

GRANT COUNTY

FINAL SHORELINE MASTER PROGRAM



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Prepared for
Grant County

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SECTION I: Shoreline Goals and Policies (RCW 90.58.100)

Introduction

Grant County Shoreline Master Program intends to implement the requirements of the Washington State Shoreline Management Act (SMA) (Revised Code of Washington (RCW 90.58). The SMA was enacted in 1971 to provide for the management and protection of shorelines of the state by regulating development in the shoreline area. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." (RCW 90.58.020) The SMA requires cities and counties to adopt a Shoreline Master Program to regulate shoreline development and accommodate "all reasonable and appropriate uses" consistent with "protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life... and public rights of navigation." Grant County adopted its Shoreline Master Program in 1975. The Department of Ecology adopted the 2003 Shoreline Management Act Guidelines (Chapter 173-26 Washington Administrative Code (WAC)) (Guidelines) which require local government review and updates of Shoreline Master Programs. The updated version of the Grant County Shoreline Master Program provides goals, policies, and regulations for the development of Grant County shorelines.

Relationship to GMA

- (a) A Shoreline Master Program (SMP) contains goals, policies, regulations, and a use map that guides shoreline development in accordance with the SMA (RCW 90.58), Washington State Department of Ecology (Ecology) SMP Guidelines (WAC 173-26), and Shoreline Management Permit and Enforcement Procedures (WAC 173-27).
- (b) The provisions of this program implement the requirements of the SMA. The County's SMP is integrated with the County's land use regulation system. Consistent with RCW 36.70A.480, the goals and policies contained in this SMP shall be considered an element of the County's comprehensive plan required by the Growth Management Act. All other portions of this SMP, including the use regulations, are considered a part of the County's development regulations required by the Growth Management Act, and be part of the Unified Development Code.
- (c) The Inventory and Characterization Report; Restoration Plan; Cumulative Impacts Analysis; No Net Loss Report; and Public Participation Plan are supporting documents, and are not adopted as part of this Program or the County's Comprehensive Growth Management Plan.
- (d) The Inventory and Characterization Report establishes the baseline against which the standard "no net loss of shoreline ecological functions" is measured. The Restoration Plan identifies and prioritizes shoreline restoration opportunities that may be undertaken independently or in conjunction with mitigation for development impacts to improve shoreline ecological functions over time.

Profile of the Shoreline Jurisdiction within Grant County

The Washington State Shoreline Management Act defines the Shoreline of the State as "all 'shorelines' and 'shorelines of statewide significance' within the state" (RCW 90.58.030). Grant County's SMP encompasses shoreline along five rivers and streams, and 80 lakes as listed below.

The shoreline includes floodways; land within 200 feet of the ordinary high water mark (OHWM) of the waterways; floodplains up to 200 feet from the floodway edge; and associated wetlands. Grant County shoreline jurisdiction includes all shoreline within the unincorporated County and UGAs. Shoreline within UGAs will be regulated by each city's regulations once they are annexed to the city.

Rivers and Streams

(a) Columbia River

(b) Lower Crab Creek

(c) Upper Crab Creek

(d) Rocky Ford Creek

(e) Lind Coulee

(f) Sand Hollow Creek (approximately 1100 feet west of the intersection of Road 11 SW and Road R SW crossing (Lat. 46°N 55'42"; Long. -119°52' 57") to the confluence with the Columbia River)

Lakes and Reservoirs

Table 1. Shoreline Jurisdiction Lakes

Lake Name	Total Area Proposed Shoreline (acres)	Included in 1975 SMP	Lake Name	Total Area Proposed Shoreline (acres)	Included in 1975 SMP
Alkali Lake	286	Yes	Park Lake	340	Yes
Ancient Lakes	33	Yes	Pit Lakes	39	No
Babcock Ridge Lake ¹	22	Yes	Potholes Reservoir	14,773	Yes
Banks Lake	26,291	Yes	Quincy Lake	54	Yes
Billy Clapp Lake	974	Yes	Red Rock Lake	154	No
Blue Lake	544	Yes	Rocky Ford Creek (Lake -North) ⁴	153	Yes
Blythe Lake	37	Yes	Rocky Ford Creek (Lake -South) ⁵	23	Yes
Bobby Lake	20	No	Roosevelt Lake	220	Yes
Brook Lake	404	Yes	Round Lake	66	Yes
Burke Lake	69	Yes	Royal Lake	20	No
Burkett Lake	41	No	Saddle Mountain Lake	639	No
Canal Lake	79	Yes	Saddle Mountain Wasteway ⁶	77	No

Lake Name	Total Area Proposed Shoreline (acres)	Included in 1975 SMP	Lake Name	Total Area Proposed Shoreline (acres)	Included in 1975 SMP
Chukar Lake	22	Yes	Sand Coulee Siphon	56	No
Coffee Lake ¹	22	No	Sand Hollow Lake	66	No
Corral Lake	71	Yes	Sand Lake ⁷	39	Yes
Crater Lake ¹	20	Yes	Soap Lake	830	Yes
Crescent Bay	94	Yes	Soda Lake	180	Yes
Crescent Lake	22	Yes	South Teal Lake ⁸	21	Yes
Deep Lake	105	Yes	South Warden Lake	24	Yes
Dry Falls Lake	95	Yes	Stan Coffin Lake	53	Yes
Dusty Lake	75	Yes	Susan Lake	25	Yes
Evergreen Reservoir	255	Yes	Thompson Lake	32	Yes
Flat Lake	85	Yes	Un-named Lake in T15-0N R23-0E S28 ⁹	91	Yes
Hampton Lake (North)	71	Yes	Un-named Lake in T15-0N R23-0E S28 ⁹	71	Yes
Hampton Lake (South) ¹	22	Yes	Un-named Lake in T17-0N R25-0E S04 ⁷	13	Yes
Heart Lake ¹	23	Yes	Un-named Lake in T17-0N R26-0E S07 ^{7,10}	105	Yes
Hilltop Lake ²	68	Yes	Un-named Lake in T17-0N R27-0E S05 ⁷	27	Yes
Lenice Lake	88	Yes	Un-named Lake in T17-0N R29-0E S34 ¹⁰	25	No
Lenore Lake	1,412	Yes	Un-named Lake in T18-0N R25-0E S31 ⁷	61	Yes
Little Soap Lake	123	Yes	Un-named Lake in T18-0N R26-0E S11 ^{7,10}	25	Yes
Long Lake (North) ³	18	Yes	Un-named Lake in T18-0N R26-0E S14 ⁷	148	Yes
Long Lake (South)	95	Yes	Un-named Lake in T18-0N R26-0E S15 ⁷	33	Yes
Lower Goose Lake	65	Yes	Un-named Lake in T18-0N R26-0E S36 ⁷	40	Yes

Lake Name	Total Area Proposed Shoreline (acres)	Included in 1975 SMP	Lake Name	Total Area Proposed Shoreline (acres)	Included in 1975 SMP
Marsh Unit One	25	No	Un-named Lake in T18-0N R27-0E S31 ⁷	43	Yes
Martha Lake ¹	27	Yes	Hiawatha Lake (formerly "Un-named Lake in T19-0N R27-0E S29")	72	No
Moran Slough	36	Yes	Un-named Lake in T22-0N R29-0E S23	29	Yes
Moses Lake	6680	Yes	Trail Lake (formerly "Un-named Reservoir in T24-0N R28-0E S27")	129	No
North Teal Lake	22	Yes	Upper Goose Lake	130	Yes
Nunnally Lake	163	Yes	Warden Lake	200	Yes
Osborn Bay Lake	312	Yes	WinchesterLakes ¹¹	424	Yes
			Windmill Lake	36	Yes

¹ These lakes were originally shown as less than 20 acres in the data provided, but were re-digitized by Anchor QEA to confirm their area based on observation of the 2011 aerial photo.

² Referred to as Hillton Lake in USGS topography mapping and the digital dataset provided; however, the 1975 SMP refers to this lake as Hilltop Lake.

³ A 3-acre portion of this lake is located outside of Grant County, for a total of 21 acres.

⁴ This lake is referred to as Ephrata Lake in some maps; it was attributed as Rocky Ford Creek in the data provided.

⁵ This pond is located on the upstream side of the hatchery; it was attributed as Rocky Ford Creek in the data provided.

⁶ This is an un-named lake located in an area referred to as Saddle Mountain Wasteway in USGS topography mapping.

⁷ Part of the greater Winchester or Frenchman Hills Wasteway complexes of lakes, ponds, and wetlands. The definition of these waterways in the 1975 SMP is unclear. Here it is assumed that these waterbodies are included in the 1975 jurisdiction.

⁸ South Teal Lake meets the 20 acre threshold when the portion of the lake outside the County boundary is included.

⁹ These two rows are part of the same waterbody, and have been re-digitized in the digital data set. Its total area exceeds 20 acres.

¹⁰ The polygons provided encompass both wetland and open-water areas. Anchor QEA measured the open water areas and established these lakes were greater than 20 acres in area.

¹¹ These two lakes are just north of I-90 and referred as Winchester Wasteway Lakes 1 and 2. It is assumed that these waterbodies are included in the 1975 jurisdiction.

Shorelines of Statewide Significance

The SMA designates certain shoreline areas as shorelines of statewide significance. The shorelines so designated are "natural rivers or segments thereof" that have a mean annual flow of two hundred (200) cubic feet per second (cfs) or more [or for streams east of the crest of the Cascades (RCW 90.58.030), the portion downstream from the first 300 square miles of drainage area]; and lakes, whether natural, artificial, or a combination thereof, of 1,000 acres or greater in surface area. Rivers and lakes in Grant County which are shorelines of statewide significance are identified below.

In accordance with the criteria of RCW 90.58.030(2)(e), one river and three streams are identified for inclusion in Grant County SMP jurisdiction, including the shorelands and associated wetlands as therein defined, as shorelines of statewide significance (SSWS):

Streams

Table 2. Stream Shorelines of Statewide Significance

Stream Name	Included in 1975 SMP	Total Length Proposed Shoreline (feet)
Columbia River	Yes	609,440
Lower Crab Creek	Yes	402,203
Upper Crab Creek	Yes	511,965
Lind Coulee	Yes	233,071

Based on the shoreline jurisdiction analyses, four lakes are identified for inclusion in SMP jurisdiction as shorelines of statewide significance, with Priest Rapids and Wanapum Dam reservoirs included as part of the Columbia River Stream Shorelines of Statewide Significance. Billy Clapp Lake was removed from the list but remains a jurisdictional shoreline as it exceeds the 20 acre threshold.

Lakes and Reservoirs:

Table 3. Grant County Lakes of Statewide Significance

Stream Name	Acreage in Grant County (Total Acreage)
Potholes Reservoir	14773
Moses Lake	6680
Lenore Lake	1412
Banks Lake	26291

The Legislature declared in the Shoreline Management Act in RCW 90.58.020 that the interests of all of the people of the State shall be considered in the management of these shorelines.

Accordingly, this SMP gives preference to uses and development consistent with the preferred uses listed in order of preference below, with associated goals:

- (a) Recognize and protect the statewide 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 areas of the shorelines;
- (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

Development of Goals and Policies

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

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

Economic Development Element

- (a) Goal A: Support water-oriented uses to maximize the positive economic impact of tourism and recreational development.
- (b) Goal B: Preserve existing agricultural industry with sensitivity to the environment and aesthetic character that incorporate low impact technologies and provide opportunities for public enjoyment of the shoreline.
- (c) Goal C: Promote economic growth that conserves natural resources and open spaces, maintains environmental quality and rural character.
- (d) General Economic Development Policies:
 - (1) Ensure healthy, orderly economic growth by allowing those economic activities which will be an asset to the local economy, and for which the adverse effects on the quality of the shoreline and surrounding environment can be mitigated.
 - (2) Develop, as an economic asset, the recreation and tourism industry along shorelines in a manner that will enhance public enjoyment.
 - (3) Give preference to economic activities which either leave natural or existing shoreline features such as trees, shrubs, grasses and wildlife habitat

unmodified, or which modify them in a way which enhances human awareness and appreciation of the shoreline and other natural and non-natural surroundings. Prohibit the introduction of invasive plant species along shorelines, and encourage the removal of noxious and invasive weeds and trees.

(4) Encourage new water-dependent, water-related, and water-enjoyment economic development in priority order.

(5) Ensure that any economic activity taking place along the shorelines operates without causing irreparable harm to the quantity of the site's environment or adjacent shorelands.

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

(7) Require non-water-oriented commercial or recreational development provide for ecological restoration and public access as appropriate

(8) Assure that commercial and agricultural uses will not result in a net loss of shoreline ecological functions or have significant adverse impacts on navigation, recreation and public access

(e) Commercial Development Policies:

(1) Promote water-oriented commercial uses in shoreline areas that support recreation and tourism.

(f) Agricultural Development Policies:

(1) Maintain current agricultural uses as a major economic strength of the County.

(2) Protect current agricultural land uses of long-term commercial significance and provide for development of new agricultural uses for which adverse environmental effects can be mitigated.

Public Access and Recreation Element

(a) Goal A: Implement a public access system that increases the amount and diversity of public access consistent with private property rights, public safety, and the natural shoreline character.

(b) Goal B: Provide opportunities and space for diverse forms of water-oriented recreation in Grant County shoreline.

(c) Policies:

(1) Ensure that developments, uses, and activities on or near the shoreline do not impair or detract from the public's access to the water. Where practicable, public access to the shoreline should be enhanced (Existing SMP policy (5)(A)).

- (2) Design public access such that they provide for public safety and minimize potential impacts to private property and individual privacy (Existing SMP policy (5)(B)).
- (3) Locate, design, manage, and maintain public access and recreation facilities in a manner that protects shoreline ecological functions and processes and the public health and safety.
- (4) Encourage federal, state and local governments to enhance existing shoreline properties in Grant County for public access and recreational.
- (5) Identify opportunities for public access on publicly owned shorelines. Preserve, maintain, and enhance public access afforded by shoreline street ends, public utilities, and rights-of-way.
- (6) Provide physical and visual public access in the shoreline jurisdiction in association with the following uses when feasible: residential developments with five or more dwellings; commercial development; and public agency recreational development.
- (7) Provide public access and interpretive displays as part of publicly funded restoration projects where significant ecological impacts are addressed.
- (8) Allow for passive and active shoreline recreation that emphasizes location along shorelines in association with the County's and other public agencies' parks, recreation, wildlife habitat and open space plans.
- (9) Encourage a variety of compatible recreational experiences and activities to satisfy the County's diverse recreational needs.
- (10) Give water-dependent recreation priority over water-enjoyment recreation uses. Give water-enjoyment recreational uses priority over non-water-oriented recreational uses
- (11) Integrate and link recreation facilities with linear systems, such as walking trail, bicycle paths, easements, and scenic drives when feasible.
- (12) Promote non-intensive recreational uses which avoid adverse effects to the natural and Columbia Basin Project-enhanced hydrology of aquatic systems, do not contribute to flood hazards, and avoid damage to the shoreline environment through modifications such as structural shoreline stabilization or native vegetation removal.

Circulation Element

- (a) Goal A: Implement multi-modal transportation improvements that provide for mobility and access and that minimize adverse impacts on the shoreline environment.
- (b) Policies:
 - (1) Provide safe, reasonable, and adequate circulation systems to shorelines where routes will minimize adverse effects on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline (Existing SMP policy (3)(A))

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

29 **Shoreline Uses and Modifications Element**

- 30 (a) Goal A: Encourage shoreline development that recognizes Grant County's natural and
31 cultural values and its unique aesthetic qualities offered by its variety of shoreline
32 environment
- 33 (b) Goal B: Grant County recognizes and protects the functions and values of the
34 shoreline environments of statewide and local significance. For shorelines of state-
35 wide significance (SSWS), protection and management priorities are to:
 - 36 (1) Recognize and protect the state-wide interest over local interest;
 - 37 (2) Preserve the natural character of the shoreline;
 - 38 (3) Provide long-term over short-term benefit;
 - 39 (4) Protect the resources and ecology of shorelines;

- 1 (5) Increase public access to publicly owned areas of shorelines; and
- 2 (6) Increase recreational opportunities for the public in shoreline areas.
- 3 (c) General Policies:
- 4 (1) Maintain areas within the shoreline jurisdiction with unique attributes for
- 5 specific long-term uses, including agricultural, commercial, industrial,
- 6 residential, recreational, and open space uses.
- 7 (2) Ensure that proposed shoreline uses are distributed, located, and developed in
- 8 a manner that will maintain or improve the health, safety, and welfare of the
- 9 public when such uses occupy shoreline areas.
- 10 (3) Ensure that activities and facilities are located on the shorelines in such a
- 11 manner as to retain or improve the quality of the environment.
- 12 (4) Ensure that proposed shoreline uses do not infringe upon the rights of others,
- 13 upon the rights of private ownership, upon the rights of the public under the
- 14 Public Trust Doctrine or federal navigational servitude, and treaty rights of
- 15 Indian tribes.
- 16 (5) Minimize the adverse impacts of shoreline uses and activities on the
- 17 environment during all phases of development (e.g. design, construction,
- 18 management, and use).
- 19 (d) Shoreline Environment Designation Policies:
- 20 (1) Provide a comprehensive shoreline environment designation system to
- 21 categorize Grant County's shorelines into environments based upon the
- 22 primary characteristics of shoreline areas to guide the use and management of
- 23 these areas.
- 24 (2) Designate properties as Natural in order to protect and restore those shoreline
- 25 areas that are relatively free of human influence or that include intact or
- 26 minimally degraded shoreline functions that are sensitive to potential impacts
- 27 from human use. Natural areas should be managed consistent with the policies
- 28 in Section 24.12.120.
- 29 (3) Designate properties as Shoreline Residential to accommodate higher-density
- 30 residential development and recognize existing and proposed land uses. This
- 31 designation is appropriate for residential uses on lands with zoning
- 32 classifications for detached and attached residential.
- 33 (4) Assign appropriate environment designation for agricultural land uses of long-
- 34 term commercial significance for which adverse environmental effects can be
- 35 mitigated.
- 36 (5) Assign appropriate environment designations for preservation of wildlife
- 37 habitat area, natural resources, and public agency operations.
- 38 (6) Designate properties within each environment designation based on the
- 39 designation criteria in SMP Section II, Article II.

(e) Agriculture Policies:

- (1) This Program recognizes the importance of agriculture in Grant County and supports its continued economic viability. This Program allows for ongoing agricultural activities and should protect agricultural lands from conflicting uses such as intensive or unrelated residential, industrial, or commercial uses, while also maintaining shoreline ecological functions and processes.
- (2) New agricultural development should be conducted in such a manner as to assure no net loss of shoreline ecological functions and processes.
- (3) Maintain a vegetative buffer between agricultural lands and water bodies or wetlands
- (4) Conversion of agricultural uses to other uses should comply with all policies and regulations for non-agricultural uses.

(f) Aquaculture Policies:

- (1) Aquaculture is a water-dependent use and, when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is a preferred use of the shoreline (WAC 173-26-241(3)(b)).
- (2) Give preference to aquaculture operations that minimize environmental impacts through use of fewer visible structures or less extensive substrate and vegetation modifications.
- (3) Aquaculture should not be allowed in areas where it would degrade water quality, result in a loss of shoreline ecological function, impair navigation, or conflict with other water-dependent uses.
- (4) Design aquaculture facilities to minimize nuisance odors and noise, as well as visual impacts on surrounding shoreline development.
- (5) The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant/proponent and the tribe should be encouraged.

(g) Boating Facilities Policies:

- (1) Locate and design boating facilities so that their structures and operations will be compatible with the area affected, such as environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.
- (2) Require restoration activities when substantial improvements or repair to existing boating facilities is planned.
- (3) Boating facilities that minimize the amount of shoreline modification are preferred.
- (4) Boating facilities should provide physical and visual public shoreline access and provide for multiple uses, including water-related use, to the extent

compatible with shoreline ecological functions and processes and adjacent shoreline use.

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

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

(h) Breakwaters, Jetties, Groins and Weirs Policies:

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

(i) Dredging and Dredge Material Disposal Policies:

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

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

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

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

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

(j) Fill Policies:

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

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

(k) In-Stream Structures Policies:

(1) Locate, plan and permit in-stream structures only when consistent with the full range of public interests, ecological functions and processes, and

environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

(l) Mining Policies:

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

(m) Private Moorage Facilities Policies:

- (1) Moorage associated with a single family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible. Moorage for water-related and water enjoyment uses or shared moorage for multifamily use should be allowed as part of a mixed use development or where it provides public access.
- (2) New moorage, excluding docks accessory to single family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use.
- (3) As an alternative to continued proliferation of individual private moorage, mooring buoys are preferred over docks or floats. Shared moorage facilities are preferred over single user moorage where feasible, especially where water use conflicts exist or are predictable. New subdivisions of more than two (2) lots and new multifamily development of more than two (2) dwelling units should provide shared moorage where feasible.
- (4) Docks, piers and mooring buoys, including those accessory to single family residences, should avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift.
- (5) Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming, and pleasure boating, as well as private riparian rights of adjacent land owners.

- (6) Moorage should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width, and height of piers and docks should be no greater than that required for safety and practicality for the primary use.
 - (7) Pile supports are preferred over fills because piles do not displace water surface or aquatic habitat and are removable and thus more flexible in terms of long term use patterns. Floats may be less desirable than pile structures where aquatic habitat or littoral drift are significant.
 - (8) The use of buoys for small craft moorage is preferred over pile or float structures because of lesser long term impact on shore features and users; moorage buoys should be placed as close to shore as possible to minimize obstruction to navigation.
 - (9) Piers and docks should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.
 - (10) New pier and dock development should be designed so as not to interfere with lawful public access to or use of shorelines. Developers of new piers and shared moorage should be encouraged to provide physical or visual public access to shorelines whenever safe and compatible with the primary use and shore features.
- (n) Recreational Development Policies:
- (1) Shoreline recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.
 - (2) Recreational developments should facilitate appropriate use of shoreline resources while conserving them. These resources include, but are not limited to: accretion shoreforms, wetlands, soils, ground water, surface water, native plant and animal life, and shore processes.
 - (3) Recreational facilities should be a combination of active and passive types. Location of such facilities should consider the ecological function and sensitive nature of the shorelines in order to avoid adverse impacts. For example, wildlife and habitat preservation areas with sensitive nature of shoreline should have low impact recreational uses.
 - (4) Recreational developments and plans should provide the regional population a varied and balanced choice of recreation experiences in appropriate locations. Public agencies should coordinate their plans and activities to provide a wide variety of recreational opportunities without needlessly duplicating facilities.
 - (5) Encourage the linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives.

- 1 (6) When feasible, recreation facilities should incorporate public education
2 regarding shoreline ecological functions and processes, the role of human
3 actions on the environment and the importance of public involvement in
4 shorelines management. Opportunities incorporating educational and
5 interpretive information should be pursued in design and operation of
6 recreation facilities and nature trails.
- 7 (7) Locate and design recreational developments to preserve, enhance, or create
8 scenic views and vistas in accordance with Section 24.12.260, Public Access.
- 9 (o) Residential Development Policies:
 - 10 (1) Consider single-family residential development as a priority use only when
11 developed in a manner consistent with the control of pollution and prevention
12 of damage to the natural environment.
 - 13 (2) Locate and construct residential development in a manner that assures no net
14 loss of shoreline ecological functions.
 - 15 (3) Ensure the overall density of development, lot coverage, and height of
16 structures is appropriate to the physical capabilities of the site and consistent
17 with the comprehensive plan.
 - 18 (4) Ensure new residential development provides adequate buffers or open space
19 from the water to protect or restore ecological functions and ecosystem-wide
20 processes, to preserve views, to preserve shoreline aesthetic characteristics, to
21 protect the privacy of nearby residences, and to minimize use conflicts.
 - 22 (5) Make adequate provisions for services and infrastructure necessary to support
23 residential development.
 - 24 (6) Design and locate residential development to preserve existing shoreline
25 vegetation, to control erosion, and to protect water quality.
 - 26 (7) Design and locate new residences so that shoreline stabilization will not be
27 necessary to protect the structure. The creation of new residential lots should
28 not be allowed unless it is demonstrated the lots can be developed without:
 - 29 (A) Constructing shoreline stabilization structures (such as bulkheads).
 - 30 (B) Causing significant erosion or slope instability.
 - 31 (C) Removing existing native vegetation within shoreline buffers.
- 32 (p) Shoreline Habitat and Natural Systems Enhancement Projects Policies:
 - 33 (1) Include provisions for shoreline vegetation restoration or enhancement, fish
34 and wildlife habitat enhancement, and low impact development techniques in
35 projects located within shoreline jurisdiction, where feasible.
 - 36 (2) Encourage and facilitate implementation of projects and programs included in
37 the Shoreline Master Program Shoreline Restoration Plan.

(q) Shoreline Stabilization Policies:

- (1) Locate and design new development, including subdivisions, to eliminate the need for new shoreline modification or stabilization.
- (2) Design, locate, size and construct new or replacement structural shoreline stabilization measures to minimize and mitigate the impact of these modifications on the County's shorelines.
- (3) Give preference to non-structural shoreline stabilization measures over structural shoreline stabilization, and give preference to soft structural shoreline stabilization over hard structural shoreline stabilization.
- (4) Allow location, design, and construction of riprap and other bank stabilization measures primarily to prevent damage to existing development or to protect the health, safety, and welfare of Grant County residents.
- (5) Encourage fish-friendly shoreline design during new construction and redevelopment by offering incentives and regulatory flexibility.

(r) Utilities Policies:

- (1) Allow for utility maintenance and extension with criteria for location and vegetation restoration as appropriate.
- (2) Plan, design, and locate utility facilities to minimize harm to shoreline functions, preserve the natural landscape, and minimize conflicts with present and future planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- (3) Do not permit new non-water-oriented primary utility production and processing facilities, or parts of those facilities, such as power plants, solid waste storage or disposal facilities within shoreline jurisdiction unless no other options are feasible. Primary utility facilities, such as wastewater treatment plants and including expansion of existing facilities, should be located in shoreline jurisdiction only if no practical upland alternative or location exists. Such facilities and expansions should be designed and located to minimize impacts on shoreline ecological functions, including riparian and aquatic areas, and to the natural landscape and aesthetics. Public health and safety should be the highest priority for the planning, development and operation of primary utility facilities.
- (4) Locate utility transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of shoreline jurisdiction where feasible. Where permitted within shoreline jurisdiction, such facilities should be located within existing or approved road crossings, right-of-way, and corridors or in such a way as to minimize potential adverse impacts on shoreline areas. Joint use of rights-of-way and corridors in shoreline areas should be encouraged.
- (5) Locate new utility facilities so as not to require extensive shoreline protection works.

- (6) Locate utility facilities and corridors to protect scenic views from public parks and trails. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
- (7) Design utility facilities and rights-of-way to preserve the natural landscape and to minimize conflicts with present and planned land uses.
- (s) Existing Uses Policies:
 - (1) Allow nonconforming existing legal uses and structures to continue in accordance with this SMP. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following should be considered a conforming structure: setbacks, buffers, or yards; area; bulk; height; or density.
 - (2) Allow alterations of nonconforming structures, uses, and lots in consideration of historic development patterns, when occupied by preferred uses, and when consistent with public safety and other public purposes.
 - (3) Encourage transitions from nonconforming uses to conforming uses.
 - (4) Allow for nonconforming structures to expand when they do not increase the nonconformity according to SMP requirements.
 - (5) Allow for existing roads, driveways, and utility lines to continue and expand when they do not increase the nonconformity according to SMP requirements.
 - (6) Consider the no-net-loss of ecological function objective to guide review of proposed expansions or other changes to nonconforming uses and new development on nonconforming vacant lots. This objective may be addressed in an area-wide manner consistent with the SMP cumulative impacts analysis.

Conservation Element

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

- (a) Goal A: Protect the natural and Columbia Basin Project-enhanced hydraulic, hydrologic and habitat functions, scenic as well as recreational values of Grant County's shorelines.
- (b) Policies:
 - (1) Develop and implement management practices that will ensure a sustained yield of renewable resources of the shorelines while preserving, protecting, enhancing and restoring unique and nonrenewable shoreline resources, environments, or features
 - (2) Reclaim and restore areas that are biologically and aesthetically degraded to the greatest extent feasible
 - (3) Preserve scenic vistas, aesthetics, fisheries and wildlife habitat, and other critical areas

- (4) Protect shoreline processes and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within shoreline jurisdiction, and incentives to private property owners to encourage ecologically sound design and implementation of best land management practices.
- (5) Protect and manage shoreline-associated wetlands, including maintenance of sufficient volumes of surface and subsurface drainage into wetlands, to sustain existing vegetation and wildlife habitat.
- (6) Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional and watershed-wide natural environment issues and the protection, preservation, and enhancement of all shorelines as fish and wildlife habitat.
- (7) Manage development to avoid risk and damage to property and loss of life from geological conditions.
- (8) Regulate development within the 100-year floodplain to avoid risk and damage to property and loss of life
- (9) Prohibit the introduction of invasive plant species along shorelines, and encourage the removal of noxious and invasive weeds and trees.
- (10) Protect, enhance, and maintain healthy vegetation consistent with the local climate and nature of shoreline.
- (11) Enhance and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Historic, Cultural, Scientific, and Educational Resources Element

- (a) Goal A: Identify, preserve, and protect historic, cultural, and archaeological resources found to be significant by recognized local, state, or federal processes.
- (b) Goal B: Encourage educational and scientific projects and programs that foster a greater appreciation of the importance of shoreline management, water-oriented activities, environmental conservation, and local historic connections with Grant County shoreline.
- (c) Policies:
 - (1) Identify, protect, preserve, and restore important archeological, historical, and cultural sites located in shorelands.
 - (2) Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation, and maritime history.
 - (3) Prevent public or private uses and activities from damaging, altering, removing, or destroying any site having historic, cultural, scientific, or educational value without appropriate analysis and mitigation.

Flood Hazard Management Element

(a) Goal A: Protect public safety within rivers' and creeks' floodways and floodplains and protect natural systems by preserving the flood storage function of floodplains.

(b) Policies:

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

Private property right (WAC 173-26-191(2)(a)(i))

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

(b) Policies:

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

SECTION II: Chapter 24.12 – Shoreline Regulations

Article I. Authority and Purpose

24.12.010 Authority

- (a) The Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of this Shoreline Master Program (SMP).

24.12.020 Applicability

- (a) This Program shall apply to all of the shorelands and waters within the unincorporated Grant County as described in SMP Section I, Shoreline Goals and Policies, Profile of the Shoreline Jurisdiction within Grant County.
- (b) All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required. See SMP Shoreline Goals and Policies section for the shoreline jurisdiction description and SMP Article VII for the definition of uses, activities, and development.
- (c) The SMP applies to shoreline jurisdiction within unincorporated Grant County and the Urban Growth Areas (UGA) of cities and towns; this SMP will not apply to shorelines in the UGAs upon annexation of the UGA areas to cities and towns.
- (d) Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW. This Program shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.
- (e) As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.
- (f) Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.

24.12.030 Purpose

- (a) The purposes of this SMP are:
- (1) To promote the public health, safety, and general welfare of the County by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and
- (2) To further assume and carry out the local government responsibilities established by the SMA in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the SMA in RCW 90.58.020; and

- 1 (3) To provide a high quality shoreline environment where:
- 2 (A) Recreational opportunities are abundant;
- 3 (B) The public enjoys access to and views of shoreline areas;
- 4 (C) Natural systems are preserved, restored or enhanced;
- 5 (D) Ecological functions of the shoreline are maintained and improved
- 6 over time;
- 7 (E) Water-oriented uses are promoted consistent with the shoreline
- 8 character and environmental functions; and
- 9 (b) To apply special conditions to those uses which are not consistent with the control of
- 10 pollution and prevention of damage to the natural environment or are not unique to or
- 11 dependent upon use of the state's shoreline; and
- 12 (c) To assure no net loss of ecological functions associated with the shoreline.
- 13 **24.12.040 Relationship to Other Codes, Ordinances and Plans**
- 14 (a) All applicable federal, state, and local laws shall apply to properties in the shoreline
- 15 jurisdiction. Where this Program makes reference to any RCW, WAC, or other state,
- 16 or federal law or regulation the most recent amendment or current edition shall apply.
- 17 (b) In the event provisions of this SMP conflict with provisions of federal, state or county
- 18 regulations, the provision that is most protective of shoreline resources shall prevail.
- 19 It is understood that the provisions of this chapter may not allow development to
- 20 occur at what otherwise might be the property's full zoning potential.
- 21 (1) Local plans or programs include, but are not limited to:
- 22 (A) Watershed Management Plans (WRIA 43 – Upper Crab-Wilson)
- 23 (B) GCC 24.16 Flood Damage Prevention
- 24 (C) GCC 24.04 SEPA
- 25 (D) GCC 23.12 Development Standards
- 26 (E) Grant County Shoreline Management Master Program
- 27 (F) Grant County Solid Waste Permits
- 28 (G) Grant County On-Site Sewage Disposal Permits
- 29 (H) Grant County Open Space Taxation Program
- 30 (2) State and federal programs include, but are not limited to:
- 31 (A) Washington State Hydraulic Project Permits (HPA)
- 32 (B) Washington State Pesticide Applicator License Requirements
- 33 (C) Washington State Waste Discharge Permits
- 34 (D) Washington State Water Quality Certification Requirements (401)
- 35 (E) Federal Corps 404 Permits and Section 10 Permits

- (c) The policies in the SMP, contained in the Shoreline Master Program Elements, state the underlying objectives the regulations are intended to accomplish. The policies guide the interpretation and enforcement of the SMP regulations contained in GCC Chapter 24.12. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.
- (d) This Shoreline Master Program contains critical area regulations in GCC 24.12 Article V, applicable only in shoreline jurisdiction that provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. (RCW 36.70A.480). In the event of any conflict between the requirements of this Code and any other Code or ordinance of Grant County, the regulation that provides the greater protection for the particular critical area within shoreline jurisdiction shall apply.
- (e) Projects in the shoreline jurisdiction that have either been deemed technically complete through the application process or have been approved through local and state reviews prior to the adoption of this Program are considered accepted. Major changes or new phases of projects that were not included in the originally approved plan will be subject to the policies and regulations of this Program.

24.12.050 Liberal Construction

- (a) As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction. The County shall therefore interpret the SMP not only on the basis of actual words and phrases used in it, but by also taking purposes, goals, and policies into account.

24.12.060 Severability

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

24.12.070 Effective Date

- (a) The SMP is hereby adopted on the 15th of April, 2014. This SMP and all amendments thereto shall become effective fourteen (14) days after final approval and adoption by Ecology.

Article II. Environment Designations

24.12.100 Environment Designations

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

- (3) Rural Conservancy
 - (4) Public Recreation Conservancy
 - (5) Recreation
 - (6) High Intensity Public Facility
 - (7) Shoreline Residential
 - (8) Low-Intensity Residential
 - (b) Official Shoreline Maps
 - (1) Shoreline Area Designations are delineated on a map, hereby incorporated as a part of this Program (Appendix A) that shall be known as the Official Shoreline Map. The purpose of the Official Shoreline Map is to identify Shoreline Area Designations. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations, and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed.
 - (c) Unmapped or Undesignated Shorelines
 - (1) All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.
 - (d) Interpretation of Environment Designation Boundaries
 - (1) Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Administrator shall interpret the boundaries. Appeals of such interpretations may be filed pursuant to GCC 24.12.810, Appeals.
 - (2) All shoreline areas waterward of the OHWM shall be designated Aquatic.
 - (3) Only one shoreline area designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature. Such linear features shall be clearly noted in the metadata associated with the Official Shoreline Map.
 - (4) All areas within shorelines that are not mapped and/or designated are automatically assigned Rural Conservancy designation. Within urban growth areas, such shorelines shall be automatically assigned a Rural Conservancy designation until such time that the shoreline area can be re-designated through a formal amendment.
- 24.12.110 Aquatic**
- (a) Purpose
 - (1) The purpose of the “Aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

(b) Designation Criteria

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

(c) Management Policies

- (1) In addition to the other applicable policies and regulations of this Program, the following management policies shall apply:

- (A) New over-water structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.
- (B) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.
- (C) In-water uses should be allowed where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.
- (D) On navigable waters or their beds, all uses and developments should be located and designed to:
- (i) minimize interference with surface navigation
 - (ii) consider impacts to public views
 - (iii) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration
- (2) Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.
- (3) Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- (4) Natural light should be allowed to penetrate to the extent necessary to support fisheries and nearshore aquatic habitat unless other illumination is required by state or federal agencies.
- (5) Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.
- (6) Shoreline uses, development, activities, and modifications in the Aquatic shoreline designation requiring use of adjacent landside property should be in a shoreline designation that allows that use, development, activity, or modification.

24.12.120 Natural

(a) Purpose

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

(b) Designation Criteria

- (1) The following criteria should be considered in assigning a Natural shoreline designation:

- (A) The shoreline ecological functions are substantially intact and have a high opportunity for preservation and low opportunity for restoration
- (B) The shoreline is generally in public or conservancy ownership or under covenant, easement, or a conservation tax program
- (C) The shoreline contains little or no development, or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety
- (D) There are low-intensity agricultural uses, and no active mining uses
- (E) The shoreline has a high potential for low-impact or passive or public recreation and is typically planned for Open Space and Hanford Federal Reserve uses as part of the comprehensive plan; or
- (F) The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.

(c) Management Policies

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

- (A) Any use that would substantially degrade shoreline ecological functions or natural character of the shoreline area should not be allowed.
- (B) Scientific, historical, cultural, educational research uses, and low-impact, passive recreational uses are allowed while keeping ecological functions intact.
- (C) Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species through ongoing management activities, or as part of a development proposal. Proposed subdivision or lot line adjustments, new development, or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.

- (D) Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited.
- (E) Only physical alterations that serve to protect a significant or unique physical, biological, or visual shoreline feature that might otherwise be degraded or destroyed; or those alterations that are the minimum necessary to support a permitted use should be allowed.
- (F) Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public

24.12.130 Rural Conservancy

(a) Purpose

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

(b) Designation Criteria

- (1) The following criteria are used to consider a Rural Conservancy shoreline designation:
 - (A) The shoreline is located outside of incorporated municipalities and designated urban growth areas;
 - (B) The shoreline is not highly developed and most development is agriculture and low-density residential, and includes Columbia Basin Project and irrigation district facilities and infrastructure;
 - (C) The shoreline is typically planned or platted Rural Remote, Dryland, Irrigated, Rangeland, and Rural Residential 1 and 2
 - (D) The shoreline has low to moderate potential for public, water-oriented recreation where ecological functions can be maintained or restored; or
 - (E) The shoreline has high scientific or educational value or unique historic or cultural resources value.

(c) Management Policies

- (1) In addition to the other applicable policies and regulations of this Program the following management policies shall apply:
 - (A) Uses in the Rural Conservancy – in addition to existing agriculture uses and Columbia Basin Project and irrigation district operations, other shoreline uses should be limited to those that sustain the shoreline area's physical and biological resources and do not

substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area.

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

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

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

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

(F) New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

24.12.140 Public Recreation Conservancy

(a) Purpose

(1) The purpose of the “Public Recreation Conservancy” shoreline designation is to provide continued and enhanced recreational opportunities while protecting shoreline ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, and achieve natural floodplain processes where applicable, recognizing many of the functions in these areas in Grant County are a result of the Columbia Basin Project. Examples of uses that are appropriate in a Recreation Conservancy shoreline designation in addition to Columbia Basin Project and irrigation district facilities and operations include public lands with low-impact recreation uses, and water-oriented commercial development.

(b) Designation Criteria.

(1) The following criteria are used to consider a Public Recreation Conservancy shoreline designation:

(A) The shoreline is located outside of incorporated municipalities and designated urban growth areas;

- (B) The shoreline is publically owned and includes Columbia Basin Project and irrigation district facilities and infrastructure that provide both aquatic habitat and water supply benefits
- (C) The shoreline has low to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration or low to moderate ecological function with moderate to high opportunity for restoration;
- (D) The shoreline is not highly developed and most development is recreation-related;
- (E) The shoreline is planned or platted Rural Remote or Open Space (with and without specific recreation management plans) or has an existing recreation use;
- (F) The shoreline has existing or moderate to high potential for public, water-oriented recreation where ecological functions can be maintained or restored; or
- (G) The shoreline has high scientific or educational value or unique historic or cultural resources value.

(c) Management Policies

- (1) In addition to the other applicable policies and regulations of this Program the following management policies shall apply:
 - (A) Uses in the Public Recreation Conservancy – shoreline designation should be limited to Columbia Basin Project and irrigation district operations and other uses that sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area.
 - (B) Recreation development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.
 - (C) Encourage regulations that provide adequate setbacks from the shoreline, promote native vegetation conservation and invasive species control/removal and replacement with native species, reduce the need for shoreline stabilization and maintain or improve water quality to ensure no net loss of shoreline ecological functions.
 - (D) Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time are preferred uses, provided significant adverse impacts to the shoreline are avoided and unavoidable impacts are minimized and mitigated.
 - (E) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

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

24.12.150 Recreation

(a) Purpose

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

(b) Designation Criteria

- (1) The following criteria are used to consider a Recreation shoreline designation:
 - (A) The shoreline is located outside of incorporated municipalities;
 - (B) The shoreline has low to moderate ecological function with low to moderate opportunity for preservation and low to moderate opportunity for restoration or low to moderate ecological function with low to moderate opportunity for restoration;
 - (C) The shoreline is highly developed and most development is recreation-related with potential for additional recreation and recreation related commerce; or are suitable and planned for water-oriented uses.
 - (D) The shoreline is planned or platted Master Planned Resort, Recreation Development or Shoreline Development; or designated by the County as the "limited areas of more intensive rural development," as described by RCW 36.70A.070.
 - (E) The shoreline has existing recreation uses or moderate to high potential for public and private, water-oriented recreation where ecological functions can be maintained or enhanced; or
 - (F) The shoreline has limited scientific or educational value or unique historic or cultural resources values.

(c) Management Policies

- (1) In addition to the other applicable policies and regulations of this Program the following management policies shall apply:
 - (A) In regulating uses in the "Recreation" environment, first priority should be given to water-dependent recreational uses. Second priority should be given to water-related and water-enjoyment recreational uses. Nonwater-oriented uses should not be allowed except as part of mixed use developments with a recreation focus

(B) Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Consistent with the County's restoration plan, new development shall include restoration of shoreline functions as part of project proposals.

(C) Where feasible, visual, and physical public access should be required as provided for in GCC 24.12.260, Public Access. Recreational objectives should be enhanced by combining physical and visual public access opportunities with other recreational opportunities where feasible.

(D) Water oriented commercial uses should be allowed.

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

24.12.160 High Intensity—Public Facility

(a) Purpose

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

(b) Designation Criteria

(1) The following criteria are used to consider a High Intensity –Public Facility shoreline designation:

(A) The shoreline is located outside of incorporated municipalities and designated urban growth areas;

(B) The shoreline has low to moderate ecological function with low to moderate opportunity for preservation or restoration;

(C) The shoreline is highly developed and most development is public utility or infrastructure-related with potential for additional related development or facility rehabilitation or upgrade modifications; or are suitable and planned for more intensive public facility uses

(D) Shoreline areas that are managed by public agencies to provide public services, that operation of such services depend on proximity to water and that includes high-intensity uses related to power generation, irrigation water supply conveyance, transportation, or navigation uses; or

(E) The shoreline has limited scientific or educational value or unique historic or cultural resources values.

(c) Management Policies

(1) In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- (A) In regulating uses in the "High Intensity – Public Facility" environment, first priority should be given to water-dependent public-facility uses. Second priority should be given to water-related and water-enjoyment uses that are not in conflict with the public-facility uses. Nonwater-oriented uses are allowed as part of public facility operational needs.
- (B) Columbia Basin Project, irrigation districts, Grant County PUD and other public facility needs should guide the amount of shoreline designated "High Intensity – Public Facility."
- (C) Policies and regulations shall assure no net loss of shoreline ecological functions as a result of redevelopment, facility upgrades, and new development. Where applicable, development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.
- (D) Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d).
- (E) Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

24.12.170 Shoreline Residential

(a) Purpose

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

(b) Designation Criteria

(1) Assign a "Shoreline Residential" environment designation to shoreline areas where:

- (A) The shoreline has low to moderate ecological function with low to moderate opportunity for restoration
- (B) The shoreline contains mostly residential development at urban densities.
- (C) The shoreline is planned or platted for residential uses in the comprehensive plan (Shoreline Development, Residential: Low-Medium-High Density), or designated as limited areas of more intensive rural development (LAMIRD) areas; or

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

(c) Management Policies

- (1) In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- (A) Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization and maintaining or improving water quality to ensure no net loss of ecological functions.
- (B) The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.
- (C) Public access and joint (rather than individual) use of recreational facilities should be promoted.
- (D) Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible, and be the minimum necessary to adequately serve existing needs and planned future development.
- (E) Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
- (F) Commercial development should be limited to water-oriented uses. Nonwater-oriented commercial uses should only be allowed as part of mixed-used developments.

24.12.180 Shoreline Residential – Low Intensity

(a) Purpose

- (1) The purpose of the “Shoreline Residential – Low Intensity” designation is to accommodate residential development while protecting and, where appropriate, enhancing ecological functions. An additional purpose is to provide appropriate public access and recreational uses.

(b) Designation Criteria

- (1) Assign a "Shoreline Residential – Low Intensity” environment designation to shoreline areas where:

- (A) The shoreline has moderate to high ecological function with low to moderate opportunity for restoration, and provides opportunity for development that is compatible with ecological protection/restoration.
- (B) The shoreline is located within designated urban growth or LAMIRD areas that currently have limited development
- (C) The shoreline is planned or platted for residential uses in the comprehensive plan (Shoreline Development, Residential, Low Density and Rural Residential 1 and 2); or
- (D) The shoreline may support public passive or active water-oriented recreation with opportunity for ecological functions restoration.

(c) Management Policies

- (1) In addition to the other applicable policies and regulations of this Program the following management policies shall apply:
 - (A) Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization and maintaining or improving water quality to ensure no net loss of ecological functions.
 - (B) The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential and ecological character of the area.
 - (C) Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.
 - (D) Enhancement/restoration of shoreline ecological functions should be encouraged
 - (E) Public access and joint (rather than individual) use of recreational facilities should be promoted.
 - (F) Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible, and be the minimum necessary to adequately serve existing needs and planned future development.
 - (G) Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.

Article III. General Regulations

24.12.200 Shoreline Use and Modification

- (a) Table 24.12.200 (d) indicates which shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:
- (1) “Permitted Uses” require a Shoreline Substantial Development Permit or a Shoreline Exemption.
 - (2) “Conditional Uses” require a Shoreline Conditional Use Permit per GCC 24.12.760.
 - (3) “Prohibited” activities, uses, developments, and modifications are not allowed and cannot be permitted through a Variance or Shoreline Conditional Use Permit.
 - (4) General Regulations (GCC 24.12, Article III) and Shoreline Modification and Uses Regulations (GCC 24.12, Article IV) shall be considered for additional limitations.
- (b) Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.
- (c) General:
- (1) Accessory uses shall be subject to the same shoreline permit process as their primary use.
 - (2) Authorized uses and modifications shall be allowed only in shoreline jurisdiction where the underlying zoning allows for it and are subject to the policies and regulations of this SMP.
 - (3) A use is considered unclassified when it is not listed in Table 24.12.200 (d), or in the Shoreline Modification and Uses Regulations (GCC 24.12, Article IV). Any proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this Master Program and the requirements for conditional uses.
 - (4) Exemptions shall be narrowly construed. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Substantial Development Permit process.
 - (5) If any part of a proposed activity, use, modification or development is not eligible for exemption per GCC 24.12.740 (Exemptions from Shoreline Substantial Development Permits), then a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit shall be required for the entire proposed development project.
 - (6) When a specific use or modification extends into the Aquatic environment and an abutting upland environment without clear separation (e.g., private

moorage facility, shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

(7) Shoreline and critical areas buffers found in GCC 24.12, Article V apply to all uses and modifications unless stated otherwise in the regulations.

