These might include:

33 a. Areas of high relative density or species richness, breeding and
34 rearing habitat, winter range, and movement and/or migration
35 corridors; and

- 1 b. Habitats that are of limited availability or high vulnerability to
- 2 alteration such as cliffs, caves, talus, shrub steppe, in-stream gravel
- 3 deposits (salmon spawning beds), and wetlands riparian areas.

- 4 3. In order to nominate an area or a species to the category of Habitats and
- 5 Species of Local Importance, an individual or organization must:

- 6 a. Demonstrate a need for special consideration based on:

- 7 i. Declining population;
- 8 ii. Sensitivity to habitat manipulation; or
- 9 iii. Commercial or game value or other special value, such as
- 10 public appeal.

- 11 b. Propose relevant management strategies considered effective and
- 12 within the scope of this chapter;

- 13 c. Provide species habitat location(s) on a map. Submitted proposals
- 14 will be reviewed by the Shoreline Administrator and forwarded to
- 15 the WDFW, DNR, and/or other local and state agencies or experts
- 16 for comments and recommendations regarding accuracy of data
- 17 and effectiveness of proposed management strategies; and

- 18 d. Lincoln County, the Town of Reardan, or the Town of Odessa will
- 19 hold a public hearing before the appropriate governing body per
- 20 LCC 18.02.700, Roles and Responsibilities, for proposals found to
- 21 be complete, accurate, potentially effective, and within the scope
- 22 of this chapter. If a proposal is approved, the habitat/species will
- 23 become designated "Habitats/Species of Local Importance" and
- 24 will be subject to the provisions of this chapter.

- 25 4. The following important habitat areas, which are not based on use by a
- 26 specific species, include those areas protected by their conservation
- 27 ownership or management status and are not subject to the protection
- 28 standards within this chapter:

- 29 a. National Wildlife Refuges, National Parks, Natural Area Preserves,
- 30 or any preserve or reserve designated under WAC 332-30-151;

- 31 b. State Natural Area Preserves or Natural Resource Conservation
- 32 Areas identified by state law and managed by the DNR; and

- 33 c. Areas with recognized wildlife habitat value owned by the
- 34 Bureau of Land Management or the Nature Conservancy.

- 35 B. Maps and References:

- 1 1. In addition to the Critical Areas Checklist prepared by the applicant and
2 any site reconnaissance conducted by County or towns, the Shoreline
3 Administrator shall use the following maps and references to assist in
4 making a Preliminary Determination pursuant to LCC 18.02.500 (E):
 - 5 a. WDFW Priority Habitat and Species maps;
 - 6 b. Wetlands mapped under the National Wetland Inventory by the
7 U.S. Department of Interior and U.S. Fish and Wildlife Service;
 - 8 c. WDFW, DNR, Washington Rivers Inventory System maps;
 - 9 d. U.S. Department of the Interior, Spokane District Resource
10 Management Plan; and
 - 11 e. Maps and reference documents in the Lincoln County SMP
12 Inventory, Characterization, and Analysis Report, as applicable.

- 13 C. Fish/Wildlife Habitat Assessment and Identification:
 - 14 1. If it is determined through the process identified herein that a Habitat
15 Conservation Area exists on a site that is the subject of a development
16 permit application, a fish/wildlife habitat boundary survey and evaluation
17 shall be conducted by a professional biologist, as appropriate, who is
18 knowledgeable of fish and wildlife habitat within the region. The fish and
19 wildlife habitat boundary shall be field staked, as necessary, by the
20 biologist and identified on all final plats, maps, or similar document.
 - 21 2. The fish/wildlife habitat boundary and any associated buffer shall be
22 identified on all plats, maps, plans, and specifications submitted for the
23 project.

- 24 D. Critical Area Report and Fish/Wildlife Habitat Management and Mitigation
25 Plan:
 - 26 1. A Fish/Wildlife Habitat Management and Mitigation Plan is required for
27 all proposed developments determined to be within a HCA.
 - 28 2. When required, a Fish/Wildlife Habitat Management and Mitigation Plan
29 shall be prepared by a professional biologist who is knowledgeable of fish
30 and wildlife habitat within the region.
 - 31 3. The Fish/Wildlife Habitat Management and Mitigation Plan shall
32 demonstrate, when implemented, that the net loss of ecological function of
33 habitat requirement is met.
 - 34 4. Based on the most current scientific and technical information, per
35 LCC 18.02.500 (E), the Fish/Wildlife Habitat Management and Mitigation

- 1 Plan shall identify how impacts from the proposed project shall be
 2 mitigated, as well as the necessary monitoring and contingency actions for
 3 the continued maintenance of the habitat conservation area and any
 4 associated buffers.
- 5 5. The Fish/Wildlife Habitat Management and Mitigation Plan shall include
 6 maps and narrative descriptions that address the mitigation sequencing per
 7 LCC 18.02.230 (B).
- 8 6. A plan by the applicant that explains how any adverse impacts created by
 9 the proposed development will be mitigated, including but not limited to
 10 the following techniques:
- 11 a. Use of any federal, state, or local management recommendations,
 12 which have been developed for the species or habitats in the area;
- 13 b. Application of appropriate and adequate buffers (see
 14 LCC 18.02.210 (B));
- 15 c. Preservation of critically important plants and trees;
- 16 d. Limitation of access to the habitat conservation area;
- 17 e. Seasonal restriction of construction activities; and
- 18 f. Establishment of a timetable for periodic review of the plan.
- 19 7. A detailed discussion of on-going management practices, which will
 20 protect the habitat conservation area after the project site has been fully
 21 developed, including proposed monitoring, contingency, maintenance and
 22 surety programs.
- 23 E. Protection Standards:
- 24 1. No development permit or approval pursuant to this chapter shall be
 25 granted unless adverse effects to Fish and Wildlife Habitat Conservation
 26 Areas resulting from proposed development activities located inside of or
 27 within 300 feet of a designated HCA are mitigated pursuant to
 28 LCC 18.02.540 (E).
- 29 2. HCAs shall be protected in accordance with the Shoreline Administrator's
 30 determination of appropriate conditions and site-specific information
 31 supplied by the applicant. In making such determination, the Shoreline
 32 Administrator may solicit and may consider comments and
 33 recommendations provided by Ecology, WDFW, and any Technical
 34 Interdisciplinary Team participating in review for the proposed
 35 development. Possible conditions may include the following:

- 1 a. Establishment of buffer zones;
- 2 b. Preservation of critically important vegetation;
- 3 c. Limitation of access to the HCA; and
- 4 d. Seasonal restriction of construction activities.
- 5 3. Special Provisions – Anadromous Salmonids:
- 6 a. Activities, uses, and alterations proposed to be located in
- 7 waterbodies used by anadromous salmonids, or in areas that affect
- 8 such waterbodies, shall give special consideration to the
- 9 preservation and enhancement of anadromous salmonid habitat,
- 10 including, but not limited to, the following:
- 11 i. Activities shall be timed to occur only during the allowable
- 12 work window as designated by the WDFW;
- 13 ii. An alternative alignment or location for the activity is not
- 14 feasible;
- 15 iii. The activity is designed so that it will minimize the
- 16 degradation of the functions or values of the fish habitat or
- 17 other critical areas; and
- 18 iv. Any impact on the functions and values of the habitat
- 19 conservation area are mitigated in accordance with an
- 20 approved Critical Areas Report.
- 21 b. Structures that prevent the migration of anadromous salmonids
- 22 shall not be allowed in the portion of waterbodies currently used
- 23 by salmonids. Fish bypass facilities shall be provided that allow
- 24 the upstream migration of adult fish and shall prevent juveniles
- 25 migrating downstream from being trapped or harmed.
- 26 c. Fills waterward of the OHWM, when authorized, shall minimize
- 27 the adverse impacts on anadromous salmonids and their habitat,
- 28 shall mitigate any unavoidable impacts, and shall only be allowed
- 29 for water-dependent uses or for uses that enable public access or
- 30 recreation for significant numbers of the public.
- 31 4. Special provisions – Wildlife. Bald eagle habitat shall be protected
- 32 pursuant to the Washington State Bald Eagle Protection Rules
- 33 (WAC 232-12-292).
- 34 5. Special Provisions – Wetland Habitats. All proposed activities within or
- 35 adjacent to habitat conservation areas containing wetlands shall, at a

- 1 minimum, conform to the wetland development performance standards set
 2 forth in LCC 18.02.520, Wetlands, in addition to meeting the habitat
 3 conservation area standards in this chapter.
- 4 6. Special Provisions – Riparian Habitat Areas. Unless otherwise allowed in
 5 this chapter, all structures and activities shall be located outside of the
 6 riparian habitat buffers.
- 7 a. Establishment of riparian habitat buffers. Buffers shall be
 8 established for habitats that include aquatic systems;
- 9 b. Buffer widths. A riparian habitat shall have at least the buffer
 10 width identified in LCC 18.02.210 (B). Widths shall be measured
 11 outward, on the horizontal plane from the OHWM, or from the top
 12 of bank if the OHWM cannot be identified;
- 13 c. Additional setbacks for structures or other facilities, as identified in
 14 LCC 18.02.210 (B), would be added on to identified buffer width;
- 15 d. Buffers in conjunction with other critical areas. Where other
 16 critical areas defined in this chapter fall within the waterbody
 17 buffer, the buffer area shall be the most beneficial of the buffers
 18 applicable to any applicable critical area; and
- 19 e. Buffers shall be accompanied by stormwater management
 20 measures consistent with the Stormwater Management Manual for
 21 Eastern Washington (September 2004) or as revised.
- 22 7. Proposed developments or land use activities located within 300 feet of a
 23 designated HCA shall be reviewed for potential habitat impacts,
 24 considering the recommendations provided by Ecology, WDFW, and any
 25 Technical Interdisciplinary Team participating in review for the proposed
 26 development.
- 27 8. Allowed Uses in Fish and Wildlife Habitat Conservation Areas and
 28 Stream Buffers:
- 29 a. Roads, bridges, and utilities. Road, bridge, and utility maintenance,
 30 repair, and construction may be permitted across a Fish and
 31 Wildlife Habitat Conservation Area and/or buffers under the
 32 following conditions:
- 33 i. It is demonstrated to the Shoreline Administrator that there
 34 are no alternative routes that can be reasonably used to
 35 achieve the proposed development;
- 36 ii. The activity will have minimum adverse impact to the Fish
 37 and Wildlife Habitat Conservation Area;

- 1 iii. The activity will not significantly degrade surface or
- 2 groundwater; and
- 3 iv. The intrusion into the Fish and Wildlife Habitat
- 4 Conservation Area and its buffers is fully mitigated to
- 5 achieve no net loss of ecological functions.
- 6 b. Limited park or recreational access to a Fish and Wildlife Habitat
- 7 Conservation Area and/or stream buffers, provided that all of the
- 8 following are satisfied:
- 9 i. The access is part of a public park or a recreational resort
- 10 development that is dependent on the access for its location
- 11 and recreational function;
- 12 ii. The access is limited to the minimum necessary to
- 13 accomplish the recreational function; and
- 14 iii. The intrusion is fully mitigated to achieve no net loss of
- 15 ecological functions.
- 16 c. Low-impact uses and activities that are consistent with the purpose
- 17 and function of the stream setback and do not detract from its
- 18 integrity. Examples of low-impact uses and activities include
- 19 removal of noxious vegetation and stormwater management
- 20 facilities such as grass-lined swales.
- 21 9. Temporary and permanent erosion and sedimentation controls shall be
- 22 provided to prevent the introduction of sediments or pollutants to
- 23 waterbodies or watercourses within the HCA.
- 24 10. Clearing and grading shall be limited to that necessary for establishment
- 25 of the use or development and shall be conducted so as to avoid significant
- 26 adverse impacts and to minimize the alteration of the volume, rate, or
- 27 temperature of freshwater flows to or within the HCA and any buffer
- 28 required by this chapter.
- 29 11. The proposed development shall not discharge hazardous substances to the
- 30 HCA that would have significant adverse impacts on that area.
- 31 12. Stream flows shall be protected from changes to the normal flow,
- 32 temperature, turbidity, and discharge to the maximum extent practicable.
- 33 13. Septic drainfields and any required replacement drainfield area shall be at
- 34 least 100 feet from the edge of any HCA per the County’s Health and
- 35 located per Safety regulations in LCC 8.33, Sewage Disposal Systems.

- 1 14. Exceptions to the above protection standards may be allowed by the
2 Shoreline Administrator based on a special report prepared by a Qualified
3 Biological Professional that demonstrates that such exception would not
4 adversely impact the habitat system, functions, and values of the HCA.
- 5 15. Activities may only be permitted in a stream or stream buffer if the
6 applicant can show that the proposed activity will not degrade the
7 functions and values of the stream, stream buffer, or other critical area.
- 8 16. Stream Crossings. Stream crossings shall be minimized, but when
9 necessary they shall conform to the applicable provisions of this SMP and
10 other laws (see WDFW or Ecology).
- 11 17. Stormwater conveyance facilities. Stormwater conveyance facilities may
12 be permitted, provided they are only located in the buffer when no
13 practicable alternative exists outside the buffer. Stormwater facilities shall
14 be planted with native plantings where feasible to provide habitat and/or
15 less intrusive facilities should be used.
- 16 18. Floodway-dependent Structures. Floodway-dependent structures or
17 installations may be permitted within streams or their buffers if allowed or
18 approved by other ordinances or other agencies with jurisdiction. See SMP
19 LCC 18.02.550, Frequently Flooded Areas, for more information on
20 allowed uses and activities within flood hazard areas.
- 21 19. Trails. The criteria for alignment, construction, and maintenance of trails
22 within wetlands and their buffers shall apply to trails within stream
23 buffers. Outer buffer trails may not exceed 10 feet in width and may be
24 constructed with impermeable surface materials if on-site infiltration is
25 utilized.
- 26 20. Utilities. The criteria for alignment, construction, and maintenance within
27 the wetland buffers and LCC 18.02.470, Utilities, shall apply to utility
28 corridors within stream buffers. In addition, corridors shall not be aligned
29 parallel with any stream channel unless the corridor is outside the buffer,
30 and crossings shall be minimized. Installation shall be accomplished by
31 boring beneath the scour depth and hyporheic zone of the waterbody
32 where feasible. Crossings shall be contained within the existing footprint
33 of an existing or new road or utility crossing where possible. Otherwise,
34 crossings shall be at an angle greater than 60 degrees to the centerline of
35 the channel. The criteria for stream crossings shall also apply.
- 36 21. Native vegetation landscaping schemes shall be provided that do not
37 require application of herbicides, pesticides, or fertilizer to maintain robust
38 growth.
- 39 22. No net effective impervious surfaces may be created in the outer buffer
40 area, beyond what is otherwise permitted.

