

CHAPTER 1: LEGISLATIVE AND LEGAL FRAMEWORK

1.01 Legal Foundation of the Shoreline Management Act

The authority to carry out the provisions of the Shoreline Management Act is derived directly from the Constitution of the State of Washington. The Constitution of the State and the U.S. Constitution contain both the authority for conducting the activities necessary to carry out the Shoreline Management Act and significant limitations on that authority. The basic authority comes from the police power provisions that allow the state government and, by delegation from the state, local government to adopt and enforce such laws as are necessary to protect the public health, safety and general welfare. Limitations come in the form of due process provisions that require that government activities which constrain private options be conducted according to a set of rules that assures an opportunity for participation by the affected parties. The Shoreline Management Act and Stevens County Shoreline Management Master Plan comply with this requirement by establishing extensive rules for general public and individual participation in the process of making the rules (i.e. adopting and amending Shoreline Master Programs) and rendering decisions on individual permits. Adherence to the rules in the decision making process is fundamental in assuring that any decision will withstand legal challenge. Finally, the constitution prohibits the government from taking private property without compensation and the Stevens County Shoreline Management Master Program will not be used to convert private property to public use. The meaning of this provision is perhaps the most debatable issue in land use law. Its meaning is clear in cases of eminent domain or other acquisition for public use: government must pay the fair market value. It is also reasonably clear that most common forms of regulations that impose limitations on the use of property, reasonably related to protection of the public, do not require compensation even where there may be a significant diminishment of property value. However, the courts have indicated that there is a point where use limitations on an individual piece of property have the essential effect of acquisition and thereby require compensation. The Shoreline Management Act addresses this issue by identifying the public purposes served by its implementation and making provisions for appropriate flexibility in its implementation. The Stevens County Shoreline Management Master Plan is drafted in a manner that is cognizant of the taking issue.

1.02 AUTHORITY

Authority for enactment and administration of this program is the Shoreline Management Act of 1971, Chapter 90.58, Revised Code of Washington.

1.03 FINDINGS (RCW 90.58.020)

.01 The Stevens County Board of County Commissioners concurs with the state legislature in finding that the shorelines of the state are among the most valuable and fragile of our natural resources and recognize that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures for additional uses are being placed on the shorelines necessitating increased coordination in their management and development. Furthermore, much of the shorelines and uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest. Continued coordinated planning that is consistent with the Stevens County Comprehensive Plan and the Act is necessary in order to protect the public interest associated with the shorelines while, at the same time, recognizing and protecting private property rights. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by local, state, and federal governments, to prevent the inherent harm in an uncoordinated and piecemeal development of shorelines.

.02 By ratifying Initiative 43B in the 1972 General Election, the people of the state approved the Shoreline Management Act of 1971 (RCW 90.58). This law vests counties and cities with the primary responsibility for conserving certain shorelines through comprehensive planning and reasonable regulation of development and use.

.03 This Board deems the goals, objectives, shoreline environment designations, policies, regulations, and procedures set forth in this shoreline management program to be essential to protection of the public health, safety and general welfare of the people of Stevens County.

1.04 PURPOSES:

.01 To protect the public health, safety, and general welfare by providing long range, comprehensive policies and effective, reasonable regulations for development and use of shorelines of the state within Stevens County; and

.02 To implement this program in a positive, effective, and equitable manner; and

.03 To further assume and carry out the responsibilities established by the Act for Stevens County, and to foster by adoption the policy contained in RCW 90.58.020 for shorelines of the state:

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effect to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance, and shall give preference to uses in the following order of preference which: (RCW 90.58.020)

- a. Recognize and protect the state-wide interest over local interest;
- b. Preserve the natural character of the shoreline;
- c. Result in long term over short term benefit;
- d. Protect the resources and ecology of the shoreline;
- e. Increase public access to publicly owned area of the shoreline;
- f. Increase recreational opportunities for the public in the shoreline;
- g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to this natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences; ports; shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state; and other developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and wetlands of the state shall be recognized by the department. Shorelines and wetlands of the state shall be appropriately classified and these classifications shall be

revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and wetlands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of RCW 90.58. Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

1.05 TITLE:

This document shall be known and may be cited as the "Stevens County Shoreline Management Master Program".

1.06 SHORT TITLE

This document may be referred to internally as "this program".

CHAPTER 2: THE STEVENS COUNTY PROCESS

In order to provide citizens of Stevens County an opportunity to comment on and review the Advisory Committee's work twenty-two (22) public meetings were held across the County at various locations. In addition, public hearings conducted by the Stevens County Board of Commissioners were held at Lakeview High on June 22th, 1992 and at Colville on June 29th, 1992. In addition to these public meetings and hearings, three (3) public workshops provided the citizens of Stevens County and other interested individuals a chance to interact with committee members and local government agencies on shoreline concerns and related issues.

.01 Stevens County Shoreline Advisory Committee Mission Statement:

Stevens County enjoys an outstanding natural setting with a wide variety of mountains, rivers, lakes and streams. To conserve and enhance the desirable qualities of public and private property, the County's future development must be carefully planned. In this view, the Shorelines Master Program is directed toward aiding the citizens of Stevens County in providing for orderly economic development and growth while at the same time protecting and conserving their natural amenities.

.02 Stevens County citizen participation process

In order to provide citizens of Stevens County an opportunity to comment on and review the Advisory Committee's work twenty-two (22) public meetings were held across the County at various locations. In addition, public hearings conducted by the Stevens County Board of Commissioners were held at Lakeview High on June 22th, 1992 and at Colville on June 29th, 1992. In addition to these public meetings and hearings, three (3) public workshops provided the citizens of Stevens County and other interested individuals a chance to interact with committee members and local government agencies on shoreline concerns and related issues.

CHAPTER 3: GENERAL GOAL STATEMENTS

The use of "elements" is required by the Shoreline Management Act and applicable Washington Administrative Codes and is intended to guide and support the major shoreline management policies and regulations. (RCW 90.58.100)

3.01 Shoreline use element goal:

Establish and implement policies consistent with the Shorelines Management Act of 1971 including protection of shorelines of state-wide significance. Identify specific long-term uses. Encourage

enhancement of degraded shoreline areas and adopt programs to minimize flood damage. Shoreline policy should be consistent with local community values and should support local plans and project.

3.02 Economic development element goal:

Promote and maintain a good economic environment and assure that the growth that occurs within the shoreline areas of Stevens County will be healthy and orderly for both the natural and human environments.

3.03 Conservation element goal:

Wisely use and manage the natural and cultural resources inherent in shoreline areas to benefit the residents of Stevens County and the State of Washington.

3.04 Public access element goal:

Provide for public access to the shorelines of Stevens County by upgrading existing public access and by providing additional access; provided that private rights, public safety and natural shorelines will be protected.

3.05 Recreation element goal:

Provide diverse water-oriented recreational opportunities within Stevens County through integration into existing and future shoreline accesses in a safe and healthy manner. Allow adequate shorelines recreational opportunity consistent with other shoreline policies.

3.06 Circulation element goal:

Provide safe, reasonable and adequate future circulation systems to shorelines where routes will have the least possible adverse effect on fragile shorelines.

3.07 Historic/cultural element goal:

Shoreline features of Stevens County having historic, cultural, scientific or educational value should be designated, retained and protected on public property. Designation, retention and protection of these features should be encouraged on private property.

CHAPTER 4: GENERAL SHORELINE POLICIES AND REGULATIONS:

4.01 Intent of policies:

The following policies and regulations are a very important part of this program. They are intended to be used in conjunction with the more specific use and activity regulations contained in Chapters 6 and 7. All development, whether or not exempt from a permit or variance must be consistent with the Act and this program.

4.02 Archaeologic and historic resources policies:

Due to the limited and irreplaceable nature of the resource, public or private uses and activities should be encouraged to protect any site having historic, cultural, scientific or educational value as identified by the appropriate authorities.

4.02A Regulations:

.01 Provisions for historic site preservation, restoration and interpretation shall be incorporated along with open space or recreation areas into site development plans on public property whenever compatible and possible.

.02 Cooperation among both private and public parties shall be encouraged prior to development and procedures should be established to evaluate sites and to guide excavation.

.03 Historic sites on public property shall be provided with public access and effective interpretation at levels consistent with long term protection of both historic values and shoreline features. Access may have to be restricted at times, but interpretive means/signage should be provided whenever possible.

4.03 Clearing and grading policies:

Clearing and grading activities should avoid the degradation of water quality and the sedimentation of streams, and other water bodies, and avoid adverse impacts to wildlife habitat. Noxious weeds will be controlled. All fertilizers, pesticides, herbicides, and other chemicals will be used in accordance with best management practices and current labeling provided by the manufacturer.

4.03A Regulations:

.01 Clearing and grading activities shall be the minimum necessary to accommodate the development where sedimentation is an issue.

.02 Negative impacts of development clearing and grading shall be avoided in as much as feasible through proper site planning, construction timing and practices, bank stabilization, revegetation and proper maintenance, and use of erosion and drainage control methods to prevent runoff.

.03 Cleared and disturbed sites remaining after completion of construction shall be promptly replanted. The use of native vegetation shall be encouraged.

4.04 Environmentally sensitive areas policies:

.01 Rare or fragile, natural or man-made features as well as wildlife habitats should be protected from unnecessary degradation or interference.