(8) None of the allowed uses shall be conducted in the floodway in any environment designation, except as allowed by GCC 24.12.560, Frequently Flooded Areas.

(9) Administrative interpretation of these regulations shall be done according to Section 24.12.710(b) of this document.

(d) Shoreline use and modification matrix:

Table 24.12.200 (d). Shoreline Use and Modification Matrix

Abbreviations A = Allowed with Substantial Development Permit; C = Conditional Use; P = Prohibited; N/A = Not Applicable; Use/ Modification	Aquatic	Natural	Rural Conservancy	Public Recreation Conservancy	Recreation	High Intensity - Public Facility	Shoreline Residential	Shoreline Residential - Low Intensity
Resource Uses								
Agriculture ¹	P	P	A	C	P	P	A	A
Aquaculture	C	P	A	A	P	P	P	P
Mining	P	P	C	P	P	P	P	C
Boating Facilities								
Boat launch (motorized boats)	A	C	C	C	A	A	C	C
Boat launch (non- motorized boat - canoe / kayak)	A	C	A	A	A	A	A	A
Marina	A	P	C	C	A	A	C	P
Docks, Piers, Mooring Facilities								
Private and shared Moorage	A	P	A ²	A ²	A ²	A ²	A ²	A ²
Public moorage	A	P	C	A	A	A	C	C
Covered moorage	P	P	P	P	P	P	P	P
Commercial Development								
Water dependent	C	P	A	C	A	A	A	P
Water-related, Water-enjoyment	P	P	P	C	A	C	C	P

Abbreviations A = Allowed with Substantial Development Permit; C = Conditional Use; P = Prohibited; N/A = Not Applicable; Use/ Modification	Aquatic	Natural	Rural Conservancy	Public Recreation Conservancy	Recreation	High Intensity - Public Facility	Shoreline Residential	Shoreline Residential - Low Intensity
Non-water-oriented	P	P	P	P	C ³	C	P	P ⁴
Dredging Activities								
Dredging	C	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Dredge Material Disposal	C ⁴	P	P	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵
Dredging & Disposal as part of Ecological Restoration/ Enhancement	A	C	A	A	A	A	A	A
Fill and Excavation								
Waterward of OHWM and in floodways	C	C	C	C	C	C	C	C
Other upland fill	A	C	A	A	A	A	A	A
Industrial Uses	P	P	P	P	P	A	P	P
In-water Modifications								
Breakwater	C	P	P	P	C	C	P	P
Groins and Weirs	C	CU ⁶	C	C	C	C	C	C
In-stream structures ¹	C	C	C ⁷	C	C	C	C	C
Institutional Uses								
Water-dependent	C	P	C	C	A	A	C	C
Water-related, Water-enjoyment	P	P	C	C	A	A	C	C
Non-water-oriented	P	P	P	P	C	C	P	P
Recreational Development								
Water-dependent	A	A ⁸	A	A	A	A	A	A
Water-related/enjoyment (trails, accessory buildings)	C	C ⁷	A	A	A	A	A	A
Non-water-oriented	P	P	C	C	A	A	C	C
Residential Development	P	P	A	P	A	P	A	A
Shoreline Habitat and Natural Systems	A	A	A	A	A	A	A	A

Abbreviations A = Allowed with Substantial Development Permit; C = Conditional Use; P = Prohibited; N/A = Not Applicable; Use/ Modification	Aquatic	Natural	Rural Conservancy	Public Recreation Conservancy	Recreation	High Intensity - Public Facility	Shoreline Residential	Shoreline Residential - Low Intensity
Enhancement Projects								
Shoreline Stabilization and Flood Control								
Flood Control								
Modification of existing flood control facilities (Dams, Dikes and Levees), including replacement landward of existing location	A	A	A	A	A	A	A	A
New flood control facilities (Dams, Dikes and Levees)	C	C ⁹	C	C	C	C	C	C
Shoreline Stabilization								
New								
Hard	C	P	C	C	C	C	C	C
Soft	A	A	A	A	A	A	A	A
Replacement ¹⁰	A	A	A	A	A	A	A	A
Transportation								
Highways, Arterials, Railroads (parallel to OHWM)	C	P	A	A	A	A	A	A
Secondary/Public Access Roads (parallel to OHWM)	P	P	A	A	A	A	A	A
Roads perpendicular to the OHWM	P	C	A	A	A	A	A	A
Bridges (perpendicular to shoreline)	C	C	C	C	A	A	C	C
Existing bridges, trails, roads, and parking facilities: improvement or expansion	A	A	A	A	A	A	A	A
New Parking, Accessory	Takes permit types of primary use							

Abbreviations A = Allowed with Substantial Development Permit; C = Conditional Use; P = Prohibited; N/A = Not Applicable;								
Use/ Modification	Aquatic	Natural	Rural Conservancy	Public Recreation Conservancy	Recreation	High Intensity - Public Facility	Shoreline Residential	Shoreline Residential - Low Intensity
New Parking, Primary ⁸	P	P	C	C	A ¹¹	A ¹¹	P	P
Utility								
Above-ground and Underground Utilities (parallel and across shoreline)	C	C	A	A	A	A	A	A
¹ Construction, practices, and maintenance of facilities necessary for Columbia Basin project operations, and associated water dependent uses to access, pump and convey water for project purposes to public agencies or private water users, and as consistent with permit exemptions described in GCC 24.12.740 ² Subject to provisions under this SMP and regulations under section 24.12.390, Private Moorage Facilities ³ Allowed as part of mixed use ⁴ Home based businesses are allowed ⁵ Permitted outside of channel migration zones ⁶ To protect Columbia Basin Project and irrigation district facilities and infrastructure ⁷ Habitat restoration and/or fish habitat enhance purposes only ⁸ Low intensity only ⁹ Only when no other alternatives are available and related to Columbia Basin Project ¹⁰ Exempt for protective bulkhead common to single-family residences according to GCC 24.12.740(d), and when consistent with GCC 24.12.430 (e) and (f) ¹¹ Not allowed within 50 feet of edge of riparian vegetation corridor								

24.12.210 Development Standards

- (a) To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in the table below. These standards apply to all use and modification unless indicated otherwise. In addition, shoreline developments shall comply with all other dimensional requirements of the Grant County Unified Development Code.
- (b) When a development or use is proposed that does not comply with the dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a Shoreline Variance.
- (c) No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view

of a substantial number of residences on areas adjoining such shorelines, except for High Intensity - Public Facility environment designation areas, or where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served.

(d) Shoreline development standards table:

Table 24.12.210 (d). Shoreline Development Standards

Abbreviations A = Allowed with Substantial Development Permit; C = Conditional Use; P = Prohibited; N/A = Not Applicable; Use/ Modification	Aquatic	Natural	Rural Conservancy	Public Recreation Conservancy	Recreation	High Intensity - Public Facility	Shoreline Residential	Shoreline Residential - Low Intensity
Building Height: maximum in feet	15	35				Height necessary for primary and ancillary facilities	35	
Building Line Setback in feet	NA	15						
Impervious Surface Cover(%)	NA	5% unless otherwise approved by the Administrative Official	10% for lots greater than 5 acres, 15% for lots 5 acres or less			NA	10% for lots greater than 5 acres, 15% for lots 5 acres or less	
Riparian Buffer Width in feet 1,2,3	NA	Manage entire SMP area for vegetation conservation	75 ⁴	75	50	25 ⁵	50	75
Trail width in feet	Trails on private properties and not open for public use shall be up to 5 feet wide or as required by Americans for Disabilities Act (ADA) regulations							
¹ Measured from the OHWM or top of bank, as applicable								
² Accompanied by stormwater management measures, as applicable								
³ In parallel environment designations, the most restrictive buffer requirement applies								
⁴ 130 feet for new agricultural development on slopes 15 percent or greater within shoreline jurisdiction								
⁵ 75 for area south of Wanapum Dam lower boat launch, where riparian vegetation begins on Columbia River								

24.12.220 Archaeological and Historic Resources

(a) In all developments, whenever an archaeological area or historic site is discovered by a development in the shoreline area, the developer shall comply with GCC 24.12.570, Cultural Resource Areas.

24.12.230 Environmental Protection

- (a) All project proposals, including those for which a Shoreline Substantial Development Permit is not required, shall comply with RCW Chapter 43.21C, the Washington State Environmental Policy Act.
- (b) Applicants shall apply the following sequence of steps in order of priority to avoid or minimize significant adverse effects and significant ecological impacts, with 1) being top priority:
 - (1) Avoiding the adverse impact altogether by not taking a certain action or parts of an action;
 - (2) Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - (3) Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
 - (4) Reducing or eliminating the adverse impact over time by preservation and maintenance operations;
 - (5) Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments; and
 - (6) Monitoring the adverse impact and the compensation projects and taking appropriate corrective measures.
- (c) Projects that cause significant adverse environmental impacts, as defined in WAC 197-11-794 and Section 24.12.860, Definitions, are not allowed unless mitigated according to GCC 24.12.230 (b), above, to avoid reduction or damage to ecosystem-wide processes and ecological functions. As part of this analysis, the applicant shall evaluate whether the project may adversely affect existing hydrologic connections between streams and wetlands, and either modify the project or mitigate any impacts as needed.
- (d) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the adversely impacted functions directly and in the immediate vicinity of the adverse impact. However, alternative compensatory mitigation may be authorized within the affected drainage area or watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or resource management plans, including the Shoreline Restoration Plan, applicable to the area of adverse impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

24.12.240 Shoreline Vegetation Conservation

- (a) Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments

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

(b) Regulations specifying establishment and management of shoreline buffers are located in the GCC 24.12, Article V. Vegetation within shoreline buffers, other stream buffers, and wetlands and wetland buffers shall be managed consistent with the GCC 24.12, Article V.

(c) Vegetation outside of shoreline buffers, other stream buffers, and wetlands and wetland buffers and within shoreline jurisdiction shall be managed according to this GCC 24.12.230, Environmental Protection, and any other regulations specific to vegetation management contained in other chapters of this SMP.

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

24.12.250 Water Quality, Stormwater, and Nonpoint Pollution

(a) The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and groundwater adjacent to the site.

(b) When applicable, shoreline development should comply with the requirements of the latest version of the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Eastern Washington.

(c) Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.

(d) Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.

(e) Within twenty-five (25) feet of a water body, herbicides, fungicides, fertilizers, and pesticides shall be applied in strict conformance to the manufacture's recommendations and in accordance with relevant state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.

(f) New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the latest version of the Washington State Department of Ecology's (Ecology) Stormwater Management Manual for Eastern Washington, including the use of BMPs. Additionally, new development shall implement low impact development techniques where feasible and necessary to fully implement the core elements of the Surface Water Design Manual.

(g) For development activities with the potential for adverse impacts on water quality or quantity in a stream or fish and wildlife habitat conservation area, a critical area report as prescribed in the GCC 24.12, Article V, shall be prepared. Such reports should discuss the project's potential to exacerbate water quality parameters which are impaired and for which Total Maximum Daily Loads (TMDLs) for that pollutant have been established, and prescribe any necessary mitigation and monitoring.

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

24.12.260 Public Access

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

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

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

(b) Except as provided in GCC 24.12.260 (c) below, new uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

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

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

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

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

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

- 1 (6) The proposed use, activity, or development includes key areas for public
2 access recommended in the Grant County Shoreline Restoration Plan; or
- 3 (7) The proposed activity is a publicly financed shoreline erosion control measure
4 (when feasible).
- 5 (c) An applicant shall not be required to provide public access where one or more of the
6 following conditions apply, provided such exceptions shall not be used to prevent
7 implementing the access and trail provisions mentioned in the County's and other
8 agencies management plans. In determining the infeasibility, undesirability, or
9 incompatibility of public access in a given situation, the County shall consider
10 alternative methods of providing public access, such as offsite improvements,
11 viewing platforms, separation of uses through site planning and design, and
12 restricting hours of public access:
 - 13 (1) Proposed use, activity, or development only involves the construction of four
14 or fewer single-family or multifamily dwellings;
 - 15 (2) Proposed use is agricultural/ranching activities;
 - 16 (3) The nature of the use, activity, or development or the characteristics of the site
17 make public access requirements inappropriate due to health, safety (including
18 consistency with Crime Prevention through Environmental Design or CPTED
19 principles, where applicable), or environmental hazards; the proponent shall
20 carry the burden of demonstrating by substantial evidence the existence of
21 unavoidable or unmitigable threats or hazards to public health, safety, or the
22 environment that would be created or exacerbated by public access upon the
23 site;
 - 24 (4) An existing, new, or expanded road or utility crossing through shoreline
25 jurisdiction shall not create the need for public access if the development
26 being accessed or served by the road or utility is located outside of shoreline
27 jurisdiction.
 - 28 (5) The proposed use, activity, or development has security requirements that are
29 not feasible to address through the application of alternative design features
30 for public access such as offsite improvements, viewing platforms, and
31 separation of uses through site planning and design;
 - 32 (6) The economic cost of providing for public access upon the site is
33 unreasonably disproportionate to the total long-term economic value of the
34 proposed use, activity, or development;
 - 35 (7) Safe and convenient public access already exists in the general vicinity, and/or
36 the County and agencies' plans show adequate public access at the property.
 - 37 (8) Public access has reasonable potential to threaten or harm the natural
38 functions and native characteristics of the shoreline and/or is deemed
39 detrimental to threatened or endangered species under the Endangered Species
40 Act; or

- 1 (9) The site is within or part of an overall development, a binding site plan, or a
2 planned unit development which has previously provided public access
3 adequate to serve the project in full build-out through other application
4 processes.
- 5 (d) Public access shall be located and designed to respect private property rights, be
6 compatible with the shoreline environment, protect ecological functions and
7 processes, protect aesthetic values of shoreline, and provide for public safety
8 (including consistency with Crime Prevention through Environmental Design or
9 CPTED principles, where applicable).
- 10 (e) For any development where public access is not required, shared community access
11 may be allowed if there is no existing or planned public access along the shoreline
12 identified in the County's and other agencies' plan. Where provided, community
13 access shall be subject to all applicable development standards of this section. Shared
14 community access is not required when any of the conditions under GCC 24.12.260
15 (c) applies.
- 16 (f) General Performance Standards
- 17 (1) Uses, activities, and developments shall not interfere with the regular and
18 established public use.
- 19 (2) Shoreline substantial development or conditional uses shall minimize the
20 impact on views of shoreline waterbodies from public land or substantial
21 numbers of residences.
- 22 (3) Proponents shall include within their shoreline applications an evaluation of a
23 proposed use, activity, or development's likely adverse impact on current
24 public access and future demands for access to the site. Such evaluation shall
25 consider potential alternatives and mitigation measures to further the policies
26 of this SMP and the provisions of this section.
- 27 (4) Public access easements, trails, walkways, corridors, and other facilities may
28 encroach upon any buffers or setbacks required in GCC 24.12, Article V or
29 under other provisions of this SMP, provided that such encroachment does not
30 conflict with other policies and regulations of this SMP, and that no net loss of
31 ecological function can be achieved. Any encroachment into a buffer or
32 setback must be as close to the landward edge of the buffer as possible.
- 33 (5) Public access facilities shall accommodate persons with disabilities unless
34 determined infeasible by the Shoreline Administrative Official.
- 35 (g) Trails and Levees
- 36 (1) Existing improved and primitive public trails shall be maintained and
37 enhanced.
- 38 (2) Shoreline in private ownership should provide public access when feasible as
39 follows:
- 40 (A) Easement for public access; and

- (B) Physical or visual public access when feasible and when part of the access and trail plan is mentioned in the County of other agencies' management plan.
- (3) Where public access is to be provided by dedication of public access easements along the OHWM, the minimum width of such easements shall be 20 feet.
- (4) The total width of trail, including shoulders, shall be 10 feet maximum, or as required by Americans with Disabilities Act (ADA) regulations.
- (5) Pervious pavings are encouraged for all trails, and are required for trail shoulders.
- (6) Trails should make use of an existing constructed grade such as those formed by an abandoned rail grade, road, or utility when feasible.
- (7) Trails shall be located, constructed, and maintained so as to avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation consistent with a Habitat Management Plan.
- (8) Trails on private properties and not open for public use shall be up to 5 feet wide or as required by Americans with Disabilities Act (ADA) regulations.
- (h) Rights-of-Way, Easements, and Streets for Public Access
- (1) The County shall maintain public rights of ways or easements as a means of retaining public access on the shoreline. Proposed use, activity, or developments shall maintain public access provided by public street ends, public utilities, and rights-of-way.
- (2) The public easements required pursuant to this section, for the purpose of providing access across or through the site to the OHWM, shall be maintained by the property owner to provide for reasonable and safe public access to the OHWM.
- (i) Where public access routes terminate, connections should be made with the nearest public street unless determined by the Shoreline Administrative Official to be infeasible. Public access facilities required for an approved or permitted use, activity, or development shall be completed prior to occupancy and use of the site or operation of the activity. Public access shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.
- (j) Off-site public access may be permitted by the County where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, compatibility, or feasibility are present. Off-site public access may include, but is not limited to, adequate access on public lands in proximity to the site, opportunity to increase public lands and access with adjoining or proximate public area, enhancing a County-designated public property (e.g. existing public

recreation site; existing public access; road abutting a body of water; or similar) in accordance with County standards, or other related measures.

(k) Signage

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

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

24.12.270 Flood Hazard Reduction

(a) Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, as well as applicable guidelines of the Federal Emergency Management Agency and GCC 24.12.560, Frequently Flooded Areas.

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

(c) The following uses and activities may be authorized within the CMZ or floodway:

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

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

shoreline. Where such structures are allowed, mitigation shall address adversely impacted functions and processes in the affected shoreline.

- (3) New or redeveloped measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.
- (4) Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
- (5) Mining when conducted in a manner consistent with GCC 24.12.380, Mining, and the shoreline environment designation.
- (6) Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.
- (7) Repair and maintenance of existing legally established use and developments, provided that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.
- (8) Existing and ongoing agricultural activities provided that no new restrictions to channel movement are proposed.

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

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

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

(1) Floodway: New development and subdivisions shall be subject to applicable floodway regulations in GCC 24.12.560 and Chapter 24.16.

(2) Channel Migration Zone:

(A) New development in the channel migration zone is allowed subject to:

- (i) Structures are located on an existing legal lot created prior to the effective date of this program;
 - (ii) A feasible alternative location outside of the channel migration zone is not available on-site; and
 - (iii) To the extent feasible, the structure and supporting infrastructure is located the farthest distance from the OHWM, unless the applicant can demonstrate that an alternative location is the least subject to risk.
 - (B) New subdivisions in the channel migration zone may be allowed subject to:
 - (i) All lots contain five thousand square feet or more of buildable land outside of the channel migration zone;
 - (ii) Access to all lots does not cross the channel migration zone; and
 - (iii) All infrastructure is located outside the channel migration zone except that an on-site septic system is allowed in the channel migration zone if: a feasible alternative location is not available on-site, and to the maximum extent practical, the septic system is located the farthest distance from the OHWM.
- (g) New public and private structural flood hazard reduction measures shall be approved when a scientific and engineering analysis demonstrates the following:
 - (1) that they are necessary to protect existing development;
 - (2) that nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use or structure removal or relocation, biotechnical measures, and stormwater management programs are not feasible;
 - (3) that adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and
 - (4) that appropriate vegetation conservation actions are undertaken consistent with GCC 24.12.240, Shoreline Vegetation Conservation.
- (h) Flood hazard reduction measures shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the Shoreline Administrative Official.
- (i) New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant adverse ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

- (j) In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in state, federal or other flood hazard agency documents governing County-authorized, legal flood hazard reduction measures, the vegetation requirements of this SMP will not apply. However, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications, and shall comply with all other provisions of this section and this SMP that are not strictly prohibited by the approving flood hazard agency.
- (k) The removal of gravel or other riverbed material for flood management purposes shall be consistent with the GCC 24.12.340, Dredging and Dredge Material Disposal and GCC 24.12.380, Mining, and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, and does not result in a net loss of ecological functions.
- (l) Roads shall be located outside the floodway, except necessary crossings which shall be placed perpendicular to the waterbody as much as is physically feasible. New transportation facilities shall be designed so that the effective base flood storage volume of the floodplain is not reduced. The applicant shall provide all necessary studies, reports, and engineering analysis which shall be subject to review and modification by Grant County. If proposed transportation facilities effectively provide flood control, they shall comply with policies and regulations of this section.

Article IV. Shoreline Modifications and Uses Regulations

24.12.300 Agriculture

- (a) Existing agricultural uses and future agriculture activities as allowed in the Comprehensive Plan shall be allowed.
- (b) For shorelands used for agricultural practices, new or additional uses, activities, and development that are not existing and ongoing agriculture shall be subject to the following requirements:
- (1) Such uses, activities, and development shall be allowed or permitted in a manner to ensure maintenance of ecological functions.
 - (2) Vegetation enhancement shall be required where the shoreline has been ecologically degraded.
 - (3) If the new use, activity, or development is more intensive than the existing and ongoing agriculture, no significant vegetation removal, development, or grading shall occur in the shoreline buffer except as necessary to accommodate low-intensity water-dependent uses and public access that sustains ecological functions.
 - (4) New agricultural lands created by diking, draining, or filling wetlands or channel migration zones shall not be allowed.
- (c) A Substantial Development Permit shall be required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).
- (d) SMP provisions shall apply in the following cases:

- (1) New agricultural activities on land not meeting the definition of agricultural land;
 - (2) Expansion of agricultural activities on non-agricultural lands;
 - (3) Conversion of agricultural lands to other uses;
 - (4) Other development on agricultural land that does not meet the definition of agricultural activities; and
 - (5) Agricultural development and uses not specifically exempted by the Act.
- (e) New non-agricultural activities proposed on agricultural lands shall be consistent with the environment designation and the Shoreline Use and Modification Matrix table (GCC 24.12.200 (d)), as well as other applicable shoreline use standards, e.g., Commercial (GCC 24.12.330) or Residential (GCC 24.12.410).
- (f) Agricultural uses and development in support of agricultural uses shall be located and designed to assure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.
- (g) New feedlots are prohibited in critical area buffers. Feed lots shall be located in such a manner as to prevent waste runoff from entering water bodies or ground water.
- (h) Agricultural uses and activities shall prevent and control erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, pollution and other environmental degradation of watercourses and wetlands.
- (i) Agricultural chemicals shall be applied in a manner consistent with best management practices for agriculture and Section 25.12.250 (e).
- (j) New or redeveloped agricultural activities shall provide a buffer of permanent native vegetation between all cropland or pasture areas and adjacent waters or wetlands pursuant to the critical areas provisions of this SMP.
- (k) Agricultural development shall conform to applicable state and federal policies and regulations.

24.12.310 Aquaculture

- (a) Non-commercial aquaculture undertaken for conservation or native species recovery purposes is a preferred use within Grant County's shorelines. Allowed fisheries enhancement uses shall include net pens in existing water bodies, hatcheries, rearing ponds, spawning channels, water diversion structures, and groundwater wells, provided that their construction does not result in a net loss of ecological function.
- (b) Aquaculture for non-native species or for commercial or other purposes shall require a Conditional Use Permit.
- (c) Proponents of an aquaculture use or activity shall supply, at a minimum, the following information in their application for shoreline permit(s):
- (1) species to be reared;
 - (2) aquaculture method(s);

- (3) anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals, and their predicted adverse impacts;
 - (4) harvest and processing method and timing;
 - (5) method of waste management and disposal;
 - (6) best available background information and probable adverse impacts on water quality, biota, and any existing shoreline or water uses.
 - (7) method(s) of predator control;
 - (8) a description of the proposed use of lights and noise-generating equipment, and an assessment of adverse impacts upon surrounding uses; and
 - (9) other pertinent information as required by the County.
- (d) Aquacultural activities shall meet all applicable federal, state, and county standards and regulations.
- (e) No garbage, wastes, or debris shall be allowed to accumulate upon the site of any aquaculture use or activity, nor discharged to any waterbody regulated by this SMP.
- (f) No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals shall be used until approved by all appropriate state and federal agencies. Those agencies shall include, but shall not be limited to, the Washington State Departments of Fish and Wildlife, Agriculture, and Ecology, and the U.S. Food and Drug Administration. Evidence of such approval shall be submitted to the County.
- (g) Aquaculture structures and equipment that come in contact with the water shall contain no substances that are toxic to aquatic life, and aquaculture activities that would degrade water quality shall be prohibited.
- (h) Aquaculture activities shall be subject to conditioning and requirements for mitigation to ensure that it does not result in a net loss of ecological function.
- (i) Aquaculture projects shall be located in areas that do not impact navigation, public access, or normal public use of the water.
- (j) Aquaculture facilities shall be designed to minimize nuisance odors and noise, as well as visual impacts on surrounding shoreline development.

24.12.320 Boating Facilities

- (a) General Requirements.
- (1) All boating uses, development, and facilities shall protect the rights of navigation.
 - (2) Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet DNR requirements and other state guidance if located in or over state-owned aquatic lands.
 - (3) Boating facilities shall locate on stable shorelines in areas where:

- 1 (A) Such facilities will not adversely affect flood channel capacity or
2 otherwise create a flood hazard;
- 3 (B) Water depths are adequate to minimize spoil disposal, filling, beach
4 enhancement, and other channel maintenance activities; and
- 5 (C) Water depths are adequate to prevent the structure from grounding out
6 at the lowest low water or else stoppers are installed to prevent
7 grounding out.
- 8 (4) Boating facilities shall not be located:
 - 9 (A) Along braided or meandering river channels where the channel is
10 subject to change in alignment;
 - 11 (B) On point bars or other accretion beaches;
 - 12 (C) Where new or maintenance dredging will be required; or
 - 13 (D) Where wave action caused by boating use would increase bank erosion
14 rates, unless “no wake” zones are implemented at the facility.
- 15 (5) Boating uses and facilities shall be located far enough from public swimming
16 beaches, and aquaculture harvest areas to alleviate any aesthetic or adverse
17 impacts, safety concerns, and potential use conflicts.
- 18 (6) In-water work shall be scheduled to protect biological productivity (including
19 but not limited to fish runs, spawning, and benthic productivity).
- 20 (7) Accessory uses at boating facilities shall be:
 - 21 (A) Limited to water-oriented uses, including uses that provide physical or
22 visual shoreline access for substantial numbers of the general public;
23 and
 - 24 (B) Located as far landward as possible while still serving their intended
25 purposes.
- 26 (8) Parking and storage areas shall be landscaped or screened to provide visual
27 and noise buffering between adjacent dissimilar uses or scenic areas.
- 28 (9) Boating facilities shall locate where access roads are adequate to handle the
29 traffic generated by the facility and shall be designed so that lawfully existing
30 or planned public shoreline access is not unnecessarily blocked, obstructed
31 nor made dangerous.
- 32 (10) Joint-use moorage with ten (10) or more berths is regulated under this section
33 as a marina (Section C below). Joint-use moorage with fewer than ten (10)
34 berths is regulated under this section as a dock or pier (see Section 24.12.390,
35 Private Moorage Facilities).
- 36 (11) All marinas and public launch facilities shall provide at least portable
37 restroom facilities for boaters’ use that are clean, well-lighted, safe and
38 convenient for public use.

- (12) Installation of boat waste disposal facilities such as pump-outs and portable dump stations shall be required at all marinas and shall be provided at public boat launches to the extent possible. The locations of such facilities shall be considered on an individual basis in consultation with the Washington Departments of Health, Ecology, Natural Resources, Parks, and WDFW, as necessary.
 - (13) All utilities shall be placed at or below dock levels, or below ground, as appropriate.
 - (14) When appropriate, marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.
 - (15) Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol, or other similarly toxic materials is prohibited for use in moorage facilities.
 - (16) Boating facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel. (See GCC 24.12.250, Water Quality, Stormwater, and Nonpoint Pollution)
 - (17) Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations; and provided, that a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
- (b) Boat Launch Facilities.
- (1) Private boat launch facilities designed to accommodate the launching of motorized watercraft are not allowed.
 - (2) Public boat launch facilities may be allowed in areas where no launching opportunities exist within close proximity of a site (within less than 3 miles distance by road on a water body).
 - (3) Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.
 - (4) Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

(c) Marinas

(1) Marinas shall be designed to:

- (A) Provide flushing of all enclosed water areas;
- (B) Allow the free movement of aquatic life in shallow water areas; and
- (C) Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms.

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

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

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

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

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

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

24.12.330 Commercial Development

(a) Water-dependent commercial development shall be given priority over non-water-dependent commercial uses within shoreline environments. Secondly, water-related and water-oriented uses shall be given priority over non-water-oriented commercial uses.

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

- (1) The commercial use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the objectives of the Act.
- (2) Navigability is severely limited at the proposed site, including opportunities for kayaking or other water-oriented uses.
- (3) The commercial use is physically separated from the shoreline by another property, public right-of-way, or levee.

- (4) The commercial use is farther upland than 200 feet from the OHWM; therefore, a water-oriented use is not a viable option.
- (c) Non-water-oriented uses, including but not limited to residential uses, may be located with water-oriented commercial uses provided:
 - (1) The mixed-use project includes one or more water-dependent uses.
 - (2) Water-dependent commercial uses as well as other water-oriented commercial uses have preferential locations along the shoreline.
 - (3) The underlying zoning district permits residential uses together with commercial uses.
 - (4) Public access is provided and/or ecological restoration is provided as a public benefit.
- (d) Review Criteria: The County shall utilize the following information in its review of all commercial development applications:
 - (1) Whether there is a water-oriented aspect of the proposed commercial use or activity when it is located within 200 feet of the OHWM;
 - (2) Whether the proposed commercial use is consistent with the Shoreline Use and Modification Matrix(GCC 24.12.200 (d));
 - (3) Whether the application has the ability to enhance compatibility with the shoreline environment and adjacent uses;
 - (4) Whether adequate provisions are made for public and private visual and physical shoreline access;
 - (5) Whether the application makes adequate provisions to prevent adverse environmental impacts and provide for shoreline ecological or critical area mitigation, where appropriate.
- (e) Commercial development shall be designed and maintained in a manner compatible with the character and features of surrounding areas. Developments are encouraged to incorporate low impact development techniques into new and existing projects and integrate architectural and landscape elements that recognize the river and lake environments. The County may prescribe and modify project dimensions, screening standards, setbacks, or operation intensities to achieve this purpose.
- (f) Eating and drinking facilities and lodging facilities shall be oriented to provide views to the waterfront when such view is available from the site.
- (g) Commercial uses shall provide for public access as a condition of approval, unless such public access is demonstrated by the proponent to be infeasible or inappropriate for the shoreline pursuant to GCC 24.12.260, Public Access.
- (h) Commercial uses shall provide for suitable measures to rehabilitate and enhance the shoreline ecology as a condition of approval.
- (i) Non-water-oriented commercial uses shall not be allowed over water in any shoreline environment.

- (j) All commercial loading and service areas shall be located upland or away from the shoreline. Provisions shall be made to screen such areas with walls, fences, and landscaping and to minimize aesthetic impacts.
- (k) The storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 200 feet of the OHWM, whichever boundary extends farthest landward.
- (l) Development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and without significant adverse impacts on other preferred land uses and public access features.

24.12.340 Dredging and Dredge Material Disposal

- (a) Dredging.
 - (1) New dredging shall be permitted only where it is demonstrated that the proposed water dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines, unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.
 - (2) Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places and the Washington Heritage Register until such time that they have been reviewed and approved by the appropriate agency
 - (3) Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.
 - (4) Dredging shall be permitted only:
 - (A) For navigation or navigational access;
 - (B) In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - (C) As part of an approved habitat improvement project;
 - (D) To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from re-entering the water; or
 - (E) In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.

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

(b) Dredge Material Disposal

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

(A) Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and

(B) Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts on shoreline ecological functions and processes or property; and

(C) The site will ultimately be suitable for a use allowed by this SMP.

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

(3) Dredge material disposal within areas assigned an Aquatic environment designation may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 404 (Clean Water Act) permits, Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA), and/or the Dredged Material Management Program of the Washington Department of Natural Resources; and when one of the following conditions apply:

(A) Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or

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

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

(A) Aquatic habitat will be protected, restored, or enhanced;

(B) Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;

(C) Shifting and dispersal of dredge material will be minimal; and

(D) Water quality will not be adversely affected.

(5) When required by the county's Shoreline Administrative Official, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species shall be used in the revegetation.

- 1 (6) Dredge material disposal operating periods and hours shall be limited to those
2 stipulated by the Washington Department of Fish and Wildlife and hours to
3 7:00 AM to 5:00 PM Monday through Friday, except in time of emergency as
4 authorized by the Shoreline Administrative Official. Provisions for buffers at
5 land disposal or transfer sites in order to protect public safety and other lawful
6 interests and to avoid adverse impacts shall be required.
- 7 (c) Submittal Requirements: The following information shall be required for all dredging
8 applications:
 - 9 (1) A description of the purpose of the proposed dredging and analysis of
10 compliance with the policies and regulations of this SMP.
 - 11 (2) A detailed description of the existing physical character, shoreline
12 geomorphology, and biological resources provided by the area proposed to be
13 dredged, including:
 - 14 (A) A site plan map outlining the perimeter of the proposed dredge area.
15 The map must also include the existing bathymetry (water depths that
16 indicate the topography of areas below the OHWM) and have data
17 points at a minimum of 2-foot depth increments.
 - 18 (i) A critical areas report.
 - 19 (ii) A mitigation plan if necessary to address any identified
20 adverse impacts on ecological functions or processes.
 - 21 (iii) Information on stability of areas adjacent to proposed
22 dredging and spoils disposal areas.
 - 23 (B) A detailed description of the physical, chemical and biological
24 characteristics of the dredge materials to be removed, including:
 - 25 (i) Physical analysis of material to be dredged (material
26 composition and amount, grain size, organic materials present,
27 source of material, etc.).
 - 28 (ii) Chemical analysis of material to be dredged (volatile solids,
29 chemical oxygen demand (COD), grease and oil content,
30 mercury, lead and zinc content, etc.).
 - 31 (iii) Biological analysis of material to be dredged.
 - 32 (C) A description of the method of materials removal, including facilities
33 for settlement and movement.
 - 34 (D) Dredging procedure, including the length of time it will take to
35 complete dredging, method of dredging, and amount of materials
36 removed.
 - 37 (E) Frequency and quantity of project maintenance dredging.
 - 38 (F) Detailed plans for dredge spoil disposal, including specific land
39 disposal sites and relevant information on the disposal site, including,
40 but not limited to:

- (i) Dredge material disposal area;
- (ii) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
- (iii) Size and capacity of disposal site;
- (iv) Means of transportation to the disposal site;
- (v) Proposed dewatering and stabilization of dredged material;
- (vi) Methods of controlling erosion and sedimentation; and
- (vii) Future use of the site and conformance with land use policies and regulations.
- (viii) Total estimated initial dredge volume.
- (ix) Plan for disposal of maintenance spoils for at least a 20- year period, if applicable.
- (x) Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.

24.12.350 Fill and Excavation

- (a) Fill waterward of the OHWM, except fill to support ecological restoration, requires a Conditional Use Permit and may be permitted only when:
 - (1) In conjunction with water-dependent or public access uses allowed by this SMP;
 - (2) In conjunction with a bridge or transportation facility of statewide significance for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;
 - (3) In conjunction with implementation of an interagency environmental clean-up plan to clean up and dispose of contaminated sediments;
 - (4) Disposal of dredged material considered suitable under, and conducted in accordance with the Washington State Dredged Material Management Program of the Washington Department of Natural Resources; or
 - (5) In conjunction with any other environmental restoration or enhancement project.
- (b) Waterward of the OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.
- (c) Fill upland and waterward of the OHWM, including in non-watered side channels, shall be permitted only where it is demonstrated that the proposed action will not:
 - (1) Result in significant ecological damage to water quality, fish, and/or wildlife habitat;

- (2) Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce flood water capacities;
 - (3) Alter channel migration, geomorphic, or hydrologic processes; and
 - (4) Significantly reduce public access to the shoreline or significantly interfere with shoreline recreational uses.
- (d) Fills are prohibited in the floodway, except when approved by Conditional Use Permit and where required in conjunction with uses allowed by this SMP.
 - (e) Fills are allowed in floodplains outside of the floodway only where they would not alter the hydrologic characteristics, flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property and are consistent with FEMA standards and GCC 24.12.270 and GCC 24.12.560.
 - (f) Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill.
 - (g) Excavation waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.
 - (h) Fills or excavation shall not be located where shore stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.
 - (i) Fills, beach nourishment, and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long term appropriate use including lawful access and enjoyment of scenery.

24.12.360 Groins and Weirs

- (a) Breakwaters shall be allowed in Recreation and High Intensity – Public Facility environments with a Conditional Use Permit.
- (b) New, expanded or replacement groins and weirs shall only be permitted if the applicant demonstrates that the proposed groin or weir will not result in a net loss of shoreline ecological functions, and the structure is necessary for water-dependent uses, public access, shoreline stabilization, or other specific public purposes.
- (c) Groins and weirs shall require a Conditional Use Permit, except when such structures are installed to protect or restore ecological functions, such as installation of groins that may eliminate or minimize the need for hard shoreline stabilization.
- (d) Groins and weirs shall be located, designed, constructed, and operated consistent with mitigation sequencing principles, including avoiding critical areas, as provided in GCC 24.12.230 and Article V, GCC 24.12.500 through 24.12.570.

24.12.370 In-Stream Structures

- (a) In-stream structures are those structures placed by humans within a stream or river waterward of the OHWM that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply,

flood control, transportation, utility service transmission, structures primarily intended for fisheries management, or other purposes. Docks, piers, and marinas are not regulated as “in-stream structures” under this section of the SMP. See the Transportation: Trails, Roads, and Parking section and the Utilities section of this SMP for regulations governing road and utility crossings of streams.

(b) General

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

(A) the full range of public interests, including Columbia Basin Project and irrigation districts operations, maintenance and facility upgrade activities; demand for public access to shoreline waters; desire for protection from floods; and need for preservation of historical and cultural resources;

(B) protection and preservation of ecosystem-wide processes and ecological functions, including, but not limited to, fish and wildlife, with special emphasis on protecting and restoring priority habitats and species, and water resources and hydro geological processes, within the context of the hydrology and water management effects of the Columbia Basin Project and irrigation districts operations, as applicable.

(2) Structures shall be designed, located, and constructed consistent with mitigation sequencing principles in the Environmental Protection and Critical Areas Sections of this SMP, and as otherwise limited by floodplain regulations found in the Flood Hazard Reduction and Floodplain Management sections of this SMP.

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

(4) In-stream structures shall provide for adequate upstream and downstream migration of resident fish, as applicable, and shall not adversely affect salmonid fish species or adversely modify salmonid fish habitat, as applicable.

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

(6) Mitigation shall be required of the proponent for the loss of ecological functions and processes pursuant to Environmental Protection and Critical Areas Sections of this SMP. No net loss in function, value, or acreage shall occur from such development.

(c) Submittal Requirements: In addition to the standard requirements listed in GCC 24.12.730, Application Requirements, all permit applications for in-stream structures shall contain, at a minimum, the following additional information:

- (1) A site suitability analysis, which provides sufficient justification for the proposed site. The analysis must fully address alternative sites for the proposed development.
- (2) Proposed location and design of primary and accessory structures, transmission equipment, utility corridors, and access/service roads.
- (3) A plan that describes the extent and location of vegetation which is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required by this SMP.
- (4) A hydraulic analysis prepared by a licensed professional engineer that sufficiently describes the project's effects on stream way hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.
- (5) A hydrologic analysis that analyzes the project's effects on ecological processes, including delivery and rate of water and sediment, geomorphology, and recruitment of organic material.
- (6) Biological resource inventory and analysis that sufficiently describes the project's effects on fish and wildlife resources, prepared by a qualified professional as defined in the Critical Areas section of this SMP.
- (7) Provision for erosion control, protection of water quality, and protection of fish and wildlife resources during construction.
- (8) Long-term management plans that describe, in sufficient detail, provisions for protection of in-stream resources during construction and operation. The plan shall include means for monitoring its success.

24.12.380 Mining

- (a) Mining shall be prohibited waterward of the OHWM.
- (b) Mining facilities shall be located within shoreline jurisdiction only when no feasible sites are available outside shoreline jurisdiction, and only after the applicant has demonstrated compliance with the mitigation sequencing requirements of GCC 24.12.230, Environmental Protection.
- (c) Mining in shoreline jurisdiction shall only be approved when the material proposed to be extracted is only available in a shoreline location. This determination shall be based on an evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction; the need for such mineral resources; and economic, transportation, and land use factors. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations, and may be integrated with any relevant environmental review conducted under SEPA (Chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a), as amended.
- (d) Mining facilities and associated activities shall be designed and located to prevent loss of ecological function. Application for permits for mining operations shall be accompanied by operation plans, reclamation plans, and analysis of environmental

impacts sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation. Creation, restoration, or enhancement of habitat for priority species and the future productivity of the site may be considered in determining no net loss of ecological functions.

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

(f) Mining proposals must be coordinated and compliant with state Surface Mining Reclamation Act requirements (Chapter 78.44 RCW, Chapter 332-18 WAC).

24.12.390 Private Moorage Facilities

(a) The purpose of this section is to provide regulations for the location and design of private docks, watercraft lifts, swim floats, buoys, and moorage piles serving four or fewer residential dwellings. Docks serving more than four residential units shall be regulated under “boating facilities” (GCC 24.12.320). Dock is a general term for the structure or group of structures that provides boat moorage or other uses. A dock may be made up of piers (which are structures on fixed piles) and floats (which float on the water’s surface and are typically attached to piles so that they may rise and fall with changes in the water’s elevation). Swim floats are addressed in GCC 24.12.390 (h) below.

(b) All moorage facilities that extend onto State-owned aquatic lands must also comply with Washington Department of Natural Resources¹ standards and regulations.

(c) Docks, boatlifts, swim floats, buoys, watercraft lifts, and moorage piles shall only be approved as an accessory to an existing principle permitted and established use, or may be permitted concurrently with a principle use.

(d) **Location standards.** Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be located according to the following criteria:

(1) Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be sited to avoid adversely impacting shoreline ecological functions or processes.

(2) Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating. The length of piers and docks shall be limited in constricted water bodies to assure navigability and public use. The County may require reconfiguration of piers and docks proposals where necessary to protect navigation, public use, or ecological functions.

(3) Covered docks or other covered structures are not permitted waterward of the OHWM.

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

(e) **General design standards.** Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be designed according to the following criteria:

(1) If moorage is to be provided or planned as part of a new residential development of two or more waterfront dwelling units or lots or as part of a subdivision or other divisions of land occurring after the effective date of this SMP, joint use or community dock facilities shall be required when feasible, rather than allow individual docks for each residence. A joint use dock shall not be required for:

(A) Single residential development.

(B) Existing single residential units that currently do not have a dock.

(C) Replacement of existing single residential docks.

(2) In order to evaluate the feasibility of a joint community dock in a new residential development of two or more waterfront dwelling units, the applicant/proponent shall demonstrate the following:

(A) Existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for use; and

(B) The applicant/proponent has contacted abutting property owners and none have indicated a willingness to share an existing dock or develop a shared moorage in conjunction with the applicant/proponent.

(3) If allowed, only one private dock shall be permitted on a shoreline residential lot.

(4) Any adverse impacts of the proposed dock shall be adequately mitigated.

(5) For joint use or community docks, the following conditions apply:

(A) New residential developments, including division of land, shall contain a restriction on the face of the plat prohibiting individual docks and identifying locations for joint-use or community dock facilities. However, a single-use dock may be authorized if the applicant can demonstrate that all other reasonable community or joint-use options have been investigated and found infeasible.

(B) A site for shared moorage at a joint-use dock should be owned in undivided interest by property owners or managed by a homeowner's association as a common easement within the residential development.

(C) If moorage joint-use dock is provided, the applicant shall file at the time of building permit submittal for the dock a legally enforceable joint use agreement or other legal instrument that, at a minimum, addresses the following:

(i) Provisions for maintenance and operation;

(ii) Easements or tracts for joint-use access; and

(iii) Provisions for joint use for all benefiting parties.

- (D) All over- and in-water structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures or materials, including treated wood, pilings, derelict structures, vessels, buoys, and equipment, shall be repaired promptly by the owner or removed after obtaining any necessary permits.
- (E) Lighting is prohibited unless required by a federal or state agency for navigation or safety purposes. In instances where lighting is required for these purposes, illumination levels shall be the minimum necessary for safety. (WAC 173-26-321(2)(b, d))
- (F) Temporary moorages shall be allowed for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one year at no cost to the environment or the public.
- (G) No skirting is allowed on any structure. (WAC 173-26-321(2)(b, d)).
- (H) If a dock is provided with a safety railing, such railing shall meet International Building Code requirements and shall be an open framework, following appropriate safety standards, that does not unreasonably interfere with shoreline views of adjoining properties.
- (I) Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish of all structures shall be generally non-reflective.
- (J) Private moorage for float planes may be permitted accessory to existing or concurrently proposed moorage where construction and operation would not adversely affect shoreline functions or processes, including wildlife use, or interfere with navigation.
- (f) Dock dimensional and materials standards. The following dimensional standards shall apply to all new docks serving four or fewer residential dwellings. Deviations from the dimensional standards must be approved through a Shoreline Variance.
- (1) Width.
- (A) Piers and floats shall not exceed 8 feet in width. Ramps shall not exceed 4 feet in width.
- (B) Dock finger extensions shall not exceed 2 feet in width.
- (2) Length.
- (A) The length of the dock shall not exceed the length necessary in order for the end of the dock to reach a minimum water depth of 4 feet measured at ordinary high water.
- (3) Area.

- 1 (A) The area of new docks shall be limited by the maximum width and
2 length allowed in 1) and 2) above. Only one float is allowed per
3 single-use dock. A maximum of two floats is allowed for joint-use
4 docks.
- 5 (B) 320 square feet for single use docks, excluding the ramp and all
6 associated appurtenances.
- 7 (C) 450 square feet for joint use docks, excluding the ramp and all
8 associated appurtenances.
- 9 (4) Height. The bottom of any piers or the landward edge of any ramp must be at
10 least 1 foot above the OHWM. The freeboard height on all floats must be at
11 least 10 inches.
- 12 (A) Dock Support Piles.
- 13 (i) Piling shall be structurally sound and cured prior to placement
14 in the water.
- 15 (ii) Pilings shall not be treated with pentachlorophenol, creosote,
16 copper naphthalene, chromate copper arsenate, or comparably
17 toxic compounds.
- 18 (iii) Pilings shall not extend beyond the end of the dock.
- 19 (iv) Pilings shall not exceed 4 inches in diameter. If a piling is
20 encased in a sleeve, the piling plus sleeve diameter shall not
21 exceed 5 inches. Piles up to 8 inches in diameter may be
22 approved by the Shoreline Administrative Official without a
23 Shoreline Variance if the designing engineer documents need
24 for larger piles for safety or structural reasons.
- 25 (v) Pilings or piling sleeves shall be white in color.
- 26 (B) Dock and Watercraft Lift Spacing.
- 27 (vi) Private docks and watercraft lifts shall be spaced a minimum
28 of 10 feet from the side property lines for individual
29 properties. Joint-use structures may abut or overlap property
30 lines provided the adjacent property owners have mutually
31 agreed to the structure location, and the agreement is recorded
32 through contract or covenant is recorded with the County
33 Auditor's Office.
- 34 (vii) For those new docks located adjacent to larger existing
35 overwater structures, such as marinas or community docks,
36 the responsible local government may require a greater
37 separation between moorage structures to reduce potential
38 navigation and use conflicts.
- 39 (viii) No new structure may be installed within 100 feet of the outlet
40 of any river or stream.

(C) Decking/Materials - Columbia River, Rocky Ford Creek, Lower Crab Creek and Sand Hollow Creek areas with access to the Columbia River/ESA Listed Salmonids

(i) Grating or clear translucent material shall cover the entire surface area of the pier, ramp, and/or float. The open area of grating shall be at least 60% and clear translucent materials shall have greater than 90% light transmittance as rated by the manufacturer.