1 23. No structures or related improvements, including buildings or decks, shall
 2 be permitted within the stream buffer except as otherwise allowed in
 3 LCC 18.02.500, General Provisions, or in this SMP.

4 F. Mitigation:

5 1. Mitigation shall be required for loss of area or function and value of fish
 6 and wildlife habitat regulated under this subsection. The applicant shall
 7 mitigate to achieve no net loss of ecological functions. Mitigation actions
 8 by an applicant or property owner shall occur in the preferred sequence
 9 specified in LCC 18.02.230, Environmental Protection. If it is determined
 10 by the Shoreline Administrator that a proposed development will likely
 11 have a significant adverse impact on a HCA, the applicant shall prepare
 12 and implement a Habitat Management and Mitigation Plan in accordance
 13 with LCC 18.02.540 (D).

14 2. Where impacts cannot be avoided, the applicant shall seek to implement
 15 other appropriate mitigation actions in compliance with the intent,
 16 standards, and criteria of this chapter. In an individual case, these actions
 17 may include consideration of alternative site plans and layouts and
 18 reductions in the density or scope of the proposed development.

19 **18.02.550 Frequently Flooded Areas**

20 A. Designation:

21 1. Those areas designated as frequently flooded areas (areas within the 100-
 22 year floodplain) are shown on the most current federal flood insurance rate
 23 maps (FIRMs) included in the GIS data supporting the 2014 SMP
 24 Inventory, Analysis and Characterization Report), and subsequent future
 25 updates to federal flood insurance mapping.

26 2. Channel Migration Zone. The CMZ is considered to be that area of a
 27 stream channel that may erode as a result of normal and naturally
 28 occurring processes and has been mapped consistent with WAC 173-26-
 29 221(3)(b).

30 a. CMZs were mapped during the Shoreline Inventory, Analysis, and
 31 Characterization process completed to update Lincoln County's
 32 SMP. Waterways within Lincoln County with mapped CMZs as of
 33 the latest revision of the 2014 Shoreline Inventory Analysis and
 34 Characterization Report include the following:

- 35 i. Crab Creek;
- 36 ii. Negro Creek; and
- 37 iii. Spokane River above Lake Roosevelt.

- b. Applicants for shoreline development or modification may submit a site-specific CMZ study, consistent with the information outlined in 18.02.270 (B).

B. Development Standards – Policies.

- 1. Development policies and standards are defined in LCC 15.16, Flood Damage Prevention, provisions of Chapter 18.36 of the Odessa Municipal Code, and Reardan’s flood damage prevention ordinance (add reference in next version, once received from Town), as well as SMP Goals and Policies, and Section 18.02.270, Flood Hazard Reduction.

18.02.560 Geologically Hazardous Areas

A. Designation:

- 1. The process for designation depends on the type of geologic hazard (suspected or known). Some types, such as severe rill and inter-rill erosion, can be assessed by examining a paper inventory contained within the Lincoln County Soil Survey to determine the properties and/or functions of the soils located at a site. Also, the County has developed draft GIS slope feature coverages that will be used in conjunction with on-site inspection for proposed project analysis.
- 2. Erosion Hazards. Are hereby designated as those areas that were identified by the U.S. Department of Agriculture Soil Conservation Service as having “severe” rill and inter-rill erosion hazard. Erosion hazard areas are also those areas impacted by shore land and/or stream bank erosion and those areas within a river or stream’s CMZ. Erosion hazard areas are those that contain all three of the following characteristics:
 - a. A slope of 30 percent or greater;
 - b. Soils identified by the Soil Conservation Service as unstable and having a high potential for erosion; and
 - c. Areas that are exposed to the erosion effects of wind or water.
- 3. Landslide Hazards. All areas within the boundary of Lincoln County having slopes of 15 percent or greater that are underlain by weak, fine-grained, unconsolidated sediments, jointed or bedded bedrock, or landslide deposits, including the top and toe of such areas are hereby designated as landslide hazards. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas are those that may contain any of the following circumstances:

- a. All areas that have historically been prone to landsliding;

- 1 b. All areas containing soil types identified by the Natural Resource
- 2 Conservation Service (NRCS) as unstable and prone to landslide
- 3 hazard;
- 4 c. All areas that show evidence of or are at risk from snow
- 5 avalanches; or
- 6 d. All areas that are potential unstable as a result of rapid stream
- 7 incision or stream bank erosion.
- 8 e. Special Note: Areas adjacent to Lake Roosevelt may be potentially
- 9 unstable as a result of shoreline erosion, over steepened banks, and
- 10 fluctuating water levels.
- 11 4. Seismic Hazards. Seismic hazard areas are areas subject to severe risk of
- 12 damage as a result of earthquake induced ground shaking, slope failure,
- 13 settlement, soil liquefaction, lateral spreading, or surface faulting.
- 14 Settlement and soil liquefaction conditions occur in areas underlain by
- 15 cohesionless, loose, or soft-saturated soils of low density, typically in
- 16 association with a shallow groundwater table. Seismic hazards shall be as
- 17 identified in the Washington State DNR seismic hazard susceptibility
- 18 maps for Eastern Washington and other geologic resources:
- 19 a. Based upon the above data, no seismic hazard areas are designated
- 20 within Lincoln County.
- 21 5. Volcanic Hazards. Volcanic hazard areas are areas subject to pyroclastic
- 22 flows, lava flows, debris avalanche, and inundation by debris flows,
- 23 lahars, mudflows, or related flooding resulting from volcanic activity.
- 24 There are no volcanic hazards within Lincoln County. Therefore, no
- 25 volcanic hazard areas are designated.
- 26 6. Mine Hazards. Mine hazard areas are those areas underlain by or affected
- 27 by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and
- 28 those areas of probable sink holes, gas releases, or subsidence due to mine
- 29 workings. Factors that should be considered include: proximity to
- 30 development, depth from ground surface to the mine working, and
- 31 geologic material. Mining operations will conform to all applicable
- 32 County development codes and state and federal laws. It is the intent of
- 33 the County to protect the public from any known mine hazard, and all
- 34 complaints relating to any known or suspected mine hazard, within the
- 35 County, will be investigated.
- 36 7. Other Hazard Areas. Geologically hazardous areas shall also include areas
- 37 determined to be susceptible to other geological events including mass
- 38 wasting, debris flows, rock falls, and differential settlement.
- 39 B. Development Standards.

- 1 1. Proposed projects for which the County assumes lead agency status during
2 the SEPA environmental review process; or permit applications for
3 construction; or short plat and regular subdivision reviews will be assessed
4 to establish:
 - 5 a. Whether the project is to be located in a geologically hazardous
6 area.
 - 7 b. The potential for impact the project may have on the geological
8 hazard.
 - 9 c. The potential for impact the geological hazard(s) may have on the
10 project and public safety.

- 11 2. All proposed projects located in a geologically hazardous area, or that
12 would have the potential to adversely affect the stability of one of these
13 areas, may be required to provide any of the following information during
14 the application process:
 - 15 a. A technical study conducted by a qualified authority that evaluates
16 the geological condition(s) upon which the hazard is based. This
17 study may entail a site history, which includes a description of the
18 geology of the area, surface reconnaissance of the site and
19 adjoining areas, subsurface exploration of the site, and a
20 hydrological analysis, which addresses slope and/or soil stability.
 - 21 b. An evaluation of safety concerns that may be generated by the
22 project.
 - 23 c. A report on the construction practices, monitoring programs, or
24 other mitigation techniques, by which all relevant hazards will be
25 overcome or reduced to acceptable levels. Erosion control and site
26 reclamation plans, if applicable, will also be included.

- 27 3. Approval, denial, or conditioning of a permit application will be
28 dependent on the degree to which significant geologic hazards can be
29 avoided, reduced, or eliminated.

- 30 4. Projects proposed within geologic hazard areas may require submittal of a
31 letter from the geo-technical engineer and/or geologist, who prepared the
32 required technical study, stating that the risk of damage from the project,
33 both on-site and off-site, is minimal, the proposal will not increase the risk
34 of occurrence of the hazard, and the proposal has incorporated mitigating
35 measures to eliminate or reduce the risk of damage due to the hazard.

- 36 5. The following protection measures will be considered during the review
37 process of proposals for construction in geologically hazardous areas:

- 1 a. Construction methods will be used that minimize risks to structures
2 and do not increase risks to the site or adjacent properties and their
3 structures.
- 4 b. Site planning will minimize disruption of existing topography and
5 vegetation, and should incorporate opportunity for phased clearing.
- 6 c. Impervious surface coverage will be minimized.
- 7 d. Areas of disturbed land will be replanted as soon as feasible, in
8 accordance with an approved reclamation plan, where appropriate.
- 9 e. The clearing and grading schedule will be devised in recognition of
10 the limitations imposed by seasonal weather conditions.
- 11 f. Temporary erosion and sedimentation controls will be
12 implemented, where appropriate.
- 13 g. Conceptual and detailed drainage plans will be prepared for
14 projects that influence large areas characterized as geologically
15 hazardous, with stormwater detention and conveyance standards
16 required to conform to site-specific conditions identified in the
17 technical study.
- 18 h. Any limitations to site disturbance, such as clearing restrictions
19 imposed as a condition of development approval, shall be marked
20 in the field and approved by the County prior to the undertaking of
21 the project.
- 22 i. Monitoring procedures will be conducted for construction
23 activities that occur in geologically hazardous areas.
- 24 j. Development will not increase instability or create a hazard to the
25 site or adjacent properties or induce a significant increase in
26 sedimentation or erosion.
- 27 k. Excessive grading will be discouraged on lands being developed
28 for residential, commercial, or industrial use.
- 29 6. All applications for development within a geological hazard area or its
30 buffer shall include preliminary information to assist the County in
31 determining the need for any specialized reports from a geologist or geo-
32 technical engineer. The following review criteria are established and will
33 be considered by the County when making said determination:
 - 34 a. Project name, type, and nature.

- 1 b. Location and size of the area, and the general setting with respect
- 2 to major or regional geographic and geological features.
- 3 c. Location map.
- 4 d. Expected project cost.
- 5 e. Purpose and scope of the report and geological investigation,
- 6 including the proposed use of the site and level of study (e.g.,
- 7 feasibility, preliminary, and final).
- 8 f. Brief description of the proposed site development, grading,
- 9 structures, and utilities.
- 10 g. Finished floor grades and excavation levels.
- 11 h. Known soils in and around project area.
- 12 i. Slopes, maximum and minimum slopes in percent, and average
- 13 slope gradient.
- 14 j. Water courses and drainages.
- 15 k. Topography and drainage within or affecting the area.
- 16 l. General nature and distribution of exposures of earth materials
- 17 within the area (regional and local geology).
- 18 m. Disclosure of known or suspected geological hazards affecting the
- 19 area, including a statement regarding past performance of existing
- 20 facilities (such as buildings or utilities) in the immediate vicinity.
- 21 A history of slope failures, rockslides, debris torrents, and seismic
- 22 activity should be included.
- 23 n. Locations of test holes and excavations (drill holes, water wells,
- 24 test pits, and trenches) shown on maps and sections and described
- 25 in text of the report. The actual bore logs, data, or processed data
- 26 upon which interpretations are based should be included in the
- 27 report to permit technical reviewers to make their own assessments
- 28 regarding reliability and interpretation.
- 29 o. Additional information may be required as needed.
- 30 7. Any new residential subdivisions or short subdivision that are determined
- 31 to be in a geologically hazardous area will have a note placed on the face
- 32 of the plat stating that the hazard is present.

33 C. Protection Standards:

- 1 1. Erosion and Landslide Hazard Areas:
- 2 a. Grading:
- 3 i. Clearing, grading, and other construction activities shall not
- 4 aggravate or result in slope instability or surface sloughing.
- 5 ii. Undergrowth shall be preserved to the extent practicable.
- 6 iii. No dead vegetation, fill, or other foreign material shall be
- 7 placed within a landslide hazard area, other than that
- 8 approved for bulkheads or other methods of stabilization
- 9 unless a geotechnical report shows that the activity will not
- 10 exacerbate landslide hazards.
- 11 iv. Ground disturbance shall be minimized to the extent
- 12 practicable.
- 13 b. Ground Surface Erosion Control Management:
- 14 i. There shall be minimum disturbance of vegetation in order
- 15 to minimize erosion and maintain existing stability of
- 16 hazard areas.
- 17 ii. Vegetation removal on the slopes of banks between the
- 18 OHWM and the top of the banks shall be minimized.
- 19 iii. Vegetation and organic soil material shall be removed from
- 20 a fill site prior to the placement of clean earthen material.
- 21 iv. Vegetative cover shall be re-established on any disturbed
- 22 surface to the extent practicable.
- 23 v. To the extent practicable, soil stabilization materials, such
- 24 as filter fabrics, riprap, and similarly designed materials,
- 25 shall be placed on any disturbed surface when future
- 26 erosion is likely.
- 27 c. Drainage:
- 28 i. Surface drainage, including downspouts, shall not be
- 29 directed across the face of a hazard area; if drainage must
- 30 be discharged from the top of a hazard area to its toe, it
- 31 shall be collected above the top and directed to the toe by a
- 32 tight-line drain and provided with an energy-dissipative
- 33 device at the toe for discharge to a swale or other
- 34 acceptable natural drainage areas.