.02 Areas that have rare and/or fragile geological or biological characteristics should be protected from detrimental public access.

.03 Shorelines that are identified as a sensitive area should be excluded from development.

4.04A Regulations:

Shoreline development shall comply with applicable federal, state and Stevens County laws, regulations and ordinances.

4.05 Wetlands policies:

.01 Wetland ecosystems serve many important ecological and environmental functions which are beneficial to the public welfare such as flood storage and conveyance, erosion control, sediment control, fish production, fish and wildlife habitat, recreation, water quality protection, water supply, education and scientific research. Wetlands should be protected to prevent their continued loss and degradation.

.02 Wetlands should be identified according to established identification and delineation procedures found in section 4.05C and afforded appropriate protection consistent with the policies and development standards of this program.

4.05A Regulations:

Any activity in wetlands that alters and/or decreases the functions of a wetland including, but not limited to the following, shall require mitigation and a permit:

01. Removal, excavation, grading, or dredging of soil, sand, gravel, or materials of any kind, unless the activity is an approved Stevens County and/or Washington State Fish and Wildlife habitat enhancement project;
02. Dumping or discharging into, or filling with any material;
03. Draining, flooding or disturbing the water table.
04. Construction or demolition of any structure, with the exception of those buildings used for agricultural purposes.

NOTE: Existing and ongoing agricultural practices are exempt from these wetland regulations unless agricultural lands have been converted or will be converted to non-agricultural use as a consequence of the proposed activity. Wetlands being converted to agricultural purposes are not exempt and are subject to compliance with these regulations.

4.05B Wetland designation, delineation, and classification:

.01 Designation: The approximate extent and/or location of wetlands within Stevens County are shown on existing aerial photographs. The mapped boundaries are approximate and unmapped wetlands are presumed to exist. Any conflicts between inventory maps and the provisions of this ordinance shall be resolved pursuant to this ordinance, specifically those outlined in section 4.05C, Delineation. Wetlands not shown on the maps are still subject to the provisions of this ordinance. The County will continue the mapping process, as resources become available. Stevens County will use two (2) wetland maps, as reference only, in permit administration: (1) The National Wetland Inventory (NWI) Maps, 1987, USFWS; and (2) The Eastern Washington University Wetland Inventory Maps.

4.05C Delineation: The presence and extent of a wetland on a project site will be determined in accordance with criteria contained within *The 1997 Washington State Wetlands Identification and Delineation Manual*, (RCW 90.58.030 & RCW 36.70A.175) based upon hydrology, vegetation, and soils. It is the applicant's responsibility, to the best of their ability, to disclose the presence of wetlands on their property or obtain the services of a qualified wetland professional. A wetland delineation, categorization and report shall be performed on property containing wetlands where development activities are planned within the wetland or wetland buffer.

4.05D Classification: Stevens County will use the Cowardin classification hierarchy found on the NWI maps (*Classification of Wetlands and Deepwater Habitats of the United States, USFWS, 1992*) to classify wetlands into the categories specified in the definition section. This system classifies wetlands as Marine, Estuarine, Palustrine, Lacustrine, and Riverine with modifiers for hydrology, vegetation, soils, and water chemistry. Stevens County contains only Palustrine, Lacustrine, and Riverine wetlands. The Cowardin system will be used in conjunction with the Department of Ecology's (DOE) *Washington State Wetlands Rating System for Eastern Washington* ("Four-Tier System") for wetland rating. All categories of wetlands have valuable functions.

4.05E Wetland Buffers and Development Setbacks:

.01 Wetland buffer and/or development setbacks areas shall be required for all regulated activities adjacent to wetlands and/or water-bodies, unless the applicant demonstrates current or proposed conservation practices which adequately protect and/or enhance the critical area pursuant to RCW 36.70A.060 and these regulations. Current and proposed land use activities, densities, existing environmental conditions, (i.e. water quality, vegetation cover, soils, slopes and habitat quality) will be used as criteria in determining applicable setback standards pursuant to these regulations. Any

wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers/setbacks shall be measured from the wetland boundary.

Wetland category:

Category I:	High intensity land use.....	150 feet
	Low intensity land use.....	100 feet
Category II:	High intensity land use.....	100 feet
	Low intensity land use.....	75 feet
Category III:	High intensity land use	75 feet
	Low intensity land use.....	50 feet
Category IV:	High intensity land use.....	50 feet
	Low intensity land use.....	25 feet

.02 Increased Wetland Buffer Area Width: The County may require increased buffer area widths on a case-by-case basis. When a larger buffer is necessary to protect wetland functions and values, this determination shall be supported by appropriate documentation showing that it is related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

1. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or
2. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

.03 Reduction of Standard Wetland Buffer Area Width: The County may reduce the standard wetland buffer area width on a case-by-case basis where it can be demonstrated that:

1. The adjacent land has a high quality vegetative buffer, has less than 15 percent slopes, and no direct or indirect, short-term or long-term, adverse impacts to wetlands will result from the regulated activity; or
2. The project includes a buffer enhancement plan using native vegetation which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetland functions and values. An enhanced buffer shall not result in the buffer width or be less than 25 feet.

.04 Standard Buffer Width Averaging: Standard wetland buffer areas may be modified by averaging buffer widths or a combination of averaging and reduction. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

1. Averaging will provide the necessary biological, chemical and physical support necessary to protect the wetland;
2. Width averaging will not adversely impact the wetland's functions and values; and
3. The total area contained within the wetland buffer after averaging is no less than that contained with the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than 50% of the standard buffer or be less than 25 feet.

4.05F Mitigation:

As a condition of any permit allowing alteration of wetlands, the applicant will engage in the restoration, creation, or enhancement of wetlands in order to offset the impacts resulting from the applicant's or violator's actions. The applicant shall develop a County approved mitigation plan.

A. Wetlands Restoration, Creation and Enhancement.

1. Any person who degrades wetlands shall restore, create, or enhance equivalent areas or greater areas of wetlands than those altered in order to compensate for loss of wetland acreage, values or

functions.

2. The following standard ratios shall apply to creation or restoration:

Category I	6:1
Category II or III	
Forested	3:1
Scrub-Shrub	2:1
Emergent	2:1
Category IV	1.25:1

The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

3. Increased Replacement Ratio. The standard replacement ratio may be increased under the following circumstances:

- a. High degree of uncertainty as to the probable success of the proposed restoration or creation;
- b. Significant period of time between destruction and replication of wetland functions;
- c. Projected losses in functional; and/or
- d. Off-site compensation.

4. Decreased Replacement Ratio. The standard replacement ratio may be decreased under the following circumstances:

- a. Findings of special studies coordinated with agencies and/or other qualified individuals with expertise that demonstrates that no net loss of wetland function or value is attained under the decreased ratio.
- b. In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

5. Wetland Enhancement.

- a. Any applicant proposing to degrade wetlands may propose to enhance existing wetlands in order to compensate for wetland losses.
- b. A wetland enhancement compensation project shall be considered, provided that enhancement for one function and value will not degrade another function or value.

B. All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action must receive County written approval of the mitigation plan prior to commencement of any wetland restoration, creation or enhancement activity.

4.05G Wetland Categories:

“Category I Wetlands” are wetlands, which meet at least one (1) of the following criteria:

- A. Documented habitat recognized by federal or state agencies for listed endangered or threatened fish, animal and/or plant species; or
- B.
 1. Have three (3) or more wetland classes (i.e. Open Water, Aquatic Beds, Emergent, Scrub-Shrub, or Forested); and
 2. Have an open water component at least one-half (1/2) acre in area, or comprising at least ten (10%) percent of the total area of the wetland; or
- C. High quality, regionally rare wetland communities with irreplaceable ecological functions which may include sphagnum bogs, fens and forested wetlands occurring on organic soil; or
- D. Documented Primary Wetlands of Local Significance as adopted by county ordinance.

“Category II Wetlands” are wetlands, which meet at least one of the following criteria, and are not Category I:

A. Wetlands containing documented habitat for sensitive plant, fish or animal species listed by state or federal agencies of jurisdiction.

1. Have 40% to 60% percent open water in dispersed patches, and
2. Have two (2) or more wetland vegetative classes (a vegetative class must be at least one-half (1/2) acre in size or comprise at least ten (10%) percent of the entire wetland); or
3. Documented Secondary Wetlands of Local Significance as adopted by county ordinance;

“Category III Wetlands” are wetlands, which meet the following criteria, and are not Category I or II:

Hydrologically isolated wetlands and comprised of only one (1) class of wetland vegetation.

“Category IV Wetlands” are wetlands, which meet the following criteria, and are not Category I, II, or III:

Hydrologically isolated wetlands less than one (1) acre in size and comprised of only one (1) class of wetland vegetation.

4.06 Parking policies:

Parking facilities should be allowed only in conjunction with other shoreline uses and activities and should be designed to achieve optimum capacity, and be located and designed to minimize adverse impacts including those related to stormwater run-off, water quality, aesthetics, public access, and vegetation and habitat maintenance.

4.06A Regulations:

.01 Parking as a primary use is prohibited over water and within shoreline jurisdiction unless otherwise approved.

.02 Parking facilities shall be designed, constructed and maintained to minimize runoff and water quality degradation.