(ii) Float materials contacting the water shall be white in color.

(iii) Flotation materials shall be permanently encapsulated.

(D) Decking Materials - All Other Water Bodies

(i) Use of materials specified for marine use is required.

(ii) Flotation materials shall be permanently encapsulated.

(g) Mooring Buoys.

(1) Each waterfront single-family residence or parcel may be allowed one moorage buoy.

(2) Mooring buoys shall be placed at a distance specified by State and Federal agencies with authority to avoid nearshore habitat and to minimize obstruction to navigation. However, buoys shall not extend farther waterward of the OHWM than 300 feet or one-third of the width of the waterbody, whichever is less, and no closer than 50 feet, and shall be anchored at least 25 feet from side property lines or at the center of a parcel when the lot is less than 50 feet wide. Private buoys shall not be placed within 100 feet of a public facility or park, and shall not interfere with access to private or public property.

(3) At a minimum, the buoy shall be placed so that the boat will not ground during the waterbody's typical moorage season and is in water at least 7 feet deep at ordinary high water.

(4) A radius of 100 feet from the proposed buoy shall be clear of existing buoys, docks, and other hazards. A smaller radius may be approved if the applicant demonstrates that a boat moored at the proposed buoy provides a safety margin of at least 20 feet from any other fixed hazard, including from boats moored at nearby buoys.

(5) A mooring buoy shall secure no more than two boats.

(6) Anchor, buoy, and moored vessel are not located over or within 25 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds).

(7) Anchor, buoy, and moored vessel are not to be located over or within 300 feet of spawning habitat for federal or state listed salmonid fish species, or over or within 25 feet of spawning habitat for other native fish species.

- (8) Anchors should be helical screw anchors, other embedded anchors, or other technologies to prevent anchors or lines from dragging or scouring. The anchor system, including the tethering mechanism to connect the vessel to the anchor, should be appropriate for the size and weight of the vessel. Other design features shall meet Washington Department of Fish and Wildlife, U.S. Army Corps of Engineers and/or Department of Natural Resources standards.
- (h) Swim floats
 - (1) Private swim floats should be no longer than 8 feet and no wider than 8 feet.
 - (2) Where private swim floats are allowed, they must utilize the least impacting anchor method available and suited to the site-specific location. Anchors and other design features shall meet Washington Department of Fish and Wildlife and/or Department of Natural Resources standards.
 - (3) Swim floats shall be placed at a distance specified by State and Federal agencies to avoid nearshore habitat and to minimize obstruction to navigation, and must be located at least 10 feet from side property lines, unless it is designated as a joint-use structure between two or more adjoining waterfront properties.
 - (4) Only one swim float may be approved per waterfront property.
- (i) Mitigation
 - (1) Consistent with the mitigation sequencing steps outlined in GCC 24.12.230, Environmental Protection, new or expanded overwater and in-water structures, including watercraft lifts and mooring buoys, should be first designed to avoid and then minimize impacts, prior to pursuing mitigation. (WAC 173-26-321(3)(b))
 - (2) Mitigation proposals shall provide mitigation at a one to one (1:1) ratio, at a minimum, by area of overwater cover to mitigation action using any of the potential measures listed under GCC 24.12.390 (i)(4) below. Applicants should consult with other permit agencies, such as Washington Department of Fish and Wildlife and/or U.S. Army Corps of Engineers, for additional specific mitigation requirements.
 - (3) Applicants wishing to propose an alternate mitigation strategy may submit a mitigation plan prepared by a qualified professional that provides one unit of mitigation for each unit of lost function unless justified as outlined in GCC 24.12.230 Environmental Protection. The type and degree of potential adverse impacts typically associated with private moorage structures varies considerably by waterbody, location within a waterbody, and design of the structure. Potential adverse impacts may include substrate disturbance and alteration, vegetation disturbance or alteration, increases in sensitive species predation, increases in shoreline hardening, or reduction in presence or benefit of terrestrial vegetation adjacent to the water, among others. The mitigation provided shall be consistent with GCC 24.12.230, Environmental Protection.

The proposed mitigation plan shall include a discussion of how the proposed mitigation adequately compensates for any lost or modified functions.

(4) For new development and modification or reconstruction of legally existing structures, appropriate mitigation may include one or more of the following measures, or other measures when consistent with objective of compensating for adverse impacts to ecological function:

(A) Removal of any additional legal existing over-water and/or in-water structures that are not the subject of the application or are not otherwise required to be removed because they are not legal.

(B) For dock additions, partial dock replacements or other modifications approved under this section, replacement of areas of existing solid over-water cover with grated material or use of grating on those altered portions of piers if they are not otherwise required to be grated.

(C) Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of trees and/or shrubs native to Grant County and typically found in undisturbed areas adjacent to the subject waterbody. When shoreline plantings are the only mitigation option for a given dock proposal, the additional overwater cover shall be compensated for at a 1:1 planting area ratio (unless modified as described in GCC 24.12.230, Environmental Protection) with required trees planted on 10-foot centers and/or shrubs planted on 5-foot centers. Native groundcover can be supplemental to the planted shoreline area, but does not count toward the total square footage requirement. Applicants may utilize species found on the native plant list on file at the County.

(D) Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or organic material.

(E) Removal of man-made debris waterward of the OHWM, such as oil drums, concrete or asphalt debris, remnant docks, or other material detrimental to ecological functions and ecosystem-wide processes.

(F) Recruitment of organic material if consistent with local, state, and/or federal regulations.

(G) Participation in an approved mitigation banking or in-lieu-fee program.

(j) **Replacement of Existing Docks.**² Proposals involving replacement of the entire existing private dock or 75 percent or more of the dock support piles are considered a

² Nonconforming private moorage facilities are governed by regulations found in GCC 24.12.610, Nonconforming Structures.

new moorage facility and must meet the dimensional, materials and mitigation standards for new private docks as described in GCC 24.12.390 (e) and GCC 24.12.390 (i) except the Shoreline Administrative Official may approve an alternative design if it meets all of the following criteria:

- (1) As applicable, Federal agencies have already approved the proposal;
- (2) The total square footage of the replacement structure is no larger than the existing dock;
- (3) The maximum width for the portion of the dock located within 30 feet of the OHWM shall not be greater than the width allowed for new docks under GCC 24.12.390 (f) above;
- (4) Replacement piles shall meet the spacing and material specifications under GCC 24.12.390 (f) above; and
- (5) Decking and deck materials shall meet the specifications under GCC 24.12.390 (f) above.

(k) Additions to Private Dock. Proposals involving the modification and/or enlargement of existing private docks must comply with the following measures:

- (1) The applicant must demonstrate to the satisfaction of the responsible local government that there is a need for the enlargement of an existing dock. Proposals that demonstrate an enlargement is necessary due to safety concerns or inadequate depth of water will be considered.
- (2) Enlarged portions of docks must comply with the dimensional, design, materials and mitigation standards for new private docks as described in GCC 24.12.390 (i). Dock additions that result in the completed structure exceeding the area limits for reasons not specifically allowed above may only be approved through a Shoreline Variance.

(l) Repair of Existing Private Dock.

- (1) Repair proposals which replace 75 percent or greater of the existing dock-support piles are considered replacement docks and must comply with requirements for Replacement Docks.
- (2) All proposed replacement piles shall be the minimum size allowed by site-specific engineering or design considerations.
- (3) Pentachlorophenol, creosote, chromated copper arsenate or comparably toxic compounds shall not be utilized to repair piles or as treatments for replacement piles.
- (4) Repair proposals which replace 50 percent or more of the decking must use grating as specified above.
- (5) Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations. If the cumulative repair proposed over a

three-year period exceeds thresholds established for reconstructed or repaired piers listed above in GCC 24.12.390 (1), the current repair proposal shall be reviewed under those replacement provisions.

24.12.400 Recreational Development

(a) General Preferences

- (1) Recreational uses and facilities shall include features that relate to access, enjoyment, and use of the Grant County shorelines.
- (2) Both passive and active shoreline recreation uses are allowed consistent with the County's Comprehensive Plan.
- (3) Water-oriented recreational uses and activities are preferred in shoreline jurisdiction. Water-dependent recreational uses shall be preferred as a first priority and water-related and water-enjoyment recreational uses as a second priority.
- (4) Existing passive recreational opportunities, including nature appreciation, non-motorized trails, environmental interpretation and native habitat protection, shall be maintained.
- (5) Preference shall be given to the development and enhancement of public access to the shoreline to increase fishing, kayaking, and other water-related recreational opportunities.

(b) General Performance Standards

- (1) The potential adverse impacts of all recreational uses shall be mitigated and adequate provisions for shoreline rehabilitation shall be made part of any proposed recreational use or development to ensure no net loss of shoreline ecological function.
- (2) Sites with fragile and unique shoreline conditions, such as high-quality wetlands and wildlife habitats, shall be used only for non-intensive recreation activities, such as trails, viewpoints, interpretive signage, and similar passive and low-impact facilities that result in no net loss of shoreline ecological function, and do not require the construction and placement of permanent structures.
- (3) For proposed recreation developments that require the use of fertilizers, pesticides, or other toxic chemicals, the proponent shall specify the BMPs to be used to prevent these applications and resultant leachate from entering adjacent waters.
- (4) Recreational developments shall be located and designed to preserve, enhance, or create scenic views and vistas.
- (5) In approving shoreline recreational developments, the County shall ensure that the development will maintain, enhance, or restore desirable shoreline features including unique and fragile areas, scenic views, and aesthetic values. The County may, therefore, adjust or prescribe project dimensions, on-site location

- 1 of project components, intensity of use, screening, lighting, parking, and
2 setback requirements.
- 3 (c) Signs indicating the public's right to access shoreline areas shall be installed and
4 maintained in conspicuous locations at all points of access.
- 5 (d) Recreational developments shall provide facilities for non-motorized access to the
6 shoreline such as pedestrian and bicycle paths, and equestrian, as applicable. New
7 motorized vehicle access shall be located and managed to protect riparian, wetlands
8 and shrub steppe habitat functions and value.
- 9 (e) Proposals for recreational developments shall include a landscape plan indicating how
10 native, self-sustaining vegetation is incorporated into the proposal to maintain
11 ecological functions. The removal of on-site native vegetation shall be limited to the
12 minimum necessary for the development of permitted structures or facilities, and shall
13 be consistent with provisions of GCC 24.12.240, Shoreline Vegetation Conservation
14 and GCC 24.12, Article V, Critical Areas.
- 15 (f) Accessory uses and support facilities such as maintenance facilities, utilities, and
16 other non-water-oriented uses shall be consolidated and located in upland areas
17 outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and
18 uses are allowed in shoreline buffers based on the regulations of this SMP.
- 19 (g) The placement of picnic tables, playground apparatus, and other similar minor
20 components within the floodways shall be permitted, provided such structures are
21 located and installed in such a manner as to prevent them from being swept away
22 during a flood event.
- 23 (h) Recreational facilities shall make adequate provisions, such as screening, landscaping
24 buffer strips, fences and signs, to prevent trespass upon adjacent properties and to
25 protect the value and enjoyment of adjacent or nearby private properties and natural
26 areas, as applicable.
- 27 (i) Recreational or structures are only allowed to be built over water when they provide
28 public access or facilitate a water-dependent use and shall be the minimum size
29 necessary to accommodate the permitted activity.
- 30 (j) Recreational developments shall make adequate provisions for:
31 (1) both on-site and off-site access and, where appropriate, equestrian access;
32 (2) appropriate water supply and waste disposal methods; and
33 (3) security and fire protection.
- 34 (k) Structures associated with recreational development shall not exceed 35 feet in
35 height, except for as noted in GCC 24.12.210, Development Standards when such
36 structures document that the height beyond 35 feet will not obstruct the view of a
37 substantial number of adjoining residences.
- 38 (l) Recreational development shall minimize effective impervious surfaces in shoreline
39 jurisdiction and incorporate low-impact development techniques.

24.12.410 Residential Development

- (a) Single-family residential development is a preferred use when it is developed in a manner consistent with pollution control and preventing damage to the natural environment.
- (b) Residential development shall be located and constructed to result in no net loss of shoreline ecological function. No net loss of shoreline ecological functions shall be assured through the implementation of buffers specified in Article V, Critical Areas and other provisions of this SMP related to shoreline stabilization, vegetation management, and on-site sewage disposal.
- (c) Lots for residential use shall have a maximum density consistent with the Grant County Comprehensive Plan.
- (d) Accessory uses and structures shall be located outside of the riparian buffers specified in Table 24.12.210(d), unless the structure is or supports a water-dependent use. Storage structures to support water-related uses are not water-dependent uses and therefore, shall be located outside of the riparian buffer.
- (e) All residential development shall be located or designed in such a manner as to prevent measurable degradation of water quality from stormwater runoff. Adequate mitigation measures shall be required and implemented where there is the reasonable potential for such adverse effect on water quality.
- (f) New shoreline residences and appurtenant structures shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other shoreline stabilization and flood control structures are not necessary to protect proposed residences and associated uses.
- (g) New floating residences and over-water residential structures shall be prohibited in shoreline jurisdiction.
- (h) New multi-unit residential development, including duplexes, fourplexes, and the subdivision of land into five or more lots shall make adequate provisions for public access consistent with the regulations set forth in GCC 24.12.260, Public Access.
- (i) New residential development shall connect with sewer systems, when available.
- (j) All new residential development shall be required to meet the vegetation management provisions contained in GCC 24.12.240, Shoreline Vegetation Conservation and GCC 24.12.530, Fish and Wildlife Habitat Conservation Areas.
- (k) Residential development clustering may be required by the Shoreline Administrative Official where appropriate to minimize ecological and visual impacts on shorelines, including minimization of impacts on shoreline vegetation consistent with GCC 24.12.240, Shoreline Vegetation Conservation.

24.12.420 Shoreline Habitat and Natural Systems Enhancement Projects

- (a) Shoreline restoration and enhancement activities designed to restore or enhance shoreline ecological functions and processes and/or shoreline features should be

targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species, and shall be given priority.

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

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

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

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

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

(2) The project will not adversely impact spawning, nesting, or breeding fish and wildlife habitat conservation areas;

(3) Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected;

(4) Water quality will not be degraded;

(5) Flood storage capacity will not be degraded;

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

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

(f) The county shall review the projects for consistency with this SMP in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant (see GCC 24.12.740).

24.12.430 Shoreline Stabilization

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

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

- (c) Proposed designs for new or expanded shoreline stabilization shall be designed in accordance with applicable state guidelines, must use best available science, must document that alternative solutions are not feasible or do not provide sufficient protection; must demonstrate that future stabilization measures would not be required on the project site or adjacent properties; and be certified by a qualified professional.
- (d) Land subdivisions and lot line adjustments shall be designed to assure that future development of the newly created lots will not require structural stabilization for subsequent development to occur.
- (e) Except for Columbia Basin Project and Irrigation District facilities, new or expanded structural shoreline stabilization is prohibited except when necessity is demonstrated consistent with the requirements of WAC 173-26-231(3)(a)(iii). Necessity is demonstrated through conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three (3) years as a result of shoreline erosion caused by wind/wave action or other hydraulic forces, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.
- (f) Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, irrigation and utility systems from erosion caused by stream undercutting or wave action; provided, that the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the facility was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. Proposed designs for new or expanded shore stabilization shall be in accordance with applicable state guidelines and certified by a qualified professional.
- (g) Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
- (h) Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 will be authorized through a Shoreline Exemption. Stabilization projects that are not part of such a fish enhancement project will be regulated by this SMP.
- (i) Small-scale shoreline stabilization projects (for example, tree planting projects or other minimally intrusive enhancements) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.
- (j) Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The applicant may be required to have a qualified professional oversee construction or construct the project.

- 1 (k) New stabilization structures, when found to be necessary, will implement the
2 following standards:
- 3 (1) limit the size of the project to the minimum amount necessary;
- 4 (2) include measures to assure no net loss of shoreline ecological functions:
- 5 (3) use biotechnical bank stabilization techniques unless those are demonstrated
6 to be infeasible or ineffective before implementing “hard” structural
7 stabilization measures.

8 **24.12.440 Transportation: Trails, Roads, and Parking**

- 9 (a) New or expanded motor vehicle and rail transportation facilities shall not be located
10 within shoreline jurisdiction, unless:
- 11 (1) The proponent demonstrates that no feasible upland alternatives exist;
- 12 (2) The project represents the minimum development necessary to serve another
13 specific, localized, and permitted shoreline use; or
- 14 (3) In the case of a water crossing, the proponent demonstrates that the project is
15 necessary to further a substantial public interest.
- 16 (b) When new roads or road expansions are unavoidable in shoreline jurisdiction,
17 proposed transportation facilities shall be planned, located, and designed to achieve
18 the following:
- 19 (1) Meet mitigation sequencing provisions of GCC 24.12.230 Environmental
20 Protection;
- 21 (2) Avoid adverse impacts on existing or planned water-oriented uses;
- 22 (3) Set back from the OHWM to allow for a usable shoreline area for vegetation
23 conservation and any preferred shoreline uses unless infeasible;
- 24 (4) Minimize grading, vegetation clearing, and alterations of the natural
25 topography; and
- 26 (5) Use BMPs for preventing erosion and degradation of surface water quality.
- 27 (c) Improvements to existing motor vehicle and rail transportation facilities shall not
28 interfere with pedestrian and bicycle access, and shall whenever possible, provide for
29 expansion and enhancement of pedestrian and bicycle transportation facilities.
- 30 (d) Transportation facilities and services for motor vehicles and rail shall utilize existing
31 transportation corridors whenever possible.
- 32 (e) The development, improvement, and expansion of pedestrian and bicycle
33 transportation facilities are allowed within all environments. Such transportation
34 facilities are a preferred use wherever they are compatible with the natural character,
35 resources, and ecology of the shoreline.
- 36 (f) Pedestrian and bicycle transportation facilities shall be designed, located, and
37 constructed consistent with the policies and regulations for public access as provided

in GCC 24.12.260, Public Access of this SMP. Linkage between shoreline parks, recreation areas, and public access points are encouraged, when feasible.

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

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

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

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

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

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

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

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

(m) Shoreline crossings and culverts shall be designed to minimize adverse impacts on riparian and aquatic habitat and shall allow for fish passage. See SMP GCC 24.12.530, Fish and Wildlife Habitat Conservation Areas for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

(n) Trails shall be designed consistent with public access requirements in GCC 24.12.260, Public Access.

24.12.450 Utilities

- (a) Non-water oriented utility production and processing facilities and transmission facilities are permitted in shoreline jurisdiction only if no practical upland alternative or location exists. New primary utility production and processing facilities or parts of those facilities, such as power plants, solid waste storage or disposal facilities that are non-water-oriented should not be permitted within shoreline jurisdiction unless no other options are feasible.
- (b) The principal uses permitted by this section include facilities within the High Intensity Public Facilities designation (e.g., Grant PUD dams, Columbia Basin Project facilities, irrigation district facilities) and other facilities including sewage collection, holding, transfer and treatment pipelines, tanks, structures, containment facilities, buildings, etc. Accessory facilities are also permitted, including but not limited to:
 - (1) Plant monitoring and control facilities and on-site administrative offices;
 - (2) Plant access and logistical facilities such as storage areas, material handling ramps and facilities, etc., and including utility delivery (electrical, communication, etc.) facilities;
 - (3) Plant security and safety features such as fences, signage, etc.; and
 - (4) Other accessory or auxiliary uses or features, necessary to of the effective and efficient operation of the plant and which cannot feasibly be located outside the shoreline jurisdiction.
- (c) Expansion of existing primary utility facilities within shoreline jurisdiction must demonstrate:
 - (1) The expansion is designed to protect adjacent shorelands from erosion, pollution, or other environmentally detrimental factors during and after construction.
 - (2) The project is planned to fit existing natural topography as much as practical and avoid alteration of the existing natural environment.
 - (3) Debris, overburden, and other construction waste materials shall be disposed of so as to prevent erosion or pollution of a waterbody.
- (d) New primary utility facilities and expansions shall include provisions to control the quantity and quality of surface water runoff to natural waterbodies, using BMPs to retain natural flow rates. A maintenance program to ensure continued proper functioning of such new facilities shall be required.
- (e) Applications for installation of utility facilities other than water dependent facilities within the High Intensity Public Facility Environment Designation and Columbia Basin Project and irrigation district facilities shall include the following (at a minimum):
 - (1) Reason why the utility facility must be in shoreline jurisdiction;
 - (2) Alternative locations considered and reasons for their elimination;

- (3) Location of the same, similar, or other utility facilities in the vicinity of the proposed project;
 - (4) Proposed method(s) of construction;
 - (5) Plans for reclamation of areas to be disturbed during construction;
 - (6) Landscape plans;
 - (7) Methods to achieve no net loss of ecological function and minimize clearing of native vegetation; and
 - (8) Consistency with County comprehensive plans for utilities, where such plans exist.
- (f) Applications for installation of utility facilities shall include the following (at a minimum):
 - (1) Proposed method(s) of construction;
 - (2) Plans for reclamation of areas to be disturbed during construction;
 - (3) Landscape plans;
 - (4) Methods to achieve no net loss of ecological function and minimize clearing of native vegetation
- (g) Where feasible, utilities shall be consolidated within a single easement and utilize existing rights-of-way. Any utility located within property owned by the utility which must of necessity cross shoreline jurisdiction shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. This option shall be exercised by the public only where:
 - (1) The public will not be exposed to dangers from the utility equipment; and
 - (2) The utility itself will not be subjected to unusual risks of damage by the public.
- (h) In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively affect an environmentally critical area, obstruct public access to the shoreline, negatively impact Columbia Basin Project and Irrigation District facilities operations, or interfere with the navigability of a waterbody regulated by this SMP. See GCC 24.12.530, Fish and Wildlife Habitat Conservation Areas for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.
- (i) Utility facilities shall be designed and located in a manner that protects scenic views and minimizes adverse aesthetic impacts.
- (j) New utilities which must be constructed across shoreline jurisdiction in previously undisturbed areas must submit a mitigation plan demonstrating the restoration of the shoreline to at least its existing condition. Upon completion of utility installation or maintenance, any disturbed areas shall be regraded to be compatible with the natural terrain of the area and revegetated with appropriate native plants to prevent erosion.

- (k) Outside of the Public Facilities Environment Designation and excluding Columbia Basin project/irrigation districts existing facilities, all underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shut-off valves shall be provided at both sides of the waterbody except for public sanitary sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.
- (l) Where utilities cannot cross a shoreline waterbody via a bridge or other existing water crossing, the utilities shall evaluate site-specific habitat conditions and demonstrate whether impacts can be mitigated to not negatively impact substrate, or whether utilities will need to be bored beneath the waterbody such that the substrate is not disturbed. Construction of pipelines placed under aquatic areas shall be placed in a sleeve to avoid the need for excavation in the event of a failure in the future.
- (m) Minor trenching to allow the installation of necessary underground pipes or cables is allowed if no alternative, including boring, is feasible, and if:
- (1) Impacts on fish and wildlife habitat are avoided to the maximum extent possible.
 - (2) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
 - (3) Appropriate BMPs are employed to prevent water quality impacts or other environmental degradation.
- (n) Utility installation and maintenance operations shall be conducted in a manner that does not negatively affect surface water quality or quantity. Applications for new utility projects in shoreline jurisdiction shall include a list of BMPs to protect water quality.

Article V. Critical Areas

24.12.500 General Provisions

- (a) Authorization and Purpose
- (1) The purpose of this is to define, identify and protect the following critical areas as required by the Growth Management Act of 1990 (Chapter 17, Laws of 1990) and the Shoreline Management Act (RCW 90.58).
 - (2) The County shall regulate in the County's shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more critical areas.
- (b) Categorization of Critical Areas located within the County's shoreline jurisdiction. Critical areas in Grant County's shoreline jurisdiction are categorized as follows:

- 1 (1) Wetlands
- 2 (2) Fish and Wildlife Habitat Conservation Areas
- 3 (3) Critical Aquifer Recharge Areas
- 4 (4) Geologically Hazardous Areas
- 5 (5) Frequently Flooded Areas
- 6 (6) Cultural Resources Areas
- 7 (c) Allowed activities.
- 8 (1) Site Investigations. Site investigation work necessary for land use applications
- 9 such as surveys, soil and mineral resource explorations, percolation tests,
- 10 archaeological explorations authorized and approved by all jurisdictional
- 11 agencies, and other related activities. However, critical area impacts shall be
- 12 mitigated to meet no net loss of ecological functions requirements;
- 13 (2) Landscape Maintenance. Maintenance activities such as mowing, normal
- 14 pruning, and gardening accessory to single family residential use, provided
- 15 that such maintenance activities are limited to existing landscaping
- 16 improvements and do not expand into critical areas or associated buffers, and
- 17 will maintain no net loss of ecological functions by not exposing soils,
- 18 altering topography, destroying or clearing native vegetation, and not
- 19 diminishing water quality or quantity. This allowance shall not be construed
- 20 as applying to existing agricultural activities;
- 21 (d) Expansion of Nonconforming Use or Structure. Within a critical area or its buffer, no
- 22 legal nonconforming use or structure may be expanded, enlarged, extended, or
- 23 intensified in any way (including extension of hours of operation) unless such
- 24 modification is in full compliance with this Article or the terms and conditions of
- 25 approved permits pursuant to this Article, or is allowed as provided below. Approved
- 26 expansions must be consistent with standards of the zoning code in which such
- 27 building, structure, or land use lies and with limitations set forth in Article VI of this
- 28 Program, Existing Uses, Structures and Lots. In no case shall any prohibited uses as
- 29 designated under GCC 24.12 be permitted to enlarge or expand. In addition to
- 30 requirements and standards mentioned under SMP Sections 24.12.610 and 24.12.620,
- 31 following legal nonconforming expansions or uses are allowed:
- 32 (1) Vegetation management, including landscaping or gardening revisions on
- 33 lawfully established and maintained portions of a critical area or its buffer.
- 34 (2) Fences, decks, and accessory structures that are exempt from a building
- 35 permit can be established or expanded on lawfully established and maintained
- 36 portions of a critical area or its buffer without demonstrating full compliance
- 37 with this Article.
- 38 (3) Building modification or additions that are not considered substantial
- 39 improvements.
- 40 (4) Roadway expansion or maintenance to support existing and proposed
- 41 shoreline uses is allowed, provided the expansion is located to have the least

possible adverse effect on ecological function. When feasible, expansions should be located on the landward side of the existing corridor or outside of critical areas, consistent with this SMP.

(5) Single-family residential building permits are exempt from the requirements of the critical area regulations when the development proposal involves any of the above activities:

(A) Structural modifications to or replacement of an existing single-family residential structure with a new residential structure where construction and associated disturbance does not increase the footprint of any existing structure; and

(B) The structure is not located closer to the critical area; and

(C) The existing impervious surface within the critical area or buffer is not expanded.

(e) Building setback line (BSBL). A BSBL is established to reduce conflict with hazardous trees and vegetation buffers, to enhance wildfire safety, and to prevent construction intrusions into certain buffer areas as follows. A minimum BSBL of 15 feet is required from the edge of any fish and wildlife buffer, stream or wetland buffer, or erosion and landslide buffer.

(f) Land segregation. Subdivisions, short subdivisions, boundary line adjustments, and planned residential developments of land in critical areas and associated buffers are subject to the following:

(1) Land that is wholly within a wetland or stream critical area or associated buffer may not be subdivided.

(2) Land that is partially within a wetland or stream critical area or associated buffer area may be subdivided or the boundary line adjusted; provided, that an accessible and contiguous portion of each new or adjusted lot is:

(A) Located outside the critical area and buffer; and

(B) Large enough to accommodate the intended use.

(3) Accessory roads and utilities serving the proposed subdivision may be permitted within the wetland or stream critical area and associated buffer only if the County determines that no other feasible alternative exists and the impacts can be mitigated.

(g) General Review Procedures

(1) A critical areas determination, using local the most current, accurate, and complete scientific or technical information available, by the Shoreline Administrative Official under this Chapter shall be in addition to, and not a substitute for, any other development permit or authorization required by the GCC. A critical areas determination shall not be interpreted as an approval of any other permit or authorization required of a development, construction, or use.

- (2) Pre-Application Review. Applications for certain project permits shall not be accepted by the Shoreline Administrative Official unless the applicant has scheduled and attended a pre-application conference, as specified in GCC 25.04.130. Pre-application review is not intended to provide an exhaustive review of all the potential issues that a given application could raise. Pre-application review does not prevent the County from applying all relevant laws to the applicant. In addition to the purposes listed in GCC 25.04.130(b), the review is intended to establish:
- (A) The critical areas involved or potentially impacted;
 - (B) The degree to which a proposed development may impact a designated critical area; and
 - (C) If there is a need for a preliminary site assessment or technical assistance conference to better define the critical area issues.
- (3) Technical Assistance Conference. If requested by the applicant or required by the Shoreline Administrative Official, the Shoreline Administrative Official will arrange and conduct a meeting of representatives of Grant County Departments and Resource Agency Personnel having technical expertise, interest, or jurisdiction in the proposed development. The technical assistance conference may also involve a preliminary site assessment, if it is determined that identification of or resolution of issues related to the proposed development may be achieved through an on-site review. The purpose of the technical assistance conference will be to:
- (A) Confirm and define the requirements of any other applicable local, state or federal regulations;
 - (B) Clarify any identified procedural or regulatory conflicts and define alternative courses of action available to the applicant in addressing project requirements;
 - (C) Provide the applicant with guidance, available data and information that will assist in complying with the provisions of this title, other chapters of the GCC and other applicable regulations;
 - (D) Provide the applicant with guidance concerning project modifications or site enhancements that would minimize impacts to the critical area;
 - (E) Provide the applicant with alternatives for securing data, information, or assistance necessary to the project; and
 - (F) Determine whether a special assessment or study is necessary.
- (4) The procedure for critical areas review as part of this SMP shall be as follows:
- (A) Determination of Applicability: Based on the documents submitted by the applicant, the Shoreline Administrative Official shall first determine if the proposed activity conforms to any of the allowed uses to this Chapter as delineated in SMP Section 24.12.500 (c), Allowed Activities. If the Shoreline Administrative Official determines that the

proposed activity meets any of the listed exemptions, no further critical areas review is required pursuant to this Chapter, except as necessary for the Shoreline Administrative Official to ensure that the proposed activity is undertaken as described in the application and as shown on the site plan. The Shoreline Administrative Official shall issue a letter of exemption pursuant to GCC 24.12.740. .

(B) Critical Areas Checklist: If the Shoreline Administrative Official determines that the proposed activity does not meet any of the listed exemptions, or any scientific or technical data and/or restoration requirements associated therewith, the applicant shall complete a critical areas checklist on forms provided by the Department of Community Development.

(C) Preliminary Assessment: The Shoreline Administrative Official will review the critical areas checklist together with resource information and maps identified in the relevant sections of this Program, and may conduct a site reconnaissance to determine whether critical areas or their required buffers are affected by the proposed activity. The applicant shall be responsible for providing the County with sufficient and accurate information regarding the proposed activity and site conditions and shall allow and facilitate on-site observation by the County in connection with this review. Restriction of access shall be grounds for denial of critical areas alteration permit and/or underlying permit or approval.

(D) Preliminary Determination: Based on the preliminary assessment, the Shoreline Administrative Official shall make one of the following determinations:

(i) Determination that Critical Areas are Not Associated: If the Shoreline Administrative Official determines that critical area indicators are not present within 300 feet of the proposed development activity that is the subject of a proposed development application, no further critical areas review is required pursuant to this Chapter, except as necessary for the Shoreline Administrative Official to ensure that the proposed activity is undertaken as described in the application and as shown on the site plan. The Shoreline Administrative Official shall note this determination in the application file. This determination shall not constitute approval of any use or activity, nor its compliance with the requirements of this Chapter, outside the scope of that stated in the application. Any proposed change in use or scope of activity from that contained in the application shall be subject to further review under this Chapter. The applicant shall acknowledge in writing that this determination by the Shoreline Administrative Official regarding the apparent absence of

critical area indicators and the likelihood that critical areas will not be affected is not intended as an expert certification regarding the presence or absence of critical areas and that the critical areas review process is subject to possible reopening if new information is received as described in GCC 24.12.500 (G)(4)(E) below. If the applicant wants greater assurance of the accuracy of any such critical area indicators determination, the applicant may hire a qualified critical areas expert to provide such assurances; or

(ii) Determination that Critical Areas Are Associated: If the Shoreline Administrative Official determines that critical area indicators are present within 300 feet of the proposed development activity that is the subject of a proposed development application, then the Shoreline Administrative Official shall note this determination in the application file. The Shoreline Administrative Official shall notify the applicant of such determination, and the applicant shall complete a critical areas assessment pursuant to the requirements of this Chapter.

(E) Reopening of Review Process: If at any time following the Shoreline Administrative Official's determination that critical areas are not associated with the proposed activity and prior to completion of project review under GCC 25.04, including any appeals, the Shoreline Administrative Official receives new evidence that critical areas may be associated with the proposed activity, the Shoreline Administrative Official shall reopen the critical areas review process and shall require completion of a critical areas assessment and mitigation pursuant to this Chapter. Once project review is complete pursuant to GCC 25.04, including any appeals, then the Shoreline Administrative Official's determination that critical areas are not associated with the proposed activity shall be final, unless appealed pursuant to GCC 24.12.810, Appeals. However, the Shoreline Administrative Official shall not be prevented from reopening the critical areas review process if the Department relied on misinformation, provided by the applicant in the permit application or critical areas checklist.

(F) Critical Areas Assessment: The requirements of a critical areas assessment are dependent upon the particular critical area of interest. The applicant shall conduct, or cause to have conducted, a technical assessment and prepare a Critical Areas Assessment Report pursuant to GCC 24.12.500 (g) and as delineated in the relevant sections of this Chapter. The Critical Area Assessment report shall have three components: (a) a site analysis, (b) an impact analysis, and (c) proposed mitigation measures, along with other information as provided in GCC 24.12.730.

- (G) Waiver of Wetland Site Assessment Requirements: In circumstances where the Shoreline Administrative Official has identified the presence of wetland indicators within 300 feet of the proposed development activity that is the subject of a proposed development application, the Shoreline Administrative Official may consider waiving the site assessment requirements of SMP Section 24.12.500 (g), upon receiving a written request from the applicant. Such a waiver shall only be granted under the following conditions:
- (i) The wetland in question has been preliminarily identified by a qualified professional as a Class IV wetland;
 - (ii) The proposed development application is for a single-family residence, subdivision or short subdivision on an existing lot of record if field investigation by County staff indicates the following:
 - a. Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
 - b. The Shoreline Administrative Official determines that the single-family residence and all accessory structures and uses, or building envelopes and building setback lines in the case of subdivisions and short subdivisions, as proposed will not impact the critical area and will not impact a buffer twice the standard width required pursuant to this GCC 24.12.530 (f) from the estimated wetland boundary;
 - (iii) The Shoreline Administrative Official determines that the project or activity as proposed will not impact the wetland and will not impact a buffer twice the standard width required pursuant to this Chapter;
 - (iv) The Shoreline Administrative Official determines that such a waiver will not reduce the long-term protection of the identified critical area;
 - (v) Prior to any such waiver, the Shoreline Administrative Official shall either convene a site visit by a Technical Interdisciplinary Team or provide opportunity for review and comment by members of a Technical Interdisciplinary Team; and
 - (vi) The Shoreline Administrative Official may consider all comments received from the Technical Interdisciplinary Team prior to waiving the site assessment requirements of this Chapter and shall include these comments in the record along with the basis and rationale for any such decision.

- (vii) For any project or activity for which the site assessment requirement has been waived, no further critical area review shall be required, except as necessary for the Shoreline Administrative Official to ensure that the proposed activity is undertaken as described in the application and as shown on the site plan. The Shoreline Administrative Official shall note this waiver in the application file.
- (H) Critical Areas Determination: Based on the findings of the Critical Area Assessment Report and other available relevant information, the Shoreline Administrative Official shall make a determination regarding critical areas on the proposed activity. A determination to approve a proposed activity may include stipulation of binding conditions and required mitigation, monitoring, maintenance or other conditions of approval pursuant to this Chapter. If the Shoreline Administrative Official determines that there are no conditions under which the proposed activity could be approved, then the Shoreline Administrative Official shall deny the proposal.
- (I) Request for Variance: If, as a result of the critical areas determination, the applicant believes that he or she is eligible for a variance from one or more of the requirements of this Chapter, or one or more of the stipulations or conditions of the critical areas determination, then the applicant may request a variance as described in GCC 24.12.770.
- (5) Any decision of the Shoreline Administrative Official or other Decision Maker in the administration of this Chapter may be appealed according to the provisions of GCC 24.12.810, Appeals.
- (6) For proposed development subject to environmental review pursuant to GCC 24.04 and Chapter 197-11 WAC (SEPA Rules), information demonstrating compliance with the standards of this Chapter shall be submitted in connection with environmental documents. Any environmental determination shall include a review of this material to determine whether the requirements of this Chapter have been met.
- (7) For proposed development exempt from or not subject to environmental review pursuant to GCC 24.04 and Chapter 197-11 WAC (SEPA Rules), information demonstrating compliance with the standards of this Chapter shall be submitted in connection with permit or approval application documents.
- (8) Activities in and around critical areas often require review and permitting by state and federal agencies. The requirements of this Chapter are additional to any and all state and federal review, approval, and/or permit responsibilities.
- (h) Resource Information and Maps
- (1) Critical areas are designated on a series of data maps maintained by the County. These maps contain graphic representation of critical areas based on the most current, accurate, and complete scientific or technical information available data obtained by the County from a variety of sources considered

reliable. Specific sources of data are identified in the relevant sections of this Chapter. The maps may be supplemented with inventories, raw data, and interpretations made by professionals having expertise in the delineation, classification, function and value of one or more critical area.

(2) The maps are for information and illustrative purposes, and are intended to alert a person to the potential presence of critical areas that may affect the ability to obtain regulatory approval to develop and/or use the subject parcel. The maps are intended as a general guide to the location and extent of critical areas. They do not definitively indicate that critical areas do or do not exist on or near a subject parcel; rather, they denote the presence of indicators that suggest a critical area may be present on or near the subject parcel. They are intended to advise Grant County, applicants and other participants in the development permit process that a critical area may exist and that further study, review, and consideration may be necessary. In all cases, actual presence or absence of the critical area shall be determined using the most current, accurate, and complete scientific or technical information available and shall prevail.

(3) The maps and supplemental resource information shall be used by the County in conducting a Preliminary Assessment pursuant to GCC 24.12.510 (g)(4)(C)). The maps will be used in conjunction with the Grant County Assessor's land based parcel mapping by the Shoreline Administrative Official in making a Preliminary Determination pursuant to GCC 24.12.510 (g)(4)(D) of whether a critical area designation is present on or near the subject parcel. The determination by the Shoreline Administrative Official that (1) a parcel of land or part of a parcel of land that is the subject of a proposed development application is within the boundaries of one or more critical areas as delineated on the critical area maps, or (2) that one or more critical areas as delineated on the critical area maps is within any buffer or setback distance specified in this Chapter from a parcel of land or part of a parcel of land that is the subject of a proposed development application, shall be sufficient evidence to require the Shoreline Administrative Official to direct an applicant to conduct a Critical Areas Assessment pursuant to GCC 24.12.500 (i). Such determination by the Shoreline Administrative Official may be appealed according to the provisions of GCC 25.04 Article X.

(4) In addition to those maps and references identified in the relevant sections of this Chapter, the following maps and documents may be used:

- (A) Critical area maps included in Comprehensive Plans of cities and towns of Grant County;
- (B) Maps and reference documents in the Grant County SMP Inventory, Characterization and Analysis report, as applicable;
- (C) U.S.G.S. Topographic Quadrangle Maps;
- (D) Aerial photos

(E) Soil Survey of Grant County, Washington by the United States Department of Agriculture, Soil Conservation Service

(F) National Wetland Inventory maps; and

(G) WDFW's Priority Habitats & Species maps.

(5) Recognizing the necessity for accurate geographic information, the County shall annually update the maps based on inventories conducted by Qualified Critical Areas Professionals, regulatory agencies and other reliable sources of data.

(i) Critical Areas Assessments – General Requirements

(1) The determination by the Shoreline Administrative Official that one or more critical areas as delineated on the critical area maps are present within 300 feet of the proposed development activity that is the subject of a proposed development application shall be sufficient evidence to require the Shoreline Administrative Official to direct an applicant to conduct a Critical Areas Assessment to this Chapter.

(2) The Shoreline Administrative Official shall notify the applicant of such determination, and the applicant shall complete a Critical Areas Assessment pursuant to the requirements of this Chapter. The notice shall identify the type of critical area identified and shall cite the requirements for Critical Areas Assessment(s) pursuant to this Chapter. The Critical Areas Assessment shall be limited to those types of critical areas determined by the Shoreline Administrative Official to be present as indicated on the critical areas maps. For example, if a Preliminary Determination indicates only the presence of wetlands on or near the proposed development, then the Critical Areas Assessment need only address wetlands. However, nothing in this subsection shall waive an applicant's responsibility to protect any and all critical areas that may be present in accordance with this Chapter. In the event of multiple designations, each critical area shall be addressed independently and collectively for the purpose of determining development and use limitations and/or appropriate mitigating measures.

(3) While the data maps shall be used as a guide to the location and extent of critical areas, the exact location, extent, functions, and values shall be determined by the applicant based on field investigations and evaluations performed by a Qualified Critical Areas Professional as defined in GCC 24.12.860, Definitions pursuant to the requirements of this Chapter.

(4) Submission of a complete Critical Area Assessment Report(s) required under this Chapter shall be a prerequisite to determination that a development application is counter complete pursuant to GCC 25.04.150.

(j) Penalties and Enforcement

(1) A person who violates the provisions of this Chapter or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in GCC 24.12.830, Enforcement.

24.12.510 General Mitigation Requirements

(a) General Mitigation Standards

- (1) All proposed alterations to critical areas or associated buffers shall require mitigation sufficient to provide for and maintain the functions and values of the critical area or to prevent risk from a critical area hazard and shall give adequate consideration to the reasonable economically viable use of the property. Mitigation of one critical area impact should not result in unmitigated impacts to another critical area. Mitigation may include, but is not limited to: buffers, setbacks, limits on clearing and grading, best management practices for erosion control and maintenance of water quality, or other conditions appropriate to avoid or mitigate identified adverse impacts.

(b) Most current, accurate, and complete scientific and technical information available.

- (1) Any approval of mitigation to compensate for impacts on a critical area or its buffer shall be supported by the most current, accurate, and complete scientific and technical information available.

(c) Mitigation

(1) Mitigation Sequencing.

- (A) Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated critical areas or their buffers, unless part of a restoration plan for significantly degraded wetland or stream buffer. The preferred sequence of mitigation shall be according to GCC 24.12.230(b):

- (2) Mitigation timing. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts on existing fisheries, wildlife, and water quality.

- (3) General mitigation requirements. This section provides general mitigation requirements applicable to alteration of critical areas. Additional specific mitigation requirements are found under the sections for the particular type of critical area.

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

- (5) Restoration/rehabilitation is required when the critical area or its buffers will be temporarily altered during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.

(6) Compensation. The goal of compensation is no net loss of critical area and/or buffer functions on a development site. Compensation includes replacement or enhancement of the critical area or its buffer depending on the scope of the approved alteration and what is needed to maintain or improve the critical area and/or buffer functions. Compensation for approved critical area or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:

(A) The buffer for a created, restored, or enhanced critical area proposed as compensation for approved alterations shall be the same as the buffer required for the existing critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways, and other mowed or paved areas.

(B) On-Site and In-Kind. Except as noted below or otherwise approved, all critical area impacts shall be compensated for through restoration or creation of replacement areas that are in-kind, on-site, and of similar or better critical area category. The preferred mitigation for impacts on Class IV wetlands shall be on-site and in-kind. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success.

(C) Off-Site and In-Kind. The Shoreline Administrative Official may consider and approve off-site compensation where the applicant demonstrates that greater biological and hydrological functions and values will be achieved. The preferred location for off-site mitigation is areas within or adjoining designated fish and wildlife habitat corridors. The compensation may include restoration, creation, or enhancement of critical areas. The compensation ratios specified under the “on-site” compensation section for each critical area shall apply for off-site compensation as well. The Shoreline Administrative Official may request contractual linkage to the off-site parcel to ensure its availability and landowner willingness.

(D) Increased Replacement Ratios. The Shoreline Administrative Official may increase the ratios under the following circumstances:

(i) Uncertainty exists as to the probable success of the proposed restoration or creation due to an unproven methodology or proponent; or

(ii) A significant period will elapse between impact and replication of critical area functions; or

(iii) The impact was unauthorized.

(E) Decreased Replacement Ratios. The Shoreline Administrative Official may decrease the ratios required in the “on-site” ratios specified under the compensation section of each critical area when all the following criteria are met:

- (i) A minimum replacement ratio of 1:1 will be maintained;
- (ii) Documentation by a qualified professional demonstrates that the proposed mitigation actions have a very high rate of success;
- (iii) Documentation by a qualified professional demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the critical area being impacted; and
- (iv) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

(7) Critical Area Enhancement as Mitigation.

- (A) Impacts on wetland and stream functions may be mitigated by enhancement of existing significantly degraded areas. Applicants proposing to use enhancement must produce a Critical Areas Assessment that identifies how enhancement will increase the functions of the degraded resource and how this increase will adequately mitigate for the loss of critical area and its function at the impact site. An enhancement proposal must also show whether existing critical area functions will be reduced by the enhancement actions.

(8) Monitoring.

- (A) The county requires long-term monitoring of development proposals, unless otherwise accepted where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to:
 - (i) Establishing vegetation transects or plots to track changes in plant species composition over time;
 - (ii) Using aerial or other photography to evaluate vegetation community response;
 - (iii) Sampling surface and ground waters to determine pollutant loading;
 - (iv) Measuring base flow rates and stormwater runoff to model and evaluate water quantity predictions;
 - (v) Measuring sedimentation rates;
 - (vi) Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity; and
 - (vii) Sampling of water temperatures for wetlands and streams.