- 1 ii. Stormwater retention and detention systems, including
2 infiltration systems utilizing buried pipe, may be used if a
3 geotechnical assessment indicates such a system shall not
4 affect slope stability and the system is designed by a
5 licensed civil engineer; the licensed civil engineer shall also
6 certify that the system is installed as designed.

- 7 d. Buffers:

 - 8 i. An undisturbed 30-foot buffer, as measured on the top
9 surface, is required from the top, toe, and along all sides of
10 any existing landslide or erosion hazard areas.

 - 11 ii. Based on the results of a geotechnical assessment, the
12 Shoreline Administrator may increase or decrease the
13 buffer.

 - 14 iii. The buffer shall be clearly staked before any construction
15 or clearing (grading) takes place.

 - 16 iv. Normal non-destructive pruning and trimming of
17 vegetation for maintenance purposes, or thinning of limbs
18 of individual trees to provide a view corridor, shall not be
19 subject to these buffer requirements.

- 20 e. Design Guidelines:

 - 21 i. Foundations shall conform to the natural contours of the
22 slope, and foundations should be stepped or tiered where
23 possible to conform to existing topography.

 - 24 ii. Roads, walkways, and parking areas shall be designed with
25 low gradients or be parallel to the natural contours of the
26 site.

 - 27 iii. To the extent practicable, access shall be in the least
28 sensitive area of the site.

 - 29 iv. Structures and improvements shall be clustered to avoid
30 geologically hazardous areas and other critical areas.

 - 31 v. Structures and improvements shall minimize alterations to
32 the natural contours of the slope, and foundations shall be
33 tiered where possible to conform to existing topography.

 - 34 vi. Structures and improvements shall be located to preserve
35 the most critical portion of the site and its natural landforms
36 and vegetation.

- 1 vii. The proposed development shall not result in greater risk or
2 a need for increased buffers on neighboring properties.

- 3 viii. New development that would require structural shoreline
4 stabilization during the life of the development is
5 prohibited, except when the applicant can demonstrate that
6 stabilization is necessary to protect allowed uses where no
7 alternative locations are available and no net loss of
8 ecological functions will result.

- 9 ix. The use of a retaining wall that allows the maintenance of
10 existing natural slopes is preferred over graded artificial
11 slopes.

- 12 x. Development shall be designed to minimize impervious lot
13 coverage.

- 14 xi. New development, or the creation of new lots, that would
15 cause foreseeable risk from geological conditions to people
16 or improvements during the life of the development is
17 prohibited.

- 18 2. Additional Standards for Erosion and Landslide Hazard Areas:

- 19 a. No critical facilities shall be constructed or located within an
20 erosion or landslide hazard area.

- 21 b. No new structures shall be located on a permanent foundation
22 within an erosion or landslide hazard area, unless the foundation is
23 located at a distance landward of the OHWM that is greater than or
24 equal to the amount of land that is expected to erode within the
25 next 30 years as determined by the Shoreline Administrator.

- 26 c. New septic system drainfields in an erosion hazard area shall be
27 located landward of any new structure.

- 28 3. Mine Hazard Areas. Development within a mine hazard area is prohibited.

- 29 4. Seismic Hazard Areas. Development within areas that meet the
30 classification criteria for seismic hazard areas shall comply with the
31 Uniform Building Code requirements for Seismic Risk Zone 2a.

Article VI. Existing Uses, Structures and Lots

18.02.600 Applicability

- A. All nonconformances in shoreline jurisdiction shall be subject to the provisions of this article. For nonconformance of use, structures, and lots within shoreline critical areas, LCC 18.02, Article V, Critical Areas, applies. When there is a conflict between this Section and the Critical Area Section as applicable to critical areas, the more restrictive standards shall apply.
- B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - 1. The requirements of the International Building and Fire Codes; or
 - 2. The provisions of the SMP beyond the specific nonconformance addressed by this chapter.
- C. A change in the required permit review process (e.g., Shoreline Substantial Development Permit versus a Shoreline Conditional Use Permit) shall not create a nonconformance.
- D. Any nonconformance that is brought into conformance for any period of time shall forfeit status as nonconformance, except as specified in LCC 18.02.610, Nonconforming Uses.
- E. A nonconforming lot, use, or structure may be deemed legally nonconforming by providing documentation that the use in question occurred prior to the effective date of this SMP, from one of the following:
 - 1. Local agency permit;
 - 2. Orthophotograph, aerial photograph, or planimetric mapping recognized as legitimate by the agency; or
 - 3. Tax record.

18.02.610 Nonconforming Uses

- A. If, at the effective date of the SMP and any amendment thereto, a lawful use of land exists that is made no longer permissible under the terms of this SMP or amendments thereto, such use may be continued as a nonconforming use so long as it remains otherwise lawful subject to the following conditions:
 - 1. No nonconforming use shall be intensified, enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of the SMP or amendment that made the use no longer permissible. Provided that a nonconforming use may be enlarged,

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

22 **18.02.620 Nonconforming Structures**

- 23 A. If, at the effective date of the SMP or any amendment thereto, a lawful structure
 24 or other improvement exists, which is made no longer permissible under the
 25 terms of this SMP or amendment thereto, such structure or other improvement
 26 may be continued as a nonconforming structure or other improvement so long
 27 as it remains otherwise lawful, subject to the following conditions:
- 28 1. No nonconforming structure or other improvement shall be altered or
 29 changed in a way which increases its nonconformity except as allowed in
 30 LCC 18.02.620 (A)(2).
- 31 2. Expansions of structures within standard buffers that are nonconforming
 32 with respect to a required shoreline buffer:
- 33 a. May not encroach any farther waterward into the required
 34 shoreline buffer.
- 35 b. Expansions parallel to or landward of shoreline may be allowed
 36 provided that said enlargement does not increase the extent of

1 nonconformity (e.g., lot coverage, building height, and side-yard
 2 setbacks) by farther encroaching upon or extending into areas
 3 where construction or use would not be allowed for new
 4 development or uses. Expansions shall restore a portion of the
 5 shoreline buffer with riparian vegetation at a 1:1 area to offset the
 6 adverse impact. When such expansions occur upland of an existing
 7 levee, the applicant's Critical Areas Report may justify a smaller
 8 ratio provided that the study demonstrates no net loss of ecological
 9 functions.

10 3. All expansion, extension, maintenance, or repair activities of
 11 nonconforming structures or improvements shall be consistent with all
 12 other provisions of this SMP, provided the cumulative cost of such
 13 maintenance or repair within any 180-day period shall not exceed
 14 50 percent of the assessed valuation of such building, structure, or land (as
 15 applicable) at the time such maintenance is completed.

16 4. When damaged, a nonconforming structure may be restored to the
 17 configuration existing immediately prior to the time that the structure was
 18 damaged, provided that:

19 a. The structure is damaged to an extent not exceeding 75 percent of
 20 the replacement cost of the original development.

21 b. The applicant applies for permits needed to restore the
 22 development within 6 months of the date the damage occurred.

23 c. Reconstruction is started within 12 months and is completed within
 24 24 months of the date of damage, unless an extension of time is
 25 granted by the Shoreline Administrator upon written petition
 26 substantiating to the satisfaction of the Administrator due cause for
 27 such extension.

28 d. The degree of the nonconforming use, building, or structure is not
 29 increased.

30 5. Nothing in this section will prohibit vertical expansion up to the height
 31 allowed in the applicable use environment, provided all other applicable
 32 requirements of the Lincoln County Coalition's development regulations
 33 are met.

34 6. Upkeep, repairs, and maintenance of a nonconforming structure or other
 35 improvement shall be permitted.

36 B. Should such structure or other improvement be moved for any reason for any
 37 distance whatever, it shall thereafter conform to the regulations for the use
 38 environment in which it is located. Conformance shall be required when:

- 1 1. A change of use is proposed;
- 2 2. The use is terminated or discontinued for more than 1 year, or the
- 3 structure(s) that houses the use is vacated for more than 1 year; or
- 4 3. The structure(s) or activity that occurs on the land in which the use is
- 5 conducted is proposed for relocation.

- 6 C. Residential structures and appurtenant structures that were legally established
- 7 and are used for a conforming use, but that do not meet standards for the
- 8 following, shall be considered a conforming structure: setbacks, buffers, or
- 9 yards; area; bulk; height; or density.

- 10 D. For purposes of this section, "appurtenant structures" means garages, sheds, and
- 11 other legally established structures. Appurtenant structures do not include
- 12 bulkheads and other shoreline modifications or overwater structures.

Article VII. Administration and Enforcements

18.02.700 Roles and Responsibilities

A. Shoreline Administrator:

1. The Planning Director of Lincoln County or his/her designee, and the Town Councils for the Town of Odessa or the Town of Reardan or the Towns’ designee shall serve as the Shoreline Administrator for each respective jurisdiction. Shoreline Administrator shall issue written Shoreline Exemptions as appropriate, and in the case of a Shoreline Substantial Development Permit grant or deny the permit. The Shoreline Administrator shall administer the shoreline permit and notification systems, and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulations regarding land use and development in the County and/or in the towns.
2. The Shoreline Administrator shall be familiar with regulatory measures pertaining to shorelines and their use, and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other applicable land use and development regulatory measures of the Lincoln County Coalition. The Shoreline Administrator shall establish procedures that advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications. It is the intent of the Lincoln County Coalition, consistent with its regulatory obligations, to simplify and facilitate the processing of Shoreline Substantial Development Permits.
3. The Shoreline Administrator shall ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.
4. The Shoreline Administrator shall apply LCC 18.02.500, General Provisions, for shoreline critical areas.

B. Board of Adjustment:

1. The Lincoln County Board of Adjustment shall have the authority to decide on appeals from administrative decisions issued by the Lincoln County Shoreline Administrator of this SMP.

1 2. The Board of Adjustment may grant or deny Shoreline Variances and
2 Shoreline Conditional Use Permits, following an open record hearing.

3 C. Planning Commissions:

4 1. The Planning Commissions in the County and Towns of Odessa and
5 Reardan are vested with the responsibility to review the SMP as part of
6 regular SMP updates required by RCW 90.58.080 as a major element of
7 the County's and town's planning and regulatory program, and make
8 recommendations for amendments thereof to the County Commission and
9 Town Council, respectively.

10 2. For the Town of Odessa, the Planning Commission shall hold public
11 hearing and review and approve or deny all shoreline Substantial
12 Development Permits pursuant to Odessa Zoning Code 17.76.110. The
13 Planning Commission shall forward shoreline Variance and Conditional
14 Use Permits to Town Council with their recommendation.

15 3. For the Town of Reardan, the Planning Commission shall hold public
16 hearing and review all shoreline Substantial Development, Conditional
17 Use and Variance applications and make recommendations to
18 Town Council for final approval.

19 D. Lincoln County Commission, Odessa Town Council, and Reardan Town
20 Council. The County Commission or Town Council is vested with authority to:

21 1. Initiate an amendment to this SMP according to the procedures prescribed
22 in WAC 173-26-100.

23 2. Adopt all amendments to this SMP, after consideration of the
24 recommendation of the Planning Commission. Substantive amendments
25 shall become effective immediately upon adoption by Ecology.

26 3. For the Town of Odessa, the Town Council shall at public meeting review
27 and approve or deny all shoreline Variance and Conditional Use Permits
28 forwarded by the Planning Commission pursuant to Odessa Zoning Code
29 17.76.120.

30 4. For the Town of Reardan, the Town Council at a regular meeting shall
31 review and approve or deny all shoreline Substantial Development,
32 Conditional Use, and Variance Permits forwarded by the Planning
33 Commission.

34 **18.02.710 Interpretation**

35 A. Under the administrative provisions, the Shoreline Administrator shall have
36 authority to interpret this SMP, when such interpretation is clearly consistent
37 with the goals and policies of this SMP and the SMA.

- 1 B. The Shoreline Administrator shall consult with Ecology if formal written
 2 interpretations are developed as a result of a lack of clear guidance in the SMA,
 3 the SMP Guidelines, or this SMP to ensure that any are consistent with the
 4 purpose and intent of RCW 90.58 and 173-26 WAC.

5 **18.02.720 Statutory Noticing Requirements**

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

8 **18.02.730 Application Requirements**

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

26 **18.02.740 Shoreline Substantial Development Permits**

- 27 A. A Shoreline Substantial Development Permit shall be required for all
 28 development on shorelines, unless the proposal is specifically exempted per
 29 LCC 18.02.770. Shoreline Substantial Development permits shall be processed
 30 pursuant to LCC 17.02.130 for Lincoln County. For the Town of Odessa,
 31 applications for Shoreline Substantial Development Permits shall be processed
 32 pursuant to Odessa Zoning Code 17.76, Section III: Land Use Application
 33 Process. For the Town of Reardan, applications for Substantial Development
 34 Permits shall be processed pursuant to subsections 18.02.700 C(3) and
 35 18.02.700 D(4) of this SMP.
- 36 B. A Shoreline Substantial Development Permit shall be granted only when the
 37 development proposed is consistent with:

- 1 1. The policies and procedures of the SMA, RCW 90.58;
- 2 2. The applicable provisions of WAC 173-27; and
- 3 3. This SMP.
- 4 C. The Shoreline Administrator may attach conditions to the approval of permits as
- 5 necessary to ensure consistency of the project with the SMA and this SMP.
- 6 D. Nothing shall interfere with the Lincoln County Coalition’s ability to require
- 7 compliance with all other applicable plans and laws.