4.07 Public access policies:

.01 Public access to public property should be provided as near as possible to the water's edge without adversely affecting a sensitive area or environment and should be designed with provisions for handicapped and physically impaired persons.

.02 The public access area should be a comfortable and safe place to visit.

.03 Acquisition of additional public access to water bodies by purchase, lease or gift where deemed appropriate to the public interest should be encouraged. Condemnation of land for public access should be avoided.

4.07A Regulations:

.01 Public access shall be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.

.02 There shall be a physical separation or other means for clearly delineating public versus private space in order to avoid unnecessary user conflict. Such buffers shall be provided by the developer.

.03 Public access provided by shoreline street ends, public utilities and right-of-ways shall not be diminished (RCW 35.797.035 and RCW 36.87.130).

4.08 Signage definition and exclusion for public owned:

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment,

conducted or sold either on or off premises and subject to the provisions of this program. The policies and regulations do not apply to publicly owned signs the purpose of which is safety, direction, or information.

4.08A Signage policies:

- .01 Signs should be designed and placed so that they are compatible with existing shoreline and adjacent land and water uses.
- .02 Signs should be placed so as to minimize or otherwise interfere with visual access to the water or shorelands.
- .03 The design of signs should not reduce traffic safety or visual aesthetics from adjacent property.
- .04 Signs should be of a permanent nature that are operational to existing uses and attached to said use.

4.08B Regulations:

- .01 All signs shall be located and designed to minimize blockage of views to Stevens County shorelines and waters.
- .02 Permanent signs shall not be placed on trees and other natural features (i.e. painted on rocks).
- .03 Sign installation/construction shall be done in a manner so as to minimize surface runoff/erosion and damage to shorelines.
- .04 Signs over fifty (50) square feet in size and/or over fifteen (15) feet in height may be permitted subject to County review and approval.
- .05 A reasonable number of signs may be posted on private property by the owner and/or his/her agent for reasonable purposes.
- .06 Signs that have been abandoned and/or are in a state of disrepair shall be removed/repaired by the landowner.

4.09 Water quality policies:

- .01 All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, feeding areas and migratory routes.
- .02 The County should require reasonable setbacks, buffers or storage/settling basins to achieve the objective of lessening negative impacts on water quality.
- .03 Activities of dredging and filling should be conducted to minimize the effect on water quality through the addition of suspended solids, leaching of contaminants or disturbance of habitats.

4.09A Regulations:

- .01 Shoreline development and activities shall be conducted in such a manner as to minimize runoff and water quality degradation both during and after construction.
- .02 Setbacks for permitted uses shall apply.

4.10 Shorelines of state-wide significance:

In accordance with RCW 90.58.020, the following management and administrative policies are hereby adopted for all shorelines of state-wide significance in Stevens County, as identified below. The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. It is the policy of the Stevens County Shoreline Management Master Program to give preference to uses which are consistent with the state-wide public interest in such shorelines.

4.10A Designation of shorelines of state-wide significance:

In RCW 90.58.030 (2e), the legislature designated those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark and rivers where the mean annual flow is measured at two hundred (200) cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred (300) square miles of drainage area, whichever is longer.

The following shorelines of Stevens County are those of state-wide significance by definition:

.01 Lakes: Long, Deer, Loon, Roosevelt

.02 Streams: Columbia River, Colville River, Big Sheep Creek, Kettle River, Spokane River

4.10B Policies for shorelines of state-wide significance:

Management of shorelines of state-wide significance shall give preference to uses in the following order of preference which: (RCW 90.58.020)

- a. Recognize and protect the state-wide interest over local interest;
- b. Preserve the natural character of the shoreline;
- c. Result in long term over short-term benefit;
- d. Protect the resources and ecology of the shoreline;
- e. Increase public access to publicly owned area of the shoreline;
- f. Increase recreational opportunities for the public in the shoreline;
- g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4.11 State-owned aquatic lands:

Shoreline permit applicants shall as a condition of permit issuance, provide evidence of proprietary authorization from State DNR Aquatic Lands Division, for uses and activities proposed water-ward of the OHWM on all navigable rivers and lakes.

CHAPTER 5: SHORELINE ENVIRONMENT DESIGNATIONS

The shoreline environment designations established under the Shoreline Management Act are one of the principal tools available for applying and tailoring the general guidelines of the Act to Stevens County shorelines. Not only does classifying shorelines into specific designations as recommended in WAC-173-16-040 (4) provide the means of adapting broad policies to shoreline segments with distinctively different conditions and resources, but it also is a way to integrate comprehensive shoreline planning into master program regulations.

The recommended procedure involves inventorying environmental resources and identifying the special resource management and shoreline development opportunities along each shoreline segment. The environmental designation process is most effective when it is developed on a comprehensive basis. The plans, policies and regulations for lands adjacent to the shorelines of the state should be reviewed in accordance with RCW 90.58.340.

5.01 Shoreline map interpretation:

.01 Each shoreline environment designation is shown on the Official Map of Shorelines for Stevens County located at the Stevens County Planning Department and may be interpreted as follows:

- a. Two-hundred (200) feet land-ward, on a horizontal plane from the "ordinary high water mark" or the "floodway", whichever is greater;

b. The line of demarcation between any two Shoreline Designations shall be determined from the Official Map of Shorelines for Stevens County;

5.02 Shoreline environments in Stevens County:

Stevens County has identified six (6) following shoreline environment designations: Urban; Suburban; Rural; Conservancy; Natural and Parallel Environments

These environment designations reflect the character, physical and biological capabilities/limitations, and the goals of this program that are set forth for each.

5.02A Parallel:

The Parallel shoreline environment contains two different designations (laterally) within shoreline areas to better achieve resource and development potential. These areas contain one or more of the following:

- .01 Steep slopes and/or slide sensitive soils;
- .02 Wetlands;
- .03 Sensitive wildlife corridors and/or habitat;
- .04 Distinctive difference in land use or land use pattern.

5.02B Urban:

The Urban shoreline environment is an area of high intensity land use including residential, commercial and industrial development. The purpose of this category is to ensure optimum utilization of shorelines that are either presently urbanized or planned for urbanization.

Development in urban areas should be managed so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.

.01 Designation criteria:

Areas designated Urban shoreline environment should meet one or more of the following criteria:

- a. Shoreline used or designated for high intensity commercial, industrial or recreational use or for high-density multi-family residential developments;
- b. Shorelines of lower intensity use, where surrounding land use is urban and urban services are available;
- c. Shorelines used for water oriented and port activities;
- d. Shorelines to be designated Urban should not have biological or physical limitations to development which would compromise the health, safety or welfare of the persons residing, working or recreating in the vicinity. Such limitations might include floodways, steep slopes, slide hazardous areas, marshes, bogs, swamps, or other sensitive areas.

.02 Management policies:

- a. Because shorelines are a finite resource, and because urban use tends to preclude other shoreline uses, emphasis should be given to directing new urban development into already developed urban areas.
- b. Utilization of existing urban areas should be achieved before further expansion of an Urban shoreline environment is considered.

- c. Reasonable long range projections of regional economic need, projections for urban service availability, and the health, safety and welfare of the persons residing, working or recreating in the vicinity of the shoreline category should guide the amount of shoreline designated Urban.
- d. Priority should be given to "water-dependent," "water-related," and "water-enjoyment" uses over other uses. Uses that derive no benefit from a water location should be discouraged.
- e. Aesthetic values should be considered through means such as appropriate development siting, screening and architectural standards, planned unit developments and maintenance of natural vegetative buffers.
- f. Developments within the Urban Shoreline Category should be compatible with uses and activities in adjacent shoreline categories.

5.02C Suburban:

The Suburban environment designation is intended to serve the following: developed residential areas; those areas designated for future growth/residential development; and shoreline areas of the county that are characterized by intensive and/or extensive single family residential development. As a transitional area between the Urban shoreline and the Rural shoreline, the Suburban environment not only includes shoreline areas that support low to medium density residential uses, but also includes areas of relatively high density single family residential uses or areas with extremely small or substandard lot sizes. The Suburban designation is intended to accommodate residential and recreation areas outside urban areas, where adequate facilities for sewage disposal and water supply can be provided in a safe, reasonable manner and which have the least possible impact upon the surrounding natural environment.

.01 Designation criteria

Areas designated Suburban should meet one or more of the following criteria:

- a. Areas presently developed or platted for residential uses;
- b. Existing and/or extensive small, single family shoreline developments;
- c. Areas that could support and serve the needs of planned residential developments;
- d. Areas that could serve as transitions between urban shorelines and other shoreline areas.
- e. Areas having the ability to support low to medium density single family residential uses and any necessary facilities associated with such uses.
- f. Areas that are appropriate for recreational uses compatible with single family residential development.

.02 Management policies:

- a. Residential and recreational activities of low to medium intensity are preferred over other land and resource consumptive development or uses.
- b. New development should be permitted, located, sited, designed and maintained to protect and enhance the shoreline.
- c. New commercial development should be limited to uses that serve the surrounding residential or recreational activities and should be compatible with these activities.
- d. Access, utilities and public services should be available and adequate to serve existing needs and planned future development.