- (B) The county may require that a qualified professional, at the direction of the county and at the applicant's expense, monitor the development proposal site during construction and for a sufficient period of time after construction to ensure satisfactory mitigation of impacts on the critical area. The qualified professional shall monitor per the provisions outlined in the approved mitigation plan based on the conditions or restrictions imposed by the county and such administrative rules as the planning official shall prescribe.
- (C) Performance Bond. Prior to issuance of any permit or approval that authorizes site disturbance, the Shoreline Administrative Official may require performance security as specified in GCC 24.12.510 (e), Mitigation Security.
- (9) Contingencies/adaptive management. When monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action. Contingency plans developed as part of the original mitigation plan shall apply, but may be modified to address a specific deviation or failure. Contingency plan measures shall be subject to the monitoring requirement to the same extent as the original mitigation measures.
- (10) All proposed mitigation shall be included in the Critical Area Assessment. Proposed mitigation shall include:
- (A) A description of specific proposed mitigation, including a delineation of critical areas lost and critical areas gained;
- (B) An analysis of avoidance, minimization, reduction, and compensation of impacts to achieve no net loss of ecological functions;
- (C) An analysis of how the proposed mitigation will maintain the critical area function and values;
- (D) A statement of any ongoing monitoring and/or inspection measures and schedule that may be required, including specification of method and frequency of submittal of reports on results to County;
- (E) A statement of any required critical area expertise necessary to install, monitor, or inspect the proposed mitigation; and
- (F) A listing of any other security required to ensure performance and/or maintenance of the proposed mitigation.
- (11) The Shoreline Administrative Official shall make the final determination regarding required mitigation. Required mitigation shall be included in an approved mitigation plan.
- (d) Buffers

- (1) As described in more detail in each relevant section, buffers have in some cases been determined to be necessary and appropriate to protect critical areas and their functions or to prevent risk from a critical area hazard. In those sections of this Chapter where specific buffers are identified, those buffers are deemed "required" or "standard" buffers. If a project or activity does not propose any alteration of those buffers or of the associated critical area, then no additional mitigation will be required to protect the critical area.
- (2) If, however, based on unique features of the particular critical area or its buffer or of the proposed development, the Shoreline Administrative Official determines that additional buffers and/or mitigation measures beyond these standard buffers are necessary to adequately protect the function of the critical area or to prevent risk of a hazard from the critical area, the Shoreline Administrative Official may impose such additional mitigation requirements, provided the Shoreline Administrative Official can demonstrate, based on the most current, accurate, and complete scientific or technical information available, why that additional mitigation or buffering is required to adequately protect the critical area function or to prevent hazard from a critical area.
- (3) If portions of a parcel that contain a proposed development activity have not had their critical areas and associated buffers delineated because they were outside the project or area affected by the project, pursuant to GCC 24.12.500 (g), General Review Procedures, then further critical area assessments may be required in the future prior to any change in use or development activity for that portion of the site.
- (4) The critical areas assessments and the conditions of approval shall provide for long-term buffer protection. Regarding land division, critical areas and their associated buffers may be placed in separate tracts to be owned by all lot owners in common, by a homeowners' association, or some other separate legal entity such as a land trust. However, critical areas and/or buffers identified and defined in this Chapter do not require any provisions for public access, and appropriate restrictions may be included in the easement or title documents. Critical areas and/or buffers identified are, however subject to periodic inspection by the Shoreline Administrative Official, upon prior notification to the landowner, to ensure long-term protection.
- (e) Mitigation Security

 - (1) The Shoreline Administrative Official shall have the discretion to withhold issuance of a development permit or approval until required mitigation has been completed. Alternatively, the Shoreline Administrative Official may require a refundable cash payment that will ensure compliance with the

approved mitigation plan if there will be activity (e.g. monitoring or maintenance) or construction to take place after the issuance of the County's permit or other approval. The amount of the cash payment shall not exceed 150 percent of the estimated cost of the uncompleted actions or construction as determined by the Shoreline Administrative Official. When the Shoreline Administrative Official determines that the mitigation plan has been successfully completed, the cash payment shall be refunded to the applicant. If the mitigation plan is not successfully completed, the County shall be entitled to keep all or part of the cash payment to the extent necessary to rectify the deficiencies regarding the completion of the mitigation plan.

(f) Protection of Designated Critical Areas

(1) Identification and Recording of Critical Areas: Approval of development projects and other land use activities that require a Critical Areas Assessment pursuant to GCC 24.12.500 (i), shall be subject to the identification and designation of all critical areas and their buffers identified in the assessment process. Each critical area shall be clearly defined and labeled to show calculated area, and type and/or class of critical area within each lot. The Shoreline Administrative Official shall require of the applicant that such designated critical areas be recorded on the final plat map or site plan clearly showing the locations of critical areas, existing vegetation, and buffers.

(2) Construction Marking: During construction, clearly visible, temporary marking such as flagging and staking, shall be installed and maintained along the outer limits of the proposed site disturbance outside of the critical area. Such field markings may be field-approved by the Shoreline Administrative Official prior to the commencement of permitted activities. Markings shall be maintained throughout the duration of any construction activities.

(3) Mitigation Signing and Fencing: The Shoreline Administrative Official may require permanent signing and/or fencing where it is determined a necessary component of a mitigation plan. The intent of this subsection is to provide clear and sufficient notice, identification, and protection of critical areas on-site where damage to a critical area or buffer by humans or livestock is probable due to the proximity of the adjacent activity.

(4) Sign, Marker and Fence Maintenance: It shall be the responsibility of the landowner to maintain, including replacement of, the markers, signs, and fences required under this Chapter in working order throughout the duration of the development project or land use activity. Removal of required markers, signs, and fences without written approval of the Shoreline Administrative Official shall be considered a violation of this Chapter.

24.12.520 Wetlands

(a) Identification and Designation

(1) Wetlands shall be identified and designated based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements. Wetland delineations are valid for 5 years, after

such date the County shall determine whether additional assessment is necessary.

(b) Maps and References

(1) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance conducted by the County, the Shoreline Administrative Official shall use the following maps and references to assist in making a Preliminary Determination pursuant to GCC 24.12.500 (g), General Review Procedures:

(A) Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior; Fish and Wildlife Service;

(B) Washington State Department of Fish and Wildlife Priority Habitat and Species (PHS) maps;

(C) Maps and reference documents in the Grant County SMP Inventory, Analysis, and Characterization report, as applicable;

(D) Approved Federal Wetlands Delineation Manual and applicable regional supplements;

(i) U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

(E) Washington State Wetlands Rating System for Eastern Washington (Annotated Version), Washington State Department of Ecology Publication No. #04-06-018, June 2014;

(F) Wetland Mitigation in Washington State – Parts 1 and 2, Washington Department of Ecology Publication #06-06-011a and b), March 2006); and

(G) Wetlands previously identified through the methodology specified under GCC 24.12.520.a, Wetlands – Identification and Designation, for another development permit or approval application.

(c) Classification

(1) Wetland Rating Classes shall be as follows:

(A) Category I Wetlands: Those wetlands scoring a “Category I” rating under the Washington State Department of Ecology (Ecology) Washington State Wetlands Rating System for Eastern Washington (Annotated Version), Publication #04-06-018, June 2014, as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System);

(B) Category II Wetlands: Those wetlands scoring a “Category II” rating under the Ecology Wetlands Rating System;

- (C) Category III Wetlands: Those wetlands scoring a “Category III” rating under the Ecology Wetlands Rating System; and
- (D) Category IV Wetlands: Those wetlands scoring a “Category IV” rating under the Ecology Wetlands Rating System.
- (E) Irrigation-influenced Wetlands: Those wetlands that have resulted from Columbia Basin Project irrigation system development and irrigated agriculture and that are not intentionally created. These wetlands are to be classified per Wetland Rating Classes Categories I – IV.
- (F) Intentionally Created Artificial Wetlands: Wetlands and former wetland areas not regulated are those intentionally created artificial wetlands, or irrigation-influences wetlands that have dried up and are no longer functioning as a wetland due to changes in farming practices, or irrigation supply management and/or conservation measures.

(d) Site Assessment Requirements

- (1) The Shoreline Administrative Official shall conduct a Preliminary Assessment pursuant to GCC 24.12.500 (g) using maps and references identified in GCC 24.12.520 (b).
- (2) If the Shoreline Administrative Official has reason to believe that a wetland may exist within 200 feet of a proposed development activity, a written determination regarding the existence or nonexistence of wetlands within 200 feet of said proposed development activity must be submitted to the County by the applicant. Only written determinations prepared by the U.S. Army Corps of Engineers, the Washington State Department of Ecology, the Natural Resources Conservation Service, or a Qualified Wetlands Professional shall be accepted.
- (3) If it is determined that a wetland exists, a site assessment report must be submitted to the Department by the applicant when an activity regulated under this Chapter is proposed within two hundred (200) feet of the boundary of a wetland. Only a site assessment report prepared by the U.S. Army Corps of Engineers, Washington Department of Ecology, Natural Resources Conservation Service, or a Qualified Wetlands Professional who has been approved by the Department of Community Development shall be accepted.
- (4) The site assessment report at a minimum shall cover the subject parcel and all area within 200 feet of a proposed development activity. If the applicant cannot obtain permission for access to properties within 200 feet of the proposed development activity then an approximation of the extent of off-site wetlands within 200 feet of the proposed development activity may be completed based on aerial interpretation and/or visual observation from nearby vantage points.
- (5) The site assessment report shall include the following information:

- (A) The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
- (B) A statement specifying the accuracy of the report and all assumptions made and relied upon.
- (C) Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, etc.
- (D) A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses including references.
- (E) Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.
- (F) For each wetland identified on-site and within 200 feet of the project site provide: the wetland rating per Wetland Ratings, GCC 24.12.520 (c); required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.
- (G) A description of the proposed actions including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives including a no-development alternative.
- (H) An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.
- (I) A description of reasonable efforts made to apply mitigation sequencing pursuant to Mitigation Sequencing (GCC 24.12.230 (b)) to avoid, minimize, and mitigate impacts to critical areas.

- (J) A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
- (K) A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.
- (L) An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.
- (M) A proposed mitigation plan pursuant to GCC 24.12.520 (g).
- (6) A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
- (A) Maps (to scale) depicting delineated and surveyed wetland and required buffers on-site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);
- (B) A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.
- (e) Alteration and Impacts of Wetlands
- (1) A regulated wetland or its required buffer can only be altered if the wetlands site assessment pursuant to GCC 24.12.520 (d) shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the wetland function, and maintain no net loss of wetland functions and values as a result of the overall project. Any alteration approved pursuant to this Section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland as described in GCC 24.12.520 (g), below.
- (2) The following activities are regulated if they occur in a regulated wetland or its buffer:
- (A) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- (B) The dumping of, discharging of, or filling with any material.
- (C) The draining, flooding, or disturbing the water level or water table.
- (D) Pile driving.
- (E) The placing of obstructions.

- (F) The construction, reconstruction, demolition, or expansion of any structure.
- (G) Activities that result in:
- (i) A significant change in water temperature.
 - (ii) A significant change of physical or chemical characteristics of the sources of water to the wetland.
 - (iii) A significant change in the quantity, timing, or duration of the water entering the wetland.
 - (iv) The introduction of pollutants.
- (3) Storm water discharge: Storm water discharges to wetlands shall be controlled and treated to provide all known and reasonable methods of prevention, control, and treatment as mandated in the State Water Quality Standards, Chapter 173-201A WAC, as required by state law, and consistent with the Ecology Stormwater Manual for Eastern Washington. Changes in hydrology that negatively impact functions of a wetland shall not be permitted, except for intentionally created artificial wetlands, or irrigation influences wetlands that have been modified so that it no longer has wetland characteristics due to changes in farming practices or irrigation supply management and/or conservation measures. Potential changes may include, but not be limited to, flooding of plant communities resulting in changes in composition, flooding of nests, or associated drawdowns that dehydrate nests, particularly amphibian eggs.
- (4) Exceptions to Mitigation Requirements: Requirements for mitigation do not apply under the following circumstances:
- (A) When a wetland alteration is intended exclusively for the enhancement, rehabilitation or restoration of an existing regulated wetland and the proposal will not result in a loss of wetland function and value, subject to the following conditions:
 - (i) The enhancement or restoration project shall not be associated with a development activity; and
 - (ii) An enhancement or restoration plan shall be submitted for site plan review. The restoration or enhancement plan must include the information required under GCC 24.12.520 (d).
 - (B) When an artificial wetland is intentionally created from a non-wetland site, or a former irrigation influences wetland was modified so that it no longer has wetland characteristics due to changes in farming practices or irrigation supply management and/or conservation measures.

(f) Protection Standards

(1) Wetland Buffers

- (A) Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. 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.
- (B) Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided.
- (C) Standard buffer widths. The standard buffer widths are based on wetland category, intensity of impacts, and wetland functions or special characteristics. The buffer is to be vegetated with native plant communities that are appropriate for the site conditions. If vegetation in the buffer is disturbed (grazed or mowed), applicants planning changes to land that will increase impacts to wetlands need to rehabilitate the buffer with native plant communities that are appropriate for the site conditions. Wetland buffers shall not be mowed. The width of the buffer is measured in horizontal distance.
- (D) Measurement of wetland buffers. All buffers shall be measured on the horizontal from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the proposed land use (Table 24.12.520 (f)(1)(D)-1) and wetland category (Table 24.12.520 (f)(1)(D)-2).
- (E) Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in GCC 24.12.520 (g).

1

Table 24.12.520 (f)(1)(D)-1. Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • High-intensity recreation (golf courses, ball fields, etc.)
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails
Low	<ul style="list-style-type: none"> • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Timber management • Gravel driveways serving 2 or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.

2

3

Table 24.12.520 (f)(1)(D)-2. Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<i>Category IV Wetlands (For wetlands scoring less than 15 points or more for all functions)</i>		
Score for all 3 basic functions is less than 30 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time
<i>Category III Wetlands (For wetlands scoring 16-18 points or more for all functions)</i>		
Moderate level of function for habitat (score for habitat 20-28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
Not meeting above characteristic	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time
<i>Category II Wetlands (For wetlands that score 19-21 points or more for all functions or having the "Special Characteristics" identified in the rating system)</i>		
High level of function for habitat (score for habitat 29-36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft ²	Maintain connections to other habitat areas.
Moderate level of function for habitat	Low – 75 ft	No recommendations at this

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
(score for habitat 20-28 points)	Moderate – 110 ft High – 150 ft	time
High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristic	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
Vernal pool	Low - 100 ft Moderate - 150 ft High - 200 ft ; Or develop a regional plan to protect the most important vernal pool complexes – buffers of vernal pools outside protection zones can then be reduced to: Low – 40 ft Moderate - 60 ft High – 80 ft	No intensive grazing or tilling of wetland
<i>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “Special Characteristics” identified in the rating system)</i>		
Natural Heritage Wetlands	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries. No septic systems within 300 ft of wetland. Restore degraded parts of buffer.
High level of function for habitat (score for habitat 29-36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Restore degraded parts of buffer. Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20-28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
High level of function for water quality improvement (24-32 points) and low for habitat (less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

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2 (2) Buffer Width Averaging: The width of a buffer for Category I, Category II, or
3 Category III wetlands may be averaged, thereby reducing the width of a
4 portion of the buffer and increasing the width of another portion, if all of the
5 following requirements are met:

6 (A) Buffer averaging is necessary to avoid hardship to the person seeking
7 this option which is caused by circumstances peculiar to the property,
8 is necessary to accomplish the purposes of the proposed development
9 or land use activity, and no reasonable alternative is available;

10 (B) The wetland has significant differences in characteristics that affect its
11 habitat functions, such as a wetland with a forested component
12 adjacent to a degraded emergent component or a “dual-rated” wetland
13 with a Category I area adjacent to a lower-rated area.

14 (C) The wetland contains variation in sensitivity due to existing physical
15 characteristics, as confirmed in a Critical Areas Assessment, and the
16 reduction from standard buffer widths will occur only contiguous to
17 the area of the wetland determined to be least sensitive;

18 (D) Buffer width averaging will not adversely impact wetland functions
19 and values;

20 (E) The total area contained within the wetland buffer after averaging is
21 not less than the total area of the buffer which would have been
22 required if buffer averaging was not allowed; and

23 (F) No part of the buffer is reduced by more than thirty-five (35) percent
24 of the standard buffer width or 25 feet, whichever is greater and no net
25 loss of ecological functions are achieved.

26 (3) Buffer Width Measurement: Wetland buffers shall be measured horizontally
27 in a landward direction from the wetland edge, as delineated in the field,
28 pursuant to the requirements of GCC 24.12.520 (d). Where a wetland is
29 located within 25 feet of the toe of slopes of 25 percent or greater, the buffer
30 shall be increased to include such sloping areas and the tops of slopes
31 determined to be Erosion Hazard Areas as defined in GCC 24.12.550 (a).

- (4) 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.
- (5) Temporary Buffer Alterations: Buffers shall not be disturbed. However, where temporary buffer disturbance has or will occur in conjunction with approved permitted activities, restoration, including replanting with adapted species as recommended by the Washington State Department of Ecology and/or Fish and Wildlife, shall be required.
- (6) If an applicant proposes to decrease or alter a required buffer or alter a wetland, the applicant shall demonstrate why such buffer and/or wetland modification, together with such alternative mitigation proposed in the wetland area assessment is sufficient to adequately protect the wetland functions and values.
- (7) Roads, bridges and utilities: Road, bridge and utility maintenance, repair and construction may be permitted across wetland buffers under the following conditions:
- (A) It is demonstrated to the Shoreline Administrative Official that there are no alternative routes that can be reasonably used to achieve the proposed development;
 - (B) The activity will have minimum or temporary adverse impact to the wetland area;
 - (C) The activity will not significantly degrade surface or groundwater; and
 - (D) Road maintenance, repair and construction shall be the minimum necessary to provide safe traveling surfaces;
- In making such determination, the Shoreline Administrative Official may solicit and may consider comments and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development.
- (8) Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:
- (A) Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 - (B) Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:
 - (i) Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the

wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.

(ii) Wildlife-viewing structures.

(C) Educational and scientific research activities.

(D) Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

(E) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

(F) Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.

(G) Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(H) Stormwater Management Facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:

(i) No other location is feasible; and

(ii) The location of such facilities will not degrade the functions or values of the wetland.

Stormwater management facilities are not allowed in buffers of Category I or II wetlands

- (I) Establishment of Limits of Clearing: The location of the outer extent of the wetland buffer shall be permanently marked as specified in GCC 24.12.520 (d). The limits of the areas to be disturbed shall also be marked in the field as specified in GCC 24. 12.520 (d).
- (J) Non-Conforming Uses. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

(g) Mitigation

- (1) Compensatory Mitigation Plan. Where mitigation is required pursuant to GCC 24.12.510 (c), the applicant shall prepare a Mitigation Plan. The Mitigation Plan shall follow the general requirements described herein below and Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1), Washington Department of Ecology (Publication #06-06-011b, March 2006 or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington)* (Publication #10-06-07, November 2010, or as revised). The following items at a minimum are required as part of a mitigation plan:

- (A) Description of project or activity, including a detailed narrative describing the project or activity, its relationship to the wetland and its potential impact to the wetland; and
- (B) Any proposed mitigation, including a discussion of how the project has been designed to avoid and minimize adverse impacts to wetlands, as well as the necessary monitoring and contingency actions for the continued maintenance of the wetland and its associated buffer.
- (C) A report which includes, but is not limited to:
 - (i) Location maps;
 - (ii) A site map prepared at a scale no smaller than one inch = 200 feet indicating the boundaries of the identified wetlands; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater management facilities; adjacent land uses, zoning districts, and comprehensive plan designations;
 - (iii) A description of the vegetation in the wetland, on the overall project site, and adjacent to the site. A description of the existing wetland and buffer areas proposed to be impacted;
 - (iv) A discussion of any federal, state, or local wetland-related permits required for the project;
 - (v) A discussion of the following mitigation alternatives as they relate to the proposal:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Compensating for functions affected by the proposed project, with the intention to achieve functional equivalency or improvement of functions.;
- (vi) Include a description of the compensatory mitigation site, including location and rationale for selection. Describe how preferred order of wetlands mitigation was followed: 1) restoration (including reestablishment and rehabilitation), 2) creation (establishment), 3) enhancement in combination with restoration or creation, and 4) preservation of high-quality, at risk wetlands. Include an assessment of existing conditions and estimate future conditions if actions are not undertaken. Describe the proposed actions for compensating wetland and upland areas affected by the project. Include the overall goals of the proposed mitigation, including targeted functions. Describe the proposed mitigation construction activities and timing of activities, along with a detailed discussion of ongoing management and monitoring practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs; and
- (vii) Proposed mitigation ratios, including a discussion of functions and values of and the variety of habitats provided by the proposed replacement wetland. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance *“Wetland Mitigation in Washington State Parts I and II”* (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the Shoreline Administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in *“Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report”* (Ecology Publication #11-06-015, August 2012, or as revised).

- (2) General Provisions. As a condition of any permit or other approval allowing alteration which results in the loss or degradation of a regulated wetland, or as an enforcement action pursuant to GCC 25.16, mitigation shall be required to offset impacts resulting from the actions of the applicant or any violator of the GCC. The following shall apply to all mitigation:
- (A) Mitigation shall follow an approved Mitigation Plan pursuant to GCC 24.12.520 (g)(1) and reflect the ratios specified in GCC 24.12.520 (g)(4) below;
 - (B) Mitigation shall be “on-site” and “in-kind”, except that “off-site” mitigation may be provided pursuant to GCC 24.12.520 (g)(5) and (6);
 - (C) Enhancement of existing wetlands, other than Category I and Category II wetlands, may be considered for compensation by doubling the ratios in GCC 24.12.520 (g)(4) below;
 - (D) Compensation shall be completed prior to, or concurrently with, wetland alteration, or, in the case of an enforcement action, prior to further development of the site;
 - (E) Mitigation must be conducted on property that will be protected and managed to avoid further development or degradation. The applicant shall provide for long-term preservation of the mitigation area; and
 - (F) The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding in accordance with GCC 24.12.510 (e), to carry out the project. The applicant shall demonstrate sufficient capability for monitoring the site and making corrections if the project fails to meet projected goals.
- (3) On-Site Mitigation: Any alteration of wetlands pursuant to GCC 24.12.520 (e) shall be mitigated by creating or restoring new wetlands at the standard mitigation ratios shown in Table 24.12.520 (g)(4). The ratios apply to creation or restoration which is in-kind (i.e., the same type of wetland), on-site, and is accomplished prior to or concurrently with loss. The first number specifies the acreage of new wetlands to be restored or created and the second specifies the acreage of wetlands altered.
- (4) The standard mitigation ratios may be increased or decreased by the Shoreline Administrative Official on a case-by-case, site-specific basis. The determination shall be based on the most current, accurate, and complete scientific or technical information available and on site-specific and project-related conditions as described in the approved Mitigation Plan. In making such determination, the Shoreline Administrative Official shall consider the functions and values of and the variety of habitats provided by the proposed replacement wetland, and may solicit and may consider comments and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development.

Table 24.12.520 (g)(4): Mitigation Ratios for Eastern Washington

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only¹	Re-establishment or Creation (R/C) and Rehabilitation (RH)¹	Re-establishment or Creation (R/C) and Enhancement (E)¹	Enhancement Only¹
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible ²	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible ²	R/C Not considered possible ²	Case-by-base

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

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

Reference:

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

- (5) Off-Site Mitigation: Off-site mitigation allows replacement of wetlands away from the site on which the wetland has been impacted by a regulated activity.

Off-site mitigation shall be conducted by creating or restoring new wetlands at the ratios shown in Table 24.12.520 (g)(4) for on-site mitigation pursuant to GCC 24.12.520 (g)(3) and by selecting mitigation sites pursuant to GCC 24.12.520 (g)(6) Off-site compensation shall occur within the same drainage basin of the same watershed where the wetland loss occurs. Off-site compensation will be allowed only when the applicant demonstrates to the satisfaction of the Shoreline Administrative Official that one or more of the following circumstances applies:

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

In making such determination, the Shoreline Administrative Official may solicit and may consider comments and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development.

- (6) Selecting Off-Site Mitigation Sites: Applicants shall pursue locations for off-site mitigation in the following order of preference:
 - (A) Filled, drained, or cleared sites that were formerly wetlands and where appropriate hydrology exists; and
 - (B) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature community of native species, and where the appropriate natural hydrology exists.
- (7) Timing: Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and plants. Construction shall be timed to assure that grading and soil movement occurs during those periods determined by the Shoreline Administrative Official to be most advantageous to the needs of the species present. Preference is given to advance mitigation but at a minimum should occur immediately following the disturbance.
- (8) Alternative Mitigation Projects: The Shoreline Administrative Official may encourage, facilitate, and approve innovative wetland mitigation projects. Advance compensation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this Chapter wherein one or more applicant(s), or an organization with demonstrated capability, may

undertake a mitigation project together if it is demonstrated to the satisfaction of the Shoreline Administrative Official that all of the following circumstances exist:

- (A) Creation of one or several larger wetlands may be preferable to many small wetlands;
- (B) The group demonstrates the organizational and fiscal capability to act cooperatively;
- (C) The group demonstrates that long term maintenance and management of the mitigation area will be provided;
- (D) There is a clear potential for success of the proposed mitigation at the identified mitigation site;
- (E) Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in GCC 24.12.520 (g)(4);
- (F) Permits and approvals are obtained from all other agencies having regulatory jurisdiction; and
- (G) Wetland mitigation banking programs are consistent with the provisions of Chapter 90.84 RCW and any Department of Ecology guidelines implementing provisions of Chapter 90.84 RCW regarding wetland mitigation banking.

In making such determination, the Shoreline Administrative Official may solicit and may consider comments and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development.

24.12.530 Fish and Wildlife Habitat Conservation Areas

(a) Identification and Designation

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

- (A) Areas within which State and Federal endangered and threatened species exist, or State sensitive, candidate and monitor species have a primary association;
- (B) Priority Habitat and Species Areas identified by the Washington State Department of Fish and Wildlife;
- (C) Habitats and species of local importance that have been designated by the County at the time of application.
- (D) Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds of less than three (3) years'

duration and landscape amenities. Naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority;

(E) Waters of the state as defined by WAC 222-16;

(F) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

(G) Areas with which anadromous fish species have a primary association; and

(H) State natural area preserves and natural resources conservation areas.

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

(A) Areas of high relative density or species richness, breeding and rearing habitat, winter range and movement and/or migration corridors; and

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

(3) In order to nominate an area or a species to the category of Habitats and Species of Local Importance, an individual or organization must:

(A) Demonstrate a need for special consideration based on:

(i) Declining population,

(ii) Sensitivity to habitat manipulation, or

(iii) Commercial or game value or other special value, such as public appeal;

(B) Propose relevant management strategies considered effective and within the scope of this Chapter;

(C) Provide species habitat location(s) on a map. Submitted proposals will be reviewed by the Shoreline Administrative Official and forwarded to the Departments of Fish and Wildlife, Natural Resources, and/or other local and state agencies or experts for comments and recommendations regarding accuracy of data and effectiveness of proposed management strategies.

(D) Grant County will hold a public hearing before the Board of County Commissioners for proposals found to be complete, accurate, potentially effective, and within the scope of this Chapter. If a

proposal is approved by the Board of County Commissioners, the habitat/species will become designated "Habitats/Species of Local Importance" and will be subject to the provisions of this Chapter.

- (4) The following important habitat areas which are not based on use by a specific species include those areas protected by their conservation ownership or management status and are not subject to the protection standards within this Chapter:

- (A) National Wildlife Refuges, National Parks, Natural Area Preserves, or any preserve or reserve designated under WAC 332-30-151;
- (B) State Natural Area Preserves or Natural Resource Conservation Areas identified by state law and managed by the Department of Natural Resources; and
- (C) Areas with recognized wildlife habitat value owned by the Bureau of Land Management or the Nature Conservancy.

(b) Maps and References

- (1) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance conducted by the Department, the Shoreline Administrative Official shall use the following maps and references to assist in making a Preliminary Determination pursuant to GCC 24.12.500 (g):

- (A) Washington State Department of Fish and Wildlife Priority Habitat and Species (PHS) maps;
- (B) Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior; Fish and Wildlife Service;
- (C) Washington State Department of Fish and Wildlife/Department of Natural Resources, Washington Rivers Inventory System (WARIS) maps;
- (D) U.S. Department of the Interior, Spokane District Resource Management Plan; and
- (E) Maps and reference documents in the Grant County SMP Inventory, Analysis, and Characterization report, as applicable.

(c) Site Assessment Requirements

- (1) The Shoreline Administrative Official shall conduct a Preliminary Assessment pursuant to GCC 24.12.500 (g) using maps and references identified in GCC 24.12.530 (b). If necessary, the Shoreline Administrative Official may consult with the Washington State Departments of Ecology, Fish and Wildlife and Natural Resources and Federally recognized Indian Tribes located in Grant County.
- (2) If the Shoreline Administrative Official has reason to believe that a HCA may exist within 300 feet of a proposed development activity, a written determination regarding the existence or nonexistence of a HCA within 300

feet of said proposed development activity submitted to the Department by the applicant. Only written determinations prepared by the Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or a Qualified Biological Professional shall be accepted.

(3) If it is determined that a HCA exists, a site assessment report must be submitted to the Department by the applicant when an activity regulated under this Chapter is proposed within three hundred (300) feet of the boundary of a HCA. Only a site assessment report prepared by the Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or a Qualified Biological Professional who has been approved by the Department of Community Development shall be accepted.

(4) The site assessment report at a minimum shall cover the subject parcel and all area within 300 feet of a proposed development activity. If the applicant cannot obtain permission for access to properties within 300 feet of the proposed development activity then an approximation of the extent of off-site HCAs within 300 feet of the proposed development activity may be completed based on aerial interpretation and/or visual observation from nearby vantage points.

(5) The site assessment report shall include the following information:

(A) A detailed narrative describing the project, including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the Administrative Officer, surface and subsurface hydrologic analysis;

(B) Site plan indicating the location of all proposed improvements and all Fish and Wildlife Habitat Conservation Areas;

(C) Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's effects on the Fish and Wildlife Habitat Conservation Areas;

(D) Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements or special management recommendations which have been developed for species and/or habitats located on the site;

(E) A description of proposed management and maintenance practices that will assure protection of Fish and Wildlife Habitat Conservation Areas after the project has been completed, including a discussion of proposed monitoring criteria, methods and schedule; and

(F) A proposed mitigation plan pursuant to GCC 24.12.530 (e).

(d) Protection Standards

(1) No development permit or approval pursuant to this Chapter shall be granted unless adverse effects to Fish and Wildlife Habitat Conservation Areas

1 resulting from proposed development activities located inside of or within 300
2 feet of a designated HCA are mitigated pursuant to GCC 24.12.530 (f).

- 3 (2) Shoreline Administrative Official's determination of appropriate conditions
4 and site-specific information supplied by the applicant. In making such
5 determination, the Shoreline Administrative Official may solicit and may
6 consider comments and recommendations provided by the Washington
7 Departments of Ecology, and Fish and Wildlife, and any Technical
8 Interdisciplinary Team participating in review for the proposed development.
9 Possible conditions may include, but are not limited to, the following:

- 10 (A) Establishment of buffer zones;
11 (B) Preservation of critically important vegetation;
12 (C) Limitation of access to the HCA; and
13 (D) Seasonal restriction of construction activities.

- 14 (3) Special provisions – Anadromous Salmonids.

- 15 (A) Activities, uses, and alterations proposed to be located in waterbodies
16 used by anadromous salmonids or in areas that affect such waterbodies
17 shall give special consideration to the preservation and enhancement
18 of anadromous salmonid habitat, including, but not limited to, the fol-
19 lowing:

- 20 (i) Activities shall be timed to occur only during the allowable
21 work window as designated by the State Department of Fish
22 and Wildlife;
23 (ii) An alternative alignment or location for the activity is not
24 feasible;
25 (iii) The activity is designed so that it will minimize the degradation
26 of the functions or values of the fish habitat or other critical
27 areas; and
28 (iv) Any impact on the functions and values of the habitat
29 conservation area are mitigated in accordance with an approved
30 Critical Areas Assessment.

- 31 (B) Structures that prevent the migration of anadromous salmonids shall
32 not be allowed in the portion of waterbodies currently used by
33 salmonids. Fish bypass facilities shall be provided that allow the
34 upstream migration of adult fish and shall prevent juveniles migrating
35 downstream from being trapped or harmed.

- 36 (C) Fills waterward of the OHWM, when authorized, shall minimize the
37 adverse impacts on anadromous salmonids and their habitat, shall
38 mitigate any unavoidable impacts, and shall only be allowed for water-
39 dependent uses or for uses that enable public access or recreation for
40 significant numbers of the public.

- (4) Special provisions – Wildlife. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).
- (5) Wetland habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in this GCC 24.12.520, Wetlands, in addition to meeting the habitat conservation area standards in this Chapter.
- (6) Riparian habitat areas. Unless otherwise allowed in this Chapter, all structures and activities shall be located outside of the riparian habitat buffers;
- (A) Establishment of riparian habitat buffers. Buffers shall be established for habitats that include aquatic systems.
- (B) A riparian habitat shall be the buffer width identified in Table 24.12.210 (d) Shoreline Development Standards, unless modified per provisions provided in GCC 24.12.530(d)(7), Administrative Buffer Width Averaging, (8), Shoreline Buffer Reductions, or (9), In Fill Development. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;
- (C) Additional setbacks for structures or other facilities, as applicable, would be added on to identified buffer width;
- (D) The required buffer shall not be extended across roads or other lawfully established structures or hardened surfaces that are functionally and effectively disconnected from the stream.
- (E) Buffers in conjunction with other critical areas. Where other critical areas defined in this chapter fall within the water body buffer, the buffer area shall be the most beneficial of the buffers applicable to any applicable critical area.
- (7) Administrative Buffer Width Averaging. The required buffer widths established in this SMP may be modified by the Shoreline Administrator for a development on existing legal lots of record in place at the time of adoption of this Program, in accordance with the provisions of this section only where the applicant demonstrates all of the following:
- (A) Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;
- (B) The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;
- (C) The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

- (D) The minimum buffer width at its narrowest point shall not be less than thirty five (35) percent of the buffer width established under this SMP; and
- (E) The buffer width averaging does not result in a net loss of ecological function.
- (8) Shoreline Buffer Reductions. Shoreline buffers may be administratively modified as outlined below:
- (A) Where a legally established road or railway, or other type of continuous development crosses or extends along a shoreline or critical area buffer and is wider than 20 feet, the Shoreline Administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved continuous development provided the upland side of the continuous development area:
- (i) Does not provide additional protection of the shoreline water body or stream; and
- (ii) Provides little (less than 20%) to no biological, geological, or hydrological buffer functions relating to the riparian and upland portions of the buffer.
- (B) Standard Buffer Reduction. Reductions of up to thirty-five (35) percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the Shoreline Administrator that a mitigation plan developed by a qualified professional pursuant to GCC 24.12.520 (g) indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.
- (9) In Fill Development. In an effort to facilitate in-fill development in approved plats, the County may approve requests to reduce the standard shoreline buffers up to a maximum of 50 percent for a new single-family residence and appurtenant structures in accordance with the following criteria:
- (A) Where there are single family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: 1) a common line drawn between the nearest corners of the nearest residence, 2) a common line calculated by the average of the nearest residences' existing buffer, or 3) a 50 percent reduction of the standard buffer.
- (B) Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as the greater of a common line drawn between nearest

corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot, a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot, or a 50 percent reduction of the standard buffer.

(10) Proposed developments or land use activities located within 300 feet of a designated HCA shall be reviewed for potential habitat impacts, considering the recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development.

(11) Allowed Uses in Fish and Wildlife Habitat Conservation Areas and Stream Buffers.

(A) Those portions of public access development that require improvements or uses adjacent to the water's edge, such as fuel stations for retail establishments providing boat gas sales, haul-out areas for retail establishments providing boat and motor repair and service, boat launch ramps for boat launch facilities, swimming beaches or other similar activities. Any adverse ecological impacts must be mitigated. Vegetation mitigation may only be required when the alteration removes significant trees or other native vegetation.

(B) Native vegetation landscaping is preferred in the shore buffer. Non-native landscaping may be installed in the shoreline buffer if it provides similar functions to native vegetation, including but not limited to shade, cover and habitat, and also has similar water consumptions needs when compared to native vegetation, and provided existing native vegetation is not removed. Use of noxious or invasive species is strictly prohibited. Chemical treatment of landscaping in shoreline buffers is discouraged, and any application of chemicals must be in strict conformance to the manufacturer's instructions.

(C) Shoreline residential access. A private access pathway constructed of pervious materials may be installed, a maximum of five (5) feet wide or some other standard consistent with Americans with Disabilities Act (ADA), through the shoreline buffer to the OHWM. Impervious materials may be used only as needed to construct a safe, tiered pathway down a slope using standards that are consistent with ADA. A railing may be installed on one edge of the pathway, a maximum of 36 inches tall and of open construction. Pathways to the shoreline should take the most direct route feasible consistent with any applicable ADA standards.

(D) Water-dependent uses. Consistent with the use allowances for each environment designation, water-dependent uses, and

activities may be located at the water's edge. Uses, developments and activities accessory to water-dependent uses should be located outside any applicable standard or reduced shoreline buffer unless at least one of the following is met:

- (i) Operation of the water-dependent use or activity (e.g., a road to a boat launch facility);
- (ii) In parks or on other public lands that are already legally established and whose use is primarily related to access to, enjoyment and use of the water, and they do not conflict with or limit opportunities for other water-oriented uses; or
- (iii) The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).
- (iv) In these circumstances above, uses and modifications accessory to water dependent uses must be designed and located to minimize intrusion into the buffer.
- (v) All other accessory uses, developments, and activities proposed to be located in a shoreline buffer must obtain a Shoreline Variance unless otherwise allowed by other regulations in this SMP. Applicants are encouraged to consider the buffer reduction options and implement mitigation sequencing prior to applying for a Shoreline Variance.

(E) Public facilities and other water-oriented uses. As allowed by the use chart in this SMP, other essential public facilities as defined by RCW 36.70A.200, public access and recreation facilities, and their accessory uses and developments may be located in the shoreline buffer. This allowance is contingent on a demonstration that the use or activity cannot be reasonably accommodated or accomplished outside of the standard or reduced shoreline buffer and that alternative sites are not available. These uses and modifications must be designed and located to minimize intrusion into the buffer and must be consistent with this SMP.

(F) Roads, bridges and utilities: Road, bridge and utility maintenance, repair and construction may be permitted across a Fish and Wildlife Habitat Conservation Area and/or buffers under the following conditions:

- (i) It is demonstrated to the Shoreline Administrative Official that there are no alternative routes that can be reasonably used to achieve the proposed development;
- (ii) The activity will have minimum adverse impact to the Fish and Wildlife Habitat Conservation Area;

- (iii) The activity will not significantly degrade surface or groundwater; and
 - (iv) The intrusion into the Fish and Wildlife Habitat Conservation Area and its buffers is fully mitigated to achieve no net loss of ecological functions.
 - (G) Limited park or recreational access to a fish and wildlife habitat area and/or stream buffers, provided that all of the following are satisfied:
 - (i) The access is part of a public park or a recreational resort development that is dependent on the access for its location and recreational function;
 - (ii) The access is limited to the minimum necessary to accomplish the recreational function; and
 - (iii) The intrusion is fully mitigated to achieve no net loss of ecological functions.
 - (H) Stormwater management facilities such as grass-lined swales.
- (12) Temporary and permanent erosion and sedimentation controls shall be provided to prevent the introduction of sediments or pollutants to water bodies or watercourses within the HCA.
- (13) Clearing and grading shall be limited to that necessary for establishment of the use or development and shall be conducted so as to avoid significant adverse impacts and to minimize the alteration of the volume, rate or temperature of freshwater flows to or within the HCA and any buffer required by this Chapter.
- (14) The proposed development shall not discharge hazardous substances to the HCA that would have significant adverse impacts on that area.
- (15) Stream flows shall be protected from changes to the normal flow, temperature, turbidity, and discharge to the maximum extent practicable.
- (16) Septic drainfields and any required replacement drainfield area shall be at least 100 feet from the edge of any HCA.
- (17) Activities may only be permitted in a stream or stream buffer if the applicant can show that the proposed activity will not degrade the functions and values of the stream, stream buffer, or other critical area.
- (18) Stream Crossings. Stream crossings shall be minimized, but when necessary they shall conform to the following standards as well as other applicable provisions of this SMP and other laws (see the State Department of Fish and Wildlife, or the State Department of Ecology).
 - (A) The stream crossing is the only reasonable alternative that has the least impact;

- (B) It has been shown in the Critical Areas Assessment that the proposed crossing will not decrease the stream and associated buffer functions and values;
- (C) The stream crossing shall use bridges instead of pipe or box culverts unless it can be demonstrated that a pipe or box culvert would result in equal or less ecological impacts;
- (D) All stream crossings using pipe culverts shall use super span or oversized culverts with appropriate fish enhancement measures. Culverts shall not obstruct fish passage;
- (E) Existing stream crossings are encouraged to continue and expand if doing so eliminates the need for an additional stream crossing,
- (F) Stream crossings shall be designed according to the Washington Department of Fish and Wildlife Design of Road Culverts for Fish Passage, 2003, as amended, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2001, as amended;
- (G) All stream crossings shall be constructed during the in-water work window as specified by the State Department of Fish and Wildlife in the Hydraulic Project Approval;
- (H) Stream crossings shall not occur through salmonid spawning areas unless no other feasible crossing site exists;
- (I) Bridge piers or abutments shall not be placed in either the floodway or between the OHWMs unless no other feasible alternative placement exists;
- (J) The natural drainage pattern and discharges of the upstream drainage basin, up to the runoff event having an exceedance probability of 0.01, shall not be altered or diminished by a stream crossing;
- (K) Stream crossings shall minimize interruption of downstream movement of wood and gravel;
- (L) Stream crossings shall be designed to facilitate routine maintenance of culverts and bridges; and
- (M) Stream crossings shall be minimized by serving multiple properties when-ever possible.
- (19) Stormwater conveyance facilities. Stormwater conveyance facilities may be permitted; provided, that they are only located in the buffer when no practicable alternative exists outside the buffer. Stormwater facilities shall be planted with native plantings where feasible to provide habitat, and/or less intrusive facilities should be used.
- (20) Floodway-Dependent Structures. Floodway-dependent structures or installations may be permitted within streams or their buffers if allowed or approved by other ordinances or other agencies with jurisdiction. See GCC

24.12.560, Frequently Flooded Areas, for more information on allowed uses and activities within flood hazard areas.

(21) Trails. The criteria for alignment, construction, and maintenance of trails within wetlands and their buffers shall apply to trails within stream buffers. Outer buffer trails may not exceed 10 feet in width and may be constructed with impermeable surface materials if on-site infiltration is utilized.

(22) Utilities. The criteria for alignment, construction, and maintenance within the wetland buffers and GCC 24.12.450, Utilities, shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the waterbody where feasible. Crossings shall be contained within the existing footprint of an existing or new road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than 60 degrees to the centerline of the channel. The criteria for stream crossings shall also apply.

(23) Native vegetation landscaping schemes that do not require application of herbicides, pesticides, or fertilizer to maintain robust growth.

(24) No net effective impervious surfaces may be created in the outer buffer area, beyond what is otherwise permitted.

(25) Existing Developments and Uses.

(A) Existing uses may continue. Vegetation conservation standards shall not apply retroactively to existing, legally established uses and developments. Existing developments and uses, including residential appurtenances, may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline buffers established in this SMP. In the absence of a development proposal, existing, lawfully established landscaping and gardens may be maintained in their existing condition including but not limited to, mowing lawns, weeding, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species.

(B) Landward of Standard Buffer. Existing developments and uses located landward of the standard buffer may redevelop or expand to the edge of the standard buffer consistent with GCC 24.12.240(d).

(C) Expansions waterward are prohibited unless the applicant obtains a Shoreline Variance.

(D) Within the Standard Buffer: Vertical expansions may be allowed provided they do not exceed the height limitations established in Table 24.12.210(d), Shoreline Development Standards, for the applicable environment designation. Expansions within the standard buffer laterally toward the side lot lines may be allowed, provided that runoff

and stormwater is handled consistent with the Eastern Washington Stormwater Management Manual, as amended, and consistent with the following:

- (i) Where such development results in removal of native vegetation, it shall not be the minimum necessary to allow for the permitted expansion.
- (ii) Removal of native vegetation area must be compensated at a 1:1 ration through enhancement of the remaining buffer waterward of the removal area with native tree, shrub, and/or groundcover plantings. Replacement vegetation providing equivalent habitat function and structure is required unless physical constraints of the remaining buffer preclude successful revegetation.

(26) New Structures and Development

- (A) New structures or developments prohibited. New structures or developments, including, but not limited to, pools, decks, patios, additions, sheds, fences, or other appurtenances, are not permitted in shoreline buffers except as specifically allowed in GCC 24.12.530(d)(11) above, and GCC 24.12.610 and 620, nonconforming uses and structures.
- (B) New structures and developments allowed in shoreline jurisdiction on undeveloped sites shall be sited to minimize removal of existing significant trees and native vegetation.
- (C) Water-oriented uses and developments in public park areas, recreational improvement projects shall place an emphasis on shoreline restoration/enhancement. This emphasis shall not require the removal of existing lawn areas, but should place an emphasis on incorporation of riparian plantings if the public access area is underutilized or public access would not be impaired by the plantings.

(e) Mitigation

- (1) Mitigation actions by an applicant or property owner shall occur in the preferred sequence specified in GCC 24.12.510 (c). If it is determined by the Shoreline Administrative Official that a proposed development will likely have a significant adverse impact on a HCA, the applicant shall prepare and implement a Habitat Management Plan in accordance with GCC 24.12.530 (f).
- (2) Where impacts cannot be avoided, the applicant shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this Chapter. In an individual case, these actions may include consideration of alternative site plans and layouts and reductions in the density or scope of the proposed development.

(f) Habitat Management Plan

(1) Any Habitat Management Plan required under this Chapter shall be prepared by a Qualified Biological Professional and shall identify how the impacts of the proposed development, land use, or activity will be mitigated.

(2) The following items at a minimum are required as part of a Habitat Management Plan:

(A) Description of project or activity, including a detailed narrative describing the project or activity, its relationship to the wetland and its potential impact to the wetland and/or fish and wildlife habitat conservation area ; and

(B) Any proposed mitigation, including a discussion of how the project has been designed to avoid and minimize adverse impacts to wetlands, as well as the necessary monitoring and contingency actions for the continued maintenance of the wetland, and/or fish and wildlife habitat conservation areas, and associated buffers within shoreline jurisdiction.

(C) A site map prepared at a scale no smaller than one inch = 200 feet showing:

(i) Project location;

(ii) The relationship of the site to surrounding topographic, cultural, and historic features;

(iii) The width and length of all existing and proposed structures, utilities, roads, easements, and landscape features;

(iv) Wastewater and stormwater management facilities;

(v) The name and location of all watercourses, ponds, and other bodies of water.

(D) A report which includes, but is not limited to:

(i) A description of the nature, density and intensity of the proposed development or land use change in sufficient detail to allow analysis of the impact of such land use change on the habitat;

(ii) An analysis of the effect of the proposed development, activity, or land use change on identified wetland(s) and or any designated HCAs;

(iii) A discussion of any federal, state, or local management recommendations which have been developed for the area;

(iv) A plan for the mitigation of any adverse impacts to identified wetland(s) and or any designated HCAs, including a discussion of the following mitigation alternatives as they relate to the proposal:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - (v) A detailed discussion of ongoing management and monitoring practices which will protect identified wetland(s) and or any designated HCAs after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs; and
 - (vi) An evaluation by the Washington State Department of Fish and Wildlife or a Qualified Biological Professional regarding the effectiveness of any proposed mitigating measures or programs, including recommendations as appropriate.
- (3) In making such determination, the Shoreline Administrative Official may solicit and may consider comments and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development. Possible mitigation measures may include, but are not limited to, the following:
- (A) Establishment of buffer zones;
 - (B) Preservation of critically important vegetation;
 - (C) Limitation of access to the identified wetland(s) and or any designated HCAs;
 - (D) Seasonal restriction of construction activities; and
 - (E) Establishment of a timetable for periodic review of the Habitat Management Plan and performance or maintenance security pursuant to GCC 24.12.510 (e).

24.12.540 Critical Aquifer Recharge Areas

- (a) Identification and Designation

(1) Critical aquifer recharge areas are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. Critical aquifer recharge areas are classified and designated as follows:

(A) Those areas designated as “Wellhead Protection Areas” pursuant to WAC 246-290-135(4) and the groundwater contribution area in WAC 246-291-100 (2)(e). Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group A public water supply wells and those Group B wells with a wellhead protection plan filed with the Grant County Health District; and

(B) Any land identified in the Soil Survey of Grant County as having high potential for aquifer recharge, as determined by the Shoreline Administrative Official.

(b) Maps and References

(1) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance conducted by the Department, the Shoreline Administrative Official shall use the following maps and references to assist in making a Preliminary Determination pursuant to GCC 24.12.500 (g), General Review Procedures:

(A) Maps and reference documents in the Grant County SMP Inventory, Analysis, and Characterization report, as applicable;

(B) Wellhead Protection Plans on file with the Grant County Health District; and

(C) Soil Survey of Grant County, Washington by the United States Department of Agriculture, Soil Conservation Service.