8 **18.02.750 Shoreline Conditional Use Permits**

- 9 A. Uses specifically classified or set forth in this SMP as conditional uses shall be
- 10 subject to review and condition by the Shoreline Administrator and by Ecology.
- 11 Applications for a Shoreline Conditional Use Permit shall be processed pursuant
- 12 to LCC 17.06.010 for Lincoln County. For the Town of Odessa, applications for
- 13 Shoreline Conditional Use Permit Permits shall be processed pursuant to
- 14 Odessa Zoning Code 17.44, Conditional Uses. For the Town of Reardan,
- 15 applications shall be processed according to subsections 18.02.700 C(3) and
- 16 18.02.700 D(4) of this SMP.
- 17 B. Other uses, which are not classified or listed or set forth in this SMP, may be
- 18 authorized as conditional uses provided the applicant can demonstrate
- 19 consistency with the requirements of this Section and the requirements for
- 20 conditional uses contained in this SMP.
- 21 C. Uses that are specifically prohibited by this SMP may not be authorized as a
- 22 conditional use.
- 23 D. Review Criteria for a Shoreline Conditional Use Permit. Uses which are
- 24 classified or set forth in the applicable SMP as conditional uses may be
- 25 authorized provided that the applicant demonstrates all of the following:
 - 26 1. That the proposed use is consistent with the policies of RCW 90.58.020
 - 27 and the SMP;
 - 28 2. That the proposed use will not interfere with the normal public use of
 - 29 public shorelines;
 - 30 3. That the proposed use of the site and design of the project is compatible
 - 31 with other authorized uses within the area and with uses planned for the
 - 32 area under the comprehensive plan and SMP;
 - 33 4. That the proposed use will cause no significant adverse effects to the
 - 34 shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

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

F. In authorizing a conditional use, special conditions may be attached to the permit by the Shoreline Administrator or Ecology to prevent undesirable effects of the proposed use and/or to ensure consistency of the project with the SMA and this SMP.

G. Nothing shall interfere with the Lincoln County Coalition's ability to require compliance with all other applicable plans and laws.

18.02.760 Shoreline Variance Permits

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. For Lincoln County, applications for Shoreline Variance Permits shall be processed pursuant to LCC 17.06.020. For the Town of Odessa, applications for Shoreline Variance Permits shall be processed pursuant to Odessa Zoning Code 17.84, Variances. For the Town of Reardan, applications for Shoreline Variance Permits shall be processed according to subsections 18.02.700 C(3) and 18.02.700 D(4) of this SMP.

B. Review Criteria:

1. Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Variance Permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland, as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property;

- 1 b. That the hardship described in criterion LCC 18.02.760 (B)(2)(a)
 2 of this subsection is specifically related to the property and is the
 3 result of unique conditions such as irregular lot shape, size, or
 4 natural features and the application of the SMP, and not, for
 5 example, from deed restrictions or the applicant's own actions;
- 6 c. That the design of the project is compatible with other authorized
 7 uses within the area and with uses planned for the area under the
 8 comprehensive plan and SMP and will not cause adverse impacts
 9 on the shoreline environment;
- 10 d. That the variance will not constitute a grant of special privilege not
 11 enjoyed by the other properties in the area;
- 12 e. That the variance requested is the minimum necessary to afford
 13 relief; and
- 14 f. That the public interest will suffer no substantial detrimental effect.
- 15 3. Variance Permits for development and/or uses that will be located
 16 waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within
 17 any wetland, as defined in RCW 90.58.030(2)(h), may be authorized
 18 provided the applicant can demonstrate all of the following:
- 19 a. That the strict application of the bulk, dimensional, or performance
 20 standards set forth in the applicable SMP precludes all reasonable
 21 use of the property;
- 22 b. That the proposal is consistent with the criteria established under
 23 18.02.760 (B)(2) (a)-(f) above can be met; and
- 24 c. That the public rights of navigation and use of the shorelines will
 25 not be adversely affected.
- 26 4. In the granting of all Variance Permits, consideration shall be given to the
 27 cumulative impact of additional requests for like actions in the area. For
 28 example, if variances were granted to other developments and/or uses in
 29 the area where similar circumstances exist, the total of the variances shall
 30 also remain consistent with the policies of RCW 90.58.020 and shall not
 31 cause substantial adverse effects to the shoreline environment.

32 **18.02.770 Exemptions from Shoreline Substantial Development Permits**

- 33 A. An exemption from the Shoreline Substantial Development Permit process is
 34 not an exemption from compliance with the SMA or this SMP, or from any
 35 other regulatory requirements. All proposed uses, activities, or development
 36 occurring within shoreline jurisdiction must conform to the intent and

1 requirements of RCW 90.58, the SMA, and this SMP, whether or not a permit
2 or other form of authorization is required.

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

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

11 2. The Shoreline Administrator is authorized to grant or deny requests for
12 statements of exemption from the Shoreline Substantial Development
13 Permit requirement for uses and developments within shorelines that are
14 specifically listed in Section 40.460.740(d). The statement shall be in
15 writing and shall indicate the specific exemption of this SMP that is being
16 applied to the development and shall provide a summary of the Shoreline
17 Administrator's analysis of the consistency of the project with this SMP
18 and the SMA. The letter shall be sent to the applicant and maintained on
19 file in the offices of the Shoreline Administrator.

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

23 4. A denial of an exemption shall be in writing and shall identify the
24 reason(s) for the denial. The Shoreline Administrator's decision may be
25 appealed pursuant to LCC 17.05.020, Interpretation and Enforcement
26 Decisions – Appeals.

27 5. Exempt activities requiring a JARPA shall not be conducted until a
28 statement of exemption has been obtained from the
29 Shoreline Administrator.

30 C. Interpretations of Exemptions:

31 1. Exemptions shall be construed narrowly. Only those developments that
32 meet the precise terms of one or more of the listed exemptions may be
33 granted exemption from the Shoreline Substantial Development Permit
34 process.

35 2. A development or use that is listed as a conditional use pursuant to this
36 SMP, or is an unlisted use, must obtain a Shoreline Conditional Use
37 Permit even though the development or use does not require a Shoreline
38 Substantial Development Permit. When a development or use is proposed
39 that does not comply with the bulk, dimensional, and performance

- 1 standards of this SMP, such development or use can only be authorized by
2 approval of a Shoreline Variance.
- 3 3. The burden of proof that a development or use is exempt from the permit
4 process is on the applicant.
- 5 4. If any part of a proposed development is not eligible for exemption, then a
6 Shoreline Substantial Development Permit is required for the entire
7 proposed development project.
- 8 5. The Shoreline Administrator may attach conditions to the approval of
9 exempted developments and/or uses as necessary to ensure consistency of
10 the project with the SMA and this SMP. Additionally, nothing shall
11 interfere with each responsible local government's ability to require
12 compliance with all other applicable laws and plans.
- 13 D. The Lincoln County Coalition shall exempt from the Shoreline Substantial
14 Development Permit requirement the shoreline developments listed below:
- 15 1. Any development of which the total cost or fair market value does not
16 exceed \$6,416 or as adjusted by the State Office of Financial
17 Management, if such development does not materially interfere with the
18 normal public use of the water or shorelines of the state. For purposes of
19 determining whether or not a permit is required, the total cost or fair
20 market value shall be based on the value of development that is occurring
21 on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total
22 cost or fair market value of the development shall include the fair market
23 value of any donated, contributed, or found labor, as well as equipment, or
24 materials.
- 25 2. Normal maintenance or repair of existing legally established structures or
26 developments, including damage by accident, fire, or elements.
27 Replacement of a structure or development may be authorized as repair
28 where such replacement is the common method of repair for the type of
29 structure or development and the replacement structure or development is
30 comparable to the original structure or development, including, but not
31 limited to, its size, shape, configuration, location, and external appearance
32 and the replacement does not cause substantial adverse effects to shoreline
33 resources or environment.
- 34 3. Construction of a normal protective bulkhead common to single-family
35 residences. A "normal protective" bulkhead includes those structural and
36 non-structural developments installed at or near, and parallel to, the
37 OHWM for the sole purpose of protecting an existing single-family
38 residence and appurtenant structures from loss or damage by erosion. A
39 normal protective bulkhead is not exempt if constructed for the purpose of
40 creating dry land. When a vertical or near vertical wall is being

constructed or reconstructed, not more than 1 cubic yard of fill per one 1 foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no farther waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM. 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 WDFW.

4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, and upon abatement of the emergency situation, the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58 these regulations, or this SMP, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter, RCW 90.58, and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
 - a. The following criteria shall exist to qualify any action under an emergency provision:
 - i. There must be an immediate threat to life, or public or private property, or an immediate threat of serious environmental degradation arising from a natural condition, or non-natural accident or incident;
 - ii. The emergency response shall be confined to the action necessary to protect life or property from damage;
 - iii. The scope of the emergency response must be limited to the work necessary to relieve the immediate threat; and
 - iv. The emergency response applies only to the period of time in which the actual emergency exists.

- 1 b. Once the emergency is abated or dissipated as deemed by
2 jurisdictional authorities, compliance with the requirements of this
3 chapter is required.
- 4 c. Emergency actions shall use reasonable methods that minimize the
5 impact to critical areas and their buffers. Persons who take
6 emergency action shall notify the Shoreline Administrator within
7 one working day following commencement of the emergency
8 activity. Following such notification, the Shoreline Administrator
9 shall determine if the action taken was within the scope and
10 definition of emergency actions as defined above. If the
11 Shoreline Administrator determines that the action taken or any
12 part of the action taken was beyond the scope and definition of
13 allowed emergency actions, then the enforcement provisions of
14 LCC 17.05 shall apply.
- 15 5. Construction and practices normal or necessary for farming, irrigation, and
16 ranching activities, including agricultural service roads and utilities on
17 shorelands and the construction and maintenance of irrigation structures
18 including, but not limited to, head gates, pumping facilities, and irrigation
19 channels. A feedlot of any size, all processing plants, other activities of a
20 commercial nature, and alteration of the contour of the shorelands by
21 leveling or filling, other than that which results from normal cultivation,
22 shall not be considered normal or necessary farming or ranching activities.
- 23 6. Construction or modification of navigational aids such as channel markers
24 and anchor buoys.
- 25 7. Construction on shorelands by an owner, lessee, or contract purchaser of a
26 single-family residence or appurtenance for their own use or for the use of
27 their family, which residence does not exceed a height of 35 feet above
28 average grade level and which meets all requirements of the County, other
29 than requirements imposed pursuant to RCW 90.58. Construction
30 authorized under this exemption, shall be located landward of the OHWM.
- 31 8. Construction of a dock, including a community dock designed for pleasure
32 craft only and for the private non-commercial use of the owner, lessee, or
33 contract purchaser of a single-family or multiple-family residence. This
34 exception applies when the fair market value of the dock does not exceed
35 \$10,000, but if subsequent construction having a fair market value
36 exceeding \$2,500.00 occurs within 5 years of completion of the prior
37 construction, the subsequent construction shall be considered a substantial
38 development for the purpose of this chapter.
- 39 9. Operation, maintenance, repair, or construction of canals, waterways,
40 drains, reservoirs, or other facilities that now exist or are hereafter created
41 or developed as a part of an irrigation system for the primary purpose of

- 1 making use of system waters, including return flow and artificially stored
 2 groundwater from the irrigation of lands.
- 3 10. The marking of property lines or corners on state-owned lands, when such
 4 marking does not significantly interfere with normal public use of the
 5 surface of the water.
- 6 11. Operation and maintenance of existing and future system of dikes, drains,
 7 or other facilities existing on September 8, 1975 (where water is being
 8 drained from irrigation runoff or shallow groundwater levels artificially
 9 recharged through irrigation, and that) which are created, developed or
 10 utilized primarily as a part of an agricultural drainage or diking system.
- 11 12. Any project with a certification from the governor pursuant to RCW 80.50
 12 (certification from the State Energy Facility Site Evaluation Council).
- 13 13. Site exploration and investigation activities that are prerequisite to
 14 preparation of an application for development authorization under this
 15 chapter, if:
- 16 a. The activity does not interfere with the normal public use of
 17 surface waters;
- 18 b. The activity will have no significant adverse impact on the
 19 environment, including, but not limited to, fish, wildlife, fish or
 20 wildlife habitat, water quality, and aesthetic values;
- 21 c. The activity does not involve the installation of any structure and,
 22 upon completion of the activity, the vegetation and land
 23 configuration of the site are restored to conditions existing before
 24 the activity; and
- 25 d. A private entity seeking development authorization under this
 26 section first posts a performance bond or provides other evidence
 27 of financial responsibility to the local jurisdiction to ensure that the
 28 site is restored to preexisting conditions.
- 29 14. The process of removing or controlling aquatic noxious weeds, as defined
 30 in RCW 17.26.020, through the use of an herbicide or other treatment
 31 methods applicable to weed control published by the Departments of
 32 Agriculture or Ecology jointly with other state agencies under
 33 RCW 43.21C.
- 34 15. Watershed restoration projects as defined in RCW 89.08.460.
- 35 16. A public or private project that is designed to improve fish or wildlife
 36 habitat or fish passage when all of the following apply:

- 1 a. The project has been approved by WDFW;
- 2 b. The project has received HPA by WDFW pursuant to RCW 77.55;
- 3 c. The Lincoln County Coalition has determined that the project is
- 4 substantially consistent with the local SMP. The Lincoln County
- 5 Coalition shall make such determination in a timely manner and
- 6 provide it by letter to the applicant; and
- 7 d. Fish habitat enhancement projects that conform to the provisions
- 8 of RCW 77.55.181 are determined to be consistent with local
- 9 SMPs.
- 10 17. Any person conducting a remedial action at a facility pursuant to a consent
- 11 decree, order, or agreed order issued pursuant to RCW 70.105D or to
- 12 Ecology when it conducts a remedial action under RCW 70.105D.
- 13 18. Other than conversions to non-forest land use, forest practices regulated
- 14 under RCW 76.09 are not subject to additional regulations under the SMA
- 15 or this SMP (90.58.030(2)(d)(ii)).