5.02D Rural:

The Rural shoreline environment is intended to protect agricultural/range lands and forest lands from urban or suburban expansion, restrict intensive development along undeveloped shorelines

and maintain open spaces and opportunities for recreational uses compatible with agriculture and forestry uses.

.01 Designation criteria:

Areas designated rural should meet one or more of the following criteria:

- a. Areas dominated by agricultural/ range-lands, forestry or low intensity recreational uses;
- b. Areas possessing a high capability of supporting agricultural or forestry uses and compatible forms of development;
- c. Areas modified from their natural vegetative cover and surface drainage patterns but generally supporting low density development;
- d. Areas where residential development is or should be low density because of biological or physical limitations, utility capabilities, access problems and/or potential incompatibility with other uses;
- e. Areas of undeveloped land not appropriate for the Natural shoreline environment or the Conservancy shoreline environment and not planned for significant intense development;
- f. Areas which serve as buffers between shoreline areas supporting greater and lesser intensities of use; and
- g. Areas possessing valuable sand, gravel and mineral deposits.
- h. Areas of potential industrial and/or commercial development that would help ensure positive economic growth for Stevens County, while protecting the character of the Rural environment.

.02 Management policies:

- a. Areas with a high capacity of supporting agricultural/range and/or forestry uses should be protected from incompatible patterns of development and should be maintained for those uses.
- b. New developments in a Rural shoreline environment should reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from the water and wetlands.
- c. Public and private recreational facilities and uses that are compatible with agriculture/range and forestry should be encouraged.
- d. Low-density residential development should be allowed when supported by adequate facilities as determined by Northeast Tri-County Health.
- e. Sand, gravel, mineral extraction, industrial and/or commercial developments should be allowed in suitable areas, provided that such activity will not compromise the health, safety or welfare of the persons residing, working or recreating in the vicinity of the project. The integrity of the Rural shoreline should not be adversely impacted.
- f. Medium and high-density residential uses should be discouraged.
- g. Sensitive shorelines in the Rural shoreline environment should be protected through vegetation management, maintenance, erosion control and building/setback standards.

5.02E Conservancy:

The intent of the Conservancy shoreline environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to achieve resource utilization on a long-term management basis and provide recreational opportunities. The Conservancy shoreline category is also intended to protect environmentally sensitive areas which are not suitable for intensive use, such as steep slopes, flood-prone areas, eroding bluffs, wetlands, and areas which cannot provide adequate sewage disposal. Examples of uses that are appropriate in a Conservancy shoreline include low-intensive outdoor recreation activities, timber harvesting on a long-term

management basis, passive agricultural uses such as pasture and range lands, and other related low intensity uses and activities. Parallel designations may be appropriate.

.01 Designation criteria

Areas designated as Conservancy shoreline environment should meet one or more of the following criteria:

- a. Areas containing natural resources which lend themselves to best management practices on a long term basis, such as commercial forest land and agricultural/range lands;
- b. Areas subject to severe biological or physical limitations such as:
 - Steep slopes and landslide hazard areas;
 - Areas subject to severe erosion and feeder bluffs;
 - Unstable banks or bluffs;
 - Flood-prone areas;
 - Areas with soils that have poor drainage; and
 - Areas of low intensive recreational value; and
 - Areas with unique historic or cultural resources.

.03 Management policies:

- a. Preferred uses in the Conservancy shoreline environment are those that are compatible with the physical and biological resources of the area and activities and uses which do not substantially degrade or alter the existing character of the areas. Uses that utilize resources on a long-term management basis while minimally reducing opportunities for other existing and future uses of the area are preferred.
- b. New development should be compatible with the natural and biological limitations of the land and water and should not require extensive alteration of the land/water interface. (See Residential Section)
- c. Activities or uses that would strip the shoreline of vegetative cover, degrade resources, cause substantial erosion or sedimentation or adversely affect wildlife or aquatic life should be discouraged.
- d. Commercial and industrial uses, other than low intensity agricultural/range practices, commercial forestry and extraction of sand, gravel and mineral resources should be discouraged. A Conditional Use Permit will be required in those instances when these activities are allowed.
- e. Construction of structural shoreline stabilization and flood control works should be minimized. New developments should be designed to preclude the need for structural shoreline stabilization.

5.02F Natural:

The Natural shoreline environment is intended to conserve those natural resource systems existing relatively free of human influence and those shoreline areas possessing unique historical, cultural or educational features. These systems require severe restrictions on the intensities and types of uses permitted so as to maintain the integrity of the shoreline. Parallel designations may be appropriate.

.01 Designation criteria:

Areas to be designated Natural shoreline environment should meet one or more of the following criteria. (Consideration and notification should be given to existing property ownership)

- a. Wildlife Habitats:

- Shoreline area that provides food, water or cover and protection for any endangered or threatened species;

- Areas that are critical for a seasonal habitat for native animals.

(The county recognizes that most of the white-tail deer's food source comes from the land of private property owners)

b. Educational:

Areas that may be used, with landowners permission, for student research/education.

c. Other unique natural features relatively intolerant of human use or development.

d. Those areas having widely recognized scenic values in the natural state.

.03 Management policies:

a. Any use or development that would potentially degrade the natural value or significantly alter the natural character of the shoreline area should be prohibited.

b. Non-sustainable use of physical, visual and biological resources should be discouraged.

CHAPTER 6: SPECIFIC SHORELINE USES POLICIES AND REGULATIONS

6.01 Agricultural practices:

Agriculture refers to all methods of livestock, crop, vegetation, soil and range management. Examples of such practices may include the agriculturally related activities of tilling, fertilizer application, soil preparation and maintenance, harvesting, control of weeds, plant diseases and insect pests. Also included are animal husbandry practices associated with the feeding, housing, maintenance and marketing of animals such as beef cattle, dairy animals, breeding stock, horses and poultry and their by-products. Accessory facilities may include storage, feedlots, fences and ditches. Agricultural processing industries, which are more intensive types of land uses, are to be considered under the industrial section of this program.

Open range is an important historical and cultural element in Stevens County, especially along the Columbia River corridor, and this program recognizes and encourages continuation of and supports this important historical use as a part of the custom and culture of the County.

EXEMPTIONS: The Shoreline Management Act exempts from the substantial development permit requirement the construction and practices normal or necessary for farming, irrigation and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities and irrigation channels: PROVIDED, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations. The Act also exempts from the substantial development permit requirement the operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground waters from the irrigation of lands. Finally, the Act also exempts from the substantial development permit requirement operation and maintenance of any system of

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

6.02 Agriculture policies:

.01 Valuable agricultural/range lands should be protected from incompatible and preemptive patterns of development so that they may remain in long term productive agricultural use. Any non-agricultural development should provide adequate buffering to minimize use conflicts.

.02 Appropriate range/farm management techniques should be utilized to prevent adverse impacts to nearby water bodies and adverse effects on plant, fish and animal communities from fertilizer and pesticide application.

.03 Range/farm management techniques, operations and control methods should protect the productivity of the land base by maintaining or improving soil quality and minimizing soil losses through erosion in accordance with applicable Soil Conservation Service conservation practice guidelines and best management practices.

.04 Confinement areas should be located, designed and constructed to prevent manure runoff from contaminating water bodies and degradation of the shoreline.

.05 Dairy, poultry and feed lot operations should be required to handle animal wastes in a non-polluting manner.

.06 Manure spreading should be conducted in a manner that prevents animal wastes from entering water bodies that are subject to the jurisdiction of this program.

6.03 General regulations:

a. Agricultural practices shall conform to applicable local, state and federal policies and regulations including but not limited to the following:

b. Erosion control guidelines and standards of the Soil Conservation Service and U.S. Department of Agriculture;

c. Feedlot control guidelines of the U.S. Environmental Protection Agency; (see "Guidelines for Handling Livestock Wastes for Western Washington", distributed by the Washington State Department of Ecology in conjunction with the United States Environmental Protection Agency for the Cooperative Extension Service).

d. Washington Pesticide Application Act (Chapter 17.21 RCW);

e. Washington Pesticide Act (Chapter 15.57 RCW);

f. Intrastate Water Quality Standards (Chapter 372.64);

g. Interstate Water Quality Standards (Chapter 372.12);

h. State Board of Health Water Supply Rules and Regulations; and;

i. Cooperative Extension Service guidelines cited in the Shoreline Management Act WACs for agriculture.

j. Grazing/range practices and watering of livestock shall be permitted. Noxious weeds may be controlled. All fertilizers, pesticides, herbicides, and other chemicals will be used in accordance with best management practices and current labeling provided by the manufacturer.

k. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation and pollution.

l. The application of agricultural chemicals shall be conducted in a manner so as to prevent the direct runoff of chemical-laden waters into water-bodies in aquifer recharge areas as

defined by Stevens County. Adequate provision shall be made to avoid, in excess of legal tolerances, their entry into any body of water.

m. The disposal of inorganic farm wastes, chemicals, fertilizers and associated containers and equipment within shoreline jurisdiction is prohibited.

n. Commercial feedlots, containment areas, or manure storage facilities shall not be located within areas of shoreline jurisdiction (i.e. biological wetlands).

o. All fertilizers, pesticides, herbicides, and other chemicals will be used in accordance with best management practices and current labeling provided by the manufacturer.

.01 Natural and Conservancy:

a. Agricultural/range activities in these environments will be restricted to grazing and watering of livestock.