(c) Site Assessment Requirements

(1) The Shoreline Administrative Official shall conduct a Preliminary Assessment pursuant to GCC 24.12.500 (g) using maps and references identified in GCC 24.12.540 (b). If necessary, the Shoreline Administrative Official may consult with the Washington State Department of Ecology and the Grant County Health District.

(2) If the Shoreline Administrative Official has reason to believe that an aquifer recharge area may exist within 100 feet of a proposed development activity, the proposed development shall be subject to the protection standards and mitigation requirements pursuant to this Chapter.

(3) If it is determined that an aquifer recharge area exists, a site assessment report shall be submitted to the Department by the applicant when a non-residential development proposal activity pursuant to GCC 24.12.540 (c)(4) is proposed on a parcel within an aquifer recharge area. Only a site assessment report prepared by the Washington State Department of Ecology, the Grant County Health District or a Qualified Hydrogeological Professional who has been

approved by the Department of Community Development shall be accepted. For those areas designated as Wellhead Protection Areas, the applicant may substitute excerpts from the Wellhead Protection Plan filed with the Grant County Health District for the site assessment report, if approved by the Shoreline Administrative Official.

(4) The site assessment report shall include the following information:

- (A) A detailed narrative describing the project, including, but not limited to, associated grading and filling, structures, utilities, and those activities, practices, materials, or chemicals that have a potential to adversely affect the quantity or quality of underlying aquifer;
- (B) Site plan indicating the location of all proposed improvements and aquifer recharge areas;
- (C) A hydrogeological evaluation that includes at a minimum, a description and/or evaluation of the following:
 - (i) Site location, topography, drainage and surface water bodies;
 - (ii) Soils and geologic units underlying the site;
 - (iii) Groundwater characteristics of the area, including flow direction, gradient, and existing groundwater quality;
 - (iv) Location and characteristics of wells and springs within 300 feet of the perimeter of the property;
 - (v) Evaluation of existing on-site groundwater recharge; and
 - (vi) Evaluation of the potential impact of the proposed development on groundwater quality, both short and long term, based on an assessment of the cumulative impacts of the proposal in combination with existing and potential future land use activities; and
 - (vii) A proposed mitigation plan pursuant to GCC 24.12.550 (E).

(5) Qualifications of Qualified Hydrogeological Professional: Site assessment reports prepared pursuant to GCC 24.12.540 (c) shall be prepared by a Professional Engineer registered in the State of Washington or Registered Geologist, trained and qualified to analyze geologic, hydrologic, and groundwater flow systems, or a geologist or hydrogeologist who has received a degree from an accredited four-year college or university and who has relevant training and experience in analyzing geologic, hydrologic, and groundwater flow systems. Such qualifications shall be demonstrated to the satisfaction of the Shoreline Administrative Official.

(d) Protection Standards

- (1) Prohibited activities: The following activities are prohibited in aquifer recharge areas due to the probability and/or potential magnitude of their adverse effects on groundwater unless any significant adverse impacts can be

mitigated by conditions of approval. Such conditions shall be based on a hydrogeological evaluation that demonstrates that the proposed development or land use will not degrade groundwater, and that hydrogeological conditions do not facilitate degradation :

- (A) Land application of sewage sludge from sewage treatment works;
- (B) Underground storage of fuel in excess of 1,100 gallons for consumptive use on the parcel where stored;
- (C) Underground storage of hazardous materials;
- (D) Commercial and industrial facilities that store, use, handle, or produce hazardous substances or waste products;
- (E) Petroleum pipelines for other than single family use;
- (F) All uses where repetitive pesticide and fertilizer applications are required or where any toxic substance is disseminated;
- (G) Creosote manufacturing or treatment;
- (H) Chemical manufacture or reprocessing of any extremely hazardous waste as defined by RCW 70.105.010(6) and listed in Chapter 173-303 WAC; and
- (I) Class V injection wells, including:
 - (i) Agricultural drainage wells;
 - (ii) Untreated sewage waste disposal wells;
 - (iii) Cesspools;
 - (iv) Industrial process water and disposal wells; and
 - (v) Radioactive waste disposal.

(2) All development within Grant County must be in compliance with all of the following requirements:

- (A) The Grant County Potable Water Ordinance, Number 92-44-CC, passed by the Grant County Board of Commissioners April 13, 1992;
- (B) All and all applicable ground water management areas (G.W.M.A.'s) regulations, as designated by the State of Washington (including Chapter 173-100 WAC, Chapter 173-124 WAC, and Chapter 173-128A WAC, Chapter 173-130A WAC, Chapter 173-134A WAC, as well as other sources, such as the provisions for other GWMA's such as the Moses Lake G.W.M.A.);
- (C) State requirements regarding protection of upper aquifer zones and ground water quality (Chapter 173-154 WAC and Chapter 173-200 WAC, respectively);

- (D) Any and all applicable regulations set forth by any Irrigation Districts regulated by the United States Department of Interior, Bureau of Reclamation; and
- (E) Any and all regulations set forth by the Washington State Department of Health, the Grant County Health District and the Washington State Department of Ecology.
- (3) Residential Development Standards: All residential development applications (except for single-family residential building permits) on parcels of land within designated aquifer recharge areas are subject to the following provisions:
 - (A) Lots in new land divisions outside of urban growth areas shall require a minimum net land area of one acre, but not less than the minimum area required to meet local Health District requirements for on-site septic systems, when on-site septic systems are proposed;
 - (B) Lots in new land divisions in urban growth areas shall be required to connect to municipal or sewer district sewage collection and treatment systems, if available within two hundred (200) feet of the proposed development;
 - (C) Lots in new land divisions shall require a stormwater collection, treatment and disposal system designed by a Professional Engineer and approved by the County Engineer, except for short subdivisions where each lot is at least one (1) acre in size.
- (4) Non-Residential Development Standards: An applicant seeking the following types of new construction activities on parcels of land within designated aquifer recharge areas shall prepare and submit to the Shoreline Administrative Official a site assessment report pursuant to GCC 24.12.540 (c):
 - (A) Industrial and commercial agricultural facilities applying fertilizers or pesticides in excess of agronomic rates;
 - (B) Golf courses or other recreational or institutional facility that involve extensive turf cultivation or maintenance;
 - (C) Aboveground storage tanks, except for water tanks;
 - (D) Industrial or commercial facilities that, when completed, will use, store, or handle dangerous wastes in quantities in excess of five (5) gallons or twenty-five (25) pounds or more of any one substance, or in aggregate quantities of twenty (20) gallons or 100 pounds or more of all dangerous waste;
 - (E) Fossil fuel exploration or development; and
 - (F) Commercial underground storage tanks in excess of 1,100 gallons.

- (5) Agricultural uses shall employ best management practices in the application, storage, and disposal of pesticides, herbicides, sterilants, fumigants, and fertilizers, including livestock wastes.

(e) Mitigation

- (1) The Department, Health District and the jurisdictional agency for any affected Wellhead Protection Area shall review development proposals to assess aquifer(s) vulnerability and establish needed mitigation. Where determined to be necessary through the site assessment process, development approvals shall include conditions designed to prevent significant degradation of water quality or reduction in water quantity in aquifer recharge areas. Where a wellhead protection plan that addresses the project area exists, the Shoreline Administrative Official shall use the recommendations contained in the wellhead protection plan as a basis for formulating mitigation. In the absence of such a mitigation plan, the Planning Department and/or Health Department shall contact the Public Water System Water Purveyor and jointly develop mitigation, a summary of which shall be signed by the applicant and recorded with the applicant's property title.

24.12.550 Geologically Hazardous Areas

(a) Identification and Designation

- (1) Geologically Hazardous Areas shall be designated consistent with the definitions provided in WAC 365-190-080(4). Geologically Hazardous Areas as defined in GCC Chapter 24.12 Article VIII and shall include:

- (A) Erosion Hazards;
- (B) Landslide Hazards;
- (C) Mine Hazards; and
- (D) Seismic Hazards.

- (2) Erosion Hazard Areas: Those areas identified as having high or very high water erosion hazard by the U.S. Department of Agriculture Natural Resources Conservation Service as designated by the Natural Resources Conservation Service local office.

- (3) Landslide Hazard Areas: those areas potentially subject to landslides based upon the following combination of geologic, topographic and hydrologic factors:

- (A) Areas of historic failure including:
 - (i) areas having: (1) a 30 percent slope or steeper; (2) a vertical relief of 30 feet or more; and (3) delineated in Table 10 of the Soil Survey of Grant County Washington, Soil Conservation Service, USDA, as having "severe: slope" limitations for building site development; and

- (ii) areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps or technical reports published by the United States Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies.
 - (B) Areas with all of the following characteristics:
 - (i) A gradient of 15% or greater;
 - (ii) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (iii) Springs or groundwater seepage;
 - (C) Areas that have shown movement during the Holocene Epoch or which are underlain or covered by mass wastage debris of the epoch;
 - (D) Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
 - (E) Slopes having gradients greater than eighty percent (80%) subject to rockfall during seismic shaking;
 - (F) Areas potentially unstable as a result of rapid stream incision and streambank erosion;
 - (G) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
 - (H) Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of solid rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief.
- (4) Mine Hazard Areas: Those areas that fall within or 100 horizontal feet of a mine opening at the surface or an area designated as a mine hazard area by the Washington State Department of Natural Resources;
 - (5) Seismic Hazard Areas: Those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting, including:
 - (A) Areas described in GCC 24.12.550 (a)(2) and (3) or having a potential for soil liquefaction and soil strength loss during groundshaking; and
 - (B) Areas located on a Holocene fault line identified by USGS investigative maps and studies.

(C) Seismic hazards shall be identified in the Washington State Department of Natural Resources seismic hazard susceptibility maps for Eastern Washington and other geologic resources.

(b) Applicability

(1) The provisions of GCC 24.12.550 (a) shall apply only to land use and development permits or approvals. Permits and approvals required under GCC 14.04 shall be exempt from this section. However, the Building Official may require evaluation using the provisions set forth in Chapter 18 of the 1994 Uniform Building Code (or the corresponding Chapter in any later adopted edition of the UBC). The expansion of pre-existing structures shall also be exempt so long as the intrusion into an erosion or landslide hazard area does not increase.

(c) Maps and References

(1) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance conducted by the Department, the Shoreline Administrative Official shall use the following maps and references to assist in making a Preliminary Determination pursuant to GCC 24.12.500 (g):

(A) United States Department of Agriculture, Soil Conservation Service Grant County Soil Survey Maps and Tables;

(B) All of Grant County lies within a Seismic Risk Zone 2(b), as shown on the Uniform Building Code Seismic Risk Zone Map of the United States;

(C) United States Geological Survey topographic and geologic maps; and

(D) Seismic hazards shall be identified in Washington State Department of Natural Resources seismic hazard susceptibility maps for Eastern Washington and other geologic resources.

(d) Site Assessment Requirements

(1) The Shoreline Administrative Official shall conduct a Preliminary Assessment pursuant to GCC 24.12.500 (g) using maps and references identified in GCC 24.12.550 (b). If necessary, the Shoreline Administrative Official may consult with the Washington State Department of Natural Resources, the USDA Natural Resources Conservation Service, and the Grant County Building Official. The Shoreline Administrative Official shall:

(A) determine if a geological hazard area may be present within 100 feet of the proposed activity; and

(B) whether the proposed activity may result in or contribute to an increase in hazard, or may pose a risk to life and property on or off the project site.

(2) If the Shoreline Administrative Official has reason to believe that a geological hazard area may be present within 100 feet of the proposed activity, the

proposed development shall be subject to the protection standards and mitigation requirements pursuant to this Chapter.

(3) If the Shoreline Administrative Official has reason to believe that a geological hazard area may be present within 100 feet of the proposed activity and the proposed activity may result in or contribute to an increase in hazard, or may pose a risk to life and property on or off the project site, a site assessment report shall be submitted to the Department by the applicant. Only a site assessment report prepared by a Qualified Geotechnical Professional who has been approved by the Department of Community Development shall be accepted.

(4) The site assessment report shall include the following information:

- (A) A detailed narrative describing the project, including, but not limited to, associated grading and filling, structures, and utilities;
- (B) Classification of the type of hazard that exists;
- (C) Site plan that depicts: the location of all proposed improvements, the height of slope, slope gradient and cross section of the site; the location of springs, seeps, or other surface expressions of groundwater; and any evidence of surface or stormwater runoff;
- (D) A geotechnical evaluation that includes at a minimum, a description and/or evaluation of the following:
 - (i) Site location, topography, drainage and surface water bodies;
 - (ii) Soils and geologic units underlying the site;
 - (iii) An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the subject property and potentially affected adjacent properties. Soils analysis shall be accomplished in accordance with the Unified Soil Classification System;
 - (iv) Determination of height of slope and slope gradient, including slope cross sections;
 - (v) A description of load intensity including surface and groundwater conditions, public and private sewage disposal systems, fills and excavations and all structural development;
 - (vi) An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 - (vii) An estimate of the bluff retreat rate which recognizes and reflects potential catastrophic events such as seismic activity or one-hundred-year storm event;
 - (viii) An assessment describing the extent and type of vegetative; and

- (ix) A detailed description of the project, its relationship to geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
 - (x) A proposed mitigation plan pursuant to GCC 24.12.550 (f).
 - (5) Qualifications of Qualified Geotechnical Professional: Site assessment reports prepared pursuant to GCC 24.12.550(d) shall be prepared by a Professional Engineer registered in the State of Washington, trained and qualified to analyze geologic, geotechnical, hydrologic, and groundwater flow systems, or a geologist or geotechnical engineer who has received a degree from an accredited four-year college or university and who has relevant training and experience in analyzing geologic, geotechnical, hydrologic, and groundwater flow systems. Such qualifications shall be demonstrated to the satisfaction of the Shoreline Administrative Official.
 - (6) The Shoreline Administrative Official shall evaluate documentation submitted pursuant to GCC 24.12.550 (c) and condition permit approvals to minimize risk on both the subject property and proposed improvements as well as affected adjacent properties. All conditions on approvals shall be based on known, available, and reasonable methods of prevention, control, and treatment. Evaluation of geotechnical reports may also constitute grounds for denial of the proposal. Any County permits or approvals issued shall contain a statement on the face of the permit notifying the permit recipient that the permit involves work within or adjacent to a geologic hazard and/or its buffer and that the permit recipient assumes the risk and associated liability for such activity.
- (e) Protection Standards
 - (1) Erosion and Landslide Hazard Areas:
 - (A) Grading:
 - (i) Clearing, grading, and other construction activities shall not aggravate or result in slope instability or surface sloughing;
 - (ii) Undergrowth shall be preserved to the extent practicable;
 - (iii) No dead vegetation, fill or other foreign material shall be placed within a landslide hazard area, other than that approved for bulkheads or other methods of stabilization unless a geotechnical report shows that the activity will not exacerbate landslide hazards; and
 - (iv) Ground disturbance shall be minimized to the extent practicable.
 - (B) Ground Surface Erosion Control Management:
 - (i) There shall be minimum disturbance of vegetation in order to minimize erosion and maintain existing stability of hazard areas;

- (ii) Vegetation removal on the slopes of banks between the ordinary high water mark and the top of the banks shall be minimized;
- (iii) Vegetation and organic soil material shall be removed from a fill site prior to the placement of clean earthen material;
- (iv) Vegetative cover shall be re-established on any disturbed surface to the extent practicable; and
- (v) To the extent practicable, soil stabilization materials such as filter fabrics, rip-rap, and similarly designed materials, shall be placed on any disturbed surface when future erosion is likely.

(C) Drainage:

- (i) Surface drainage, including downspouts, shall not be directed across the face of a hazard area; if drainage must be discharged from the top of a hazard area to its toe, it shall be collected above the top and directed to the toe by tight line drain, and provided with an energy dissipative device at the toe for discharge to a swale or other acceptable natural drainage areas;
- (ii) Stormwater retention and detention systems, including infiltration systems utilizing buried pipe, may be used if a geotechnical assessment indicates such a system shall not affect slope stability and the system is designed by a licensed civil engineer; the licensed civil engineer shall also certify that the system is installed as designed.

(D) Buffers:

- (i) An undisturbed thirty (30) foot buffer, as measured on the top surface, is required from the top, toe, and along all sides of any existing landslide or erosion hazard areas;
- (ii) Based on the results of a geotechnical assessment, the Shoreline Administrative Official may increase or decrease the buffer; and
- (iii) The buffer shall be clearly staked before any construction or clearing (grading) takes place.
- (iv) Normal non-destructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide a view corridor shall not be subject to these buffer requirements.

(E) Design Guidelines:

- (i) Foundations shall conform to the natural contours of the slope and foundations should be stepped or tiered where possible to conform to existing topography;
- (ii) Roads, walkways, and parking areas shall be designed with low gradients or be parallel to the natural contours of the site; and
- (iii) To the extent practicable, access shall be in the least sensitive area of the site.
- (iv) Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;
- (v) Structures and improvements shall minimize alterations to the natural contours of the slope and foundations shall be tiered where possible to conform to existing topography;
- (vi) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
- (vii) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
- (viii) New development that would require structural shoreline stabilization over the life of the development is prohibited except when the applicant can demonstrate that stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result;
- (ix) The use of a retaining wall that allows the maintenance of existing natural slopes are preferred over graded artificial slopes;
- (x) Development shall be designed to minimize impervious lot coverage; and
- (xi) New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development is prohibited.

(F) Additional Standards for Erosion and Landslide Hazard Areas:

- (i) No critical facilities shall be constructed or located within an erosion or landslide hazard area;
- (ii) No new structures shall be located on a permanent foundation within an erosion or landslide hazard area, unless the foundation is located at a distance landward of the ordinary

high water mark that is greater than or equal to the amount of land that is expected to erode within the next thirty (30) years as determined by the Administrator;

- (iii) New septic system drainfields in an erosion hazard area shall be located landward of any new structure; and

(2) Mine Hazard Areas: Development within a mine hazard area is prohibited.

(3) Seismic Hazard Areas: Development within areas that meet the classification criteria for seismic hazard areas shall comply with the Uniform Building Code requirements for Seismic Risk Zone 2a as adopted by Grant County. No other permits are required by this ordinance for seismic hazards.

(f) Mitigation

(1) When mitigation is required by this section, a mitigation plan shall be prepared by a Qualified Geotechnical Professional and shall:

(A) Include a discussion on how the project has been designed to avoid and minimize the impacts to geologically hazardous areas;

(B) Make a recommendation for the minimum building setback from any bluff edge and/or other geologic hazard and shall be based upon the geotechnical analysis under GCC 24.12.550 (d)(4)(D);

(C) Include the location and methods of drainage, locations and methods of erosion control, a vegetation management and/or restoration plan and/or other means for maintaining long term stability of slopes;

(D) Address the potential impact of mitigation on the hazard area, the subject property and proposed improvements and affected adjacent properties;

(E) Include a temporary erosion and sedimentation control plan prepared in accordance with the requirements of GCC 23.12;

(F) Include a drainage plan for the collection, transport, treatment, and discharge of surface water in accordance with the requirements of GCC 23.12; and

(G) Demonstrate compliance with GCC 24.12.550 (e).

24.12.560 Frequently Flooded Areas

(a) Identification and Designation

(1) Frequently flooded areas shall be those floodways and associated floodplains designated by the Federal Emergency Management Agency (FEMA) flood hazard classifications as delineated on the most current available Flood Insurance Rate Maps for Grant County, or as subsequently revised by FEMA, as being within the 100-year flood plain, or those floodways and associated floodplains delineated by a comprehensive flood hazard management plan adopted by Grant County Board of Commissioners, as being within the 100-year floodplain or having experienced historic flooding; or channel migration

zones (CMZ) identified through mapping developed as part of the 2013 SMP update. The CMZ is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). For the purpose of this ordinance, in case of conflict between FEMA flood hazard maps and the comprehensive flood hazard management plan designations, the more restrictive designation shall apply.

(b) Maps and References

- (1) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance conducted by the Department, the Shoreline Administrative Official shall use the following maps and references to assist in making a Preliminary Determination pursuant to GCC 24.12.500 (g):
 - (A) F.E.M.A. Flood Insurance Rate Maps (FIRM), most current available.
 - (B) Maps and reference documents in the Grant County SMP Inventory, Analysis, and Characterization report, as applicable;
 - (C) CMZ mapping developed as part of the 2013 SMP update, noting applicants for shoreline development or modification may submit a site-specific channel migration zone study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The CMZ must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.
 - (i) Channel migration zone maps prepared consistent with WAC 173- 26-221(3)(b) are included in Grant County's SMP Inventory, Analysis, and Characterization report. These maps provide complete coverage of waterbodies in Grant County that have potential for channel migration. The responsible local government shall utilize these maps in shoreline application reviews.
 - (ii) Applicants for shoreline development or modification may submit a site-specific channel migration zone study if they do not agree with the mapping in Grant County's SMP Inventory, Analysis, and Characterization report.

(c) Site Assessment Requirements

- (1) The Shoreline Administrative Official shall conduct a Preliminary Assessment pursuant to GCC 24.12.500 (g) using maps and references identified in GCC 24.12.560 (b). If necessary, the Shoreline Administrative Official may consult with the Federal Emergency Management Agency and the Grant County Engineer. The Shoreline Administrative Official shall determine if a

frequently flooded area may be present within 100 feet of the proposed activity.

(2) If an area of interest is not included in a comprehensive flood hazard management plan adopted by the Board of County Commissioners, and the County Engineer believes that the FEMA FIRM maps do not correctly delineate the 100-year floodplain, the County Engineer may delineate the 100-year flood plain based on documented historic flooding of the area. If such documentation is not adequate to allow the County Engineer to make such delineation, the applicant shall provide a flood hazard study prepared by a Professional Engineer assessing the extent of the 100-year floodplain, which shall be subject to approval by the County Engineer.

(3) If the Shoreline Administrative Official has reason to believe that a frequently flooded area may be present within 100 feet of the proposed activity, the proposed development shall be subject to the protection standards and mitigation requirements pursuant to this Chapter.

(4) The site assessment report shall include the following information:

(A) A detailed narrative describing the project, including, but not limited to, associated grading and filling, structures, and utilities;

(B) Site plan that depicts the location of all proposed improvements and existing topography, drainage and surface water bodies; and

(C) If the FEMA FIRM maps do not specify a base flood elevation, the applicant shall prepare and submit a flood elevation certificate on form provided by the Department.

(5) Documentation of alternate channel migration zone boundaries must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. (based on WAC 173-26-221(3)(b)) and comments by U.S. Fish and Wildlife Service).

(d) Protection Standards

(1) All development within frequently flooded areas shall comply with the Grant County Flood Damage and Prevention Ordinance (GCC 24.16), GCC 24.12.270, Flood Hazard Reduction, the Grant County Shoreline Master Program, the Uniform Building Code regarding structural safeguards to reduce risk to human life, health and property from flooding, and other pertinent ordinances and codes.

(2) Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of floodwater to otherwise flood-free areas.

(3) CMZs shall be regulated as floodways, and shall apply only to those watercourses listed below:

- (A) Rocky Ford Creek
- (B) Upper and Lower Crab Creek
- (C) Lind Coulee.

24.12.570 Cultural Resource Areas

(a) Identification and Designation

- (1) Cultural resources are those areas that have been identified as having lands, sites, and structures that have historical or archaeological significance.

(b) Maps and References

- (1) Archaeological sites are subject to RCW 27.44 (Indian Grave and Records), RCW 68.50 (Human Remains), RCW 68.60 (Abandoned and Historic Cemeteries and Historic Graves) and RCW 27.53 (Archaeological Sites and Records) and must comply with WAC 25-48 (Archaeological Excavation and Removal Permit). Archaeological excavations are allowed subject to applicable laws.
- (2) Maps and reference documents in the Grant County SMP Inventory, Analysis, and Characterization report, as applicable.
- (3) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance conducted by the Department, the Shoreline Administrative Official shall review and use data obtained from the State Department of Archaeology and Historic Preservation (DAHP) through Grant County's data sharing agreement, to assist in making a Preliminary Determination pursuant to GCC 24.12.500(g).

(c) Site Assessment Requirements

- (1) When an application for a permit is received within 500 feet of a site known to contain historic, cultural, or archaeological artifacts and data, the County shall not take action on the application and shall inform the applicant thereof, and the applicant shall not initiate any excavation or development activity until the site has been inspected and a written evaluation is provided by a Professional Archaeologist. If an archaeological site is present and cannot be avoided, a permit must be obtained from DAHP pursuant RCW 27.53 if an archaeological excavation is necessary.
- (2) All permits shall contain a special provision advising the permit holder that if during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately and the Administrator must be notified at once. The project proponent shall contact the appropriate Native American tribal organization(s) or other appropriate group, County and DAHP. This contact shall initiate a consultation process for determining subsequent actions. Activities authorized by the permit will not be delayed more than five (5) working days for a finding of significance by the Shoreline Administrative Official, following the Shoreline Administrative Official's receipt of

notification, unless the permit holder agrees to an extension of that time period.

(3) All development proposed for location adjacent to sites which are listed, or are determined by the appropriate State or Federal authority to be eligible for listing in the state or national registers or historic places, must be located so as to complement the historic site. Development, which degrades or destroys the historical character of such sites, is not permitted.

(4) Identified historical or archaeological resources must be considered in site planning for public parks, public open space, and public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource.

(5) The site assessment report shall include the following information:

(A) A detailed narrative describing the project, its relationship to the cultural resource area and its potential impact to the cultural resource;

(B) Site plan indicating the location of proposed development in reference to the location of the cultural resource/archaeological site;

(C) A description outlining the local topography, geology, water sources, vegetation, wildlife, and any notable environmental conditions;

(D) A detailed summary of what was actually observed;

(E) A brief summary of the prehistory, history, and ethnography of the study area citing major studies and their results.

(F) If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, a Cultural Resource Management Plan (CRMP) shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation, and the local tribes (Yakama, Colville, Wanapum Band).

(G) A description of applicable federal and state laws for protection of cultural and historic resources, along with associated requirements and processes to follow.

(d) Protection Standards

(1) All development within cultural resources areas shall comply with the conditions included in the site assessment report as approved by the Shoreline Administrative Official and comply with applicable state and federal laws for the protection of archaeological and historic resources.

(2) During any construction authorized under the development approval, if human remains are discovered during ground disturbing activities, all development

activity shall cease immediately and the applicant, or his contractor or agent, shall immediately contact the Shoreline Administrative Official and DAHP for further instruction. This contact shall initiate a consultation process for determining subsequent actions. Activities authorized by the permit will not be delayed more than five (5) working days for a finding of significance by the Shoreline Administrative Official, following the Shoreline Administrative Official's receipt of notification, unless the permit holder agrees to an extension of that time period.

Article VI. Existing Uses, Structures and Lots

24.12.600 Applicability

- (a) All nonconformances in shoreline jurisdiction shall be subject to the provisions of this article. For nonconformance of use, structures, and lots within shoreline critical areas, GCC 24.12, Article V, Critical Areas applies. When there is a conflict between this Section and the Critical Area Section as applicable to critical areas, the more restrictive standards shall apply.
- (b) The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - (1) The requirements of the International Building and Fire Codes; or
 - (2) The provisions of the SMP beyond the specific nonconformance addressed by this chapter.
- (c) A change in the required permit review process (e.g. Shoreline Substantial Development Permit versus a Shoreline Conditional Use Permit) shall not create a nonconformance.
- (d) Any nonconformance that is brought into conformance for any period of time shall forfeit status as nonconformance, except as specified in GCC 24.12.610, Nonconforming Uses.
- (e) A nonconforming lot, use, or structure may be deemed legally nonconforming by providing documentation that the use in question occurred prior to the effective date of this SMP, from one of the following:
 - (1) Local agency permit;
 - (2) Orthophoto, aerial photo or planimetric mapping recognized as legitimate by the agency; or
 - (3) Tax record

24.12.610 Nonconforming Uses

- (a) If, at the effective date of the SMP and any amendment thereto, a lawful use of land exists that is made no longer permissible under the terms of this SMP or amendments thereto, such use may be continued as a nonconforming use so long as it remains otherwise lawful subject to the following conditions:

- (1) No nonconforming use shall be intensified, enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of the SMP or amendment that made the use no longer permissible. Provided that a nonconforming use may be enlarged, increased or extended in conformance with applicable bulk and dimensional standards of this SMP upon approval of a shoreline conditional use permit.
- (2) No nonconforming use shall be moved in whole or in part to any other portion of the lot which contains the nonconforming use.
- (3) If any nonconforming use of land ceases for any reason for a period of one year, any subsequent use of such land shall conform to the regulations specified by this SMP for the use environment in which such land is located.
- (4) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon a finding that:
 - (A) No reasonable alternative conforming use is practical;
 - (B) The proposed use is equally or more appropriate to the shoreline environment than the existing nonconforming use, and is at least as consistent with the policies and provisions of the act and the SMP;
 - (C) Such a change of use shall be subject to conditional use permit approval. Conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Act and to assure that the use will not become a nuisance or a hazard.

24.12.620 Nonconforming Structures

- (a) If, at the effective date of the SMP or any amendment thereto, a lawful structure or other improvement exists which is made no longer permissible under the terms of this SMP or amendment thereto, such structure or other improvement may be continued as a nonconforming structure or other improvement so long as it remains otherwise lawful, subject to the following conditions:
 - (1) No nonconforming structure or other improvement shall be altered or changed in a way which increases its nonconformity except as allowed in “2”.
 - (2) Expansions of structures that are nonconforming with respect to a required shoreline buffer:
 - (A) May not encroach any farther waterward into the required shoreline buffer.
 - (B) Expansions parallel to or landward of shoreline may be allowed provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Expansions shall restore a portion of the shoreline buffer with riparian vegetation at a 1:1 area ratio to offset the adverse impact. When such expansions occur upland of an existing levee, the

applicant's critical areas report may justify a smaller ratio provided that the study demonstrates no net loss of ecological functions.

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

(4) When damaged, a nonconforming structure may be restored to the configuration existing immediately prior to the time that the structure was damaged, provided that:

(A) The structure is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development.

(B) The applicant applies for permits needed to restore the development within six months of the date the damage occurred.

(C) Reconstruction is started within 12 months and is completed within 24 months of the date of damage, unless an extension of time is granted by the Shoreline Administrative Official upon written petition substantiating to the satisfaction of the Administrative Official due cause for such extension;

(D) The degree of the nonconforming use, building or structure is not increased

(5) Nothing in this section will prohibit vertical expansion up to the height allowed in the applicable use environment, provided all other applicable requirements of Grant County development regulations are met.

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

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

(1) A change of use is proposed;

(2) The use is terminated or discontinued for more than one year, or the structure(s) that houses the use is vacated for more than one year; or

(3) The structure(s) or activity that occurs on the land in which the use is conducted is proposed for relocation.

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

- (d) For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.

Article VII. Administration and Enforcement

24.12.700 Roles and Responsibilities

(a) Shoreline Administrative Official

- (1) The Grant County Community Development Director or his/her designee shall serve as the Shoreline Administrative Official, issue written Shoreline Exemptions as appropriate, and in the case of a Shoreline Substantial Development Permit (SDP) to grant or deny the permit. The administrator shall administer the shoreline permit and notification systems, and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulations regulating land use and development in the County.

- (2) The Shoreline Administrative Official shall be familiar with regulatory measures pertaining to shorelines and their use, and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other land use and development regulatory measures of the County. The Shoreline Administrative Official shall establish procedures that advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications. It is the intent of the County, consistent with its regulatory obligations, to simplify and facilitate the processing of Shoreline Substantial Development Permits.

- (3) The Shoreline Administrative Official shall assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.

- (4) The Shoreline Administrative Official shall apply GCC 24.12.210, General Provisions for shoreline critical areas.

(b) Hearing Examiner

- (1) The Hearing Examiner shall have the authority to decide on appeals from administrative decisions issued by the Administrator of this SMP.

- (2) The Hearing Examiner may grant or deny Shoreline Variances and Shoreline Conditional Use Permits, following an open record hearing.

- (c) Planning Commission. The Planning Commission is vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a

major element of the County's planning and regulatory program, and make recommendations for amendments thereof to the County Commissioners.

(d) County Commission. The County Commission is vested with authority to:

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

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

24.12.710 Interpretation

(a) Under the administrative provisions, the Shoreline Administrative Official shall have authority to interpret this SMP when such interpretation is clearly consistent with the goals and policies of this SMP and the Act.

(b) The County shall consult with Ecology if formal written interpretations are developed as a result of a lack of clear guidance in the Act, the SMP Guidelines, or this Master Program to ensure that any are consistent with the purpose and intent of Chapter 90.58 and 173-26 WAC.

24.12.720 Statutory Noticing Requirements

(a) At a minimum the County shall provide notice in accordance with WAC 173.27-110, and may provide for additional noticing requirements

24.12.730 Application Requirements

(a) A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the information listed in WAC 173-27-180.

(b) The Shoreline Administrative Official shall provide written informational materials, procedures, instructions, and forms, required to submit an application for a shoreline substantial development permit, variance, or conditional use permit.

(c) These materials should include but are not limited to a plan cover sheet; a Joint Aquatic Resource Permits Application (JARPA) form; SEPA checklist; fee schedule; review criteria; process and timelines to assist potential applicants and interested parties on the permit application submittal and review process.

(d) The Shoreline Administrative Official may vary or waive these requirements according to administrative application requirements on a case-by-case basis.

(e) The Shoreline Administrative Official may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other County requirements, and the provisions of this SMP.

24.12.740 Exemptions from Shoreline Substantial Development Permits

(a) An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory

requirements. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required.

(b) Letters of exemption shall be issued by the County when an exemption applies or when a letter of exemption is required by the provisions of WAC 173-27-050 and as follows:

- (1) Any person claiming exemption from the substantial development permit requirements shall make an application to the Shoreline Administrative Official for such an exemption in the manner prescribed by the Shoreline Administrative Official, except that no written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d)
- (2) The Shoreline Administrative Official is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in Section 24.12.740(d). The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Shoreline Administrative Official's analysis of the consistency of the project with this Program and the Act. The letter shall be sent to the applicant and maintained on file in the offices of the Shoreline Administrative Official.
- (3) Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and the Act
- (4) A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Shoreline Administrative Official's decision may be appealed pursuant to GCC 24.12.810.
- (5) Exempt activities requiring a JARPA shall not be conducted until a statement of exemption has been obtained from the Shoreline Administrative Official.

(c) Interpretations of Exemptions

- (1) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.
- (2) A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
- (3) The burden of proof that a development or use is exempt from the permit process is on the applicant.

- 1 (4) If any part of a proposed development is not eligible for exemption, then a
2 Shoreline Substantial Development Permit is required for the entire proposed
3 development project.
- 4 (5) The County may attach conditions to the approval of exempted developments
5 and/or uses as necessary to assure consistency of the project with the SMA
6 and this SMP. Additionally, nothing shall interfere with each responsible local
7 government's ability to require compliance with all other applicable laws and
8 plans.
- 9 (d) The County shall exempt from the Shoreline Substantial Development Permit
10 requirement the shoreline developments listed below:
- 11 (1) Any development of which the total cost or fair market value does not exceed
12 six thousand, four hundred, sixteen dollars (\$6,416.00) or as adjusted by the
13 State Office of Financial Management, if such development does not
14 materially interfere with the normal public use of the water or shorelines of
15 the state. For purposes of determining whether or not a permit is required, the
16 total cost or fair market value shall be based on the value of development that
17 is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c).
18 The total cost or fair market value of the development shall include the fair
19 market value of any donated, contributed, or found labor, equipment, or
20 materials.
- 21 (2) Normal maintenance or repair of existing legally-established structures or
22 developments, including damage by accident, fire, or elements. Replacement
23 of a structure or development may be authorized as repair where such
24 replacement is the common method of repair for the type of structure or
25 development and the replacement structure or development is comparable to
26 the original structure or development including but not limited to its size,
27 shape, configuration, location, and external appearance and the replacement
28 does not cause substantial adverse effects to shoreline resources or
29 environment.
- 30 (3) Construction of a normal protective bulkhead common to single-family
31 residences. A "normal protective" bulkhead includes those structural and
32 nonstructural developments installed at or near, and parallel to, the ordinary
33 high water mark for the sole purpose of protecting an existing single-family
34 residence and appurtenant structures from loss or damage by erosion. A
35 normal protective bulkhead is not exempt if constructed for the purpose of
36 creating dry land. When a vertical or near vertical wall is being constructed or
37 reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall
38 may be used as backfill. When an existing bulkhead is being repaired by
39 construction of a vertical wall fronting the existing wall, it shall be
40 constructed no further waterward of the existing bulkhead than is necessary
41 for construction of new footings. When a bulkhead has deteriorated such that
42 an ordinary high water mark has been established by the presence and action
43 of water landward of the bulkhead then the replacement bulkhead must be
44 located at or near the actual ordinary high water mark. Beach nourishment and

bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife (WDFW).

- (4) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrative Official to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58 these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter, RCW 90.58, and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

- (A) The following criteria shall exist to qualify any action under an emergency provision:

- (i) There must be an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from a natural condition, or non-natural accident or incident;
- (ii) The emergency response shall be confined to the action necessary to protect life or property from damage;
- (iii) The scope of the emergency response must be limited to the work necessary to relieve the immediate threat; and
- (iv) The emergency response applies only to the period of time in which the actual emergency exists.

- (B) Once the emergency is abated or dissipated as deemed by jurisdictional authorities, compliance with the requirements of this chapter is required.

- (C) Emergency actions shall use reasonable methods that minimize the impact to critical areas and their buffers. Persons who take emergency action shall notify the Shoreline Administrative Official within one (1) working day following commencement of the emergency activity. Following such notification, the Shoreline Administrative Official shall determine if the action taken was within the scope and definition of emergency actions as defined above. If the Shoreline Administrative Official determines that the action taken or any part of the action taken was beyond the scope and definition of allowed emergency actions, then the enforcement provisions of GCC 25.16 shall apply.

- 1 (5) Construction and practices normal or necessary for farming, irrigation, and
2 ranching activities, including agricultural service roads and utilities on
3 shorelands, and the construction and maintenance of irrigation structures
4 including but not limited to head gates, pumping facilities, and irrigation
5 channels. A feedlot of any size, all processing plants, other activities of a
6 commercial nature, alteration of the contour of the shorelands by leveling or
7 filling other than that which results from normal cultivation, shall not be
8 considered normal or necessary farming or ranching activities.
- 9 (6) Construction or modification of navigational aids such as channel markers and
10 anchor buoys.
- 11 (7) Construction on shorelands by an owner, lessee, or contract purchaser of a
12 single-family residence or appurtenance for their own use or for the use of
13 their family, which residence does not exceed a height of thirty-five (35) feet
14 above average grade level, and which meets all requirements of the County,
15 other than requirements imposed pursuant to RCW 90.58. Construction
16 authorized under this exemption shall be located landward of the ordinary
17 high water mark.
- 18 (8) Construction of a dock, including a community dock, designed for pleasure
19 craft only, for the private non-commercial use of the owner, lessee, or contract
20 purchaser of a single-family or multiple-family residence. This exception
21 applies when the fair market value of the dock does not exceed ten thousand
22 dollars (\$10,000.00), but if subsequent construction having a fair market value
23 exceeding two thousand five hundred dollars (\$2,500.00) occurs within five
24 (5) years of completion of the prior construction, the subsequent construction
25 shall be considered a substantial development for the purpose of this chapter.
- 26 (9) Operation, maintenance, repair, or construction of canals, waterways, drains,
27 reservoirs, or other facilities that now exist or are hereafter created or
28 developed as a part of the Columbia Basin Project or an irrigation system for
29 the primary purpose of making use of Columbia Basin Project waters,
30 including return flow and artificially stored ground water from the irrigation
31 of lands.
- 32 (10) The marking of property lines or corners on state-owned lands, when such
33 marking does not significantly interfere with normal public use of the surface
34 of the water.
- 35 (11) Operation and maintenance of existing and future system of dikes, drains, or
36 other facilities existing on September 8, 1975 (where water is being drained
37 from irrigation runoff or shallow groundwater levels artificially recharged
38 through irrigation, and that) which are created, developed or utilized primarily
39 as a part of an agricultural drainage or diking system.
- 40 (12) Any project with a certification from the governor pursuant to RCW 80.50
41 (certification from the State Energy Facility Site Evaluation Council).
- 42 (13) Site exploration and investigation activities that are prerequisite to preparation
43 of an application for development authorization under this chapter, if:

- (A) The activity does not interfere with the normal public use of surface waters;
 - (B) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (C) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - (D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to assure that the site is restored to preexisting conditions.
- (14) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control published by the Departments of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
- (15) Watershed restoration projects as defined in RCW 89.08.460.
- (16) A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:
- (A) The project has been approved by WDFW;
 - (B) The project has received hydraulic project approval (HPA) by WDFW pursuant to RCW 77.55; and
 - (C) Grant County has determined that the project is substantially consistent with the local shoreline master program. Grant County shall make such determination in a timely manner and provide it by letter to the applicant.
 - (D) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs.
- (17) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D.
- (18) Other than conversions to non-forest land use, forest practices regulated under RCW 76.09 are not subject to additional regulations under the Act or this Program (90.58.030(2)(d)(ii)).

24.12.750 Shoreline Substantial Development Permits

- (a) A Shoreline Substantial Development Permit shall be required for all development on shorelines, unless the proposal is specifically exempted per GCC 24.12.740. Shoreline Substantial Development permits shall be processed with a Type II administrative permit as set forth in GCUDC 25.04.

- (b) A Shoreline Substantial Development Permit shall be granted only when the development proposed is consistent with:
- (1) The policies and procedures of the Act, RCW 90.58;
 - (2) The applicable provisions of WAC 173-27; and
 - (3) This SMP.
- (c) The County may attach conditions to the approval of permits as necessary to assure consistency of the project with the SMA and this SMP.
- (d) Nothing shall interfere with the County's ability to require compliance with all other applicable plans and laws.

24.12.760 Shoreline Conditional Use Permits

- (a) Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the Shoreline Administrative Official and by Ecology. Applications for a Shoreline Conditional Use Permit shall be processed with a Type II permit as set forth in GCUDC 25.04.
- (b) Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.
- (c) Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.
- (d) Review Criteria for SCUP. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
- (1) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - (2) That the proposed use will not interfere with the normal public use of public shorelines;
 - (3) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - (4) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - (5) That the public interest suffers no substantial detrimental effect.
- (e) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

(f) In authorizing a conditional use, special conditions may be attached to the permit by the County or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this SMP.

(g) Nothing shall interfere with the County's ability to require compliance with all other applicable plans and laws.

24.12.770 Shoreline Variance Permits

(a) The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. Applications for Shoreline Variance Permits shall be processed with a Type II procedure as set forth in GCC 25.04.

(b) Review Criteria

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

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

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

(B) That the hardship described in criterion 24.12.770 (b)(2)(A) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

(C) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts on the shoreline environment;

(D) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

(E) That the variance requested is the minimum necessary to afford relief; and

(F) That the public interest will suffer no substantial detrimental effect.

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

(A) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(B) That the proposal is consistent with the criteria established under 24.12.770 (b)(2) (A)-(F) above can be met; and

(C) That the public rights of navigation and use of the shorelines will not be adversely affected.

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

24.12.780 Duration of Permits

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

24.12.790 Initiation of Development

(a) Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) from the date of receipt of the decision. The date of filing for a Substantial Development Permit is the date of actual receipt by the department of Ecology of a local government's final decision on the permit.. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, date of filing means the date a responsible local government or applicant receives the written decision of Ecology. When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

(b) Permits for Substantial Development, Shoreline Conditional use, or Shoreline Variance may be in any form prescribed and used by the County including a combined permit application form. Such forms will be supplied by the County.

(c) A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

24.12.800 Review Process

(a) After the County's approval of a Shoreline Conditional Use or Variance Permit, the County shall submit the permit to the Department of Ecology for approval, approval with conditions, or denial. Ecology shall render and transmit to the County and the

applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by the County pursuant to WAC 173-27-110.

(b) The Department of Ecology shall review the complete file submitted by the County on Shoreline Conditional Use or Variance Permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

(c) The County shall provide timely notification of the Department of Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

24.12.810 Appeals

(a) Appeals of Shoreline Permit Decisions. Grant County's decisions on Shoreline permits may be appealed to the following 'bodies' in this sequence:

(1) Grant County Hearings Examiner or in accordance with GCUDC 25.32.

(2) State Shorelines Hearings Board (SHB) in Tumwater

(3) SHB decisions may be appealed to superior court.

(4) Superior court decisions may be appealed to the Court of Appeals

(5) Appeals Court decisions may be appealed to the Washington Supreme Court

(6) Appeals to the SHB and courts are governed by RCW 90.58.180, RCW 43.21B.001, RCW 34.05 Part V, and WAC 461.08.

(b) All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

24.12.820 Amendments to Permits

(a) A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

(b) Revisions to permits shall be considered consistent with WAC 173-27-100.

24.12.830 Enforcement

(a) The Act provides for a cooperative program between the County and the Department of Ecology to implement and enforce the provisions of the Act and this Master Program. This Section provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, and orders to take corrective action,

in accordance with WAC 173-27-270, 173-27-280, 173-27-290, 173-27-300 and GCC Chapter 25.16. The enforcement means and penalties provided herein are not exclusive and may be taken or imposed in conjunction with, or in addition to, any other civil enforcement actions and civil penalties, injunctive or declaratory relief, criminal prosecution, actions to recover civil or criminal penalties, or any other action or sanction authorized by this Section, or any other provision of the Grant County Code and Land Use Code, or any other provision of state or federal law and regulation.

(b) The Shoreline Administrative Official, with the assistance of the County attorney, shall have authority to commence and prosecute any enforcement action authorized by this section. In determining the appropriate enforcement actions to be commenced and prosecuted, the Administrator shall consider the following factors:

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

(c) The Shoreline Administrative Official may commence and prosecute enforcement action jointly with the Department of Ecology. Pursuant to WAC Chapter 173-27, the Department of Ecology may initiate and prosecute enforcement action separate from the Shoreline Administrative Official.

24.12.840 Cumulative Effects of Shoreline Developments

(a) The County will periodically evaluate the effectiveness of the Shoreline Master Program update for achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions. At the end of 2015 and at the end of every other year thereafter the Shoreline Administrative Official shall prepare a report of shoreline development permits, conditional permits and variances including the exempt use activity approvals and the locations and effects of each, by type and classifications. The report should include activities involving development, conservation, restoration, mitigation, and enforcement. It should summarize the net change of developments (including new development, decommissioning of structures and protected areas) using indicators such as linear length of stabilization and flood hazard structures, number of overwater structures (piers, docks etc.), road length within shoreline, number of water body road crossings, number of levees/dikes, acres of impervious surface areas, acres of vegetation, acres of permanently protected areas

or areas with limited development. Compliance and enforcement activity will also be tracked.

- (b) The Shoreline Administrative Official, will, to the extent feasible, coordinate with other County departments or as adjacent jurisdictions, to assess cumulative effects of shoreline development.

24.12.850 Amendments to Shoreline Master Program

- (a) Amendments to the Program shall be processed as legislative decisions pursuant to GCC chapter 25.12 and WAC 173-26-110

- (b) Any locally approved amendments to the SMP will not become effective until approved by the State Department of Ecology

24.12.860 Definitions

- (a) Definitions:

- (1) "Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.
- (2) "Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years.
- (3) "Additions" means improvements to an existing building or structure, the cost of which does not exceed 50 percent of the assessed value of the total structure or result in an increase greater than 25 percent of the building footprint (up to a maximum of 500 square feet) before the addition is started. Additions must share a common wall (one full side) with the original structure.
- (4) "Adjacent," for purposes of applying Article V – Critical Areas, means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:
 - (A) On-site immediately adjoining a critical area; or
 - (B) A distance equal to or less than the required critical area buffer width and building setback.
- (5) "Adoption by rule" means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.
- (6) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural

activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Also see definition of "New Agricultural Activities" below.

(7) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

(8) "Agricultural equipment" includes, but is not limited to:

(A) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains;

(B) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(C) farm residences and associated equipment, lands, and facilities; and

(D) roadside stands and on-farm markets for marketing fruit or vegetables.