16 **18.02.780 Duration of Permits**

- 17 A. The duration of permits shall be consistent with WAC 173-27-090.

18 **18.02.790 Initiation of Development**

- 19 A. Each permit for a Substantial Development, Shoreline Conditional Use, or
- 20 Shoreline Variance issued by local government shall contain a provision that
- 21 construction pursuant to the permit shall not begin and is not authorized until
- 22 21 days from the date of receipt with Ecology as defined in RCW 90.58.140(6)
- 23 and WAC 173-27-130, or until all review proceedings initiated within 21 days
- 24 from the date of receipt of the decision. The date of filing for a Substantial
- 25 Development Permit is the date of actual receipt by Ecology of a local
- 26 government's final decision on the permit. With regard to a permit for a
- 27 Shoreline Variance or a Shoreline Conditional Use, date of filing means the date
- 28 a responsible local government or applicant receives the written decision of
- 29 Ecology. When a Substantial Development Permit and a Conditional Use or
- 30 Variance Permit are required for a development, the submittal on the permits
- 31 shall be made concurrently.
- 32 B. Permits for Substantial Development, Shoreline Conditional use, or Shoreline
- 33 Variance may be in any form prescribed and used by the County, including a
- 34 combined permit application form. Such forms will be supplied by the County.
- 35 C. A permit data sheet shall be submitted to Ecology with each shoreline permit.
- 36 The permit data sheet form shall be consistent with WAC 173-27-990.

1 **18.02.800 Review Process**

- 2 A. After the County or town's approval of a Shoreline Conditional Use or Variance
 3 Permit, the County or town shall submit the permit to Ecology for approval,
 4 approval with conditions, or denial. Ecology shall render and transmit to the
 5 County and the applicant its final decision approving, approving with
 6 conditions, or disapproving the permit within 30 days of the date of submittal by
 7 the County pursuant to WAC 173-27-110.
- 8 B. Ecology shall review the complete file submitted by the County or town on
 9 Shoreline Conditional Use or Variance Permits and any other information
 10 submitted or available that is relevant to the application. Ecology shall base its
 11 determination to approve, approve with conditions, or deny a Conditional Use
 12 Permit or Variance Permit on consistency with the policy and provisions of the
 13 SMA and except as provided in WAC 173-27-210 and the criteria in WAC 173-
 14 27-160 and 173-27-170.
- 15 C. The County or town shall provide timely notification of the Ecology's final
 16 decision to those interested persons having requested notification from local
 17 government pursuant to WAC 173-27-130.

18 **18.02.810 Appeals**

- 19 A. Appeals of Shoreline Permit Decisions. The Lincoln County Coalition's
 20 decisions on shoreline permits may be appealed to the following 'bodies' in this
 21 sequence. For Odessa and Reardan, the appeal process starts from 18.02.810
 22 A.2 below:
- 23 1. For Lincoln County, Lincoln County Board of Adjustment or in
 24 accordance with LCC 17.06.040.
- 25 2. State Shorelines Hearings Board (SHB) in Tumwater.
- 26 3. SHB decisions may be appealed to superior court.
- 27 4. Superior court decisions may be appealed to the Court of Appeals.
- 28 5. Appeals Court decisions may be appealed to the Washington Supreme
 29 Court.
- 30 6. Appeals to the SHB and courts are governed by RCW 90.58.180,
 31 RCW 43.21B.001, RCW 34.05 Part V, and WAC 461.08.
- 32 B. All requests for review of any final permit decisions under chapter 90.58 RCW
 33 and WAC 173-27 are governed by the procedures established in
 34 RCW 90.58.180, WAC 461-08, and the rules of practice and procedure of the
 35 SHB.

18.02.820 Amendments to Permits

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

18.02.830 Enforcement

- A. The SMA provides for a cooperative program between the County and Ecology to implement and enforce the provisions of the SMA and this SMP. This section provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, and orders to take corrective action, in accordance with WAC 173-27-270, 173-27-280, 173-27-290, 173-27-300, LCC C 17.05, and Odessa Zoning Code 17.96. The enforcement means and penalties provided herein are not exclusive and may be taken or imposed in conjunction with, or in addition to, any other civil enforcement actions and civil penalties, injunctive or declaratory relief, criminal prosecution, actions to recover civil or criminal penalties, or any other action or sanction authorized by this section, or any other provision of the LCC, or any other provision of state or federal law and regulation.
- B. The Shoreline Administrator, with the assistance of the County or town attorney, shall have authority to commence and prosecute any enforcement action authorized by this section. In determining the appropriate enforcement actions to be commenced and prosecuted, the Administrator shall consider the following factors:
 - 1. The nature of the violation;
 - 2. The extent of damage or potential future risk to the shoreline environment and its ecological functions or to the public health and safety, caused by or resulting from, whether directly or indirectly, the alleged violation;
 - 3. The existence of knowledge, intent, or malice on behalf of the violator;
 - 4. The economic benefit or advantage that accrued to the violator(s) as a result of the violation; and
 - 5. The estimated actions and costs of providing adequate mitigation, restoration, rehabilitation, or enhancement to repair or minimize any substantial adverse impacts upon the shoreline environment and its ecological functions or the public health and safety.

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

18.02.840 Cumulative Effects of Shoreline Developments

- A. The County and towns will periodically evaluate the effectiveness of the SMP update for achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions. At the end of 2017, and at the end of every other year thereafter, the Shoreline Administrator shall prepare a report of shoreline development permits, conditional permits, and variances, including the exempt use activity approvals and the locations and effects of each by type and classifications. The report should include activities involving development, conservation, restoration, mitigation, and enforcement. It should summarize the net change of developments (including new development and decommissioning of structures and protected areas) using indicators such as linear length of stabilization and flood hazard structures, number of overwater structures (e.g., piers and docks), road length within shoreline, number of waterbody road crossings, number of levees/dikes, acres of impervious surface areas, acres of vegetation, acres of permanently protected areas, or areas with limited development. Compliance and enforcement activity will also be tracked.
- B. The Shoreline Administrator, will, to the extent feasible, coordinate with other County or town departments or as adjacent jurisdictions, to assess cumulative effects of shoreline development.

18.02.850 Amendments to Shoreline Master Program

- A. Amendments to the SMP shall be processed as legislative decisions pursuant to LCC 17.04 for Lincoln County, Odessa Zoning Code 17.88 for the Town of Odessa, and WAC 173-26-110 for the County and towns.
- B. Any locally approved amendments to the SMP will not become effective until approved by Ecology.

18.02.860 Definitions

- A. Definitions:
 - 1. "Act" means the Washington State SMA, RCW 90.58.
 - 2. "Additions" means improvements to an existing building or structure, the cost of which does not exceed 50 percent of the assessed value of the total structure or result in an increase greater than 25 percent of the building footprint (up to a maximum of 500 square feet) before the addition is started. Additions must share a common wall (one full side) with the original structure.

- 1 3. "Adjacent," for purposes of applying Article V - Critical Areas, means
2 immediately adjoining (in contact with the boundary of the influence area)
3 or within a distance less than that needed to separate activities from
4 critical areas to ensure protection of the functions and values of the critical
5 areas. Adjacent shall mean any activity or development located:
 - 6 a. On-site immediately adjoining a critical area; or
 - 7 b. A distance equal to or less than the required critical area buffer
8 width and building setback.

- 9 4. "Agricultural activities" means agricultural uses and practices including,
10 but not limited to: producing, breeding, or increasing agricultural
11 products; rotating and changing agricultural crops; allowing land used for
12 agricultural activities to lie fallow in which it is plowed and tilled but left
13 unseeded; allowing land used for agricultural activities to lie dormant as a
14 result of adverse agricultural market conditions; allowing land used for
15 agricultural activities to lie dormant because the land is enrolled in a local,
16 state, or federal conservation program, or the land is subject to a
17 conservation easement; conducting agricultural operations; maintaining,
18 repairing, and replacing agricultural equipment; maintaining, repairing,
19 and replacing agricultural facilities, provided that the replacement facility
20 is no closer to the shoreline than the original facility; and maintaining
21 agricultural lands under production or cultivation. Also see definition of
22 "New Agricultural Activities" below.

- 23 5. "Agricultural products" includes, but is not limited to, horticultural,
24 viticultural, floricultural, and vegetable, fruit, berry, grain, hops, hay,
25 straw, turf, sod, seed, and apiary products; feed or forage for livestock;
26 Christmas trees; hybrid cottonwood and similar hardwood trees grown as
27 crops and harvested within 20 years of planting; and livestock, including
28 both the animals themselves and animal products including, but not
29 limited to, meat, upland finfish, poultry and poultry products, and dairy
30 products.

- 31 6. "Agricultural equipment" includes, but is not limited to the following used
32 in agricultural operations:
 - 33 a. Equipment; machinery; constructed shelters, buildings, and ponds;
34 fences; upland finfish rearing facilities; water diversion,
35 withdrawal, conveyance, and use equipment and facilities
36 including, but not limited to, pumps, pipes, tapes, canals, ditches,
37 and drains;
 - 38 b. Corridors and facilities for transporting personnel, livestock, and
39 equipment to, from, and within agricultural lands;

- 1 c. Farm residences and associated equipment, lands, and facilities;
2 and
- 3 d. Roadside stands and on-farm markets for marketing fruit or
4 vegetables.
- 5 7. "Agricultural facilities" see "Agricultural equipment."
- 6 8. "Agricultural land" means those specific land areas on which agriculture
7 activities are conducted as of the date of adoption of a local SMP pursuant
8 to these guidelines as evidenced by aerial photography or other
9 documentation. After the effective date of the SMP, land converted to
10 agricultural use is subject to compliance with the requirements of the
11 SMP.
- 12 9. "Alteration" for purposes of applying Article V - Critical Areas, means
13 any human-induced change in an existing condition of a critical area or its
14 buffer. Alterations include grading, filling, dredging, channelizing,
15 clearing (vegetation), applying pesticides, discharging waste, construction,
16 compaction, excavation, modifying for stormwater management,
17 relocating, or other activities that change the existing landform,
18 vegetation, hydrology, wildlife, or habitat value of critical areas.
- 19 10. "Amendment" means a revision, update, addition, deletion, and/or
20 reenactment to an existing SMP.
- 21 11. "Applicant" means a person who files an application for a permit under
22 this SMP and who is either the owner of the land on which that proposed
23 activity would be located, a contract purchaser, or the authorized agent of
24 such a person.
- 25 12. "Approval" means an official action by a local government legislative
26 body agreeing to submit a proposed SMP or amendments to Ecology for
27 review and official action pursuant to this chapter or an official action by
28 Ecology to make a local government SMP effective, thereby incorporating
29 the approved SMP or amendment into the SMP.
- 30 13. "Aquaculture" means the culture or farming of fish, shellfish, or other
31 aquatic plants and animals.
- 32 14. "Aquifer recharge area" means an area through which precipitation and
33 surface water infiltrate the soil and are transmitted through rocks and soil
34 to create groundwater storage. They are also areas where an aquifer that is
35 a source of drinking water is vulnerable to contamination that would affect
36 the potability of water.

- 1 15. "Archaeological and historic resources" means buildings, sites and areas
2 having archaeological, historical, cultural, or scientific value or
3 significance.
- 4 16. "Assessed value" means assessed valuation shall be as established by the
5 County assessor's office, unless otherwise provided by a market appraisal
6 institute appraisal.
- 7 17. "Associated wetlands" are those wetlands that are in proximity to and
8 either influence or are influenced by a stream subject to the SMA.
- 9 18. "Average grade level" means the average of the natural or existing
10 topography of the portion of the lot, parcel, or tract of real property which
11 will be directly under the proposed building or structure: In the case of
12 structures to be built over water, average grade level shall be the elevation
13 of the OHWM. Calculation of the average grade level shall be made by
14 averaging the ground elevations at the midpoint of all exterior walls of the
15 proposed building or structure.
- 16 19. "Base flood" means a flood having a 1 percent chance of being equaled or
17 exceeded in any given year. Also referred to as the "100-year flood."
18 Designated on FIRMs with the letters A or V.
- 19 20. "Base flood elevation" means the water surface elevation of the base
20 flood. It shall be referenced to the North American Vertical Datum of
21 1988.
- 22 21. "Basement" means any area of a building having its floor subgrade (below
23 ground level) on all sides.
- 24 22. "Best management practices (BMPs)" means conservation practices or
25 systems of practice and management measures that:
 - 26 a. Control soil loss and reduce water quality degradation caused by
27 high concentrations of nutrients, animal waste, toxics, and
28 sediment;
 - 29 b. Minimize adverse impacts on surface water and groundwater flow,
30 and circulation patterns, and the chemical, physical, and biological
31 characteristics of wetlands;
 - 32 c. Protect trees and vegetation designated to be retained during and
33 following site construction; and
 - 34 d. Provide standards for proper use of chemical herbicides within
35 critical areas.