.02 Rural:

a. Irrigation and cultivation of land for the production of agricultural products is permitted in the Rural environment.

b. Agricultural practices that prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation and pollution are allowed.

c. A condition of development shall be adequate plans for protection/revegetation of shore vegetation and control of erosion during and after construction.

d. Developments which include farm oriented agricultural processing plants, feed mills and packing plants for the purpose of processing and packing of agricultural products produced on the property, if allowed, will be subject to the requirements of a Conditional Use Permit.

i. Proposed location of agriculturally oriented industries will be evaluated based on their compatibility with surrounding land and water uses and/or needs.

.03 Suburban and Urban:

a. All regulations that apply to the Rural environment shall apply to the Suburban and Urban environments.

6.04 AQUACULTURE

Aquaculture is the farming or culturing of food-fish, or other aquatic plants and animals in lakes, rivers, streams, estuaries and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods may include such activities as net penning.

Potential locations for aquacultural enterprises are relatively restricted due to specific project requirements such as water quality, temperature, oxygen content, and current. The technology associated with some forms of aquaculture is still experimental and in its formative states. Policies for aquaculture activities must reflect both the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems.

For the purposes of this section, related uses such as wholesale and retail sales, processing and product storage facilities are not considered aquaculture practices, and are subject to the policies for those uses in addition to the policies and regulations established in this section.

6.05 Aquacultural policies:

.01 Areas with high aquacultural use potential should be identified and protected from degradation from other types of land and water uses.

.02 The location of floating and submerged aquaculture structures should not unduly restrict navigation to or along the shoreline or interfere with general navigation lanes and traffic. Floating structures should remain shoreward of principal navigation channels.

.03 Aquacultural structures and activities that are not water-dependent should be located landward of the ordinary high water mark, as well as the other water dependent portions of the project.

.04 Aquaculture uses should not be located in areas devoted to existing aquatic uses (such as navigation, moorage, sport or commercial fishing, log rafting, underwater utilities).

.05 Proposals for aquaculture activities should include adequate provisions which minimize adverse impacts on the area's aesthetic values.

6.06 General regulations:

a. Aquacultural activities shall conform to applicable federal, state, and county policies and regulations.

b. Aquacultural activities may be permitted based on the compatibility with surrounding land and water uses and the area's capability to support such an activity.

c. Aquacultural structures and activities that are not water dependent (i.e. warehouses for storage of products, parking lots) shall, to the extent feasible, be located inland to minimize detrimental impacts to the shoreline.

d. Aquaculture activities shall not locate in main navigational channels or where they would obstruct navigational access of upland private property owners.

e. Shore support structures located in or over water shall only be permitted if it is clearly demonstrated that the use is dependent upon the location for aquaculture operations.

f. All floating aquaculture systems shall be marked for day and night visibility in accordance with U.S. Coast Guard requirements. Site boundaries shall also be marked so public use of the water can occur without interfering with the operation.

g. No aquatic organism shall be introduced into Stevens County waters without prior written approval of the Washington Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism proposed for introduction.

h. All aquaculture operations shall provide and maintain a water quality monitoring system to prevent, or minimize to the extent possible, degradation (i.e. nutrient loading/ eutrophication) of adjacent waters within one hundred (100) feet of said operation .

i. No processing of any aquacultural product, except for the sorting or culling or the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest.

j. Aquacultural wastes shall be disposed of in a manner that will ensure compliance with the State of Washington and/or Stevens County waste disposal standards. No garbage, waste or debris shall be allowed to accumulate excessively at the site of any aquaculture operation.

k. All hatchery and other aquaculture operations or structures shall be required to maintain, where feasible, a minimum fifty (50) foot wide vegetated buffer zone, free of noxious weeds, along the affected shoreline PROVIDED that clearing of vegetation shall be permitted for essential water access points and essential hatchery and fire safety purposes.

.01 NATURAL:

Aquaculture activities are not permitted.

6.07 BOATING FACILITIES

Boating facilities include marinas, both back-shore and foreshore, dry storage and wet moorage types, boat launch ramps, covered moorage, boat houses, and mooring buoys. A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide moorage for ten (10) or more boats. For regulatory purposes, large public or private community moorage facilities and camp or resort moorage areas will also be reviewed as marinas. Associated with marinas are boat launch facilities and supplies and services for small commercial and/or pleasure craft. Back-shore marinas are located land-ward of the ordinary high water mark. There are two common types of back-shore marinas, one with wet-moorage that is dredged out of the land to artificially create a basin; and the other, a dry moorage which has upland storage with a hoist, marine travel lift or ramp for water access. Foreshore marinas are located water-ward of the ordinary high water mark, and may require breakwater construction depending on the site location. Accessory uses to marinas may include fuel, docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle shops, potable water, waste disposal, parking facilities, groceries and dry goods.

6.08 Boating facilities policies:

- .01 Boating facilities should be located, designed and operated to protect resident fish and wildlife.
- .02 Boating facilities should be located and designed to minimize adverse effects upon shoreline features, processes, riparian habitats and wetlands.
- .03 Marinas and launch ramps should locate in areas where there is adequate natural water mixing and flushing and designed so as not to retard or negatively influence flushing characteristics (i.e. no stagnant backwaters).
- .04 Marinas should comply with the standards of the Washington State Department of Health Services and Coast Guard Marine Sanitation Device Regulations for marinas.
- .05 Marinas should comply with the guidelines prepared by appropriate agencies in the construction of marinas.
- .06 Public access on public lands should be provided as close to the waters' edge without adversely affecting a sensitive environment and should be designed with provisions for physically and mentally challenged persons.
- .07 Accessory uses should be limited to those which are water-dependent, water-related, or water-enjoyment.
- .08 Local as well as regional need input should be considered in marina location.

6.09 General regulations

- a. Boating facility development and/or renovations shall comply with all other applicable federal, state, and county agency policies and regulations including, but not limited to: the Department of Fish and Wildlife criteria for the design of bulkheads, landfills and marinas; the Department of Health Services regarding sewage disposal for marinas. Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers dredging standards; and state and federal standards relating to the storage of fuels and toxic materials.
- b. The use and enjoyment of the water and/or private beach belonging to adjoining private property owners shall not be unreasonably restricted or impaired by a marina or its users.
- c. Marinas and public launch ramps shall be located on shorelines where water depths are adequate to minimize the need for shoreline modification activities.

- d. Proposals for marinas shall include launch facilities unless the applicant can demonstrate that providing such facilities is not feasible.
- e. Boating facilities, dry moorage areas, parking and other storage areas shall be designed so that structures, features and operations will minimize adverse environmental impacts.
- f. Marinas and public launch ramps shall be designed, constructed and maintained so that public access areas are safe and accessible.
- g. Marina parking areas shall be designed and constructed to minimize surface runoff and water pollution.
- h. Noxious weeds will be controlled. All fertilizers, pesticides, herbicides, and other chemicals will be used in accordance with best management practices and current labeling provided by the manufacturer.
- i. Over-water parking facilities are prohibited.
- j. All marinas shall provide conveniently located restroom facilities unless the need for such facilities is shown not to exist.
- k. Garbage or litter receptacles shall be provided.
- l. The discharge of sewage and/or toxic material from boats and/or shore installations into the water is prohibited. (See Federal Marine Standards).
- m. Docks, floats, gangways, piers and ramps shall be kept in good repair and operated/maintained in a safe manner.
- n. Mooring buoys shall be located as close to the shore as practical.
- o. Where moorage is offered in new marinas, pump-out, holding and/or treatment facilities shall be provided, at a convenient location, for sewage contained on boats and/or vessels. Expanded or renovated existing marinas are encourage to offer such services.

.01 Natural:

- a. Boating facilities are not permitted in the Natural environment, except for hand launching of small watercraft.

.02 Conservancy:

- a. Marinas are not permitted in the Conservancy environment.
- b. Boat launch ramps are subject to the policies and regulations of this program.

6.10 COMMERCIAL DEVELOPMENT

Commercial development means those uses that are involved in wholesale, retail, service and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices and private or public indoor recreation facilities. Excluded from this category are residential subdivisions and industry.

Commercial developments are intensive users of space because of extensive floor areas and because of facilities such as parking, necessary to service them. Uses and activities associated with commercial development that are identified as separate use activities in this program such as Mining, Industry, Transportation Facilities, Utilities, Solid Waste Disposal, Piers and Docks, Bulkheads and Shoreline Stabilization and Flood Protection, are subject to the policies in those specific sections as well as the standards for commercial development established herein.

6.11 Commercial policies:

.01 Commercial developments should be encouraged to locate inland from the shoreline area unless they are dependent on a shoreline location or would have minimal adverse impacts on the shoreline environment. Commercial developments over water or in biological wetlands should be discouraged.

.02 New commercial development on shorelines should locate in a manner that will minimize sprawl and the inefficient use of shoreline areas.

.03 New commercial development should be located in those areas where current commercial uses exist. Non-recreational commercial developments should be located in areas with low potential for recreation or other public uses.

.04 Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of access points. Access should be designed to minimize potential conflicts with regular corridor traffic.

.05 Multiple use concepts which include open space and recreation should be encouraged in commercial developments.