(9) Agricultural facilities. See "Agricultural equipment."

(10) "Agricultural land" means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.

(11) "Alteration," for purposes of applying Article V – Critical Areas, means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to: grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for stormwater management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value, of critical areas.

- 1 (12) "Amendment" means a revision, update, addition, deletion, and/or
2 reenactment to an existing shoreline master program.
- 3 (13) "Applicant" means a person who files an application for a permit under this
4 SMP and who is either the owner of the land on which that proposed activity
5 would be located, a contract purchaser, or the authorized agent of such a
6 person.
- 7 (14) "Approval" means an official action by a local government legislative body
8 agreeing to submit a proposed shoreline master program or amendments to the
9 Department of Ecology for review and official action pursuant to this chapter;
10 or an official action by the Department of Ecology to make a local
11 government shoreline master program effective, thereby incorporating the
12 approved shoreline master program or amendment into the state master
13 program.
- 14 (15) "Aquaculture" means the culture or farming of fish, shellfish, or other aquatic
15 plants and animals.
- 16 (16) "Aquifer recharge area" means an area through which precipitation and
17 surface water infiltrate the soil and are transmitted through rocks and soil to
18 create ground water storage. They are also areas where an aquifer, that is a
19 source of drinking water is vulnerable to contamination that would affect the
20 potability of water.
- 21 (17) "Area of shallow flooding" means a designated AO or AH zone on the flood
22 insurance rate map (FIRM). AO is characterized as sheet flow and AH
23 indicates ponding. The base flood depths range from one to three feet; a
24 clearly defined channel does not exist; the path of flooding is unpredictable
25 and indeterminate; and velocity flow may be evident.
- 26 (18) "Area of special flood hazard" means the land in the floodplain within a
27 community subject to a one percent or greater chance of flooding in any given
28 year. Designation on maps always includes the letters A or V.
- 29 (19) "Assessed value" means assessed valuation shall be as established by the
30 County assessor's office, unless otherwise provided by a market appraisal
31 institute (MAI) appraisal.
- 32 (20) "Associated wetlands" are those wetlands which are in proximity to, and
33 either influence or are influenced by, a stream subject to the Act.
- 34 (21) "Average grade level" means the average of the natural or existing topography
35 of the portion of the lot, parcel, or tract of real property which will be directly
36 under the proposed building or structure: In the case of structures to be built
37 over water, average grade level shall be the elevation of the ordinary high
38 water mark. Calculation of the average grade level shall be made by averaging
39 the ground elevations at the midpoint of all exterior walls of the proposed
40 building or structure.

- (22) “Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designated on flood insurance rate maps with the letters A or V.
- (23) “Base flood elevation” means the water surface elevation of the base flood. It shall be referenced to the North American Vertical Datum of 1988 (NAVD).
- (24) “Basement” means any area of a building having its floor subgrade (below ground level) on all sides.
- (25) “Best management practices” (BMPs) means conservation practices or systems of practice and management measures that:
- (A) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
 - (B) Minimize adverse impacts on surface water and ground water flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;
 - (C) Protect trees and vegetation designated to be retained during and following site construction; and
 - (D) Provides standards for proper use of chemical herbicides within critical areas.
- (26) “Best Management Practices (BMPs), Agricultural” means systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment. Such practices may be subject to varying conditions which include, but are not limited to geographical location, weather, soil or mineral types and conditions, type of crop or livestock, type of mining, and management systems. Generally accepted agricultural best management practices includes those practices historically carried out in the region and those practices defined by the State of Washington, Department of Agriculture, recommendations by the U.S. Department of Agriculture, the Washington State Cooperative Extension Services in Grant County, recommendations of members of the Grant County Fieldman’s Association, and other professional and industry agricultural organizations.
- (27) “Boating facilities” allowed in Grant County includes boat launches and upland boat storage, marinas and other boat moorage structures or uses. For the purposes of this Program, “boating facilities” excludes docks serving four or fewer single-family residences.
- (28) “Breakwater” means an offshore structure whose primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. Breakwaters are generally built parallel to shore, and may or may not be connected to land, and may be floating or stationary.

- (29) “Buffer, Critical Areas,” an area which provides the margin of safety through protection of slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.
- (30) “Building setback line (BSBL)” means a line beyond which the foundation of a structure shall not extend.
- (31) “Caliper” means the American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes
- (32) "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. [The SMP regulatory channel migration zone is mapped and on file at the County.
- (33) “County” means Grant County.
- (34) “Clearing” means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.
- (35) “Cluster” means a group of three or more significant trees with overlapping or touching crowns.
- (36) “Community access” means a shoreline access available to a group or community (e.g. home owners association) which may not be accessible to general public.
- (37) “Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.
- (38) “Compensatory mitigation” means types of mitigation used to replace project-induced critical area and buffer losses or impacts.
- (39) “Concentrated animal feeding operation (CAFO)” means a Department of Ecology-regulated and permitted area where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. The CAFO permit does not automatically kick in until a facility has a certain number of nonaquatic animals (i.e., 1,000 cattle or 700 dairy cows). Smaller facilities may also be regulated if they are discharging to a waterbody.

- 1 (40) "Critical aquifer recharge area (CARA)" means those areas that are:
2 (A) designated as "Wellhead Protection Areas" pursuant to WAC 246-290-
3 135(4) and the groundwater contribution area in WAC 246-291-100
4 (2)(e). Wellhead protection areas shall, for the purpose of this
5 regulation, include the identified recharge areas associated with either
6 Group A public water supply wells and those Group B wells with a
7 wellhead protection plan filed with the Grant County Health District;
8 and
9 (B) identified in the Soil Survey of Grant County as having high potential
10 for aquifer recharge, including those soil types identified by the
11 Shoreline Administrative Official.
- 12 (41) "Critical facility" means a facility for which even a slight chance of flooding,
13 inundation, or impact from a hazard event might be too great. Critical
14 facilities include, but are not limited to, schools, nursing homes, hospitals,
15 police, fire and emergency installations, and installations that produce, use, or
16 store hazardous materials or hazardous waste.
- 17 (42) "Crown" means the area of a tree containing leaf- or needle-bearing branches.
- 18 (43) "Cultural and historic resources" means buildings, sites and areas having
19 archaeological, historical, cultural or scientific value or significance.
- 20 (44) "Designated floodway" means the regulatory floodway that has been
21 delineated on the County's flood insurance rate map (FIRM).
- 22 (45) "Developable area" means a site or portion of a site that may be utilized as the
23 location of development, in accordance with the rules of this SMP.
- 24 (46) "Development" means a use consisting of the construction or exterior
25 alteration of structures; dredging; drilling; dumping; filling; removal of any
26 sand, gravel, or minerals; bulk heading; driving of piling; placing of
27 obstructions; or any project of a permanent or temporary nature which
28 interferes with the normal public use of the surface of the waters overlying
29 lands subject to the act at any stage of water level.
- 30 (47) "Development permit" means any permit issued by Grant County, or other
31 authorized agency, for construction, land use, or the alteration of land.
- 32 (48) "Dock" means, as a general term, a structure or group of structures that
33 provides boat moorage or other uses. A dock may be made up of piers (which
34 are structures on fixed piles) and floats (which float on the water's surface and
35 are typically attached to piles so that they may rise and fall with changes in
36 the water's elevation).
- 37 (49) "DSH" means the diameter at standard height; the diameter of the trunk
38 measured 54 inches (4.5 feet) above grade.
- 39 (50) "Ecological functions" or "shoreline functions" means the work performed or
40 role played by the physical, chemical, and biological processes that contribute

to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

(51) "Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

(52) "Erosion" means the detachment and movement of soil or rock by water, wind, ice, or gravity.

(53) "Erosion hazard area" means those areas that, because of natural characteristics including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

(54) "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action provides a reasonable likelihood of achieving its intended purpose; and (c) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

(55) "FEMA – Federal Emergency Management Agency" means the agency that oversees the administration of the National Flood Insurance Program (44 CFR).

(56) "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

(57) "Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

(A) Areas within which State and Federal endangered and threatened species exist, or State sensitive, candidate and monitor species have a primary association;

(B) Priority Habitat and Species Areas identified by the Washington State Department of Fish and Wildlife;

- (C) Habitats and species of local importance that have been designated by the County at the time of application.
- (D) Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds of less than three (3) years' duration and landscape amenities. Naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority;
- (E) Waters of the state as defined by WAC 222-16;
- (F) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- (G) Areas with which anadromous fish species have a primary association; and
- (H) State natural area preserves and natural resources conservation areas.
- (58) "Flood" or "flooding" mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.
- (59) "Flood hazard area" means any area subject to inundation by the base flood or risk from channel migration including, but not limited to, an aquatic area, wetland, or closed depression.
- (60) "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Grant County.
- (61) "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes the flood profiles, the FIRM, and the water surface elevation of the base flood (44 CFR Part 59).
- (62) "Flood protection elevation" means an elevation that is one foot or more above the base flood elevation.
- (63) "Flood plain" is synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.
- (64) "Floodproofing" means adaptations that ensure a structure is substantially resistant to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads and effects of buoyancy.

- (65) “Floodway” means the channel of a river or other watercourse and the adjacent land areas through which the base flood is discharged. Floodways identified on flood boundary and floodway maps (FBFM) become "regulatory floodways" within which encroachment of obstructions are prohibited.
- (66) “Floodway dependent structure,” for purposes of applying Article V – Critical Areas, means structures such as, but not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.
- (67) “Functions” and “values,” for purposes of applying Article V – Critical Areas, mean the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation. “Functions” and “values” may be considered independently, with functions being measured indicators such as water quality, hydrologic functions, and habitat functions and values being nonmeasured indicators such as local importance, potential qualities, or recreational benefits.
- (68) “Geologically hazardous areas” means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geologic events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. Geologically Hazardous Areas include Erosion Hazards, Landslide Hazards, Mine Hazards, and Seismic Hazards, as defined herein and specified in GCC 24.12.550.
- (69) "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts on adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.
- (70) “Grading” means stripping, cutting, filling, or stockpiling land including the land in its cut or filled condition to create new grade.
- (71) “Groin” means a barrier type of structure extending from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

- (72) “Ground cover” means all types of vegetation other than trees.
- (73) "Guidelines" means those standards adopted by the department to implement the policy of chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.
- (74) “Hazard areas” means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.
- (75) “Hazardous substance(s)” means:
- (A) A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act;
 - (B) Hazardous substances that include any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090, 173-303-102, or 173-303-103.
- (76) “High-intensity land use” means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops, requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.
- (77) “Heavy equipment” means such construction machinery as backhoes, treaded tractors, dump trucks, and front-end loaders.
- (78) “Hydraulic project approval (HPA)” means a permit issued by the state of Washington’s Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 75.20 RCW.
- (79) “Impervious surface area” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. Impervious surface shall also include a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to

development. Common impervious surfaces include but are not limited to roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

(80) “In-stream structures” function for the impoundment, diversion, or use of water for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreation, or fisheries enhancement

(81) “Invasive, non-native vegetation species” means the plants listed for Eastern Washington in Washington State Noxious Weed Board Publication # 820-264E (N/6/09), or the latest version of this document

(82) “Isolated wetland” means those wetlands and their buffers that are outside of the following critical areas and their buffers, where applicable: 100-year floodplain, lake, river, stream, or wetland. Isolated wetlands have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

(83) “Landslide” means down slope movement of a mass of soil, rock, snow or ice including, but not limited to rock falls, slumps, mud flows, debris flows, torrents, earth flows, and snow avalanches.

(84) “Landslide hazard areas” means those areas potentially subject to landslides based upon a combination of geologic, topographic, and hydrologic factors.

(85) “Low-intensity land use” includes, but is not limited to, forestry and open space (such as passive recreation and natural resources preservation).

(86) “Lowest floor” means the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of these critical areas regulations found in NBMC 14.20.580 (i.e., provided there are adequate flood ventilation openings).

(87) “May” means the action is acceptable, provided it conforms to the provisions of this chapter.

(88) “Minor utility project” means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than 75 square feet.

(89) “Mitigation sequencing” means the process of avoiding, reducing, or compensating for the adverse environmental impact(s) of a proposal, including the following actions, listed in the order of preference, the first being the most preferred:

- (A) avoiding the impact altogether by not taking a certain action or parts of an action;
 - (B) where impact on critical areas or their buffers will not be avoided, demonstrating that the impact meets the criteria for granting a Shoreline Variance or other administratively approved alteration;
 - (C) minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - (D) rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - (E) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - (F) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - (G) monitoring the impact and the compensation projects and taking appropriate corrective measures.
- (90) "Moderate-intensity land use" includes, but is not limited to, residential at a density of one unit per acre or less, moderate intensity open space (parks), agriculture (moderate intensity land uses such as orchards and hay fields).
- (91) "Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.
- (92) "Must" means a mandate; the action is required.
- (93) "Native vegetation" means plant species that are indigenous to the region.
- (94) "New agricultural activities" are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use.
- (95) "New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this SMP.
- (96) "Non-water-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.
- (97) "Normal maintenance" means those usual acts that are necessary to prevent a property's decline, lapse, or cessation from a lawfully established condition.
- (98) "Normal repair" means to restore a structure or development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse impacts on shoreline resources or environment.

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

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

(100) "Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact on critical areas.

(101) "Primitive trail" means unimproved, unpaved but physically defined pathway for non-motorized movement.

(102) "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: • Comparatively high fish or wildlife density; • Comparatively high fish or wildlife species diversity; • Fish spawning habitat; • Important wildlife habitat; • Important fish or wildlife seasonal range; • Important fish or wildlife movement corridor; • Rearing and foraging habitat; • Refugia habitat; • Limited availability; • High vulnerability to habitat alteration; • Unique or dependent species; or. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

(103) "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(A) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as

1 endangered (WAC 232-12-014), threatened (WAC 232-12-011), or
2 sensitive (WAC 232-12-011). State proposed species are those fish and
3 wildlife species that will be reviewed by the department of fish and
4 wildlife (POL-M-6001) for possible listing as endangered, threatened,
5 or sensitive according to the process and criteria defined in WAC 232-
6 12-297.

7 (B) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include
8 those species or groups of animals susceptible to significant population
9 declines, within a specific area or statewide, by virtue of their
10 inclination to congregate.

11 (C) Criterion 3. Species of recreational, commercial, and/or tribal
12 importance. Native and nonnative fish, shellfish, and wildlife species
13 of recreational or commercial importance and recognized species used
14 for tribal ceremonial and subsistence purposes that are vulnerable to
15 habitat loss or degradation.

16 (D) Criterion 4. Species listed under the federal Endangered Species Act as
17 either proposed, threatened, or endangered.

18 (104) "Private moorage facilities" means private docks, watercraft lifts, swim floats,
19 buoys, and moorage piles serving four or fewer residential dwellings. Dock is
20 a general term for the structure or group of structures that provides boat
21 moorage or other uses. A dock may be made up of piers (which are structures
22 on fixed piles) and floats (which float on the water's surface and are typically
23 attached to piles so that they may rise and fall with changes in the water's
24 elevation).

25 (105) "Provisions" means any definition, policy, goal, regulation, requirement,
26 standard, authorization, prohibition, guideline criteria, or environment
27 designations.

28 (106) "Public Access" means both physical and visual access. Public access
29 includes the ability of the general public to reach, touch, and enjoy the water's
30 edge, to travel on the waters of the state, and to view the water and the
31 shoreline from adjacent locations. Examples are listed below:

32 (A) Visual Access. Visual public access may consist of view corridors,
33 viewpoints, or other means of visual approach to public waters.

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

39 (107) "Public agency" means every city, county, state, or federal office, every
40 officer, every institution, whether educational, correctional, or other, and
41 every department, division, board, and commission that provides services or
42 recommendations to the public or other such agencies.

- (108) “Public utility” means a public service corporation performing some public service subject to special governmental regulations, or a governmental agency performing similar public services, either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation for persons and freight.
- (109) “Qualified professional” means a person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or shoreline subject. A qualified professional must have obtained a B.S., B.A. or equivalent degree or certification in biology, engineering, environmental studies, fisheries, geomorphology, landscape architecture, forestry or related field, and two years of related work experience.
- (A) A qualified professional for wildlife, habitats, or wetlands must have a degree in biology, zoology, ecology, fisheries, or related field, and professional experience in Washington State.
- (B) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- (C) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
- (D) A qualified professional with flood and CMZ expertise must be a hydrologist or fluvial geomorphologist.
- (E) A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.
- (F) A qualified archaeologist must be a person qualified for addressing cultural and historical resources protection and preservation, with a degree in archaeology, anthropology, history, classics or other germane disciplines with a specialization in archaeology and/or historic preservation and with a minimum of two years’ experience in preparing cultural resource site assessment reports.
- (110) “Recreational development” means the modification of the natural or existing environment to accommodate commercial and public facilities designed and used to provide recreational opportunities to the public. Commercial recreational development should be consistent with commercial development defined herein.
- (111) “Recreational vehicle” means a vehicle designed primarily for recreational camping, travel, or seasonal use that has its own mode of power or is mounted on or towed by another vehicle, including, but not limited, to travel trailers, folding camping trailer, truck camper, motor home, motorized boats, and multi-use vehicles; or, any structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the State of Washington or

any other state or federal agency having the authority to approve recreational vehicles.

(112) "Residential development" entails one or more buildings, structures, lots, parcels or portions thereof that are designed, used, or intended to be used as a place of abode for human beings. These include single-family residences, residential subdivisions, short residential subdivisions, attached dwellings, and all accessory uses or structures normally associated with residential uses. Accessory residential uses include, but are not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Hotels, motels, dormitories or any other type of overnight or transient housing are excluded from the residential category and must be considered commercial uses depending on project characteristics.

(113) "Restore", "Restoration" or "ecological restoration" means the reestablishment or upgrading of impaired natural or enhanced (through the Columbia Basin Project operations) ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

(114) "Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

(115) "Salmonid" means a member of the fish family Salmonidae. In King County, Chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

(116) "Section 404 Permit" means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the OHWM or clearing in waters of the United States, including wetlands, in accordance with 33 United States Code (USC) Section 1344.

(117) "Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

(118) "Shall" means a mandate; the action must be done.

(119) "Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

(120) "Shoreline master program" or "master program" means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a

shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

- (121) "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.
- (122) "Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.
- (123) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.
- (124) "Significant adverse environmental impacts" as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality (WAC 197-11-794).
- (125) "Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts on functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.
- (126) "Site Assessment Requirements" means requirements for critical areas report.
- (127) "Snag" means the remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches
- (128) "Special flood hazard area (SFHA)" means an area subject to a base or 100-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH.
- (129) "Species and habitats of local importance" means those species that may not be endangered, threatened, or critical from a state-wide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species may be priority habits, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

- (130) “Species, threatened and endangered” means those native species that are listed by the State Department of Fish and Wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the federal Endangered Species Act (16 U.S.C. 1533).
- (131) “Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (132) “Steep slopes” means those slopes (excluding County-approved geotechnical engineered slopes) 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.
- (133) “Stream” means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.
- (134) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water.
- (135) “Substantial damage” means damage of any origin, including intentional and unintentional demolition, sustained by a structure whereby the cost of

restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

(136) “Substantial improvement” means any rehabilitation, repair, reconstruction, addition, or other improvement of a building when the cost of the improvement equals or exceeds fifty (50) percent of the market value of the building before start of construction of the improvement. The term includes buildings which have incurred substantial damage or damage of any origin sustained by a building when the cost of restoring the building to its pre-damaged condition would equal or exceed fifty (50) percent of the market value before the damage occurred. Substantial improvement does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.

(137) "Substantially degrade" means to cause significant ecological impact.

(138) “Technical Interdisciplinary Team” includes representatives from Grant County Departments, including Community Development, Public Works, Health Department, and Emergency Management, and Resource Agency Personnel having technical expertise in the subject of interest.

(139) “Thinning” means the evenly spaced noncommercial removal of up to 40 percent of trees and woody shrubs.

(140) “Topping” means the severing of main trunks or stems of vegetation at any place above 25 percent of the vegetation height.

(141) “Transportation facilities” are those structures and developments that provide for the movement of people, goods, and services. These include roads and highways, railroad facilities, bridges, parking facilities, bicycle paths, trails, and other related facilities.

(142) “Tree removal” means the removal of a tree, through either direct or indirect actions, including but not limited to: (a) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (b) removal of at least half of the live crown; or (c) damage to roots or trunk that is likely to destroy the tree’s structural integrity.

(143) “Trees” means any living woody plant characterized by one main stem or trunk and many branches and having a diameter of four inches or more measured 24 inches above ground level

(144) “Unavoidable” means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

(145) “Understory” means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.

- 1 (146) Urban Growth: refers to growth (commercial, industrial, and residential) that
2 makes intensive use of land for the location of buildings, structures, and
3 impermeable surfaces to such a degree as to be incompatible with the primary
4 use of such land for the production of food, other agricultural products, or
5 fiber, or the extraction of mineral resources. When allowed to spread over
6 wide areas, urban growth typically requires urban governmental services.
7 "Characterized by urban growth" refers to land having urban growth located
8 on it, or to land located in relationship to an area with urban growth on it as to
9 be appropriate for urban. A pattern of more intensive rural development, as
10 provided in RCW 36.70A.070(5)(d), is not urban growth.
- 11 (147) Urban Growth Area: an area within which urban growth shall be encouraged
12 and outside of which growth can occur only if it is not urban in nature.
13 Regulatory control of land within the Urban Growth Areas remains with the
14 County until annexed into a city. The land and development controls within
15 Urban Growth Areas, however, may be subject to joint county/city interlocal
16 planning agreements and concurrency.
- 17 (148) Urban Growth Boundary: boundary designating areas of existing and future
18 urban growth, which is growth that makes intensive use of land for residential,
19 commercial, and industrial development.
- 20 (149) "Utility" means a service and/or facility that produces, transmits, carries,
21 stores, processes, or disposes of electrical power, gas, potable water,
22 stormwater, communications (including, but not limited to, telephone and
23 cable), sewage, oil, and the like.
- 24 (150) "Vegetation" means plant life growing below, at, and above the soil surface.
- 25 (151) "Vegetation alteration" means any clearing, grading, cutting, topping,
26 limbing, or pruning of vegetation.
- 27 (152) "Water-dependent use" means a use or portion of a use which cannot exist in a
28 location that is not adjacent to the water and which is dependent on the water
29 by reason of the intrinsic nature of its operations.
- 30 (153) "Water-enjoyment use" means a recreational use or other use that facilitates
31 public access to the shoreline as a primary characteristic of the use; or a use
32 that provides for recreational use or aesthetic enjoyment of the shoreline for a
33 substantial number of people as a general characteristic of the use and which
34 through location, design, and operation ensures the public's ability to enjoy the
35 physical and aesthetic qualities of the shoreline. In order to qualify as a water-
36 enjoyment use, the use must be open to the general public and the shoreline-
37 oriented space within the project must be devoted to the specific aspects of the
38 use that fosters shoreline enjoyment.
- 39 (154) "Water-oriented use" means a use that is water-dependent, water-related, or
40 water-enjoyment, or a combination of such uses.
- 41 (155) "Water quality" means the physical characteristics of water within shoreline
42 jurisdiction, including water quantity, hydrological, physical, chemical,

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

(156) "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

(A) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(B) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

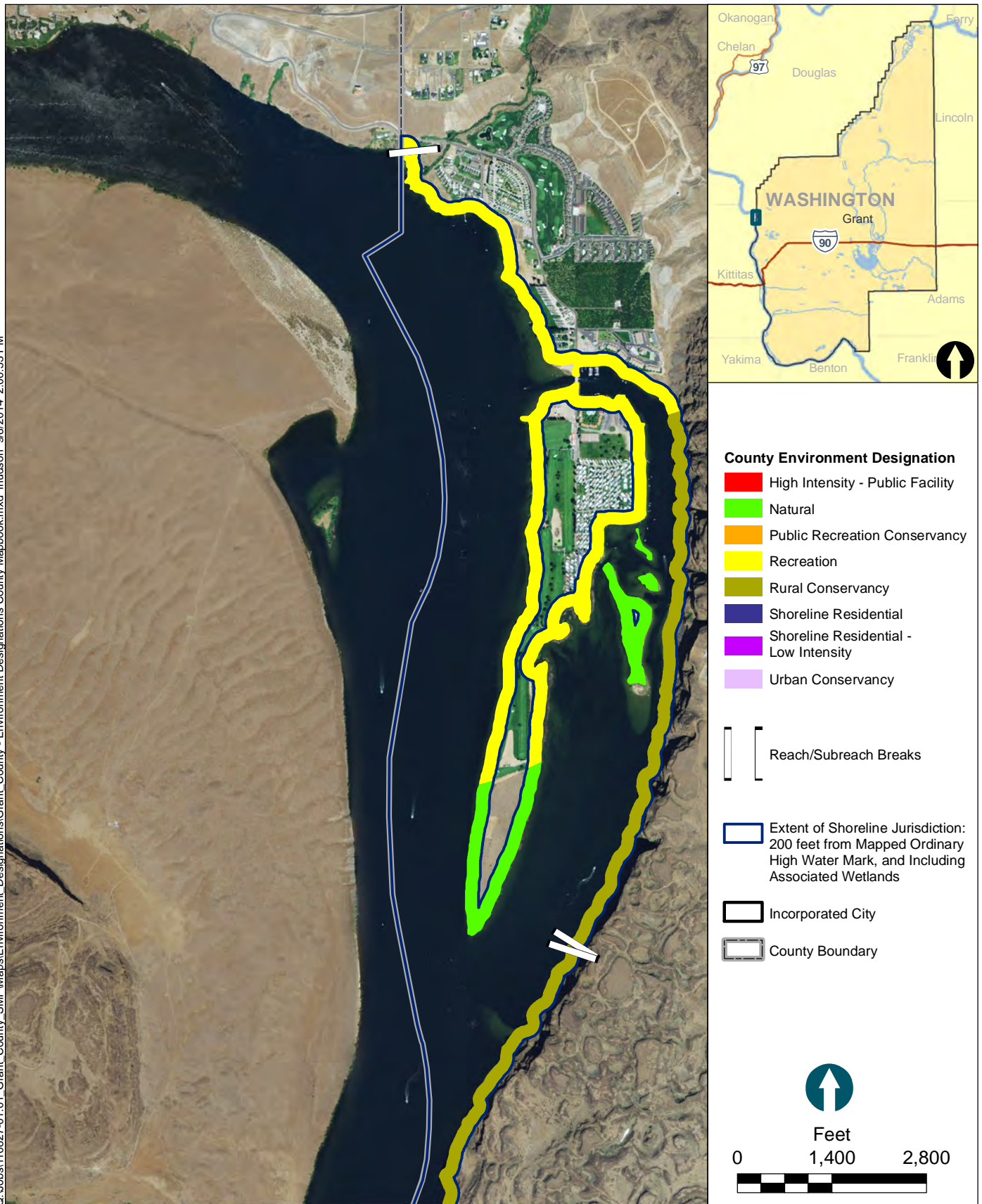
(157) "Water resources inventory area (WRIA)" means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

(158) "Weir" means a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

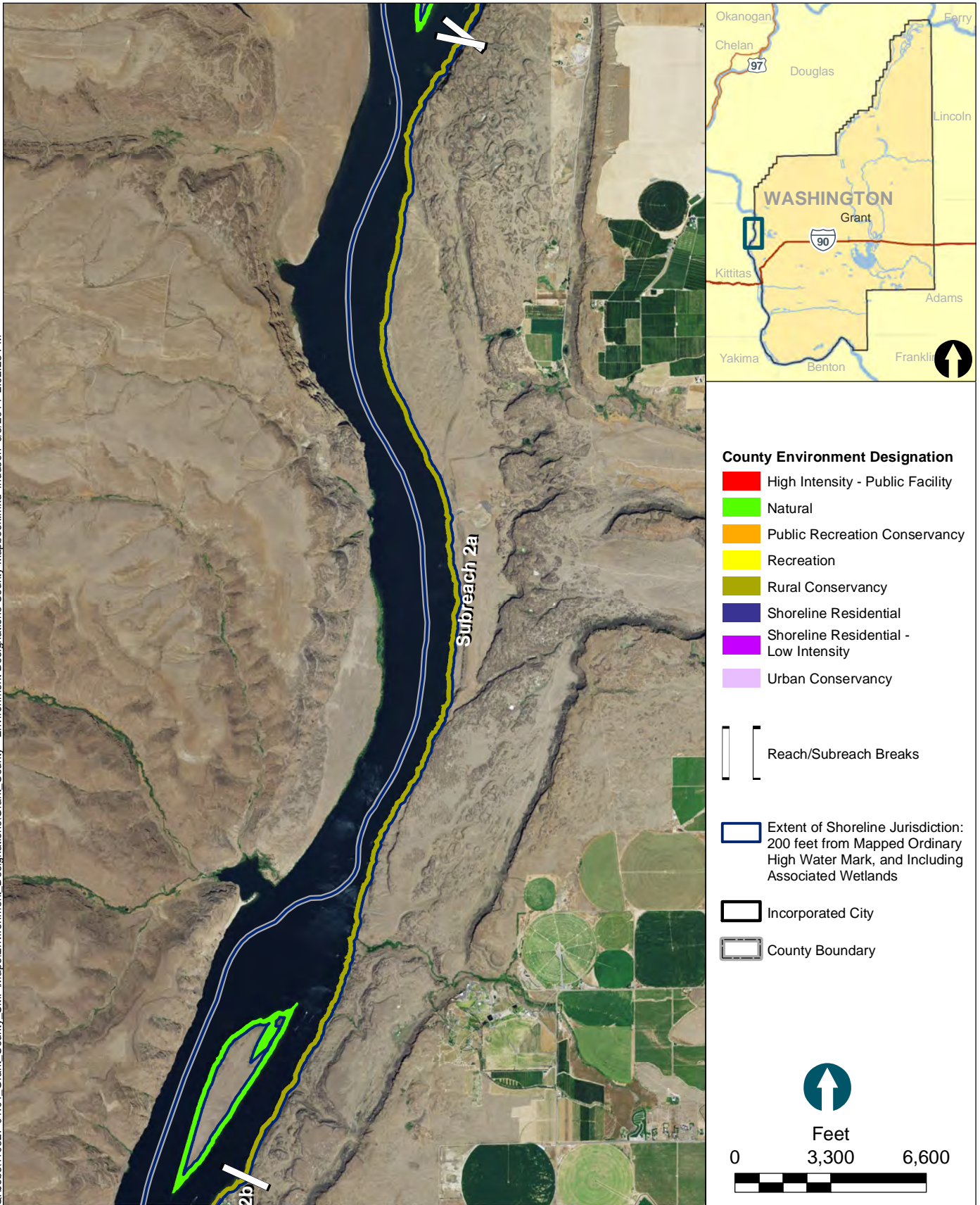
(159) "Wetlands" are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