- 1 23. "Best management practices (BMPs), agricultural" means systems of
 2 practices, schedules of activities, prohibitions, maintenance procedures,
 3 and management measures that prevent or minimize adverse impacts to
 4 the environment. Such practices may be subject to varying conditions
 5 which include geographical location, weather, soil or mineral types and
 6 conditions, type of crop or livestock, type of mining, and management
 7 systems. Generally accepted agricultural BMPs include those practices
 8 historically carried out in the region and those practices defined by the
 9 State of Washington, Department of Agriculture, recommendations by the
 10 U.S. Department of Agriculture, and other professional and industry
 11 agricultural organizations.
- 12 24. "Boating facilities" allowed in Lincoln County include boat launches and
 13 upland boat storage, marinas, and other boat moorage structures or uses.
 14 For the purposes of this SMP, boating facilities excludes docks serving
 15 four or fewer single-family residences.
- 16 25. "Breakwater" means an offshore structure whose primary purpose is to
 17 protect harbors, moorages, and navigation activity from wave and wind
 18 action by creating stillwater areas along shore. A secondary purpose is to
 19 protect shorelines from wave-caused erosion. Breakwaters are generally
 20 built parallel to shore, may or may not be connected to land, and may be
 21 floating or stationary.
- 22 26. "Building setback line (BSBL)" means a line beyond which the foundation
 23 of a structure shall not extend.
- 24 27. "Channel migration zone (CMZ)" means the area along a river within
 25 which the channel(s) can be reasonably predicted to migrate over time as a
 26 result of natural and normally occurring hydrological and related
 27 processes when considered with the characteristics of the river and its
 28 surroundings. (The SMP regulatory CMZ is mapped and on file at the
 29 County.)
- 30 28. "County" means Lincoln County.
- 31 29. "Clearing" means the cutting, killing, grubbing, or removing of vegetation
 32 or other organic material by physical, mechanical, chemical, or any other
 33 similar means.
- 34 30. "Cluster" means a group of three or more significant trees with
 35 overlapping or touching crowns.
- 36 31. "Coalition" means Lincoln County Coalition. See "Lincoln County
 37 Coalition."

- 1 32. "Community access" means a shoreline access available to a group or
 2 community (e.g., homeowners association), which may not be accessible
 3 to general public.
- 4 33. "Compensation project" means actions specifically designed to replace
 5 project-induced critical area and buffer losses. Compensation project
 6 design elements may include land acquisition, planning, construction
 7 plans, monitoring, and contingency actions.
- 8 34. "Compensatory mitigation" means types of mitigation used to replace
 9 project-induced critical areas and buffer losses or impacts.
- 10 35. "Concentrated Recreation" means zone designated for NPS lands in the
 11 Lake Roosevelt National Recreation Area Plan where development will be
 12 accessible from land and water and may include full-service campgrounds
 13 that accommodate recreational vehicles (RVs) and provide water, flush
 14 toilets, campground hosts, picnic areas, formal swim beaches, play
 15 equipment, and amphitheaters. Visitor contact stations may also be
 16 provided. The most extensive boat-launch facilities, including multi-lane
 17 ramps, large boat trailer lots, ramps that extend to the lowest launch
 18 elevations, and extensive courtesy docks, may also be provided. Some
 19 areas might have full-service marinas providing fuel, supplies, moorage,
 20 boat rentals, food service, and other related services. Some may also
 21 provide concessioner-operated RV facilities with water, power, and sewer
 22 hook-ups.
- 23 36. "Critical aquifer recharge area" means those areas that are:
- 24 a. Designated as "Wellhead Protection Areas" pursuant to
 25 WAC 246-290-135(4) and the groundwater contribution area in
 26 WAC 246-291-100 (2)(e). Wellhead protection areas shall, for the
 27 purpose of this regulation, include the identified recharge areas
 28 associated with either Group A public water supply wells and those
 29 Group B wells with a wellhead protection plan filed with the
 30 Lincoln County Health District; and
- 31 b. Identified in the Soil Survey of Lincoln County as having high
 32 potential for aquifer recharge, including those soil types identified
 33 by the Shoreline Administrator.
- 34 37. "Critical Areas Buffer" means an area, which provides the margin of
 35 safety through protection of slope stability, attenuation of surface water
 36 flows and landslide hazards reasonably necessary to minimize risk to the
 37 public from loss of life or well-being or property damage resulting from
 38 natural disasters, or an area which is an integral part of a stream or
 39 wetland ecosystem and which provides shading, input of organic debris
 40 and coarse sediments, room for variation in stream or wetland boundaries,

- 1 habitat for wildlife and protection from harmful intrusion necessary to
 2 protect the public from losses suffered when the functions and values of
 3 aquatic resources are degraded.
- 4 38. "Crown" means the area of a tree containing leaf- or needle-bearing
 5 branches.
- 6 39. "Developed Recreation" means zone designated for NPS lands in the
 7 Lake Roosevelt National Recreation Area Plan that includes areas where
 8 small planned developments accessible from land and water are designed
 9 to blend with the local environment. These will vary in density from as
 10 few as 12 to as many as 30 campsites. Widely spaced developments will
 11 accommodate cars and small RVs. Tent pads, picnic tables, grills,
 12 restrooms, water systems, small launch ramps, courtesy docks, and boat
 13 trailer parking will be provided. Most ramps will provide access only at
 14 high water levels. Some may have undeveloped swim beaches or small
 15 commercial facilities such as docks for lakeside access to restaurants,
 16 stores, or wineries. New campgrounds, boat-launch ramps, comfort
 17 stations, and similar facilities could be added where needed to
 18 accommodate growth.
- 19 40. "Development" means a use consisting of: the construction or exterior
 20 alteration of structures; dredging; drilling; dumping; filling; removal of
 21 any sand, gravel, or minerals; bulk heading; driving of piling; placing of
 22 obstructions; or any project of a permanent or temporary nature, which
 23 interferes with the normal public use of the surface of the waters overlying
 24 lands subject to the act at any stage of water level.
- 25 41. "Development permit" means any permit issued by Lincoln County, the
 26 Town of Odessa and/or the Town of Reardan, or other authorized agency,
 27 for construction, land use, or the alteration of land.
- 28 42. "Dredging" means the removal of sediments, (or in the case of Crab Creek
 29 during dry conditions, dry soils), from the bed of a waterbody by
 30 mechanical means.
- 31 43. "Dispersed Recreation" means a zone designated for NPS lands in the
 32 Lake Roosevelt National Recreation Area Plan that includes areas where
 33 visitors experience a primarily natural landscape. Access is gained
 34 primarily from water. Opportunities for quiet and solitude are available in
 35 undeveloped areas. A few small-scale developments allow experiences to
 36 be shared with a few other people. Development will vary from no
 37 facilities to a minimal level of facilities (3 to 12 campsites), including tent
 38 pads, fire rings or grills, picnic tables, and toilets. Most developments are
 39 where adjacent land is steep and inaccessible—not normally adjacent to
 40 developed private property. Resources will be managed to preserve or

- 1 restore the area’s natural character. Non-native plants will not be
 2 introduced into these areas.
- 3 44. "Dock" means, as a general term, a structure, or group of structures that
 4 provides boat moorage or other uses. A dock may be made up of piers
 5 (which are structures on fixed piles) and floats (which float on the water's
 6 surface and are typically attached to piles so that they may rise and fall
 7 with changes in the water's elevation). "Ecological functions" or
 8 "shoreline functions" means the work performed or role played by the
 9 physical, chemical, and biological processes that contribute to the
 10 maintenance of the aquatic and terrestrial environments that constitute the
 11 shoreline's natural ecosystem.
- 12 45. "Ecosystem-wide processes" means the suite of naturally occurring
 13 physical and geologic processes of erosion, transport, and deposition, and
 14 specific chemical processes that shape landforms within a specific
 15 shoreline ecosystem and determine both the types of habitat and the
 16 associated ecological functions.
- 17 46. "Erosion" means the detachment and movement of soil or rock by water,
 18 wind, ice, or gravity.
- 19 47. "Erosion hazard area" means those areas that, because of natural
 20 characteristics, including vegetative cover, soil texture, slope gradient,
 21 rainfall patterns, or human-induced changes to such characteristics, are
 22 vulnerable to erosion.
- 23 48. "Feasible" means, for the purpose of this chapter, that an action, such as a
 24 development project, mitigation, or preservation requirement, meets all of
 25 the following conditions: (a) the action can be accomplished with
 26 technologies and methods that have been used in the past in similar
 27 circumstances, or studies or tests have demonstrated in similar
 28 circumstances that such approaches are currently available and likely to
 29 achieve the intended results; (b) the action provides a reasonable
 30 likelihood of achieving its intended purpose; and (c) the action does not
 31 physically preclude achieving the project's primary intended legal use. In
 32 cases where these guidelines require certain actions, unless they are
 33 infeasible, the burden of proving infeasibility is on the applicant. In
 34 determining an action's infeasibility, the reviewing agency may weigh the
 35 action's relative public costs and public benefits, considered in the
 36 short-and long-term time frames.
- 37 49. "Federal Emergency Management Agency (FEMA)" means the agency
 38 that oversees the administration of the National Flood Insurance Program
 39 (44 CFR).

- 1 50. "Fill" means the addition of soil, sand, rock, gravel, sediment, earth
 2 retaining structure, or other material to an area waterward of the OHWM,
 3 in wetlands or on shorelands in a manner that raises the elevation or
 4 creates dry land.
- 5 51. "Fish and wildlife habitat conservation areas" means areas necessary for
 6 maintaining species in suitable habitats within their natural geographic
 7 distribution so that isolated subpopulations are not created as designated
 8 by WAC 365-190-080(5). These areas include:
- 9 a. Areas within which state and federal endangered and threatened
 10 species exist, or state sensitive, candidate, and monitor species
 11 have a primary association;
- 12 b. Priority Habitat and Species Areas identified by the WDFW;
- 13 c. Habitats and species of local importance that have been designated
 14 by the County at the time of application;
- 15 d. Naturally occurring ponds less than 20 acres and their submerged
 16 aquatic beds that provide fish or wildlife habitat. These do not
 17 include ponds deliberately designed and created from dry sites
 18 such as canals, detention facilities, wastewater treatment facilities,
 19 farm ponds, temporary construction ponds of less than 3 years
 20 duration, and landscape amenities. Naturally occurring ponds may
 21 include those artificial ponds intentionally created from dry areas
 22 in order to mitigate conversion of ponds, if permitted by a
 23 regulatory authority;
- 24 e. Waters of the state as defined by WAC 222-16;
- 25 f. Lakes, ponds, streams, and rivers planted with game fish by a
 26 governmental or tribal entity;
- 27 g. Areas with which anadromous fish species have a primary
 28 association; and
- 29 h. State natural area preserves and natural resources conservation
 30 areas.
- 31 52. "Flood" or "flooding" mean a general and temporary condition of partial
 32 or complete inundation of normally dry land areas from the overflow of
 33 inland waters and/or the unusual and rapid accumulation of runoff or
 34 surface waters from any source.
- 35 53. "Flood hazard area" means any area subject to inundation by the base
 36 flood or risk from channel migration, including, but not limited to, an
 37 aquatic area, wetland, or closed depression.

- 1 54. "Flood insurance rate map (FIRM)" means the official map on which the
 2 Federal Insurance Administration has delineated both the areas of special
 3 flood hazards and the risk premium zones applicable to the
 4 Lincoln County Coalition.
- 5 55. "Flood insurance study" means the official report provided by the Federal
 6 Insurance and Mitigation Administration that includes the flood profiles,
 7 the FIRM, and the water surface elevation of the base flood
 8 (44 CFR Part 59).
- 9 56. "Floodplain" is synonymous with 100-year floodplain and means that land
 10 area susceptible to inundation with a 1 percent chance of being equaled or
 11 exceeded in any given year. The limit of this area shall be based on flood
 12 ordinance regulation maps or a reasonable method, which meets the
 13 objectives of the act.
- 14 57. "Floodway" means the channel of a river or other watercourse and the
 15 adjacent land areas through which the base flood is discharged. Floodways
 16 identified on flood boundary and floodway maps become "regulatory
 17 floodways" within which encroachment of obstructions are prohibited.
- 18 58. "Forest practice" means any activity conducted on or directly pertaining to
 19 forest land and relating to growing, harvesting, or processing timber, or
 20 removing forest biomass, including, but not limited to:
- 21 a. Activities in and over typed water;
 - 22 b. Road and trail construction;
 - 23 c. Harvesting, final and intermediate;
 - 24 d. Pre-commercial thinning;
 - 25 e. Reforestation;
 - 26 f. Fertilization;
 - 27 g. Prevention and suppression of diseases and insects;
 - 28 h. Salvage of trees; and
 - 29 i. Brush control.
- 30 59. "Functions" and "values" for purposes of applying Article V – Critical
 31 Areas, mean the beneficial roles served by critical areas, including, but not
 32 limited to, water quality protection and enhancement, fish and wildlife
 33 habitat, food chain support, flood storage, conveyance and attenuation,
 34 groundwater recharge and discharge, erosion control, and recreation.