6.12 General regulations:

a. Commercial development or activities will be permitted provided they do not substantially change the character of the environment and meet program standards.

b. Permitted commercial development in biological wetlands or other sensitive areas shall be done in accordance with all applicable county, state and federal standards.

c. Water-dependent commercial development shall not be subject to setback standards.

d. Water-oriented uses that are consistent with this program shall be set back a minimum of twenty-five (25) feet from the OHWM.

e. Non water-oriented commercial uses shall be set back a minimum of one-hundred (100) feet from the OHWM.

f. Commercial development shall be designed and maintained in a neat and orderly manner, consistent with the character and features of the surrounding area.

g. Noxious weeds will be controlled. All fertilizers, pesticides, herbicides, and other chemicals will be used in accordance with best management practices and current labeling provided by the manufacturer.

h. Parking areas associated with the commercial uses shall be set back one hundred (100) feet from the ordinary high water mark and shall be designed/constructed to minimize surface runoff and water quality degradation.

.01 Natural:

Commercial uses shall not be permitted.

.02 Conservancy:

a. Commercial shall not be permitted, except for low intensity recreational uses that do not significantly change the character of this environment.

6.13 FLOOD CONTROL MANAGEMENT

Flood management projects are those actions taken with the primary purpose of preventing or mitigating damage due to flooding. Flood management projects or programs may employ any or several physical or regulatory controls including dikes, dams, lakes, engineered floodways, bioengineering, and land use management. These provisions also apply to flood control systems that are enlarged or otherwise modified.

6.14 Flood control policies:

- .01 Flood control programs should be a coordinated effort of Stevens County residents, other affected persons and appropriate agencies and should be aimed at both current and future needs.
- .02 The need for continued multiple use should be given paramount consideration.
- .03 Flood management works should be located, designed, constructed and maintained to not cause significant damage to private property and valuable resources while maintaining the physical integrity of the shoreline area.
- .04 Non-structural control solutions are preferred over structural flood control devices, and should be used wherever possible.
- .05 Substantial stream channel modification, realignment and straightening should be discouraged as a means of flood protection unless other methods are proven unsatisfactory for the project.
- .06 In design of publicly financed or subsidized works, consideration should be given to providing public pedestrian access to the shoreline for low intensity outdoor recreation.

6.15 General regulations:

Emergency measures shall be allowed in all environments where there is an imminent substantial threat to life and/or property in accordance with RCW 90.58.030 (3)(e)(ii) and WAC 173-14-040(1)(d) which states: 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.

- a. Flood protection measures shall be designed and construction based on the National Flood Insurance Program and consistent with the Stevens County Floodplain Ordinance.
- b. Stevens County will require and utilize the following information during its review of shoreline flood protection proposals.
 - i. River channel hydraulics and floodway characteristics in proximity of the proposed project.
 - ii. Existing shoreline stabilization and flood protection works within the area.
 - iii. Natural resources of the area.
 - iv. Existing and proposed shoreline and water uses for the area.
- c. The County may require professional design of flood protection where such projects may cause interference with normal river geo-hydraulic processes, leading to erosion of other upstream and downstream shoreline properties or adverse effects to shoreline resources and uses.
- d. Any structural flood control measures shall be located land-ward of the meander belt or the regulated floodway, whichever is greater
- e. Non-structural flood control solutions are preferred over structural flood control devices, and shall be used whenever possible.

.01 Natural:

a. Flood protection measures are prohibited, except for vegetative bank stabilization projects that will require a Conditional Use Permit.

.02 CONSERVANCY:

a. Flood protection measures will require a Conditional Use Permit.

6.16 COMMERCIAL FOREST MANAGEMENT PRACTICES

Forest Practices are uses and activities relating to the growing, harvesting and limited processing of timber. This includes, but is not limited to (1) site preparation and regeneration; (2) protection from insects, fire and disease; (3) silviculture practices such as thinning, fertilization and release from competing vegetation; and (4) harvesting. Forest practices do not include log storage. (See section on Industrial Activities.) Timber cutting alone is not a development subject to a substantial development permit. However, road building or grading for landings or major fire trails are developments and are subject to substantial development permits. Although some forest practices may not be considered developments, such practices are uses that must comply with the policies of the Shoreline Management Program.

6.17 Commercial forest management policies:

.01 Timber harvesting practices should be conducted so as not to degrade existing water quality, quantity and fish habitat, and to avoid adverse impacts to upland wildlife habitat.

.02 Tractor logging should be avoided on shorelines with slopes of such grade and/or soil types that would likely cause serious sediment runoff, unless adequate restoration and erosion control can be accomplished.

.03 Special attention should be given in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.

.04 Reforestation within shoreline areas should be accomplished as quickly as possible in accordance with the Forest Practices Act. Replanting/regeneration should be done with native species common to the area.

.05 Skid roads and fire trails should be located to minimize the disturbance to shoreline resources. They should be rehabilitated as necessary to prevent erosion and import of sediments into contiguous waterways.

6.18 General regulations:

Fire control measures are allowed in all environments when there is an imminent substantial threat to life and/or property in accordance with RCW 90.58.030 (3)(e)(ii) and WAC 173-14-040(1)(d) which states: 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.

a. All commercial timber harvesting shall be done in compliance with current and/or amended rules and regulations adopted under the Forest Practice Act.

b. Cutting in wetlands shall be done in accordance with Forest Practices Regulations. Trees shall be directionally felled away from water and biological wetlands.

c. Except for snag removal required by the Department of Labor and Industries, all snags, non-merchantable trees, down timber within a minimum of 30 feet, measured horizontally, of the ordinary high water mark, of biological wetlands shall be left intact.

d. Wheeled and tracked equipment shall not be allowed within a minimum of 30 feet of the ordinary high water mark nor within biological wetlands, except when removal of logs or debris in the water is required by the Department of Fish and Wildlife. Impacts should be restricted to the minimum area possible.

e. When timberland is to be converted to another use, such conversion shall be clearly indicated on the forest practice application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent development proposals being reviewed as conditional use. Such failure to declare to convert on the application shall provide adequate grounds for denial of subsequent development proposals for a period of six years from date of Forest Practices application approval (RCW 76-09-060(3)(b)(i)). Timber harvest for conversion purposes shall not be permitted until any required shoreline permits have been issued for the land division and/or intended subsequent use.

f. Application of herbicides shall be permitted within the Riparian Management Zone (RMZ) as determined by current Forest Practices Rules and current chemical manufacturing labeling.

g. Application of insecticides shall be allowed within the RMZ in accordance with Forest Practices Rules and current chemical manufacturing labeling.

.01 Natural:

- a. Forest practices in the Natural environment shall be permitted where it is necessary to:
 - i. prevent, control or suppress an epidemic of insects or diseases which may threaten adjacent timber stands by Conditional Use Permit; or
 - ii. intervene for fire control, consistent with emergency provision cited above.

.02 Conservancy:

- a. Timber harvesting shall be permitted on a long-term management basis.
- b. Forest practices shall comply with all regulations that pertain to the Rural Environment.

.03 Suburban and Urban:

a. Commercial timber harvesting practices in the Suburban and Urban environments shall not include clear cutting of timber unless incidental to the preparation of land for other uses consistent with this program. (i.e. land conversion)

6.19 Regulations for Shorelines of State-wide Significance:

a. For Shorelines of State-wide Significance, commercial timber cutting within 200' for the ordinary high water mark shall be by selective cutting and shall not exceed 30% of the merchantable trees in any ten-year period of time: Provided, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: Provided further, That clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by the Act may be permitted (RCW 90.58.150).

b. Forest practices shall comply with all regulations contained in the Commercial Forest Management Practices provisions of this master program.

6.20 IN-STREAM STRUCTURES

In-stream structures function for the impoundment, diversion, or use of water for hydroelectric generation and transmission (both public and private), flood control, irrigation, water supply (both domestic and industrial), recreational or fisheries enhancement. Both the structures themselves and their support facilities are covered by this section. This applies to their construction, operations and maintenance, as well as the expansion of existing structures and facilities.

6.21 In-stream policies:

.01 In-stream structures and associated facilities should provide for the protection of natural and cultural resources.

.02 In-stream structures and their support facilities should be designed to minimize removal of riparian vegetation and the necessity for substantial shore defense structures.

.03 The expansion of legally existing hydroelectric facilities or the integration of hydroelectric facilities within existing flood control, irrigation, or water supply facilities is preferred over the development of new facilities. When new sites are considered, sufficient evidence should be presented to demonstrate that existing facilities are fully utilized or are not practicably available.

.04 In-stream structures should be designed and constructed to insure public access on public lands to and along the shoreline in accord with this management program. Existing public access and recreational opportunities should be retained, enhanced or replaced.

.05 In-stream structure should provide trails and other access links as well as appropriate accessory facilities, such as parking and sanitary facilities if recreational opportunity is created.

6.22 General regulations:

a. Temporary and emergency erosion control drainage measures such as silt curtains, berms and storm-water catch basins shall be utilized during and after construction to prevent shoreline erosion, minimize surface runoff and siltation of the water body.

b. Service roads shall be designed and located to minimize vegetation removal erosion and sedimentation.

c. Powerhouses and penstocks shall be designed, located and constructed in such a manner as to avoid extensive topographical alteration and to minimize impacts to the natural features of the shoreline.

d. Heavy construction equipment, including fuel storage and repair areas, and construction material staging areas shall not be stored or located within two-hundred (200) feet of the ordinary high water mark.

f. Hazardous and/or toxic materials storage shall meet all federal/state hazardous waste regulations. Materials stored outside of the jurisdiction of the Shoreline Management Program shall be prevented from entering the water through accidental spillage.