24.12.870 Shoreline Environment Designation Maps

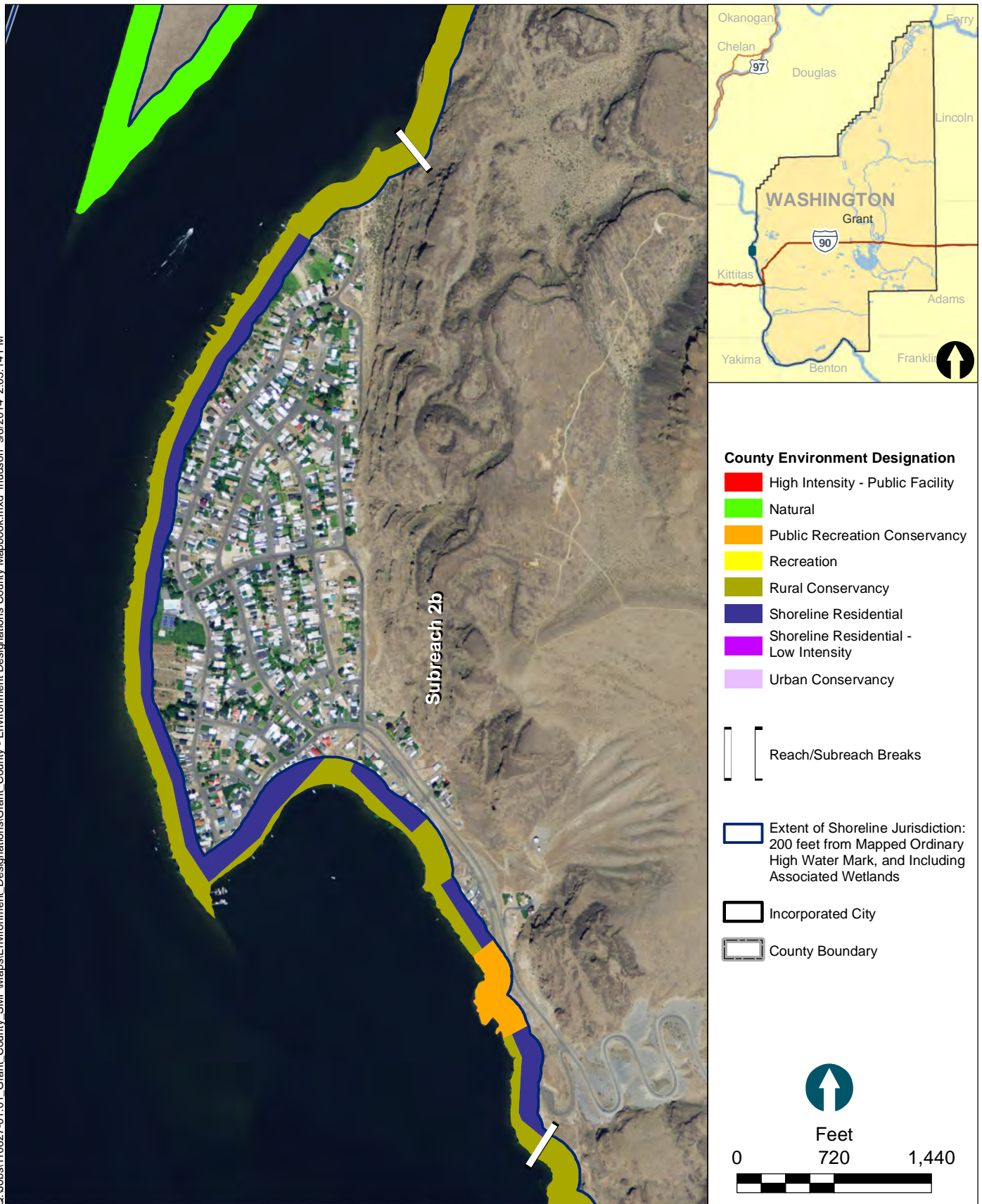
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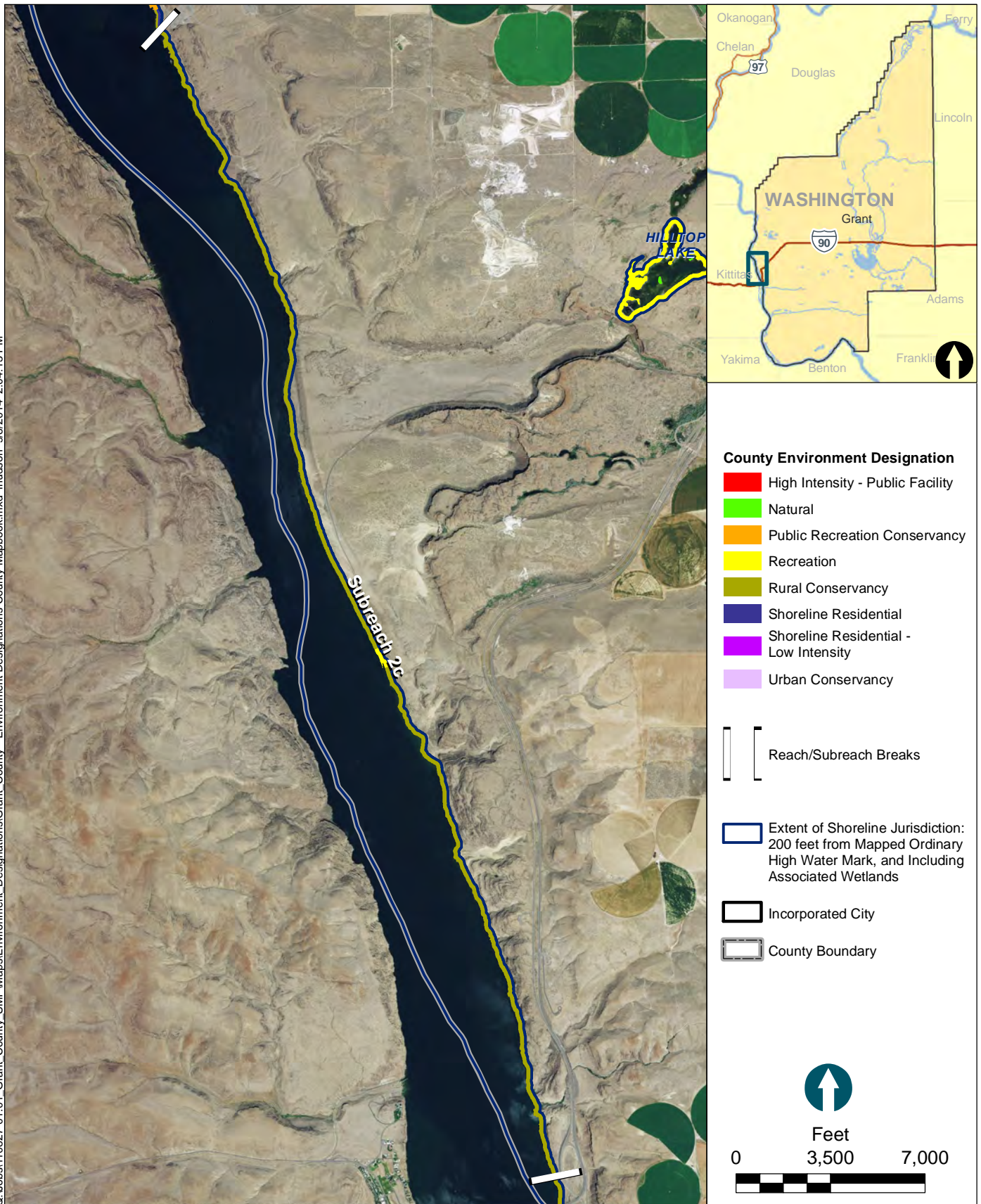
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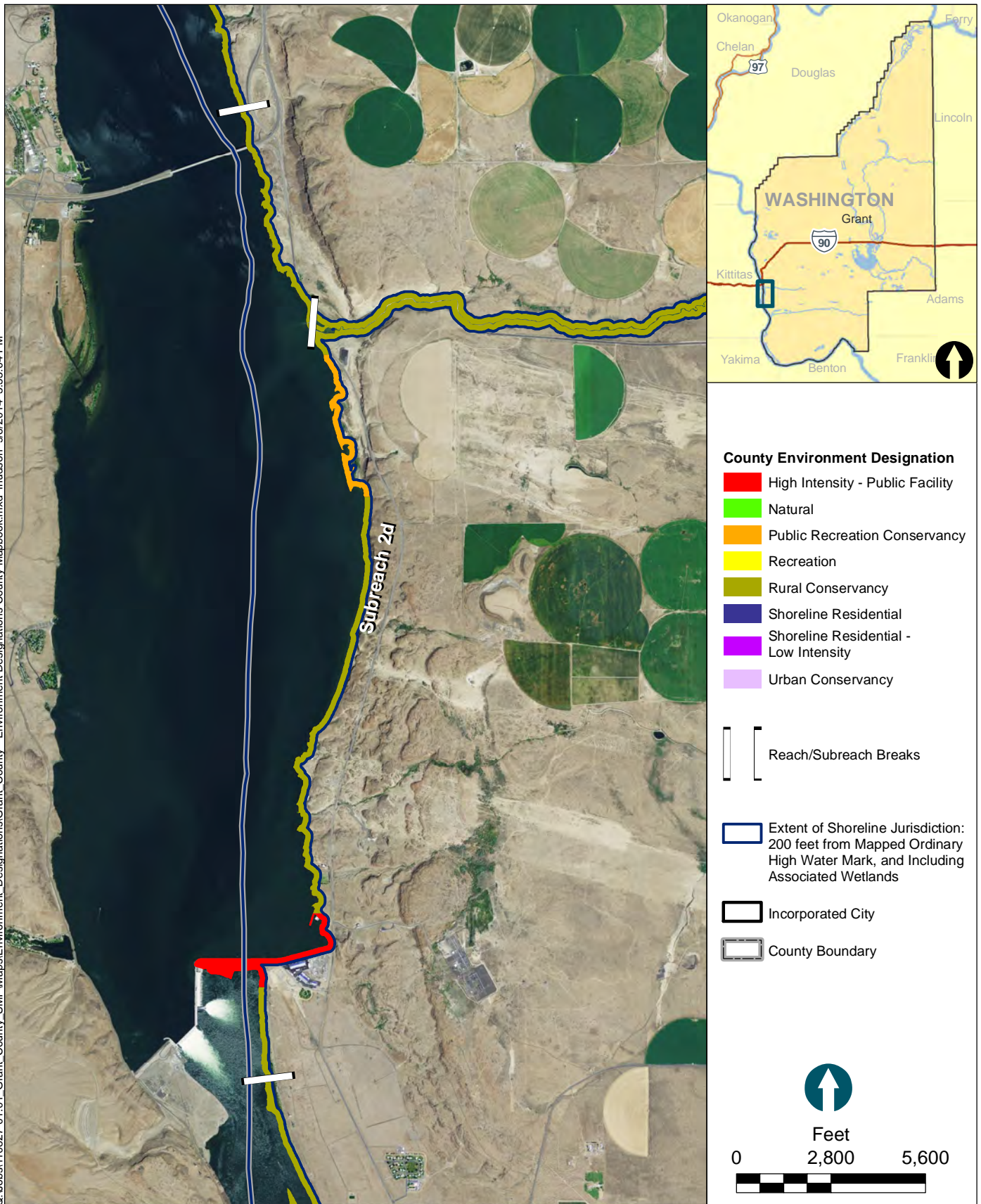
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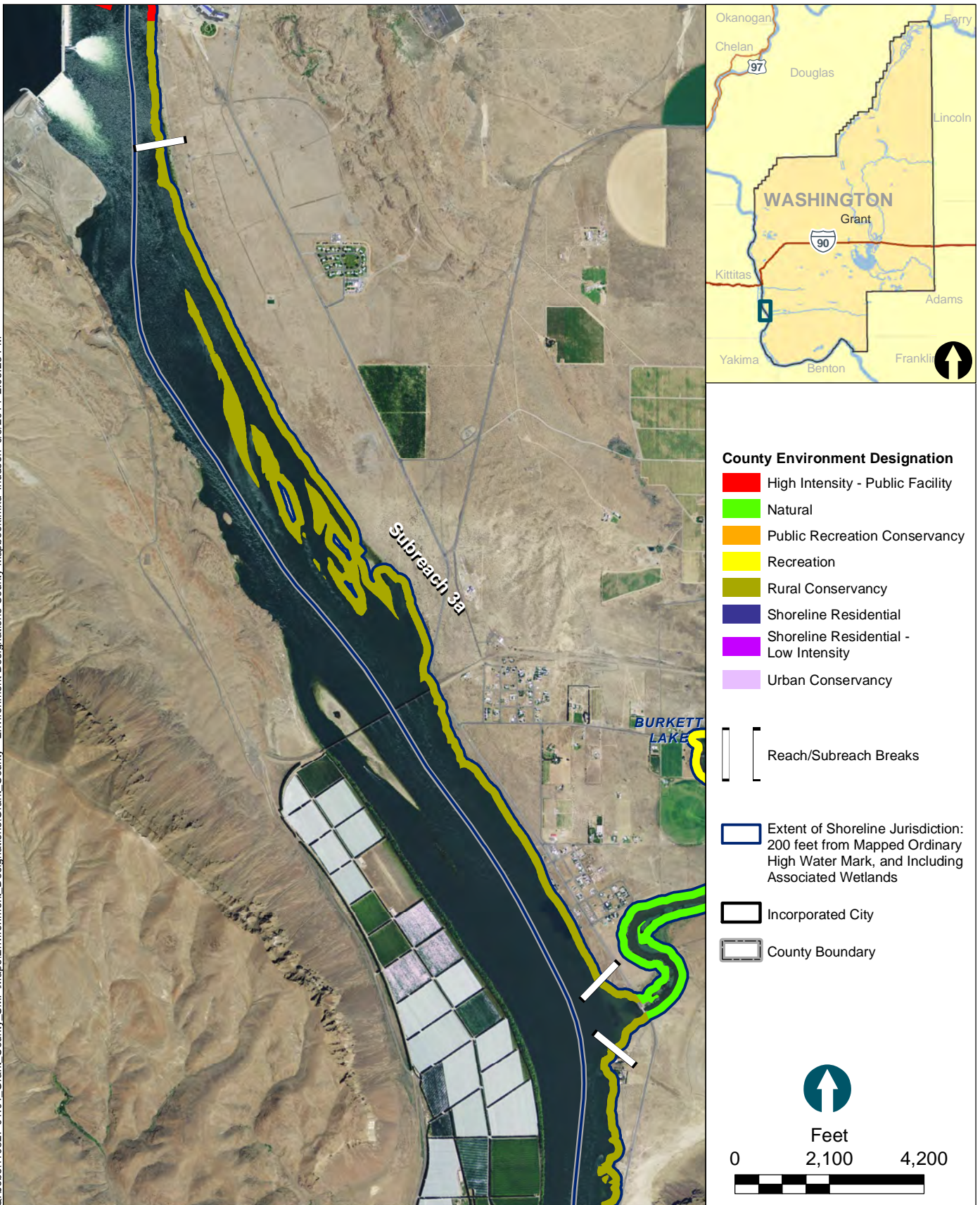
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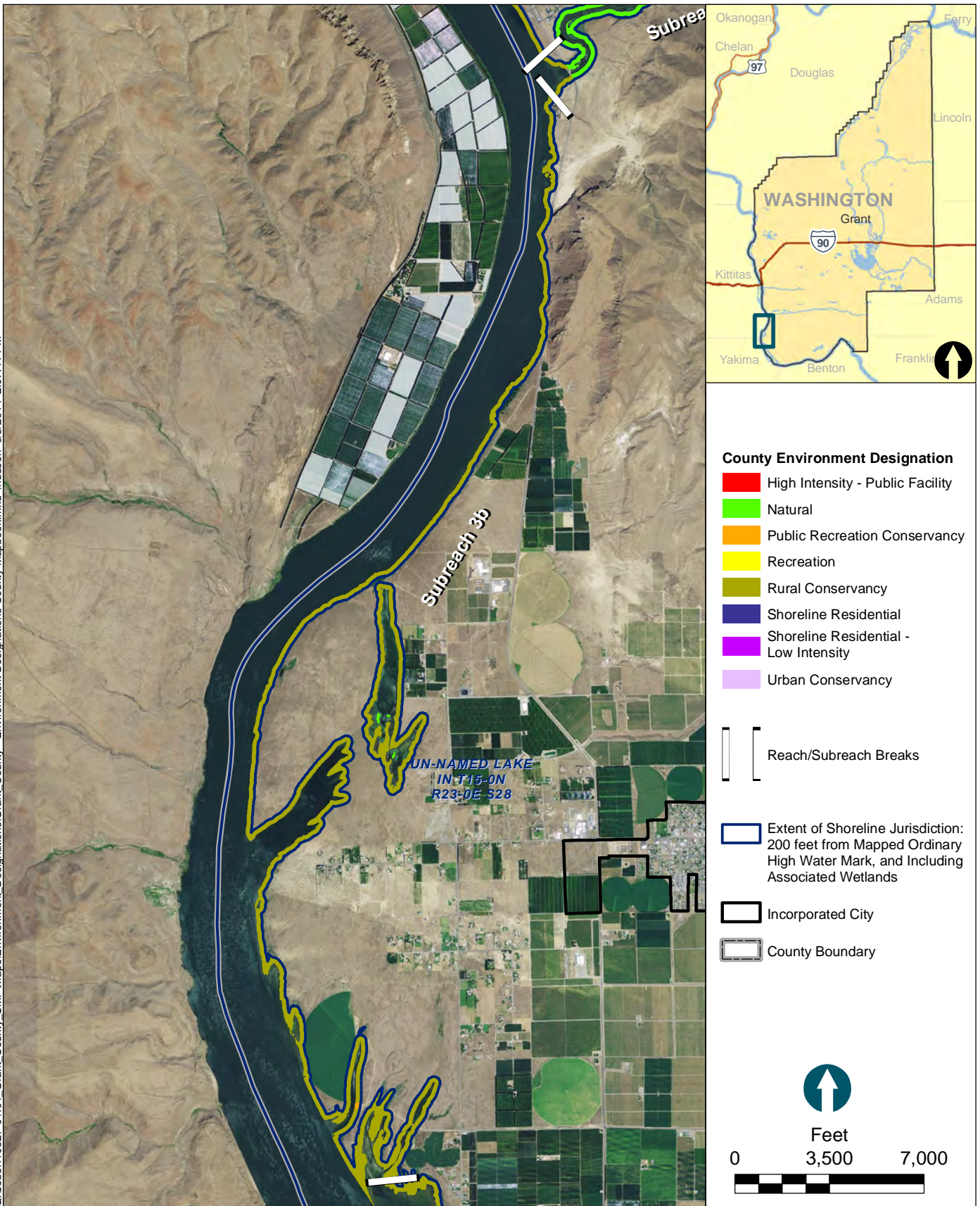
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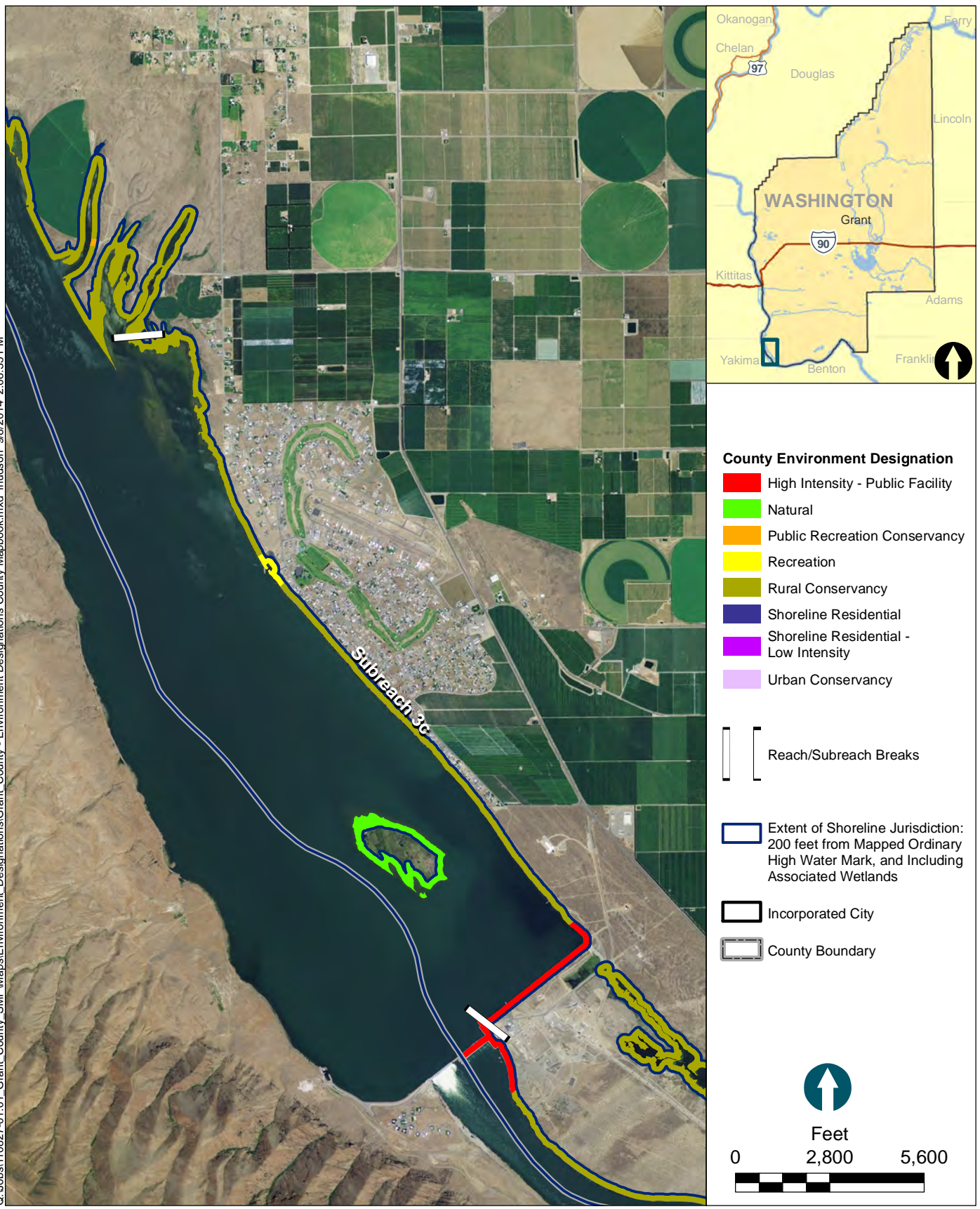
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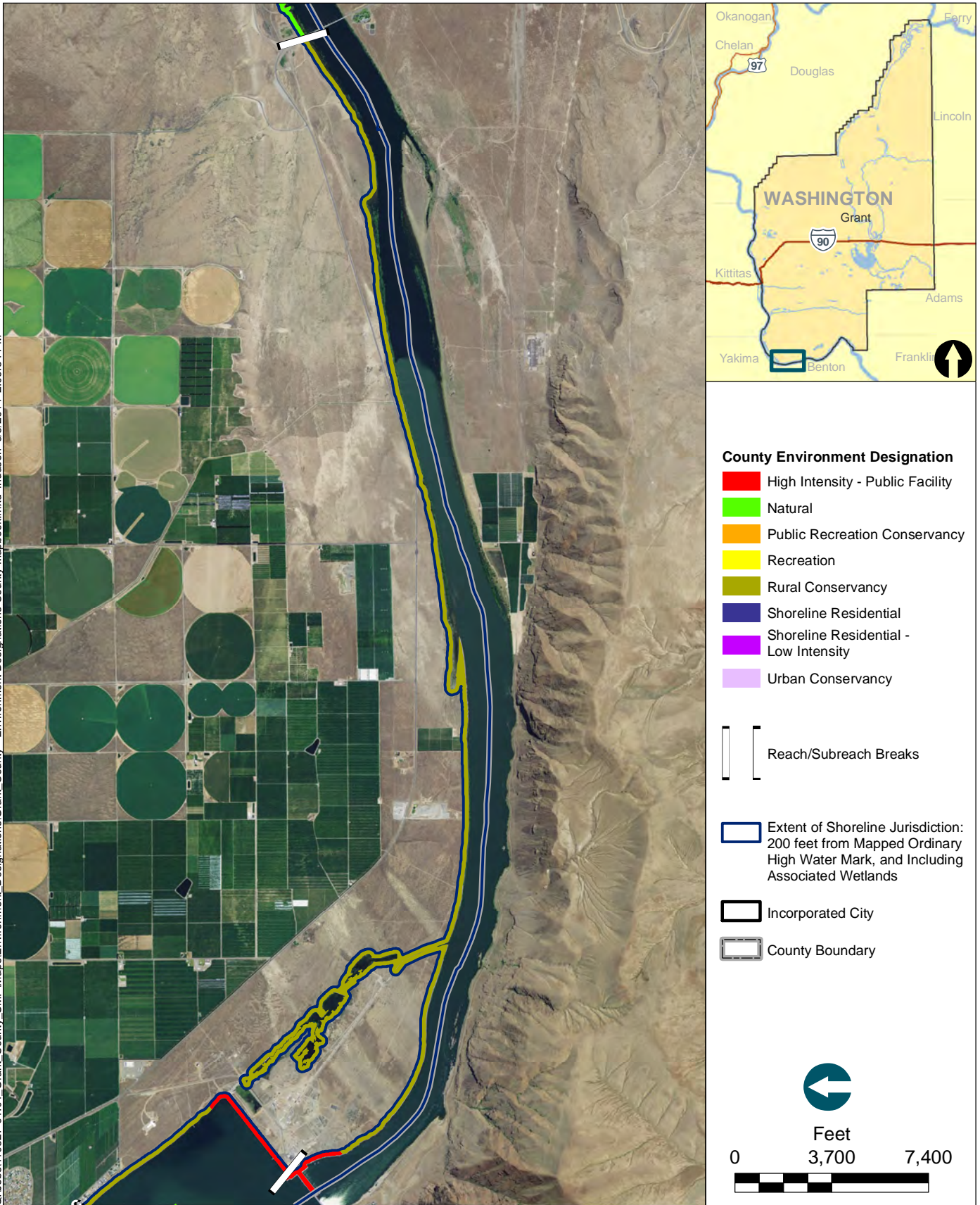
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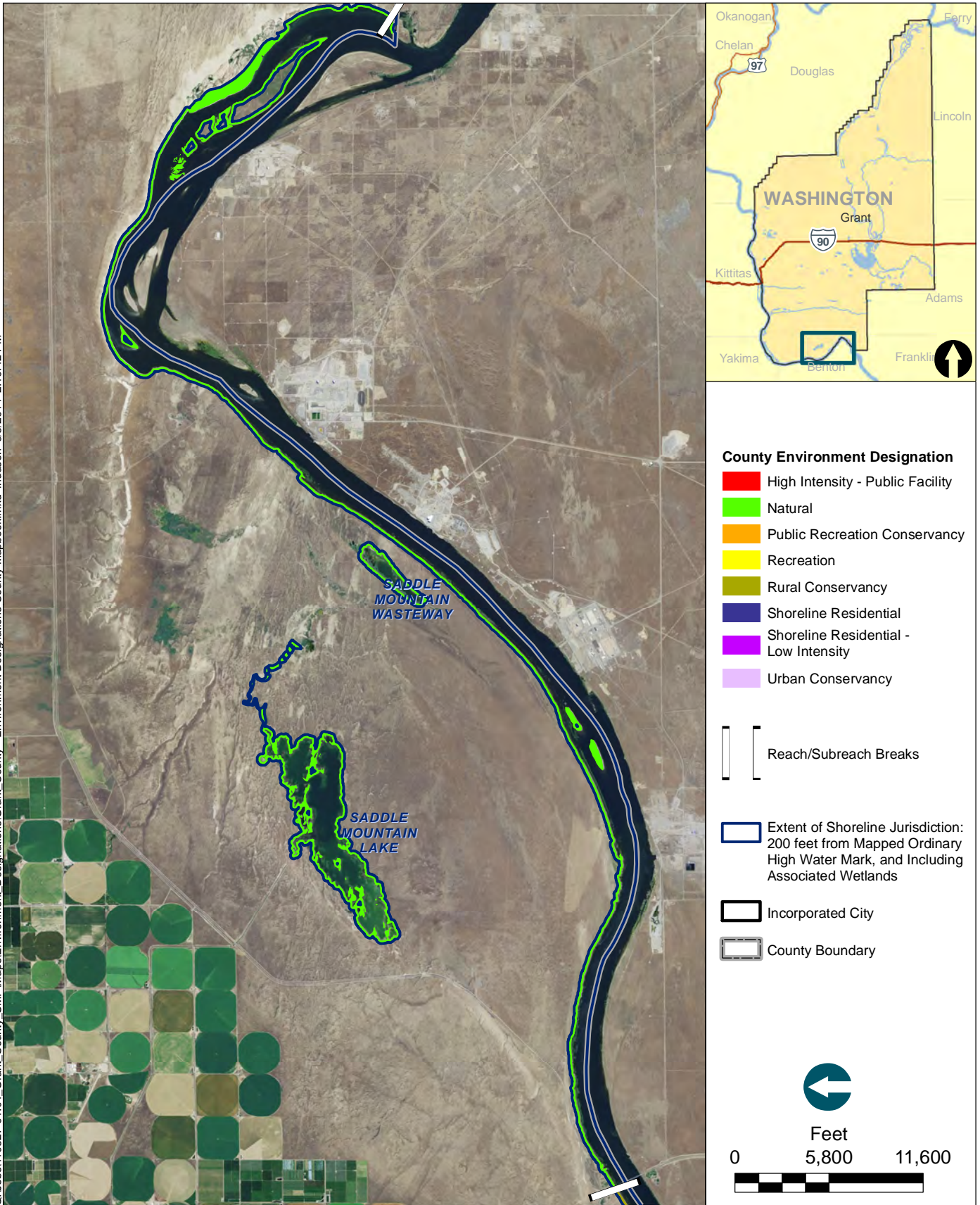
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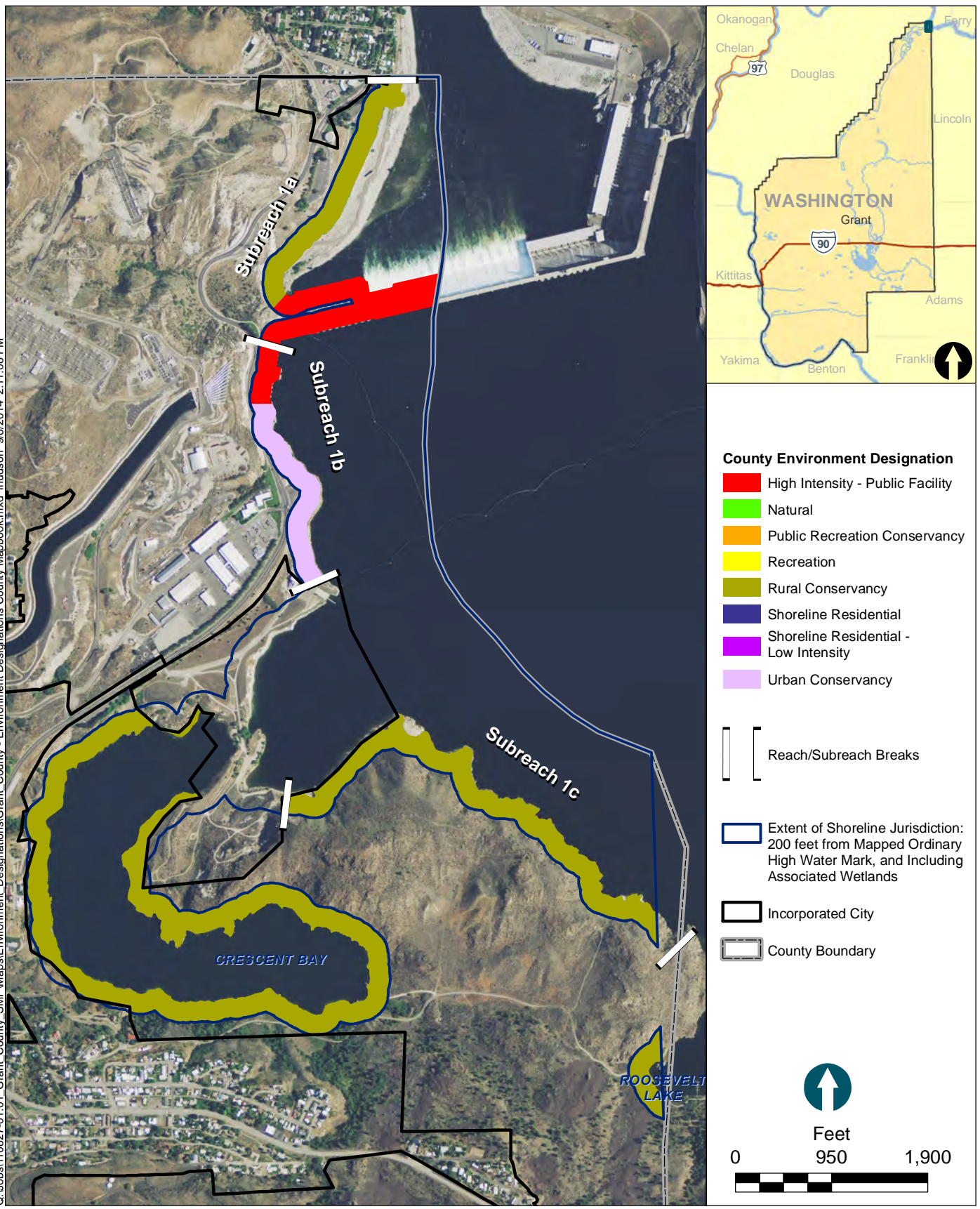
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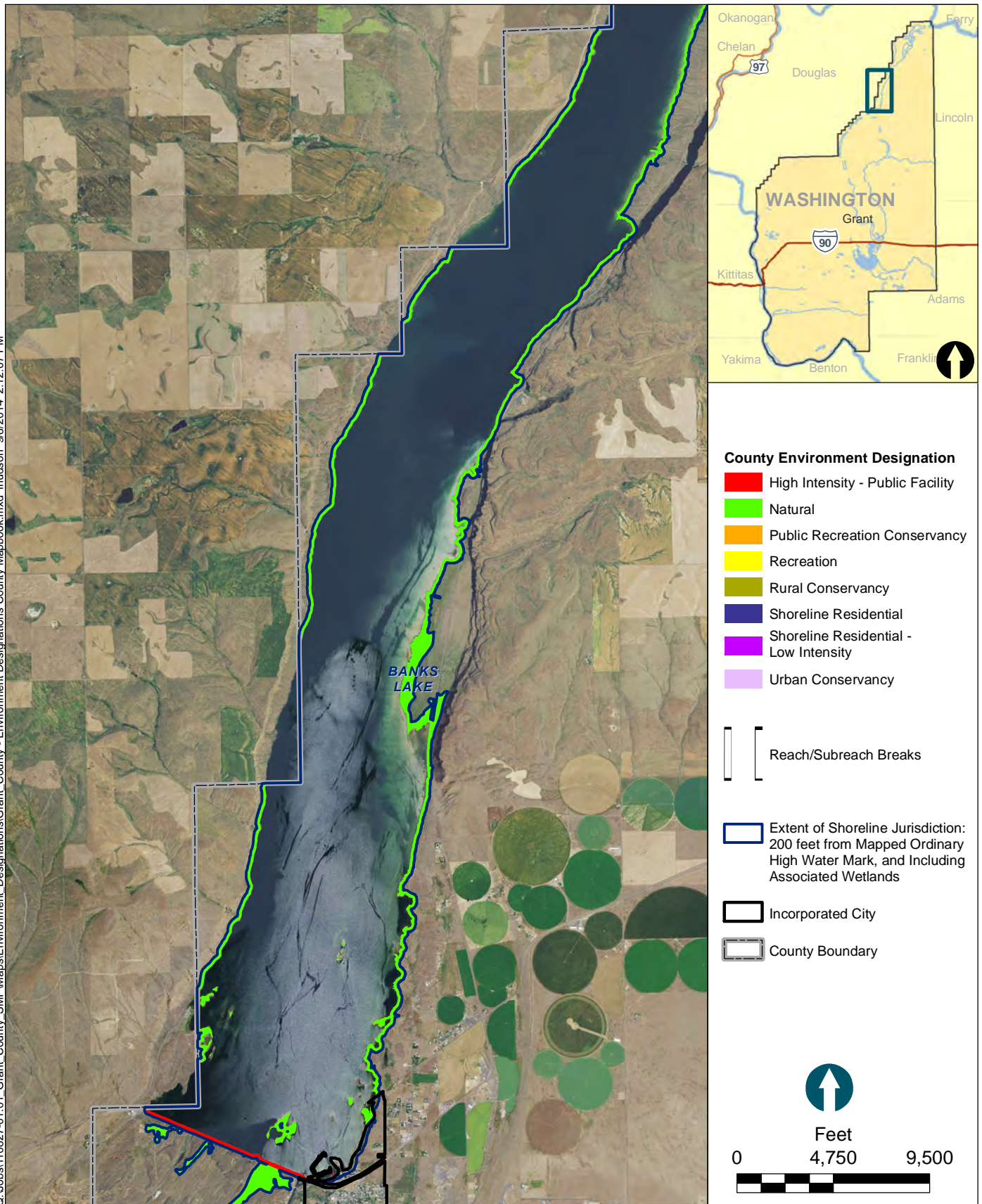


Map 6

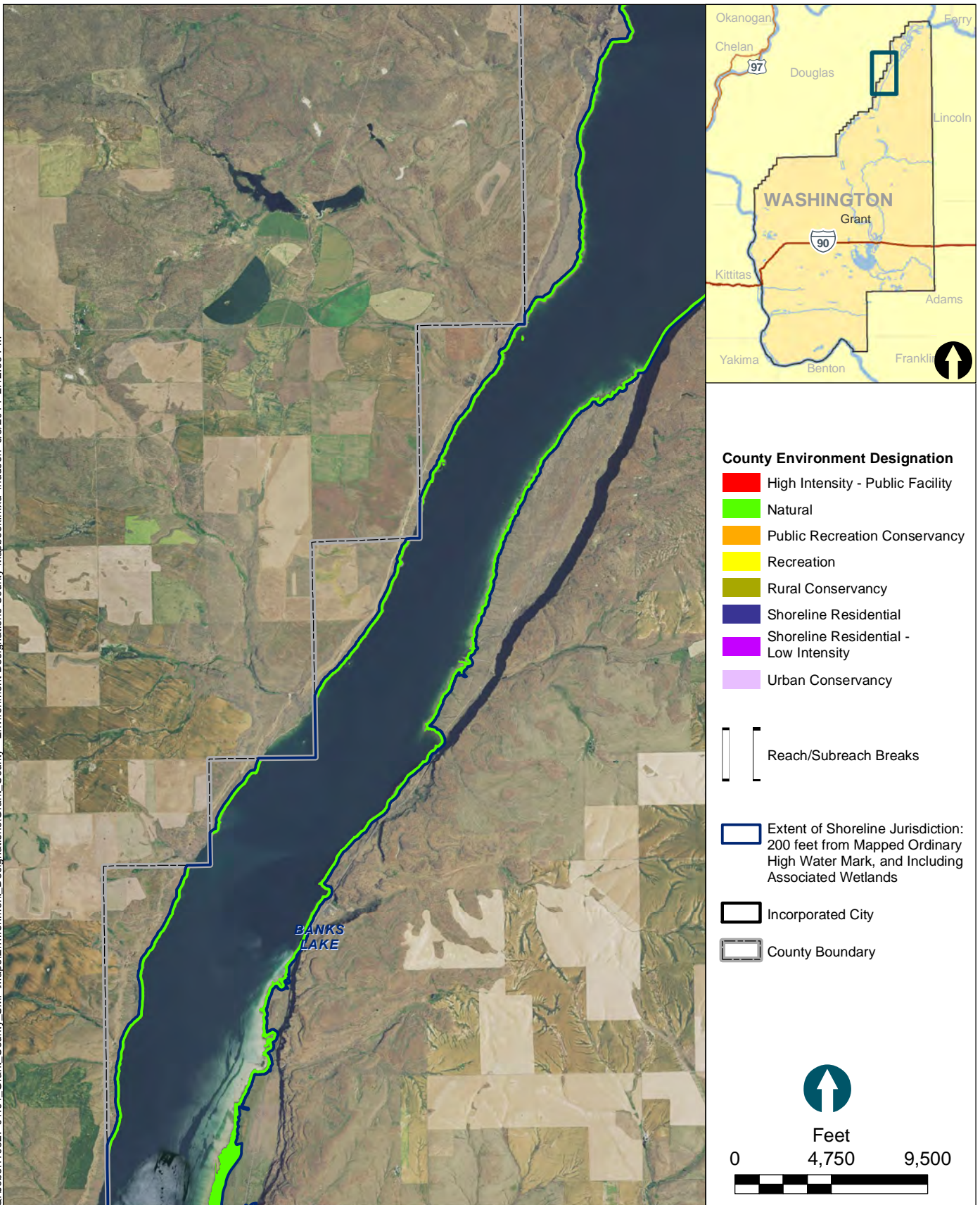
Crescent Bay and Roosevelt Lake, Environment Designations
Grant County Shoreline Master Program
Grant County, WA



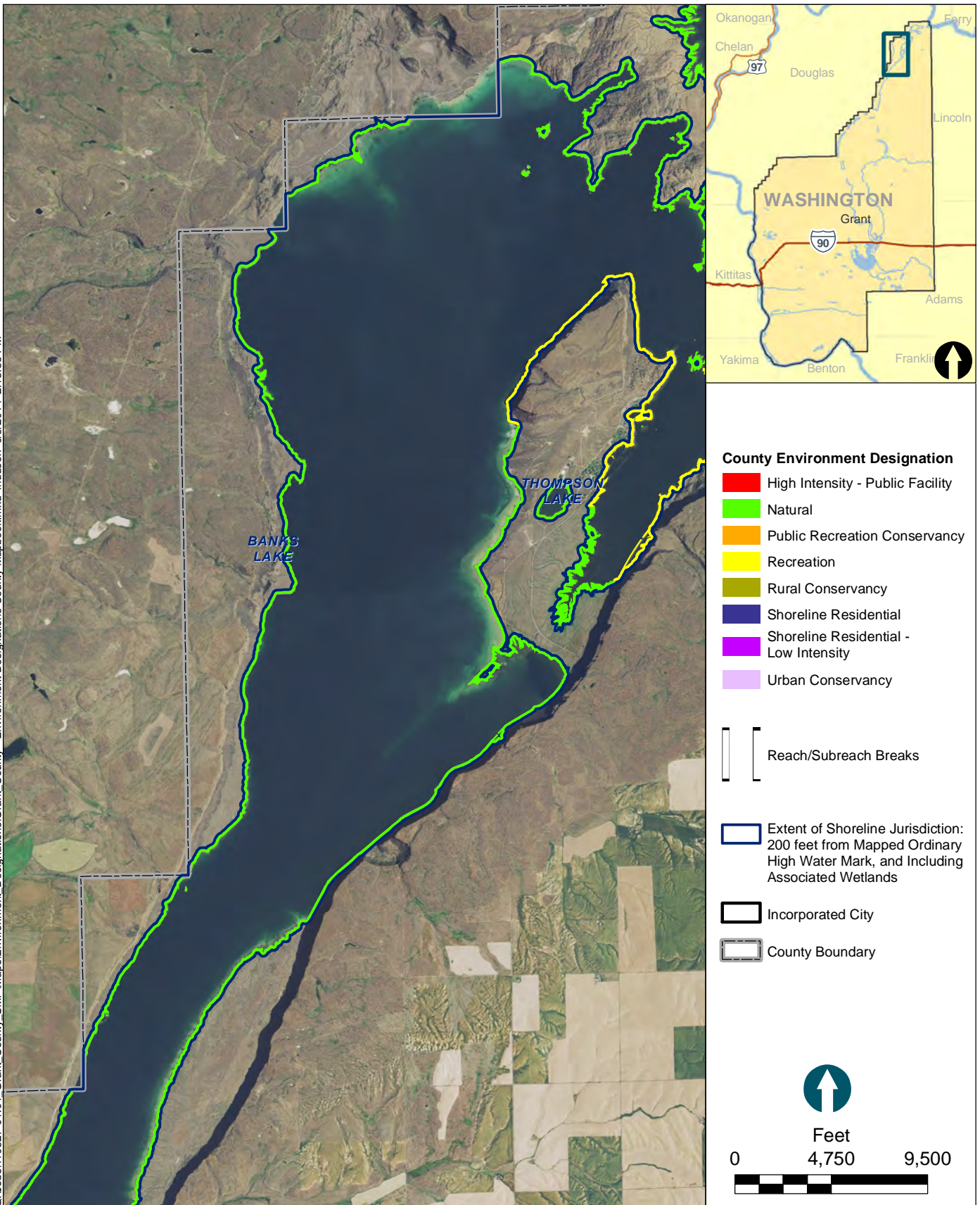
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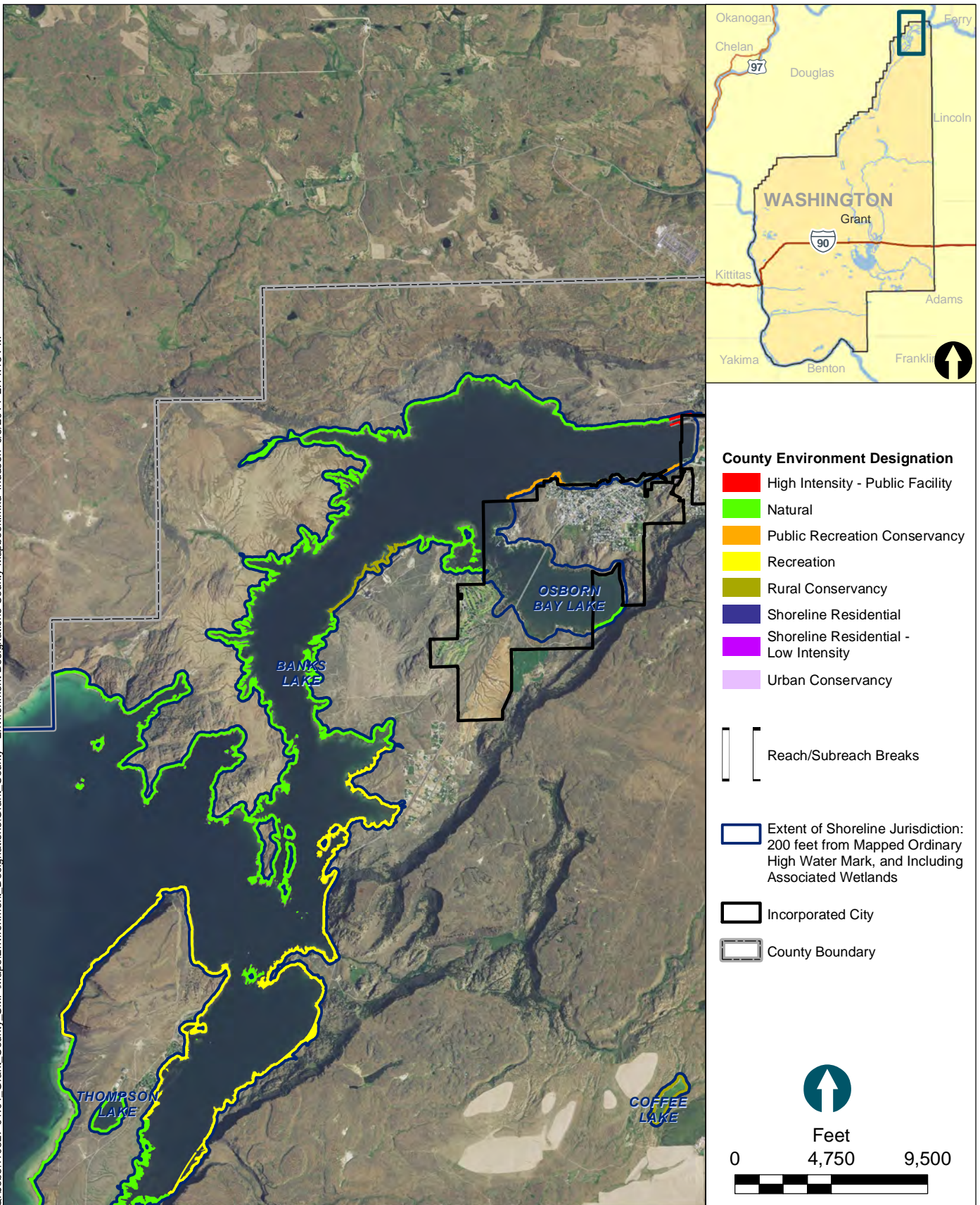
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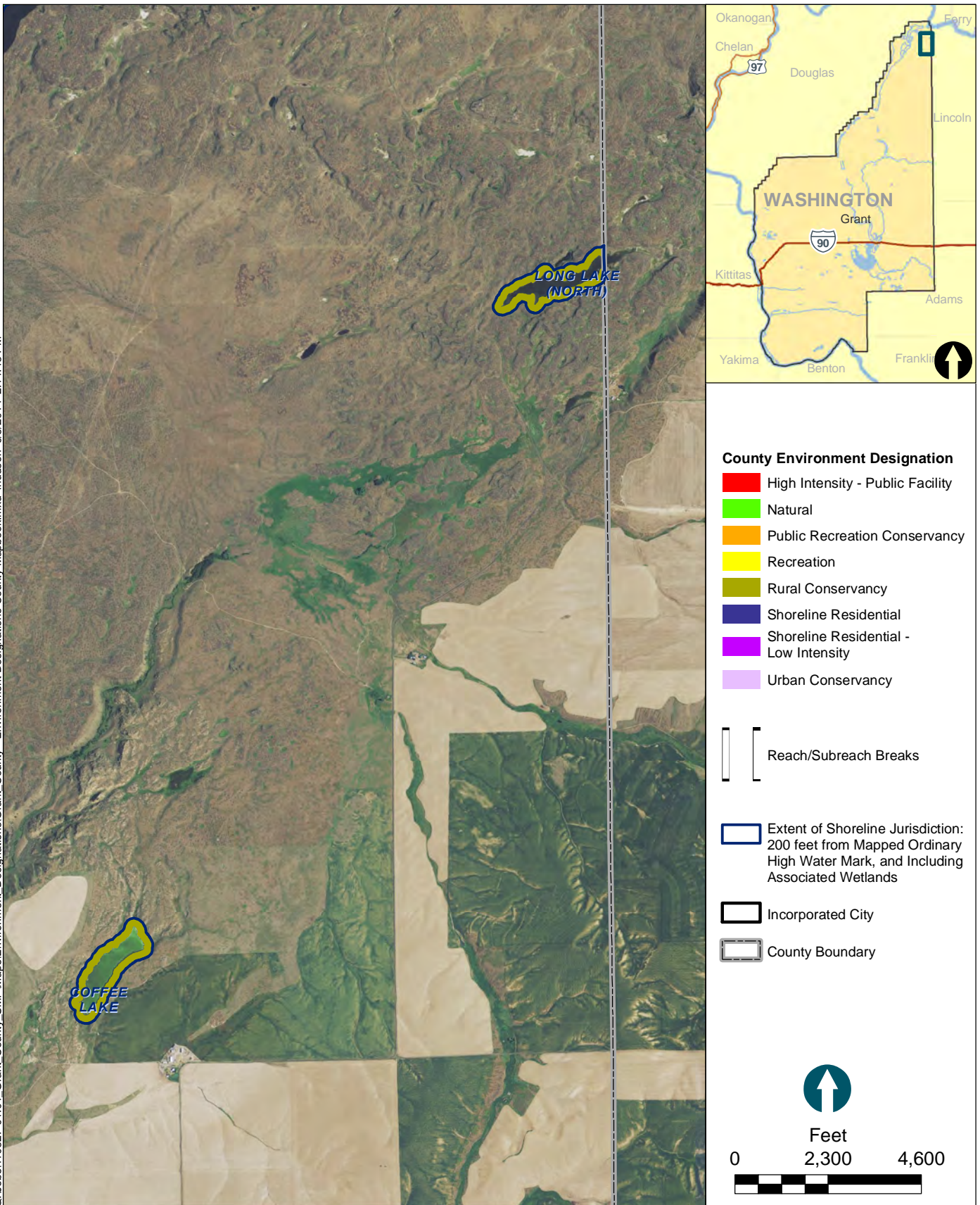
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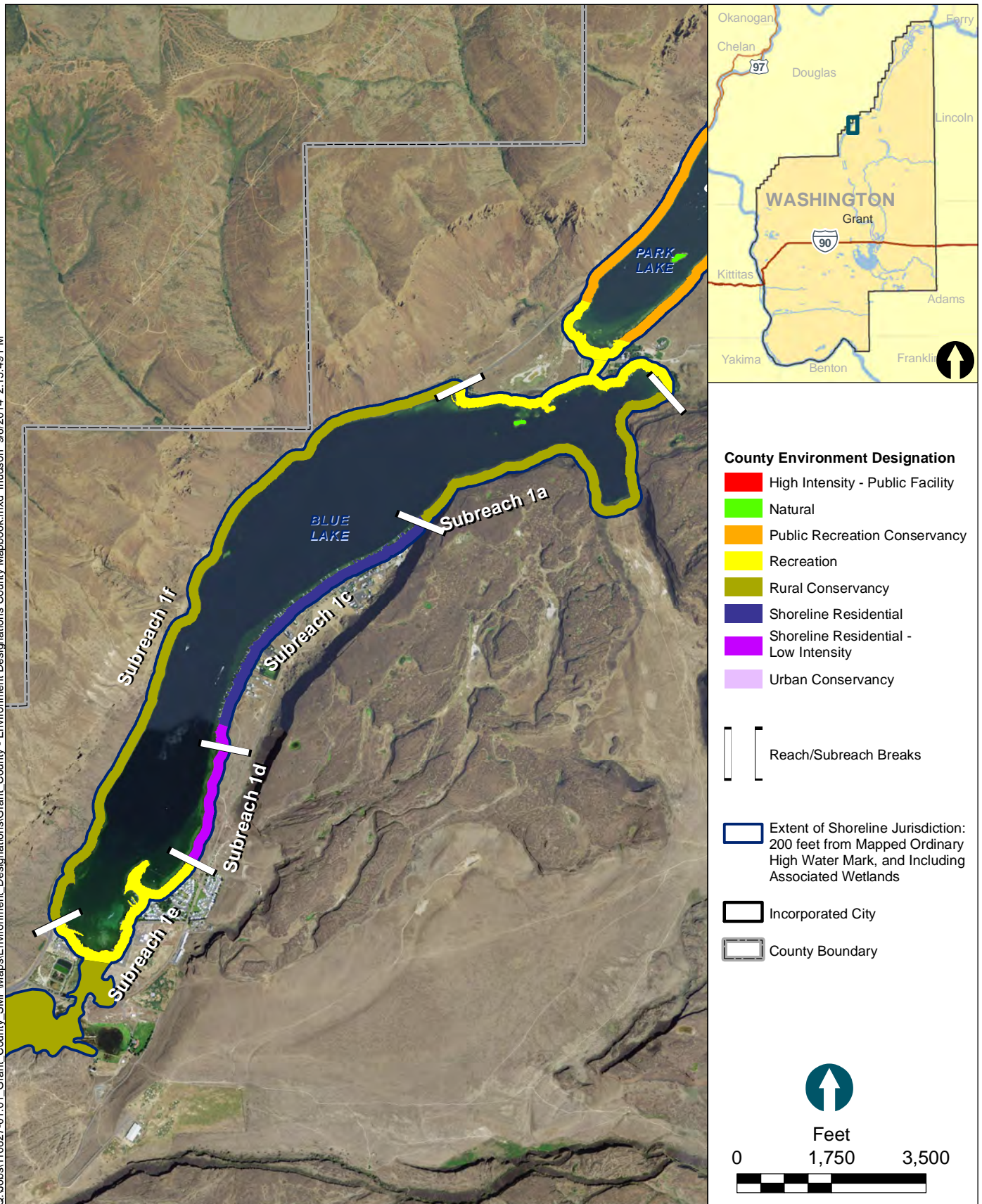
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Map 8

Coffee and Long Lakes, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

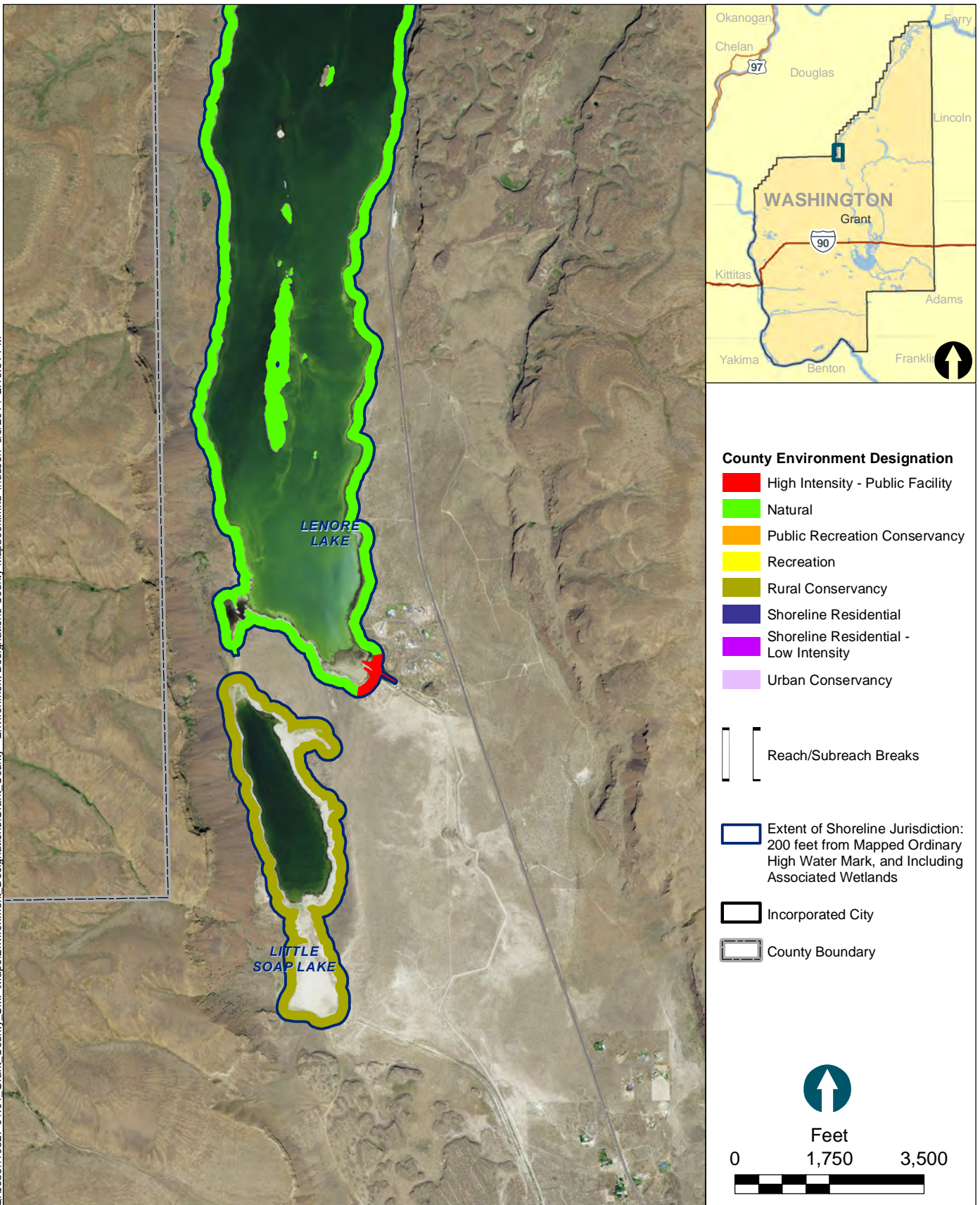
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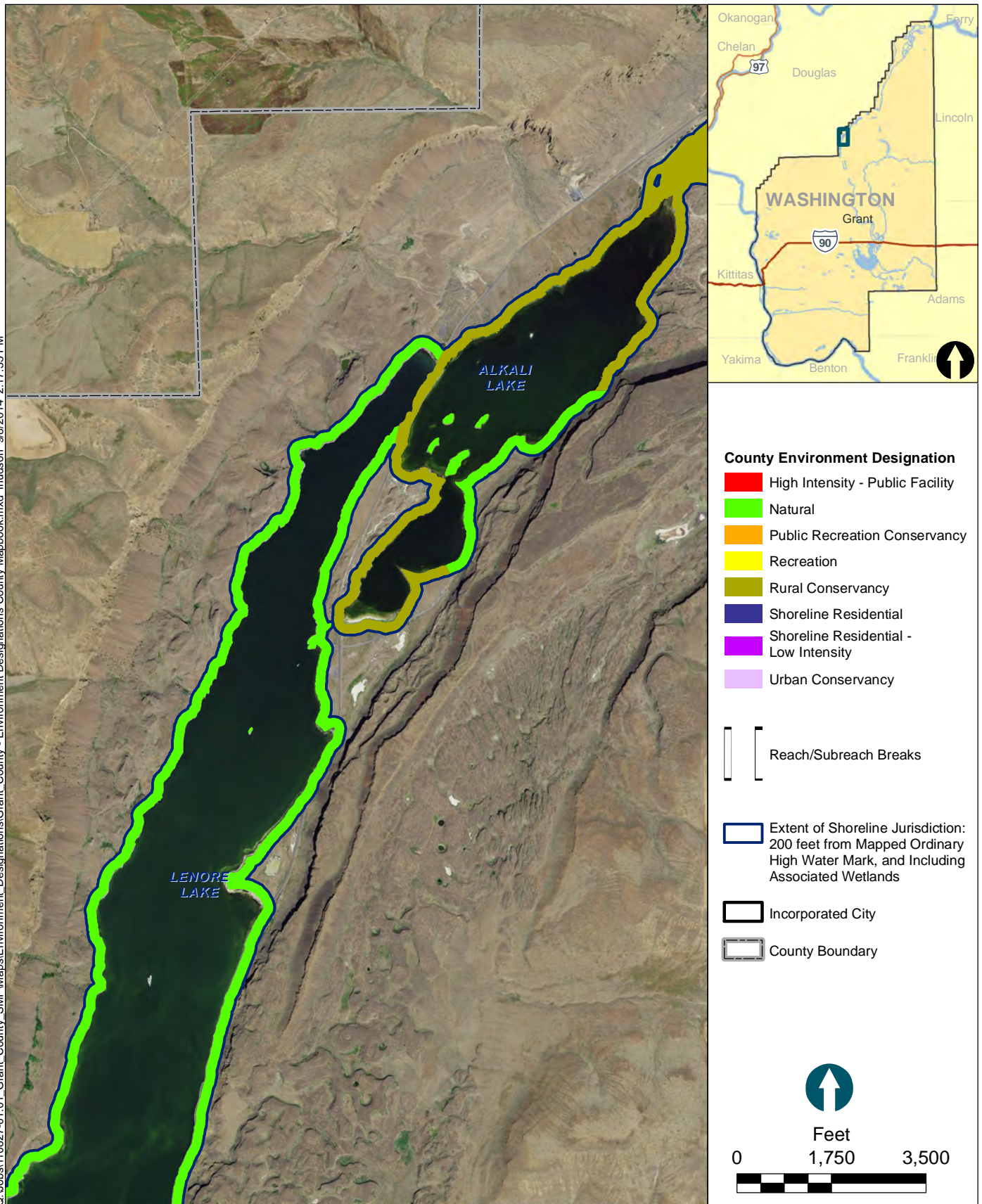
Map 9