- 1 Functions and values may be considered independently, with functions
 2 being measured indicators such as water quality, hydrologic functions, and
 3 habitat functions and values being non-measured indicators such as local
 4 importance, potential qualities, or recreational benefits.
- 5 60. "Geologically hazardous areas" means areas that, because of their
 6 susceptibility to erosion, sliding, earthquake, or other geologic events, are
 7 not suited to the siting of commercial, residential, or industrial
 8 development consistent with public health or safety concerns.
 9 Geologically Hazardous Areas include Erosion Hazards, Landslide
 10 Hazards, Mine Hazards, and Seismic Hazards, as defined herein and
 11 specified in LCC 24.12.550.
- 12 61. "Geotechnical report" or "geotechnical analysis" means a scientific study
 13 or evaluation conducted by a qualified expert that includes a description of
 14 the ground and surface hydrology and geology, the affected landform and
 15 its susceptibility to mass wasting, erosion, and other geologic hazards or
 16 processes, conclusions and recommendations regarding the effect of the
 17 proposed development on geologic conditions, the adequacy of the site to
 18 be developed, the impacts of the proposed development, alternative
 19 approaches to the proposed development, and measures to mitigate
 20 potential site-specific and cumulative geological and hydrological impacts
 21 of the proposed development, including the potential adverse impacts on
 22 adjacent and down-current properties. Geotechnical reports shall conform
 23 to accepted technical standards and must be prepared by qualified
 24 professional engineers or geologists who have professional expertise about
 25 the regional and local shoreline geology and processes.
- 26 62. "Grading" means stripping, cutting, filling, or stockpiling of land,
 27 including the land in its cut or filled condition to create new grade.
- 28 63. "Groin" means a barrier type of structure extending from the streambank
 29 into a waterbody for the purpose of the protection of a shoreline and
 30 adjacent uplands by influencing the movement of water or deposition of
 31 materials.
- 32 64. "Ground cover" means all types of vegetation other than trees.
- 33 65. "Guidelines" means those standards adopted by the department to
 34 implement the policy of chapter 90.58 RCW for regulation of use of the
 35 shorelines of the state prior to adoption of SMPs. Such standards shall also
 36 provide criteria for local governments and the department in developing
 37 and amending SMPs.
- 38 66. "Hazard areas" means areas designated as frequently flooded or
 39 geologically hazardous areas due to potential for erosion, landslide,

- 1 seismic activity, mine collapse, or other geologically hazardous
 2 conditions, including steep slopes.
- 3 67. "Hazardous substance(s)" means:
- 4 a. A hazardous substance as defined by Section 101(14) of the
 5 Comprehensive Environmental Response, Compensation, and
 6 Liability Act; any substance designated pursuant to Section
 7 311(b)(2)(A) of the CWA; any hazardous waste having the
 8 characteristics identified under or listed pursuant to Section 3001
 9 of the Solid Waste Disposal Act (but not including any waste the
 10 regulation of which under the Solid Waste Disposal Act has been
 11 suspended by Act of Congress); any toxic pollutant listed under
 12 Section 307(a) of the CWA; or any imminently hazardous
 13 chemical substance or mixture with respect to which the United
 14 States Environmental Protection Agency has taken action pursuant
 15 to Section 7 of the Toxic Substances Control Act; and
- 16 b. Hazardous substances that include any liquid, solid, gas, or sludge,
 17 including any material, substance, product, commodity, or waste,
 18 regardless of quantity, that exhibit any of the physical, chemical, or
 19 biological properties described in WAC 173-303-090, 173-303-
 20 102, or 173-303-103.
- 21 68. "High-intensity land use" means land uses consisting of commercial,
 22 urban, industrial, institutional, retail, residential with more than one unit
 23 per acre, agricultural (dairies, nurseries, raising and harvesting crops,
 24 requiring annual tilling, raising and maintaining animals), high-intensity
 25 recreation (golf courses, ball fields), and hobby farms.
- 26 69. "Hydraulic project approval (HPA)" means a permit issued by WDFW for
 27 modification to waters of the state in accordance with RCW 75.20.
- 28 70. "Impervious surface area" means a hard surface area, which either
 29 prevents or retards the entry of water into the soil mantle as under natural
 30 conditions prior to development. Impervious surface shall also include a
 31 hard surface area, which causes water to run off the surface in greater
 32 quantities or at an increased rate of flow from the flow present under
 33 natural conditions prior to development. Common impervious surfaces
 34 include rooftops, walkways, patios, driveways, parking lots or storage
 35 areas, concrete or asphalt paving, gravel roads with compacted subgrade,
 36 packed earthen materials, and oiled, macadam or other surfaces, which
 37 similarly impede the natural infiltration of stormwater. Open, uncovered
 38 retention/detention facilities shall not be considered as impervious
 39 surfaces.

- 1 71. "In-stream structures" function for the impoundment, diversion, or use of
 2 water for hydroelectric generation and transmission (including public and
 3 private facilities), flood control, irrigation, water supply (domestic and
 4 industrial), recreation, or fisheries enhancement.
- 5 72. "Invasive, non-native vegetation species" means the plants listed for
 6 Eastern Washington in Washington State Noxious Weed Board
 7 Publication # 820-264E (N/6/09), or the latest version of this document.
- 8 73. "Landslide" means down slope movement of a mass of soil, rock, snow or
 9 ice, including, but not limited to, rock falls, slumps, mud flows, debris
 10 flows, torrents, earth flows, and snow avalanches.
- 11 74. "Landslide hazard areas" means those areas potentially subject to
 12 landslides based upon a combination of geologic, topographic, and
 13 hydrologic factors.
- 14 75. "Lincoln County Coalition" means Lincoln County, the Town of Odessa,
 15 and the Town of Reardan.
- 16 76. "Low-intensity land use" includes forestry and open space (such as passive
 17 recreation and natural resources preservation).
- 18 77. "May" means the action is acceptable, provided it conforms to the
 19 provisions of this chapter.
- 20 78. "Mitigation sequencing" means the process of avoiding, reducing, or
 21 compensating for the adverse environmental impact(s) of a proposal,
 22 including the following actions, listed in the order of preference, the first
 23 being the most preferred:
- 24 a. Avoiding the impact altogether by not taking a certain action or
 25 parts of an action;
- 26 b. Where impact on critical areas or their buffers will not be avoided,
 27 demonstrating that the impact meets the criteria for granting a
 28 Shoreline Variance or other administratively approved alteration;
- 29 c. Minimizing impacts by limiting the degree or magnitude of the
 30 action and its implementation by using appropriate technology or
 31 by taking affirmative steps to avoid or reduce impacts;
- 32 d. Rectifying the impact by repairing, rehabilitating, or restoring the
 33 affected environment;
- 34 e. Reducing or eliminating the impact over time by preservation and
 35 maintenance operations during the life of the action;

- 1 f. Compensating for the impact by replacing, enhancing, or providing
 2 substitute resources or environments; and
- 3 g. Monitoring the impact and the compensation projects and taking
 4 appropriate corrective measures.
- 5 79. "Mixed-use" or "Mixed-use development" means a combination of uses
 6 within the same building or site as a part of an integrated development
 7 project with functional interrelationships and coherent physical design that
 8 includes a mix of water-oriented and non-water-oriented uses.
- 9 80. "Moderate-intensity land use" includes residential at a density of 1 unit per
 10 acre or less, moderate intensity open space (parks), and agriculture
 11 (moderate intensity land uses such as orchards and hay fields).
- 12 81. "Monitoring" means the collection of data by various methods for the
 13 purpose of understanding natural systems and features, evaluating the
 14 impact of development proposals on such systems, and/or assessing the
 15 performance of mitigation measures imposed as conditions of
 16 development.
- 17 82. "Must" means a mandate; the action is required.
- 18 83. "Native vegetation" means plant species that are indigenous to the region.
- 19 84. "New agricultural activities" are activities that meet the definition of
 20 agricultural activities but are proposed on land not currently in agricultural
 21 use.
- 22 85. "New construction" means structures for which the start of construction
 23 commenced on or after the effective date of the ordinance codified in this
 24 SMP.
- 25 86. "Non-water-oriented uses" means those uses that are not water-dependent,
 26 water-related, or water-enjoyment.
- 27 87. "Normal maintenance" means those usual acts that are necessary to
 28 prevent a property's decline, lapse, or cessation from a lawfully
 29 established condition.
- 30 88. "Normal repair" means to restore a structure or development to a state
 31 comparable to its original condition including, but not limited to, its size,
 32 shape, configuration, location, and external appearance, within a
 33 reasonable period after decay or partial destruction, except where repair
 34 causes substantial adverse impacts on shoreline resources or environment.
 35 Replacement of a structure or development may be authorized as repair
 36 where such replacement is the common method of repair for the type of
 37 structure or development, and the replacement structure or development is

- 1 comparable to the original structure or development including, but not
 2 limited to, its size, shape, configuration, location and external appearance,
 3 and the replacement does not cause substantial adverse impacts on
 4 shoreline resources or environment.
- 5 89. "Ordinary high water mark (OHWM)" means that mark that will be found
 6 by examining the bed and banks and ascertaining where the presence and
 7 action of waters are so common and usual, and so long continued in all
 8 ordinary years, as to mark upon the soil a character distinct from that of
 9 the abutting upland, in respect to vegetation as that condition exists on
 10 June 1, 1971, as it may naturally change thereafter in accordance with
 11 permits issued by a local government or the department. Where the
 12 OHWM cannot be found, it shall be the line of mean high water. For
 13 braided streams, the OHWM is found on the banks forming the outer
 14 limits of the depression within which the braiding occurs.
- 15 90. "Practical upland alternative" means an alternative that is available and
 16 capable of being carried out after taking into consideration cost, existing
 17 technology, and logistics in light of overall project purposes, and having
 18 less impact on critical areas.
- 19 91. "Primitive public trail" means unimproved and unpaved, but physically
 20 defined pathway for non-motorized movement.
- 21 92. "Priority habitat" means a habitat type with unique or significant value to
 22 one or more fish and wildlife species. A priority habitat may also be
 23 described by a successional stage (such as, old growth and mature forests).
 24 Alternatively, a priority habitat may consist of a specific habitat element
 25 (such as caves or snags) of key value to fish and wildlife. A priority
 26 habitat may contain priority and/or non-priority fish and wildlife. An area
 27 classified and mapped as priority habitat must have one or more of the
 28 following attributes:
- 29 a. Comparatively high fish or wildlife density;
 - 30 b. Comparatively high fish or wildlife species diversity;
 - 31 c. Fish spawning habitat;
 - 32 d. Important wildlife habitat;
 - 33 e. Important fish or wildlife seasonal range;
 - 34 f. Important fish or wildlife movement corridor;
 - 35 g. Rearing and foraging habitat;
 - 36 h. Refugia habitat;

- 1 i. Limited availability;
- 2 j. High vulnerability to habitat alteration; or
- 3 k. Unique or dependent species.
- 4 93. "Priority species" means species requiring protective measures and/or
- 5 management guidelines to ensure their persistence at genetically viable
- 6 population levels. Priority species are those that meet any of the following
- 7 criteria:
- 8 a. Criterion 1. State-listed or state-proposed species. State-listed
- 9 species are those native fish and wildlife species legally designated
- 10 as endangered (WAC 232-12-014), threatened (WAC 232-12-011),
- 11 or sensitive (WAC 232-12-011). State-proposed species are those
- 12 fish and wildlife species that will be reviewed by the WDFW
- 13 (POL-M-6001) for possible listing as endangered, threatened, or
- 14 sensitive according to the process and criteria defined in
- 15 WAC 232-12-297.
- 16 b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations
- 17 include those species or groups of animals susceptible to
- 18 significant population declines, within a specific area or statewide,
- 19 by virtue of their inclination to congregate.
- 20 c. Criterion 3. Species of recreational, commercial, and/or tribal
- 21 importance. Native and non-native fish, shellfish, and wildlife
- 22 species of recreational or commercial importance and recognized
- 23 species used for tribal ceremonial and subsistence purposes that are
- 24 vulnerable to habitat loss or degradation.
- 25 d. Criterion 4. Species listed under the Federal Endangered Species
- 26 Act as either proposed, threatened, or endangered.
- 27 94. "Private moorage facilities" means private docks, watercraft lifts, swim
- 28 floats, buoys, and moorage piles serving four or fewer residential
- 29 dwellings. Dock is a general term for the structure or group of structures
- 30 that provides boat moorage or other uses. A dock may be made up of piers
- 31 (which are structures on fixed piles) and floats (which float on the water's
- 32 surface and are typically attached to piles so that they may rise and fall
- 33 with changes in the water's elevation).
- 34 95. "Provisions" means any definition, policy, goal, regulation, requirement,
- 35 standard, authorization, prohibition, guideline criteria, or environment
- 36 designations.
- 37 96. "Public access" means physical and visual access. Public access includes
- 38 the ability of the general public to reach, touch, and enjoy the water's

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

- 1 e. A qualified professional for vegetation management must be a
 2 registered landscape architect, certified arborist, biologist, or
 3 professional forester with a corresponding degree or certification.
- 4 f. A qualified archaeologist must be a person qualified for addressing
 5 cultural and historical resources protection and preservation, with a
 6 degree in archaeology, anthropology, history, classics or other
 7 germane disciplines with a specialization in archaeology and/or
 8 historic preservation and with a minimum of 2 years of experience
 9 in preparing cultural resource site assessments reports.
- 10 100. "Research and monitoring" includes activities associated with identifying
 11 data, collecting, monitoring, and evaluating scientific data and information
 12 to support water, fisheries, and other ecological services management,
 13 restoration, and operational activities. Example activities that could be
 14 included under this category include installing and operating stream and
 15 water quality monitoring gages, collecting fisheries data using a trap or
 16 other devices, setting up and using equipment to collect sediment data, and
 17 other data-collection activities that need to use the shorelines and waters
 18 of the state to meet public objectives.
- 19 101. "Recreational development" means the modification of the natural or
 20 existing environment to accommodate commercial and public facilities
 21 designed and used to provide recreational opportunities to the public.
 22 Commercial recreational development should be consistent with
 23 commercial development defined herein.
- 24 102. "Recreational vehicle (RV)" means a vehicle designed primarily for
 25 recreational camping, travel, or seasonal use that has its own mode of
 26 power or is mounted on or towed by another vehicle, including, but not
 27 limited, to travel trailers, folding camping trailers, truck campers, motor
 28 homes, motorized boats, and multi-use vehicles or any structure inspected,
 29 approved and designated a recreational vehicle by and bearing the insignia
 30 of the State of Washington or any other state or federal agency having the
 31 authority to approve RVs.
- 32 103. "Residential development" entails one or more buildings, structures, lots,
 33 parcels or portions thereof that are designed, used, or intended to be used
 34 as a place of abode for human beings. These include single-family
 35 residences, residential subdivisions, short residential subdivisions,
 36 attached dwellings, and all accessory uses or structures normally
 37 associated with residential uses. Accessory residential uses include
 38 garages, sheds, tennis courts, swimming pools, parking areas, fences,
 39 cabanas, saunas, and guest cottages. Hotels, motels, dormitories, or any
 40 other type of overnight or transient housing are excluded from the
 41 residential category and must be considered commercial uses depending
 42 on project characteristics.