.01 Natural:

a. In-stream structures are not permitted.

6.23 INDUSTRY

Industry located along the waterfront is typically thought of as port development but can also include all types of non-water oriented industrial uses as well as other water-dependent

and water-related uses and activities. Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods.

Ports and centers for water-borne traffic have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available. Included in the Industry section are such activities as log storage, log rafting, petroleum storage, hazardous waste transport and storage, concrete and asphalt batching, etc. Excluded from the Industry category are Boating Facilities, Piers and Docks, Mining (including on-site processing of raw materials), Utilities, Solid Waste Disposal and Transportation Facilities.

Activities associated with industrial development which are identified as separate use activities in this program such as Dredging; Transportation Facilities; Utilities; Piers and Docks; Bulkheads; Breakwaters, Jetties and Groins; Shoreline Stabilization and Flood Protection are subject to the policies established for those sections in addition to the provisions for industry established in this section.

6.24 Industry policies:

.01 Water-dependent and related industries should be given priority over non-water oriented dependent industrial uses.

.02 Industrial development should not be located on sensitive shorelines such as natural accretion shore-forms, biological wetlands or critical wildlife habitat areas, nor on shores inherently hazardous for such development such as flood and erosion prone areas and steep or unstable slopes.

.03 Industrial development should be located, designed, and managed in a manner which prevents water quality degradation. Adequate setbacks should apply.

.04 Sewage treatment, water reclamation and power plants should be located where they create minimum interference with and/or are compatible with recreational, residential or other public uses of water and shorelands within jurisdiction of this program.

.05 Dry land log storage is preferred over water storage for logs.

.06 Vegetated areas, retention ponds, or other means should be used to minimize surface runoff and water pollution at log storage sites.

6.25 General regulations:

a. Water-dependent industrial uses shall require no setback from the OHWM.

b. Water-related industrial uses that are consistent with this program shall be set back a minimum of twenty-five (25) feet from the OHWM.

c. Non water-dependent or related industrial uses shall be set back a minimum of one-hundred (100) feet from the OHWM.

d. Industrial development shall be located, designed and operated to be compatible with and minimize adverse impacts on shoreline quality.

e. Accessory development which does not require a shoreline location shall be sited upland of the water-dependent portions of the development; this category includes parking, warehousing, open air storage, waste storage and treatment or storm runoff control facilities, utilities and land transportation development.

f. Expansion or alteration of existing industrial development on shorelines that is neither water-dependent nor water-related will not be permitted.

g. Sewage treatment, water reclamation and power plants shall be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shore-lands. (See Utility section)

h. Storage and/or disposal of industrial wastes is prohibited within shorelines jurisdiction (i.e. jurisdictional wetlands), provided that wastewater treatment systems may be allowed in shoreline areas only if alternate, inland areas have been adequately proven infeasible.

i. At new or expanded port and industrial developments, the best available facilities and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water and adequate means shall be employed for prompt and effective clean-up of those spills that do occur.

.01 Natural and Conservancy:

Industrial development is not permitted.

6.26 MINING

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition "processing" includes screening, crushing, stockpiling, asphalt mixing operations and concrete batching operations, all of which utilize materials removed from the site where the processing activities are located. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, see Industry for standards relating to such uses.

6.27 Mining policies:

.01 All practical measures should be taken to protect water bodies from all sources of pollution, including but not limited to sedimentation and siltation, chemical use and spillage, and storage or disposal of mining wastes and spoils.

.02 Mining activities should allow the natural shoreline systems to function with a minimum of disruption during their operations and should return the site to pre-project or better condition upon completion.

.03 Mining activities should be encouraged to be located outside shoreline areas in preference to shoreline location.

6.28 General regulations:

a. Mining activities where permitted shall comply with all federal, state, and county regulations, including federal water quality standards and pollution control laws.

b. Excavation of sand, gravel, and other minerals shall be done in strict conformance to the Washington State Mine Surface Reclamation Act (Chapter 78.44 RCW)

c. Reduction, treatment, and processing of mineral materials shall be prohibited within jurisdictional wetlands.

d. All mining activities undertaken water-ward of the ordinary high water mark must also comply with the dredging policies and regulations contained in this program.

e. Mining activities within floodplains shall require a Flood Control Zone Permit as required in RCW Chapter 86.16.

f. Reclamation plans submitted with each permit application shall provide for reclamation of the site into a use that is permitted by this program and shall indicate when said reclamation shall occur.

g. All equipment, machinery, buildings and structures not involved in reclamation activities shall be removed from the site within eighteen (18) months after mining operations have ceased.

- h. Backfill material shall be of natural, compatible materials. Combustible, flammable, noxious or toxic waste materials are not permitted as backfill.
- i. The site shall be rehabilitated so as to prevent erosion and sedimentation during and after reclamation.
- j. Suitable drainage systems shall be installed and maintained if natural, gradual drainage is not possible. Such systems should collect, treat and release surface runoff so as to prevent erosion and sedimentation.
- k. If substantial evidence indicates that mining operations are causing or continuation of operation would cause, significant adverse impacts to water quality or to the geohydraulic functioning of a river, the County may terminate the shoreline permit or impose further conditions on the mining operation based on such impacts.
- l. Revegetation shall consist of compatible, self-sustaining appropriate trees, shrubs, legumes, forbs and/or grasses. Noxious weeds shall be controlled.
- m. All toxic and acid-forming mining refuse and materials shall be either treated so as to be non-polluting prior to onsite disposal, or removed and properly disposed of away from shoreline areas.

.01 Natural and Conservancy:

- a. Mining activities shall be not be permitted

6.29 RECREATION DEVELOPMENT

Recreational development provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation or amusement. It includes facilities for passive recreational activities such as hiking, photography, viewing and fishing as well.

Recreational activities may also includes facilities for active or more intensive uses such as parks, campgrounds, recreational vehicle parks hunting areas, golf courses and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or private clubs, groups, or associations.

Water-related recreation accounts for a large portion of all recreational activity in Stevens County.

6.30 Recreational development policies:

- .01 A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
- .02 Recreational developments should be located, designed and operated to be compatible with and minimize adverse impacts on shoreline quality.
- .03 Recreational facilities for intensive recreational activities should locate where sewage disposal control can be accomplished to meet public health standards without adversely altering the environment.
- .04 Developments that provide recreational uses and other improvements facilitating access to the shorelines should be encouraged.
- .05 Parking areas should not be located in the immediate shoreline area and access should be provided to and between recreation areas.
- .06 The location and design of shoreline recreational developments should relate to local population characteristics, density and special activity demands.
- .07 The use of off-road vehicles should be discouraged in all shoreline areas, except where special areas have been set aside for this purpose.
- .08 Trails and pathways on steep shoreline bluffs should be located, designed and maintained to protect bank stability.

.09 All permanent recreational structures and facilities should be located outside officially mapped floodways provided the County may grant permission for non-intensive minor accessory uses (i.e. picnic tables, etc.)

.10 Recreational developments must take traffic circulation patterns into consideration.

.11 Developers of golf courses and playgrounds utilizing a shoreline location must submit plans to the Stevens County Planning Department describing methods of preventing fertilizers and pesticides from entering the adjoining water body.

.12 Recreational facilities should make adequate provisions, such as vegetated screening, buffer strips, fences and signs to prevent overflow, trespass, and protect the value and enjoyment of adjacent and/or nearby private properties.

.13 Recreation facilities/developments will provide for adequate solid waste removal.

6.31 General regulations:

a. Recreational facilities and/or uses shall comply with all applicable regulations of the State of Washington, Stevens County and this program.

b. Recreational facilities/structures shall not be built over water, except water-dependent and/or public access structures such as piers, docks, bridges or viewing platforms.

c. All facilities/structures, including parking, shall be designed, constructed and maintained to minimize adverse environmental impact and water quality degradation.

d. New recreational development facilities shall be setback a minimum of fifty (50) feet from the OHWM unless it can be shown that said facilities are water-dependent.

e. Sanitation facilities shall comply with and be limited to methods/standards approved by the Northeast Tri-County Health District.

.01 Natural:

a. Non-intensive recreational activities such as trails and hand-launched boat facilities may be permitted.

.02 Conservancy:

a. Permitted uses shall be limited to low-intensive recreational activities and associated facilities not requiring a significant change in the Conservancy environment. For such uses, a minimum of 100 foot setback from the OHWM shall apply.

.03 Rural, Suburban and Urban:

a. New recreational development facilities shall comply with all general regulations of this section and other applicable requirements of the Act and this program.

6.32 RESIDENTIAL DEVELOPMENT

Residential development/construction means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single family residences, duplexes, other detached dwellings, multi-family residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and short subdivisions together with accessory uses and structures normally applicable to residential uses. Such accessory uses may include garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Residential development does not include hotels, motels or any other type of overnight or transient housing or camping facilities.

The popularity of waterfront property along river and lake-shores is increasing. Impacts of clearing and grading on fragile riparian habitats and shorelines, septic systems on water quality and leaching

and runoff from lawn and garden chemical applications have a cumulative impact on shorelines and associated water bodies. Although a single-family residence is exempt from the substantial development permit process, it still must comply with the provisions of these residential sections and the rest of this Master Program. Subdivisions and short subdivisions must also comply with the provisions of these sections as well as the other applicable provisions of this Master Program. Uses and facilities associated with residential development that are identified as separate use activities in this program, such as Boating Facilities; Piers and Docks; Bulkheads; Shoreline Stabilization and Flood Protection; Utilities; Landfill; and Clearing and Grading are subject to the policies and regulations established for those uses in addition to any special provisions relating to residential areas established in these sections.

6.33 Residential development policies:

- .01 Residential development should include adequate provisions for utilities, circulation and access.
- .02 Residential development should not damage critical areas (i.e. biological wetlands, geologically sensitive areas, floodways, etc).
- .03 Residential development should be located and designed to minimize the need for structural shore defense and flood protection works. (See Bulkheads under Shoreline Modification Activities)
- .04 Floating and over water homes are prohibited.
- .05 If biological wetlands are located on a development site, clustering (or similar design) should be utilized to avoid the adverse impacts of development in these areas.
- .06 Storm drainage facilities where required should be separate, not combined with sewage disposal systems. Storm systems may include retention ponds, vegetated swales, and artificial wetlands.

6.34 General regulations:

- a. New residential shoreline development on new lots shall have a minimum setback of fifty (50) feet from the ordinary high water mark (OHWM).
- b. **In existing residential areas, a common line setback will be recognized as the program standard.** This shall not be construed to allow residential development water-ward of the OHWM. The average of setbacks from the OHWM for existing dwelling units within three hundred (300) feet of side property lines shall apply. This will be accomplished by an incremental increase of the setback from the OHWM until the required setback standard for the environment designation is met. The minimum setback of fifty (50) feet from the OHWM shall apply where adjoining residences are not within three hundred (300) feet of the side property lines
- c. Any relief from program setback standards shall be in accordance with Sections 8.15, 8.16, and 8.18, of this program, Variance Criteria/Findings and Administrative Adjustments, as applicable.
- d. Uncovered porches, decks or steps may project into the required setback provided such structures are no higher than thirty (30) inches above the average grade, excluding railings. This shall not be construed to allow development water-ward the OHWM.
- e. If the dwelling is destroyed/damaged by fire and/or other natural disaster the residence may be rebuilt at the existing foundation location. However, rebuilding of any residential structure or any part thereof over the OHWM is not permitted.
- f. New single family residential shoreline development shall have a minimum lot shoreline frontage of seventy-five (75) feet.
- g. New residential shoreline development shall have a minimum side property set back of ten (10) feet.
- h. Existing lots less than seventy-five (75) feet in width shall have five (5) feet side setbacks.
- i. Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and Northeast Tri-County Health District Regulations.

- j. Residential developments shall be required to indicate how they will minimize impacts to existing shoreline vegetation and erosion control. Noxious weeds shall be controlled by the landowner.
- k. All fertilizers, pesticides, herbicides, and other chemicals will be used in accordance with best management practices and current labeling provided by the manufacturer.
- l. New residential development water-ward of the OHWM is prohibited.
- m. Floating homes are prohibited.
- n. All land division and/or subdivision within "shorelines of the state" shall be reviewed for consistency with this program, SEPA, Floodplain and/or other applicable Stevens County Ordinances.
- o. All new development shall comply with all applicable policies and regulations of this and other applicable county programs.

.01 Natural:

- a. Residential development activities are not permitted.

.02 Conservancy:

- a. All new residential development will be subject to a minimum setback of one hundred (100) feet from the OHWM and have a minimum of seventy-five (75) feet lot (shoreline) frontage.
- b. All new development shall comply with all applicable policies and regulations of this and other applicable county programs.
- c. Shoreline topography and vegetation alteration shall be the minimum necessary for placement of the residence.

6.36 TRANSPORTATION FACILITIES

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane facilities, and other related support facilities. The various transport facilities that can impact the shoreline cut across all environmental designations and specific use categories. The policies identified in this section pertain to any project that affects some change in present transportation facilities.

6.37 Transportation policies:

- .01 Transportation facility planning/proposals should be consistent and coordinated with all federal, state and/or local planning efforts and regulations.
- .02 Wherever feasible, major transportation routes should be located away from shorelines except in port and heavy industrial areas.
- .03 All road construction in shoreline areas should be done in such a manner as to minimize alteration of natural conditions. Waste material should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.
- .04 Provisions should be encouraged for sufficient view points, rest areas and picnic areas on public shorelines. Facilities should provide safe access for the physically and mentally challenged.
- .05 Trail and bicycle systems should be encouraged along public shorelines where feasible.
- .06 Transportation facilities should avoid hazardous shoreline areas (e.g. slide and slump areas, poor foundation soils, and marshes)
- .07 Joint use of transportation corridors within shoreline areas for roads, utilities and non-motorized forms of transportation should be encouraged.

6.38 General regulations:

- a. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized forms of transportation shall be encouraged.

- b. Transportation facilities in shoreline areas shall be located, designed and maintained to minimize surface runoff and the need for shoreline protective measures.
- c. Transportation facilities shall have a minimum setback of 50 feet from the OHWM unless proven infeasible or use is water-dependent.
- d. No machinery shall operate within a stream-bed except in compliance with a hydraulics permit issued by the Washington State Department of Fish and Wildlife.
- e. Culverts and similar devices shall be designed, at a minimum, to accommodate the 50 year storm frequencies, and shall be located so as to avoid relocation of the stream channel.
- f. Deposit of excess road building material/waste within the shorelines of jurisdiction shall not be permitted.
- g. Landfills for transportation facility development are not permitted in water bodies or on associated wetlands and beaches, except when all alternatives have been proven infeasible.
- h. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible.
- i. Commercial and private aircraft facilities within jurisdiction of this program shall conform to FAA standards and applicable regulations of this program.

.01 Natural:

- a. Transportation facilities shall only be permitted in the natural environment where such facilities are consistent with the purpose and intent of the natural environment.
- b. Non-motorized forms of transportation and pedestrian pathways are allowed provided they are designed and constructed to minimize impacts to shoreline resources.

.02 Conservancy:

- a. Motorized transportation facilities shall be limited to secondary and access roads that serve permitted uses and are in compliance with this program.
- b. Facilities for non-motorized forms of transportation and pedestrian pathways are allowed provided they are designed and constructed to minimize impacts.

6.39 UTILITIES

Utilities are services and facilities that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, solid waste, communications, oil and the like. The provisions in this section apply to primary use and activities such as solid waste handling and disposal, sewage treatment plants and out-falls, public transmission utility lines on public property or easements, power generating or transfer facilities, gas transmission lines and storage facilities. Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste on any land area or in the water or as defined in WAC 173.304. Solid waste includes all putrescible (organic matter capable of decomposition, resulting in foul odors) and non-putrescible solid and semi-solid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, log yard wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, household appliances and other discarded commodities. Solid waste does not include sewage, dredge spoil, or agricultural or other commercial logging wastes not specifically listed above. (See WAC 173.304.100) (See Stevens County Hazardous Waste Siting Ordinance NO.3-1992)

6.40 Utilities policies:

- .01 Utility development proposals should be consistent and coordinated with all federal, state, and/or Stevens County planning programs.
- .02 New facilities should be located so as not to require extensive shoreline protection works.

.03 Utility facilities and rights-of-way should be designed to protect the landscape and to minimize conflicts with present and planned land uses.

.04 Utility development should, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner and is consistent with permitted uses of this program.

.05 Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.

6.41 General regulations:

a. Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new or parallel corridors in shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.

b. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest most direct route feasible, unless such route would cause significant environmental damage.

c. Utility development shall be located and designed so as to minimize the use of any structural or artificial shore defense or flood protection works.

d. Underground (or water) utility lines shall be completely buried under the river bed in river or stream crossings, except where such lines may be affixed to a bridge structure, and except for appropriate water or sewage treatment plant intake pipes or outfalls.

e. Clearing of vegetation for design/construction of utilities shall be done to minimize runoff and water quality degradation. Upon project completion, any disturbed area shall be revegetated with native species and maintained until established.

f. Utilities shall not locate in biological wetlands, critical wildlife areas or other unique and fragile areas, unless no feasible alternative exists.

g. Solid waste landfills or their associated facilities shall not be permitted within the jurisdiction of the Stevens County Shoreline Master Program.

h. Random or negligent dumping of solid waste is prohibited in Stevens County within jurisdiction of this program.

i. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality, are prohibited under this program unless no other alternative exists or permitted by federal/state law. In those limited instances, a Conditional Use Permit shall be required, and automatic shut off valves shall be provided on both sides of the water body.

j. Utility developments in Stevens County shall comply with the Washington State Thermal Power Plant Siting Law (Chapter 80.50 RCW) which regulates the location of electrical generating and distribution facilities.

k. Power generating facilities not otherwise regulated by federal law are not permitted.

.01 Natural:

a. Utility development shall only be permitted in the natural environment where such facilities are consistent with the purpose and intent of the natural environment.