- 1 104. "Restore," "restoration," or "ecological restoration" means the
2 reestablishment or upgrading of impaired natural or enhanced ecological
3 shoreline processes or functions. This may be accomplished through
4 measures, including, but not limited to, revegetation, removal of intrusive
5 shoreline structures, and removal or treatment of toxic materials.
6 Restoration does not imply a requirement for returning the shoreline area
7 to pre-aboriginal, or pre-European settlement conditions.
- 8 105. "Riparian habitat" means areas adjacent to aquatic systems with flowing
9 water that contains elements of aquatic and terrestrial ecosystems that
10 mutually influence each other.
- 11 106. "Salmonid" means a member of the fish family Salmonidae, including:
12 King County, Chinook, coho, chum, sockeye, and pink salmon; cutthroat,
13 brook, brown, rainbow, and steelhead trout; kokanee; and native char
14 (bull trout and Dolly Varden).
- 15 107. "Section 404 Permit" means a permit issued by the U.S. Army Corp of
16 Engineers for the placement of dredge or fill material waterward of the
17 OHWM or clearing in waters of the United States, including wetlands, in
18 accordance with 33 United States Code Section 1344.
- 19 108. "Seismic hazard areas" means areas that are subject to severe risk of
20 damage as a result of earthquake-induced ground shaking, slope failure,
21 settlement, or soil liquefaction.
- 22 109. "Shall" means a mandate; the action must be done.
- 23 110. "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the
24 state" and "shorelands" as defined in RCW 90.58.030.
- 25 111. "Shoreline Master Program (SMP)" means the comprehensive use plan for
26 a described area and the use regulations together with maps, diagrams,
27 charts, or other descriptive material and text, a statement of desired goals,
28 and standards developed in accordance with the policies enunciated in
29 RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies
30 of a SMP for a county or city approved under RCW 90.58 shall be
31 considered an element of the county or city's comprehensive plan. All
32 other portions of the SMP for a county or city adopted under RCW 90.58,
33 including use regulations, shall be considered a part of the county or city's
34 development regulations.
- 35 112. "Shoreline modifications" means those actions that modify the physical
36 configuration or qualities of the shoreline area, usually through the
37 construction of a physical element such as a dike, breakwater, pier, weir,
38 dredged basin, fill, bulkhead, or other shoreline structure. They can
39 include other actions, such as clearing, grading, or application of
40 chemicals.

- 1 113. "Shoreline stabilization" means actions taken to address erosion impacts to
 2 property and dwellings, businesses, or structures caused by natural
 3 processes such as current, flood, wind, or wave action. These actions
 4 include structural and non-structural methods. Non-structural methods
 5 include building setbacks, relocation of the structure to be protected,
 6 groundwater management, and planning and regulatory measures to avoid
 7 the need for structural stabilization.
- 8 114. "Should" means that the particular action is required unless there is a
 9 demonstrated, compelling reason, based on policy of the SMA and this
 10 chapter, against taking the action.
- 11 115. "Significant adverse environmental impacts" (as used in SEPA) means a
 12 reasonable likelihood of more than a moderate adverse impact on
 13 environmental quality (WAC 197-11-794).
- 14 116. "Significant vegetation removal" means the removal or alteration of trees,
 15 shrubs, and/or ground cover by clearing, grading, cutting, burning,
 16 chemical means, or other activity that causes significant ecological
 17 impacts on functions provided by such vegetation. The removal of
 18 invasive or noxious weeds does not constitute significant vegetation
 19 removal. Tree pruning, not including tree topping, where it does not affect
 20 ecological functions, does not constitute significant vegetation removal.
- 21 117. "Site assessment requirements" means requirements for Critical Areas
 22 Report.
- 23 118. "Snag" means the remaining trunk of a dying, diseased, or dangerous tree
 24 that is reduced in height and stripped of all live branches.
- 25 119. "Special flood hazard area" means an area subject to a base or 100-year
 26 flood; areas of special flood hazard are shown on a flood hazard boundary
 27 map or FIRM as Zone A, AO, A1-30, AE, A99, AH.
- 28 120. "Species and habitats of local importance" means those species that may
 29 not be endangered, threatened, or critical from a state-wide perspective,
 30 but are of local concern due to their population status, sensitivity to habitat
 31 manipulation, or other educational, cultural, or historic attributes. These
 32 species may be priority habitats, priority species, and those habitats and
 33 species identified in the critical areas code as having local importance
 34 (e.g., elk).
- 35 121. "Species, threatened and endangered" means those native species that are
 36 listed by WDFW pursuant to RCW 77.12.070 as threatened (WAC 232-
 37 12-011) or endangered (WAC 232-12-014), or that are listed as threatened
 38 or endangered under the Federal Endangered Species Act (16 United
 39 States Code 1533).

- 1 122. "Start of construction" means and includes substantial improvement and
 2 means the date the building permit was issued, provided the actual start of
 3 construction, repair, reconstruction, placement, or other improvement was
 4 within 180 days of the permit issuance date. For cumulative tracking, the
 5 permit may extend beyond the specified time frame to the time of permit
 6 completion. The actual start means either the first placement of permanent
 7 construction of a structure on a site, such as the pouring of slab or
 8 footings, the installation of piles, the construction of columns, or any work
 9 beyond the stage of excavation, or the placement of a manufactured home
 10 on a foundation. Permanent construction does not include land
 11 preparation, such as clearing, grading, and filling, nor does it include the
 12 installation of streets and/or walkways, nor does it include excavation for a
 13 basement, footings, piers, or foundation or the erection of temporary
 14 forms, nor does it include the installation on the property of accessory
 15 buildings, such as garages or sheds not occupied as dwelling units or not
 16 part of the main structure. For a substantial improvement, the actual start
 17 of construction means the first alteration of any wall, ceiling, floor, or
 18 other structural part of a building, whether or not that alteration affects the
 19 external dimensions of the building.
- 20 123. "Steep slopes" means those slopes (excluding County-approved
 21 geotechnical engineered slopes) 40 percent or steeper within a vertical
 22 elevation change of at least 10 feet. A slope is defined by establishing its
 23 toe and top and is measured by averaging the inclination over at least
 24 10 feet of vertical relief.
- 25 124. "Stream" means any portion of a channel, bed, bank, or bottom waterward
 26 of the OHWMs of the state, including areas in which fish may spawn,
 27 reside, or pass, and tributary waters with defined bed or banks, which
 28 influence the quality of fish habitat downstream. This includes
 29 watercourses that flow on an intermittent basis or fluctuate in level during
 30 the year and applies to the entire bed of such watercourse whether or not
 31 the water is at peak level. This definition does not include irrigation
 32 ditches, canals, stormwater runoff devices, or other entirely artificial
 33 watercourses, except where they exist in a natural watercourse that has
 34 been altered by humans.
- 35 125. "Structure" means a permanent or temporary edifice or building, or any
 36 piece of work artificially built or composed of parts joined together in
 37 some definite manner, whether installed on, above, or below the surface of
 38 the ground or water.
- 39 126. "Substantial damage" means damage of any origin, including intentional
 40 and unintentional demolition, sustained by a structure whereby the cost of
 41 restoring the structure to its before-damaged condition would equal or
 42 exceed 50 percent of the assessed value of the structure before the damage
 43 occurred.

- 1 127. "Substantial improvement" means any rehabilitation, repair,
 2 reconstruction, addition, or other improvement of a building when the cost
 3 of the improvement equals or exceeds 50 percent of the market value of
 4 the building before start of construction of the improvement. The term
 5 includes buildings that have incurred substantial damage or damage of any
 6 origin sustained by a building when the cost of restoring the building to its
 7 pre-damaged condition would equal or exceed 50 percent of the market
 8 value before the damage occurred. Substantial improvement does not
 9 include any project for improvement of a structure to correct existing
 10 violations of state or local health, sanitary, or safety code specifications,
 11 which have been identified by the local code enforcement official and are
 12 the minimum necessary to ensure safe living conditions or any alteration
 13 of a historic structure, provided that the alteration will not preclude the
 14 structure's continued designation as a historic structure.
- 15 128. "Substantially degrade" means to cause significant ecological impact.
- 16 129. "Technical Interdisciplinary Team" includes representatives from the
 17 Lincoln County Coalition and departments such as Community
 18 Development, Public Works, Health, and Emergency Management, as
 19 well as Resource Agency Personnel having technical expertise in the
 20 subject of interest.
- 21 130. "Thinning" means the evenly spaced non-commercial removal of up to
 22 40 percent of trees and woody shrubs.
- 23 131. "Topping" means the severing of main trunks or stems of vegetation at any
 24 place above 25 percent of the vegetation height.
- 25 132. "Transportation facilities" are those structures and developments that
 26 provide for the movement of people, goods, and services. These include
 27 roads and highways, railroad facilities, bridges, parking facilities, bicycle
 28 paths, trails, and other related facilities.
- 29 133. "Trees" means any living woody plant characterized by one main stem or
 30 trunk and many branches and having a diameter of four inches or more
 31 measured 24 inches above ground level.
- 32 134. "Unavoidable" means adverse impacts that remain after all appropriate and
 33 practicable avoidance and minimization have been achieved.
- 34 135. "Utility" means a service and/or facility that produces, transmits, carries,
 35 stores, processes, or disposes of electrical power, gas, potable water,
 36 stormwater, communications (including, but not limited to, telephone and
 37 cable), sewage, oil, and the like.
- 38 136. "Vegetation" means plant life growing below, at, and above the soil
 39 surface.

- 1 137. "Vegetation alteration" means any clearing, grading, cutting, topping,
 2 limbing, or pruning of vegetation.
- 3 138. "Water-dependent use" means a use or portion of a use that cannot exist in
 4 a location that is not adjacent to the water and that is dependent on the
 5 water by reason of the intrinsic nature of its operations.
- 6 139. "Water-enjoyment use" means a recreational use or other use that
 7 facilitates public access to the shoreline as a primary characteristic of the
 8 use or a use that provides for recreational use or aesthetic enjoyment of the
 9 shoreline for a substantial number of people as a general characteristic of
 10 the use, and which through location, design, and operation ensures the
 11 public's ability to enjoy the physical and aesthetic qualities of the
 12 shoreline. In order to qualify as a water-enjoyment use, the use must be
 13 open to the general public and the shoreline-oriented space within. The
 14 project must be devoted to the specific aspects of the use that fosters
 15 shoreline enjoyment.
- 16 140. "Water-oriented use" means a use that is water-dependent, water-related,
 17 or water-enjoyment, or a combination of such uses.
- 18 141. "Water quality" means the physical characteristics of water within
 19 shoreline jurisdiction, including water quantity, hydrological, physical,
 20 chemical, aesthetic, recreation-related, and biological characteristics.
 21 Where used in this chapter, the term water quantity refers only to
 22 development and uses regulated under this chapter and affecting water
 23 quantity, such as impermeable surfaces and stormwater handling practices.
 24 Water quantity, for purposes of this chapter, does not mean the withdrawal
 25 of groundwater or diversion of surface water pursuant to RCW 90.03.250
 26 through 90.03.340.
- 27 142. "Water-related use" means a use or portion of a use, which is not
 28 intrinsically dependent on a waterfront location but whose economic
 29 viability is dependent upon a waterfront location because:
- 30 a. The use has a functional requirement for a waterfront location such
 31 as the arrival or shipment of materials by water or the need for
 32 large quantities of water; or
- 33 b. The use provides a necessary service supportive of the
 34 water-dependent uses and the proximity of the use to its customers
 35 makes its services less expensive and/or more convenient.
- 36 143. "Water resource inventory area (WRIA)" means one of 62 watersheds in
 37 the State of Washington, each composed of the drainage areas of a stream
 38 or streams, as established in WAC 173-500 as it existed on
 39 January 1, 1997.

- 1 144. "Weir" means a structure generally built perpendicular to the shoreline for
2 the purpose of diverting water or trapping sediment or other moving
3 objects transported by water.
- 4 145. "Wetlands" are areas that are inundated or saturated by surface or
5 groundwater at a frequency and duration sufficient to support and that
6 under normal circumstances do support a prevalence of vegetation
7 typically adapted for life in saturated soil conditions. Wetlands generally
8 include swamps, marshes, bogs, and similar areas. Wetlands do not
9 include those artificial wetlands intentionally created from non-wetland
10 sites, including, but not limited to, irrigation and drainage ditches, grass-
11 lined swales, canals, detention facilities, wastewater treatment facilities,
12 farm ponds, and landscape amenities, or those wetlands created after July
13 1, 1990, that were unintentionally created as a result of the construction of
14 a road, street, or highway. Wetlands may include those artificial wetlands
15 intentionally created from non-wetland areas to mitigate the conversion of
16 wetlands.

17 **18.02.870 Shoreline Environment Designation Map**