Sun Lakes: Blue Lake, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

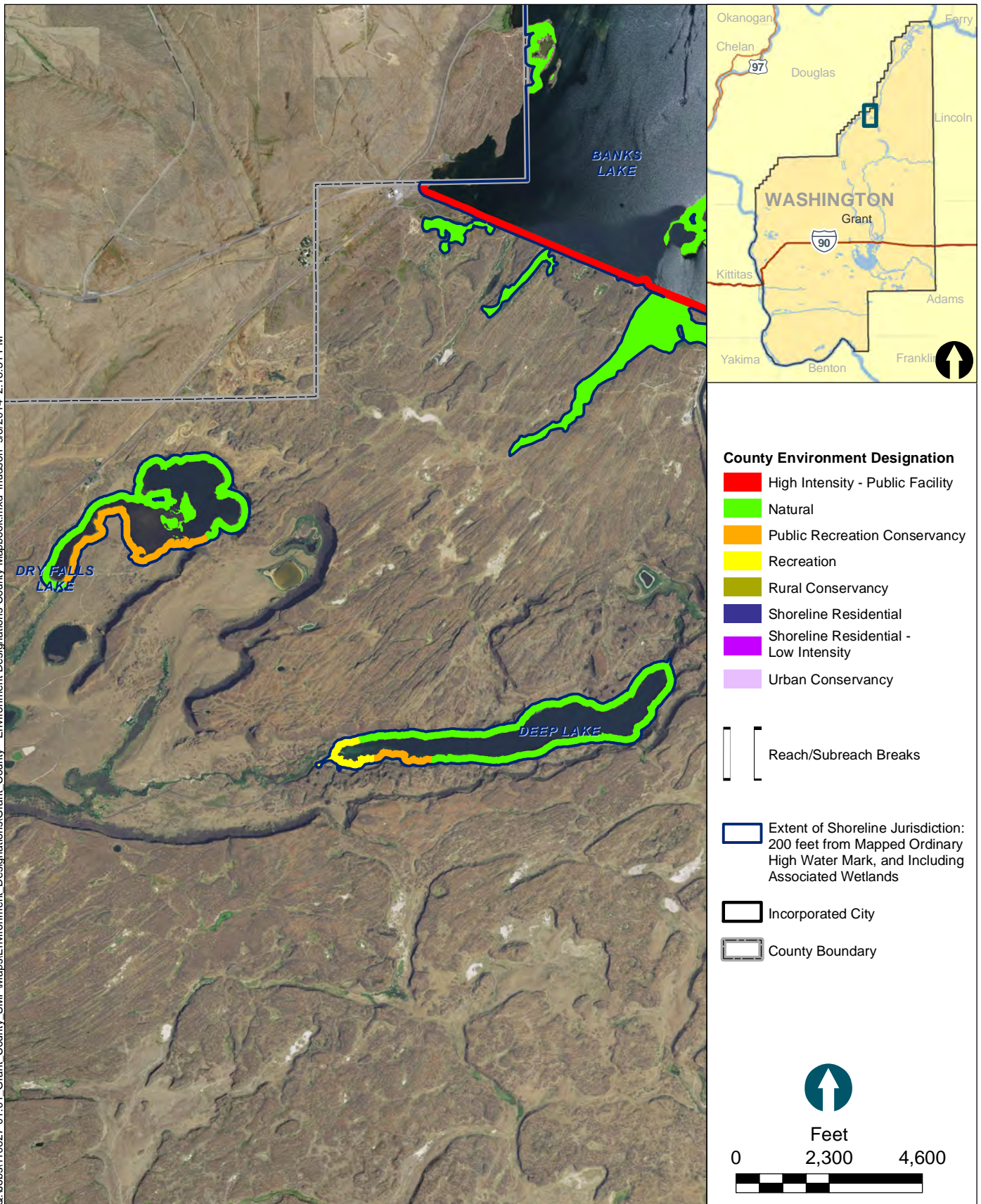
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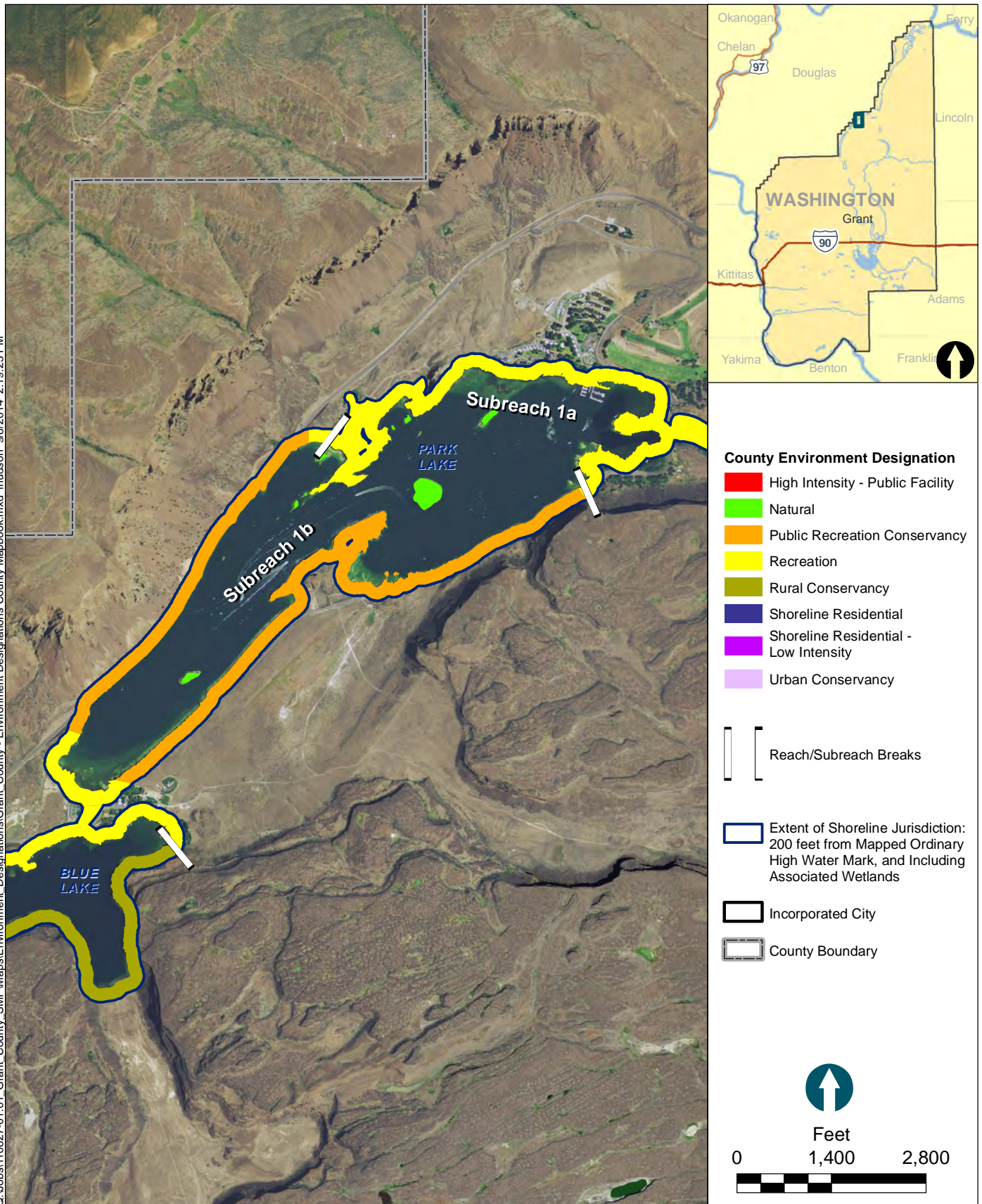
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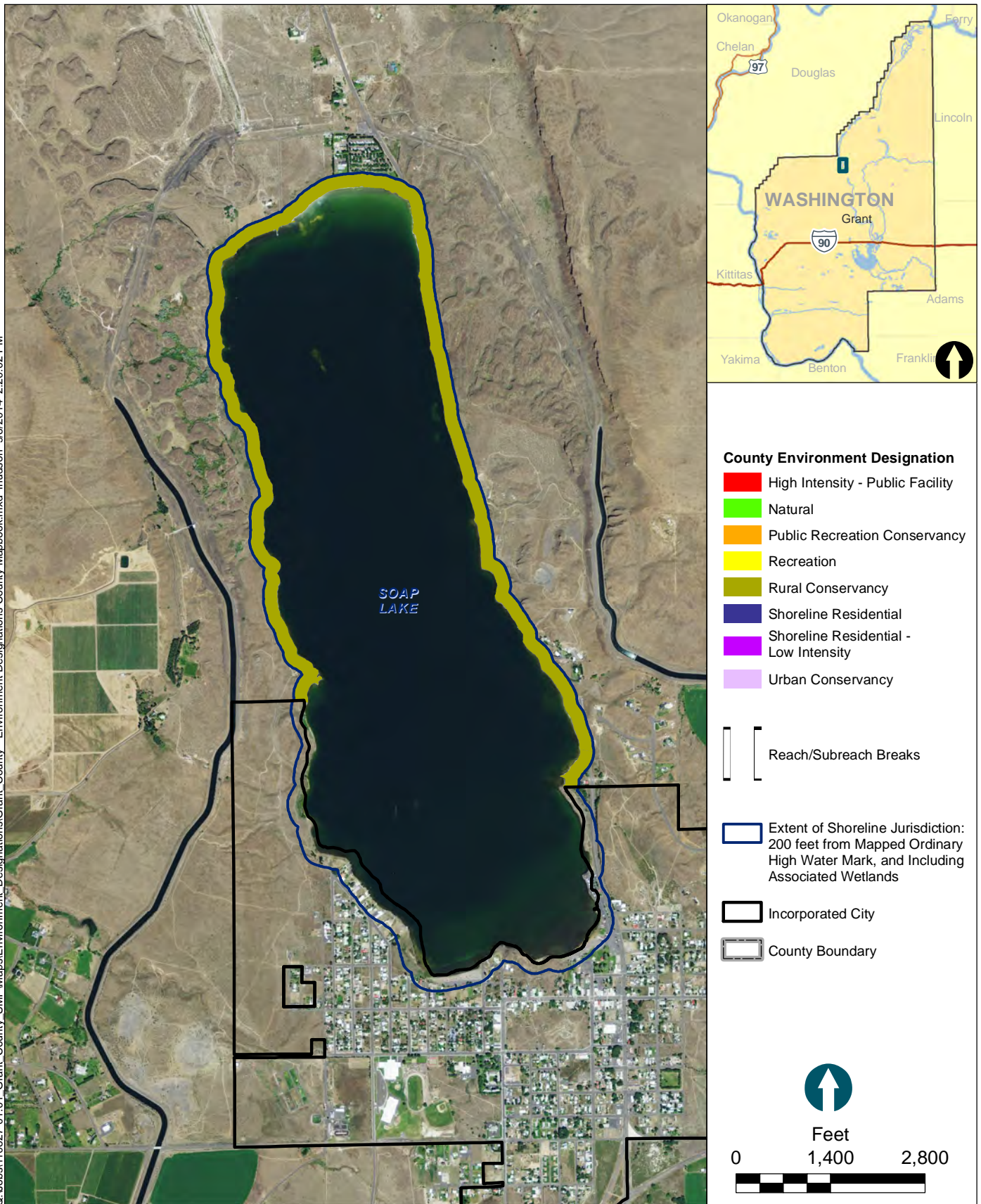
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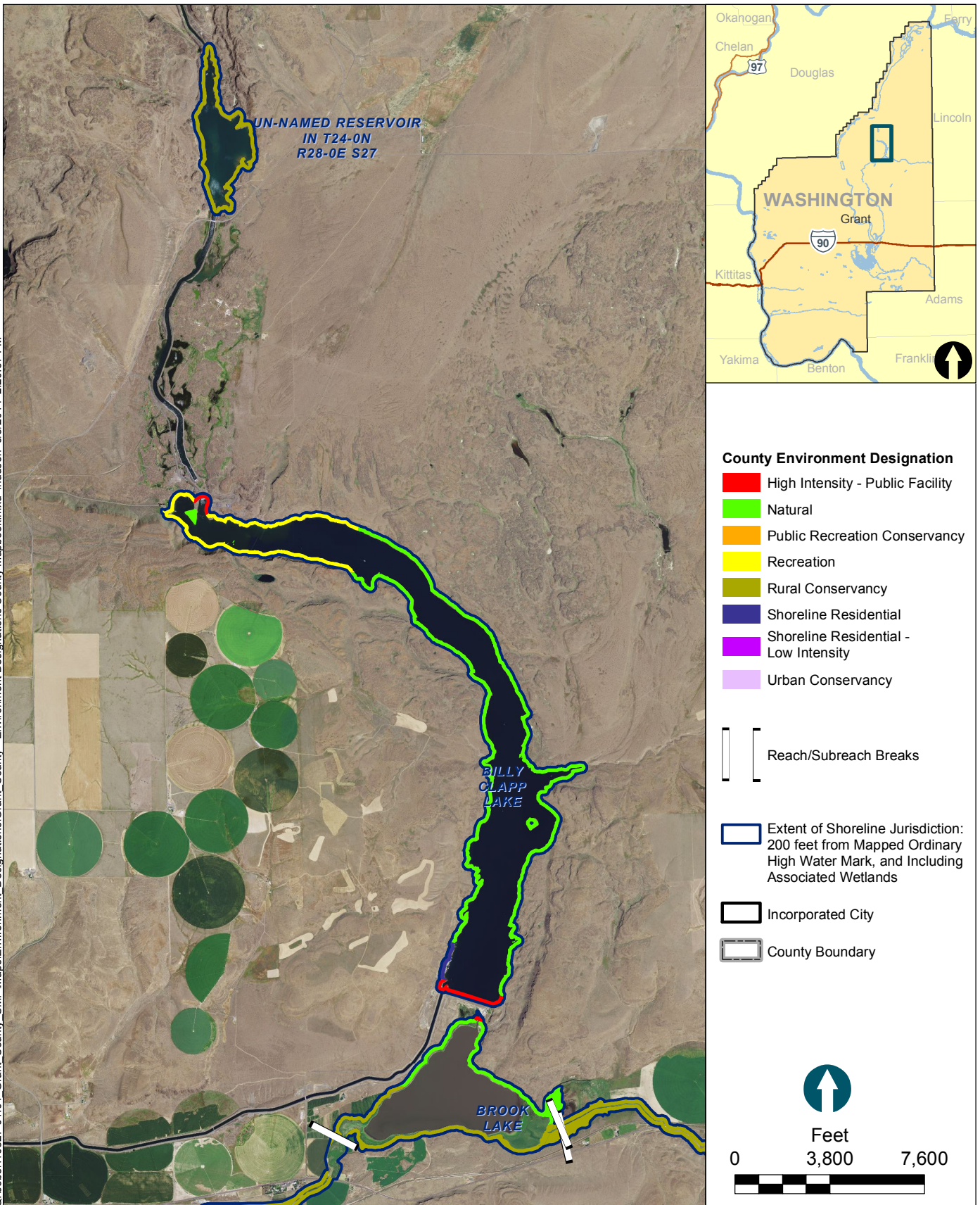
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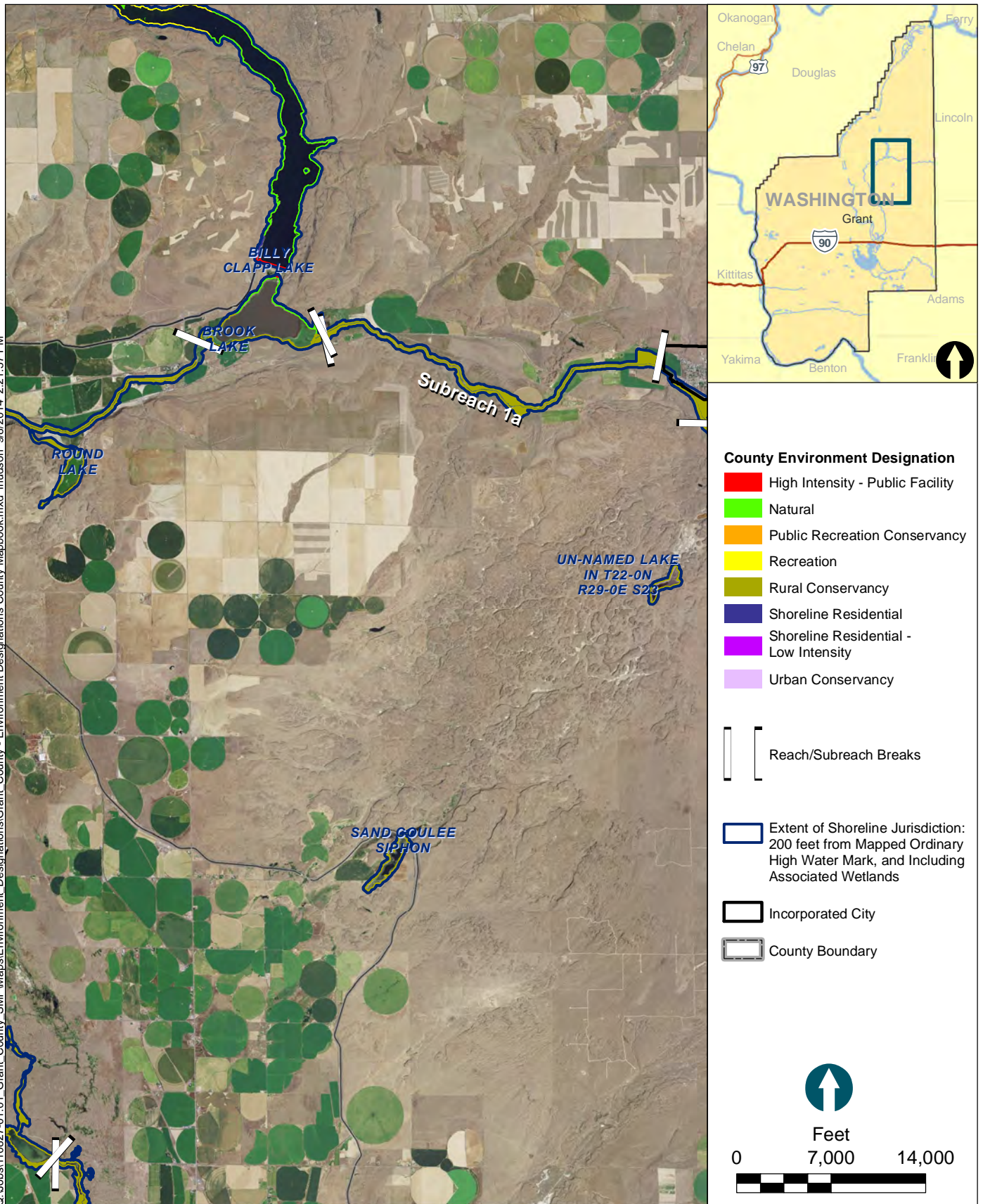


Map 13

Reservoirs along Main Canal, Environment Designations
Grant County Shoreline Master Program
Grant County, WA



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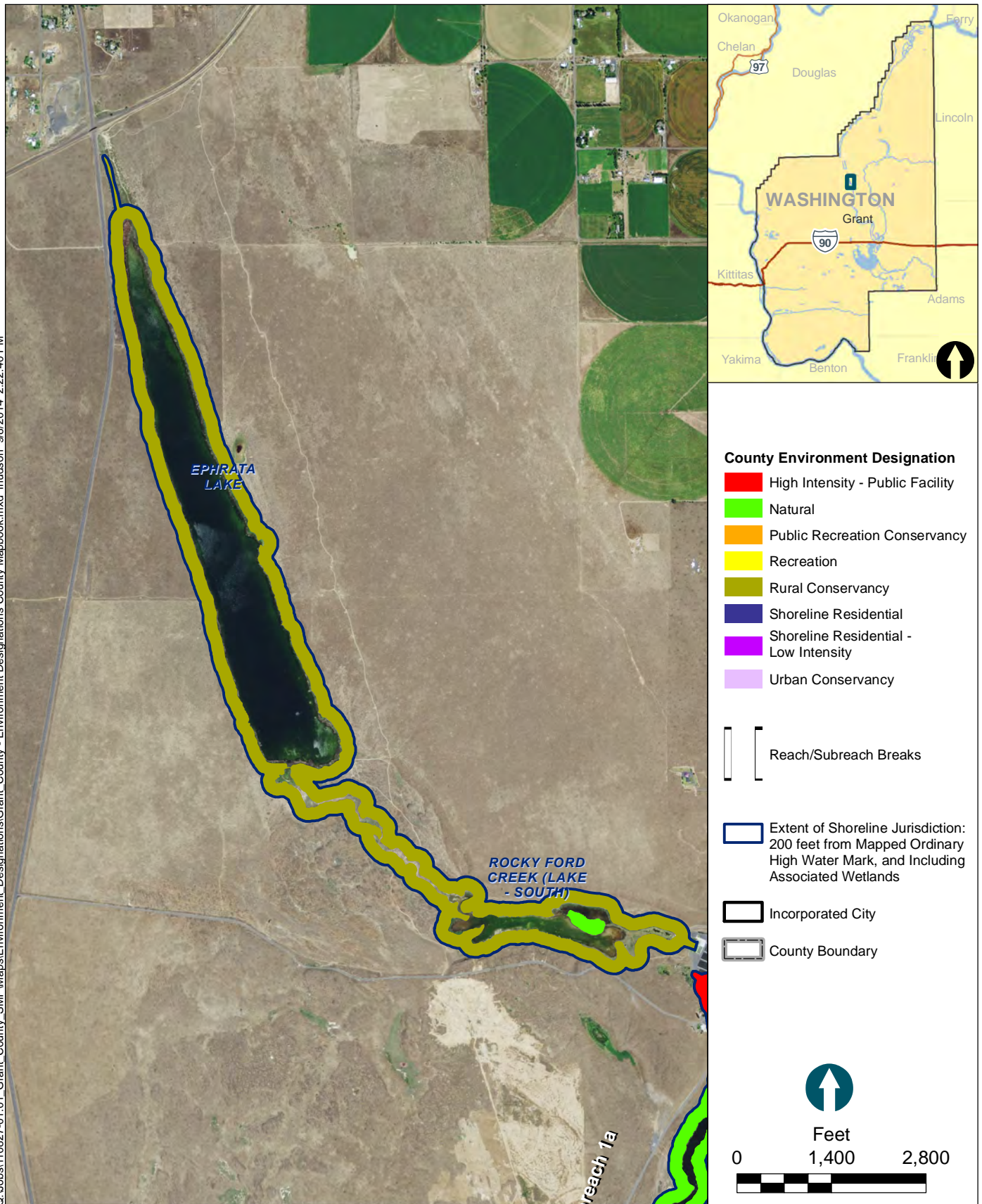


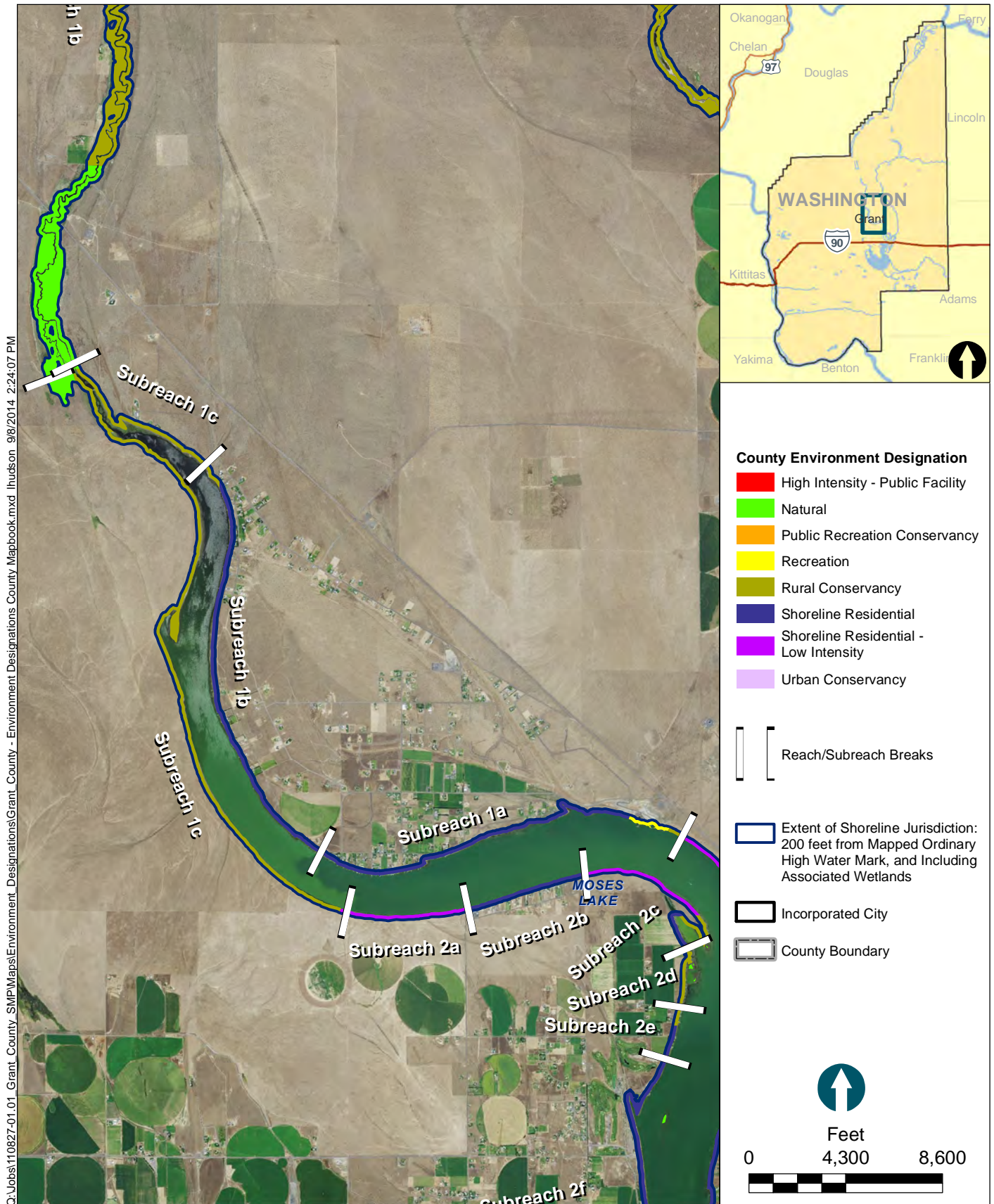
Map 14

Small Lakes South of Wilson Creek, Environment Designations
Grant County Shoreline Master Program
Grant County, WA



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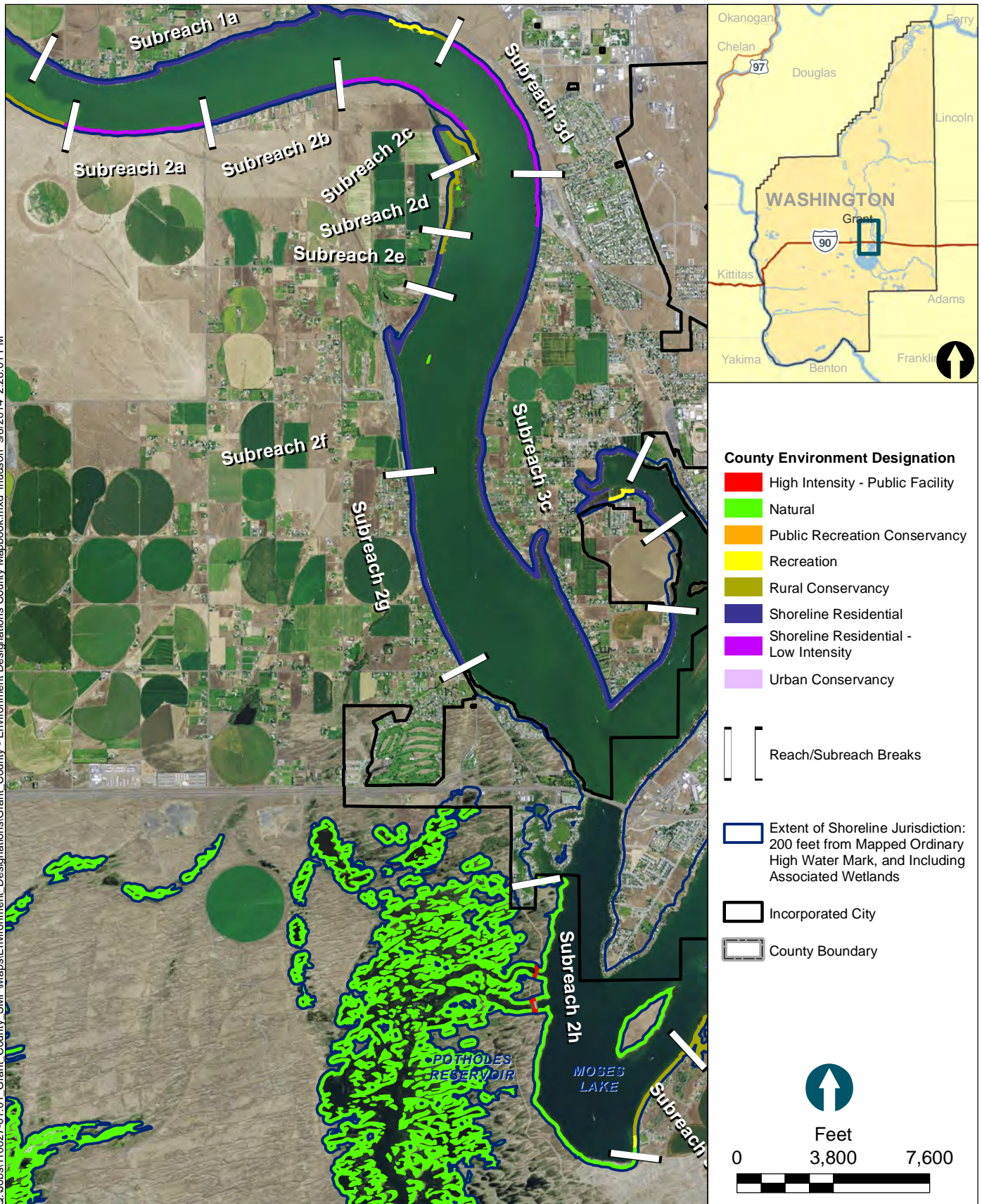




Map 16

Moses Lake, Reach 1, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

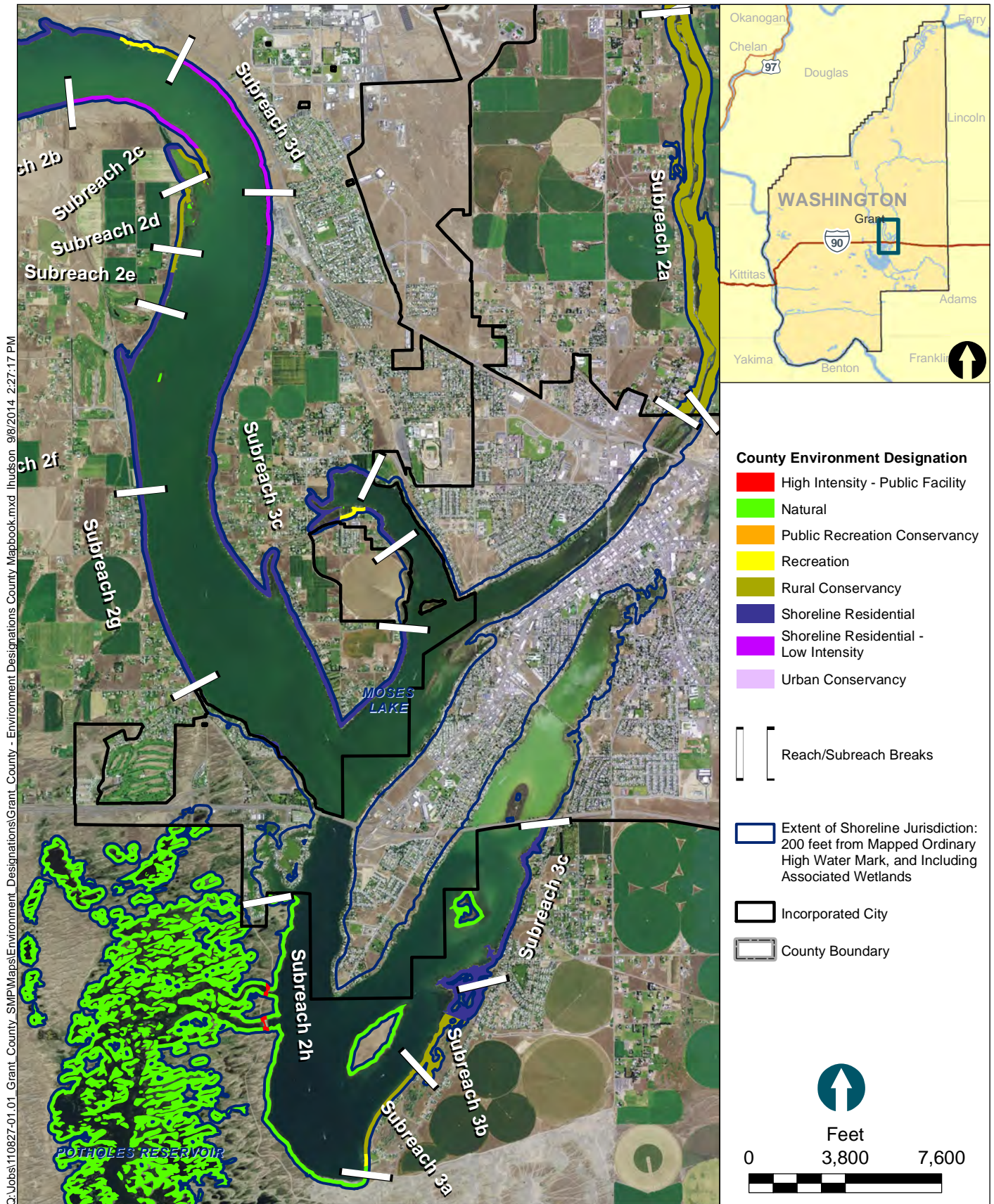
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Map 17

Moses Lake, Reach 2, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

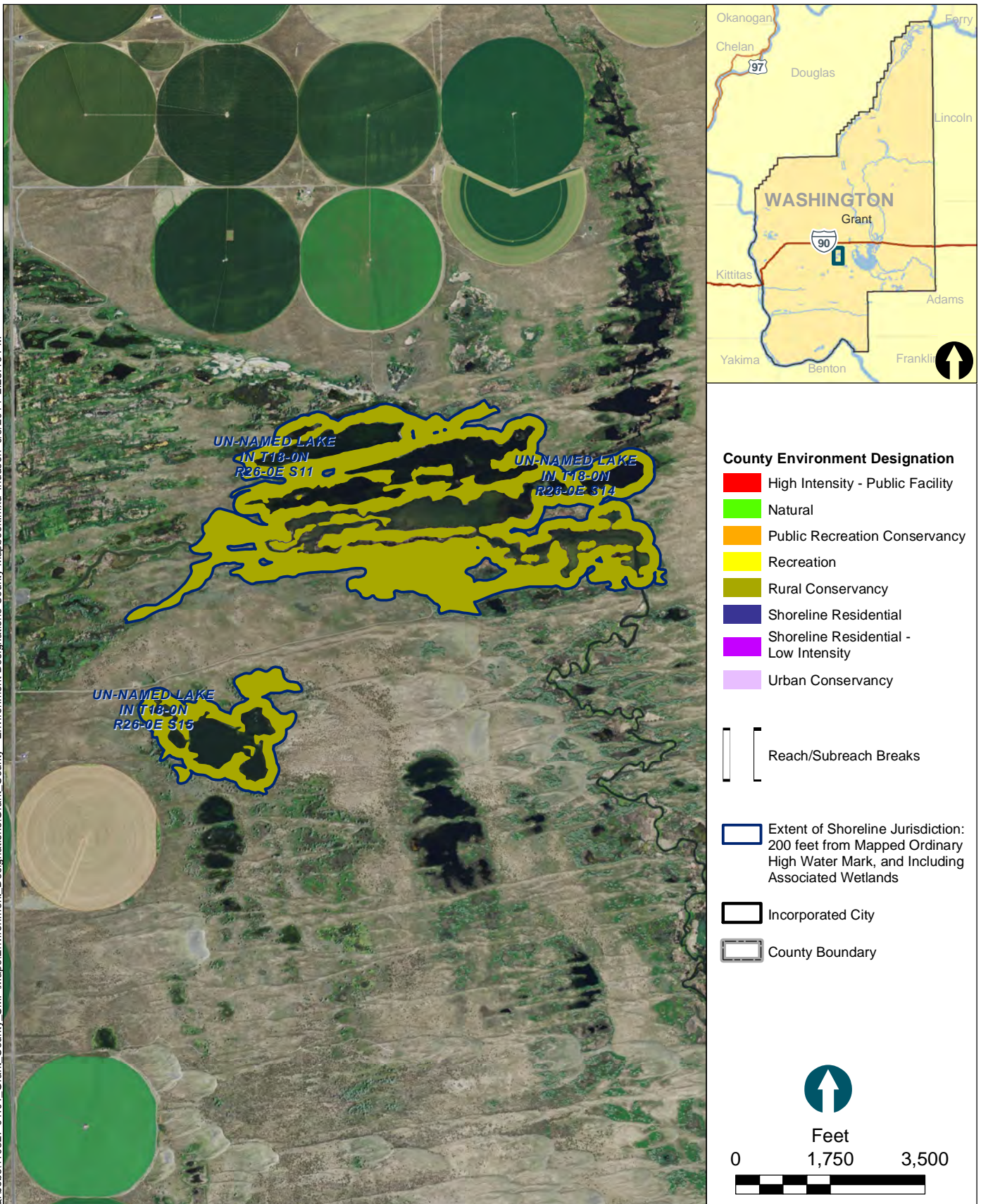




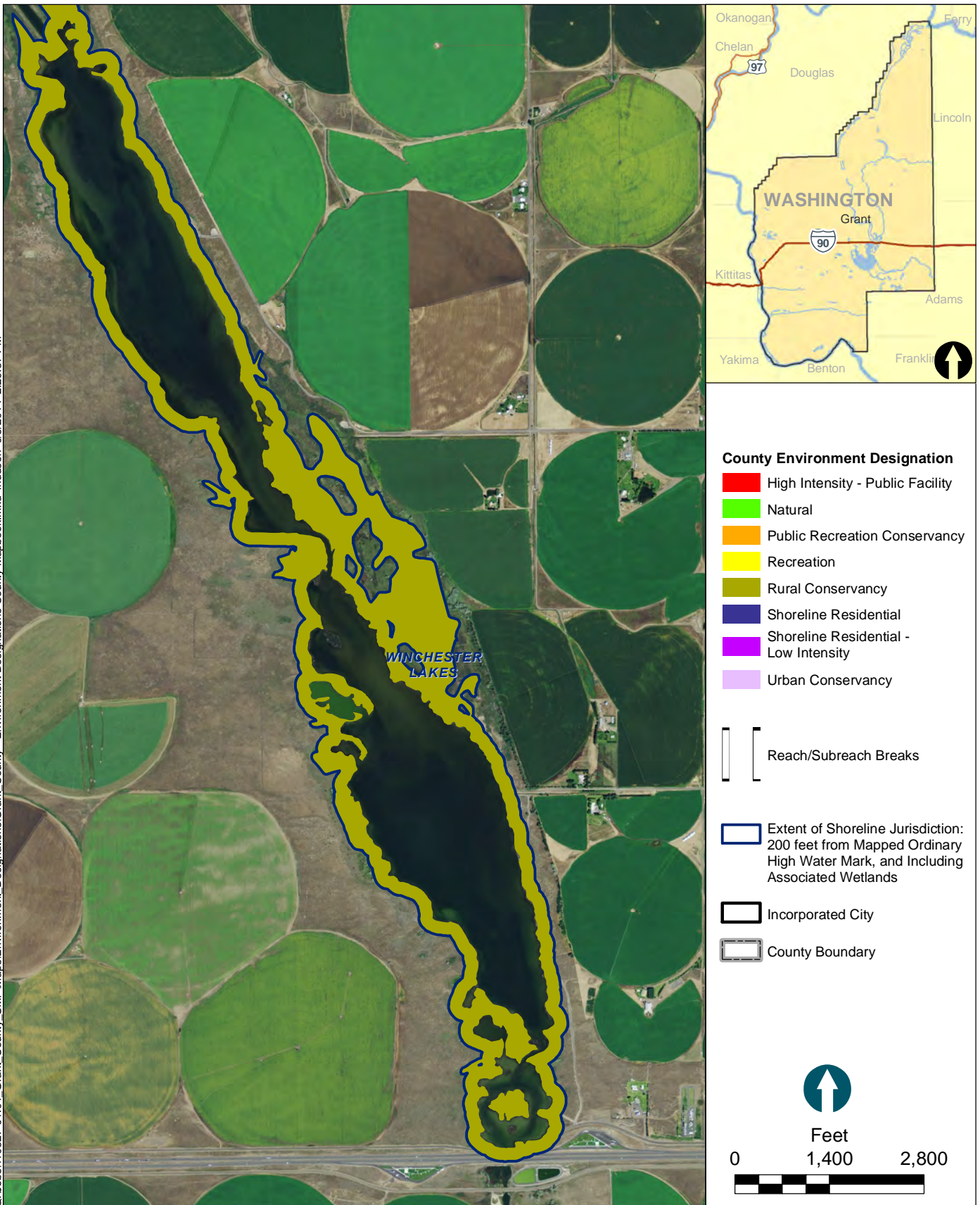
Map 18

Moses Lake, Reach 3, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

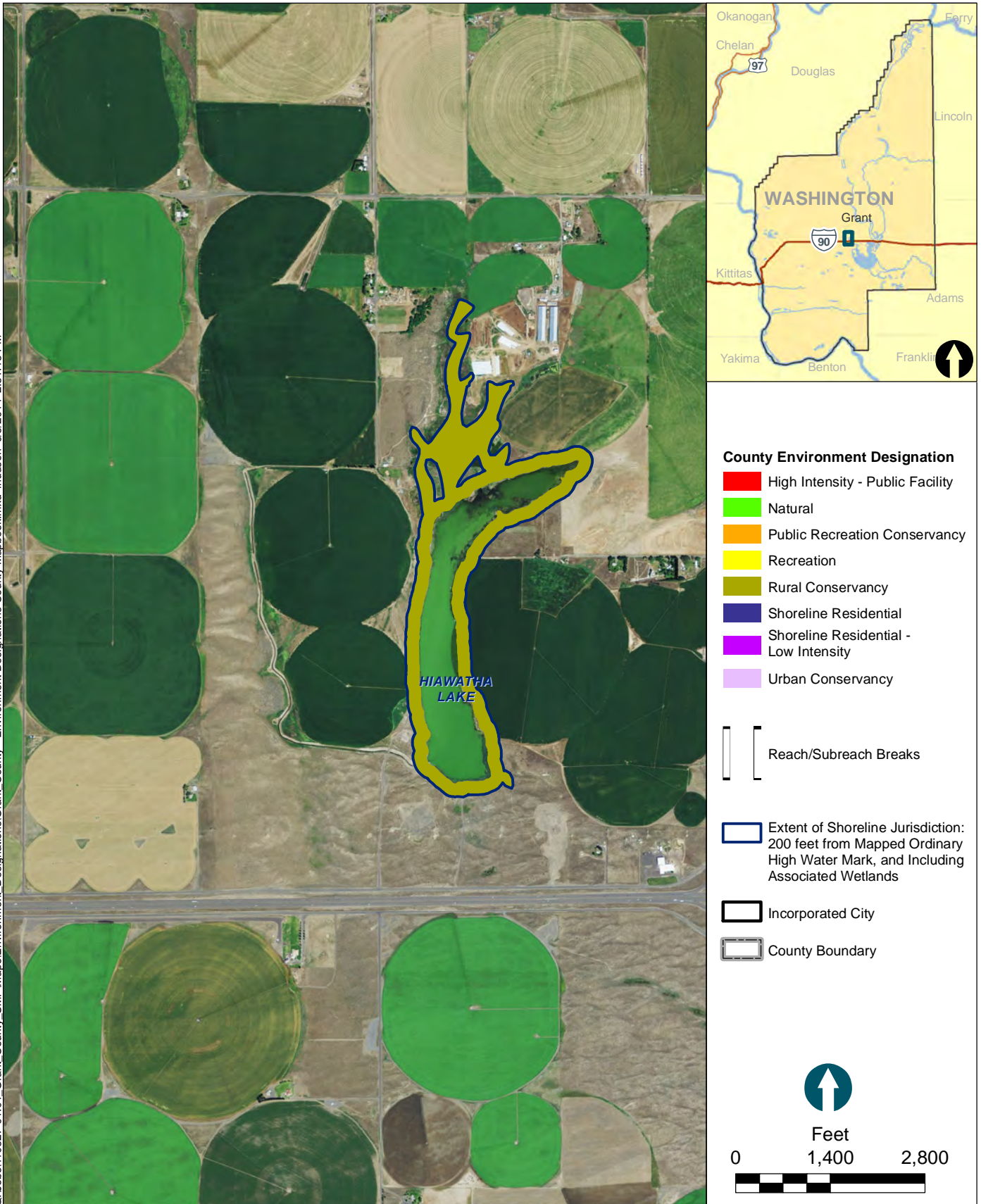
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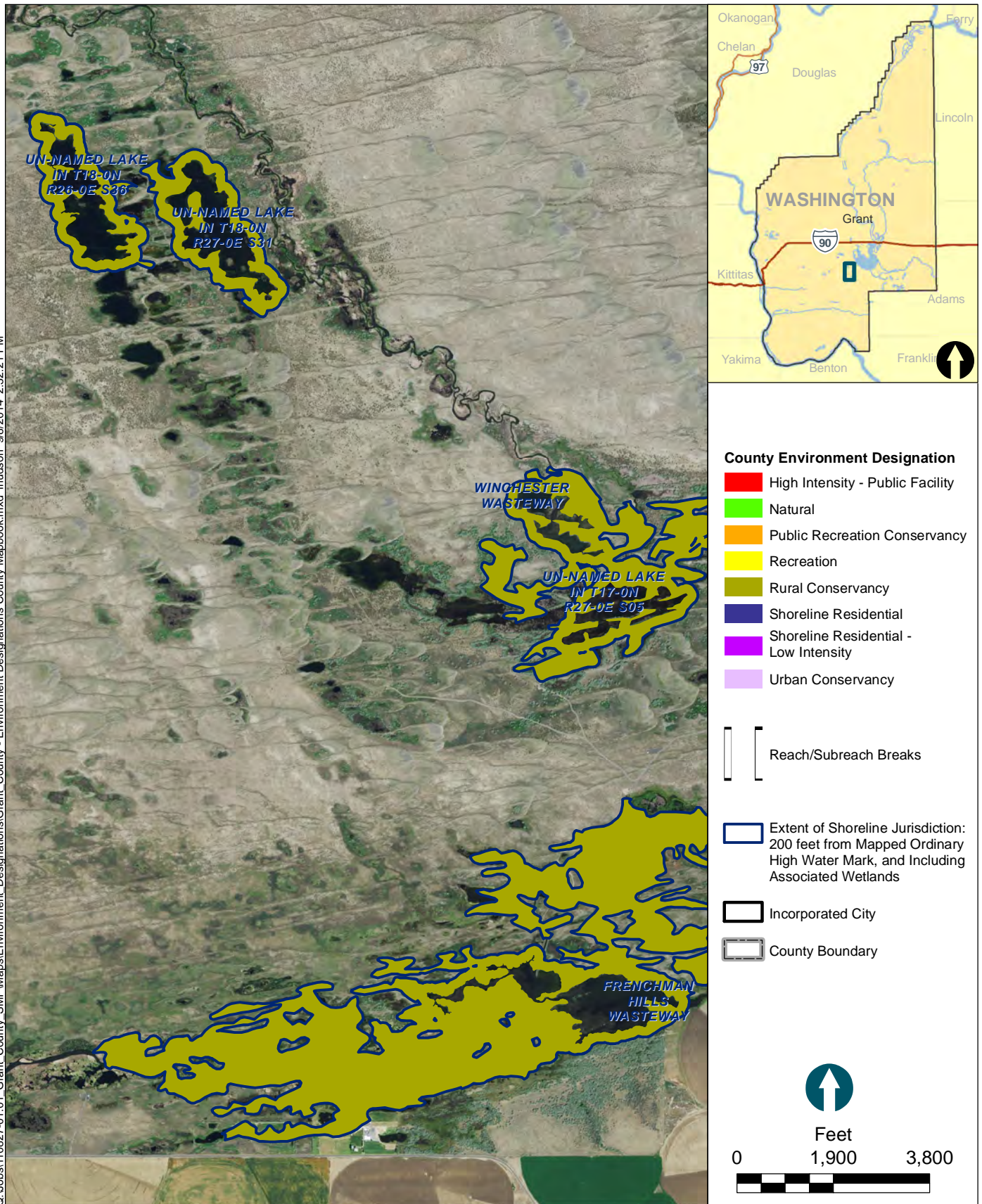
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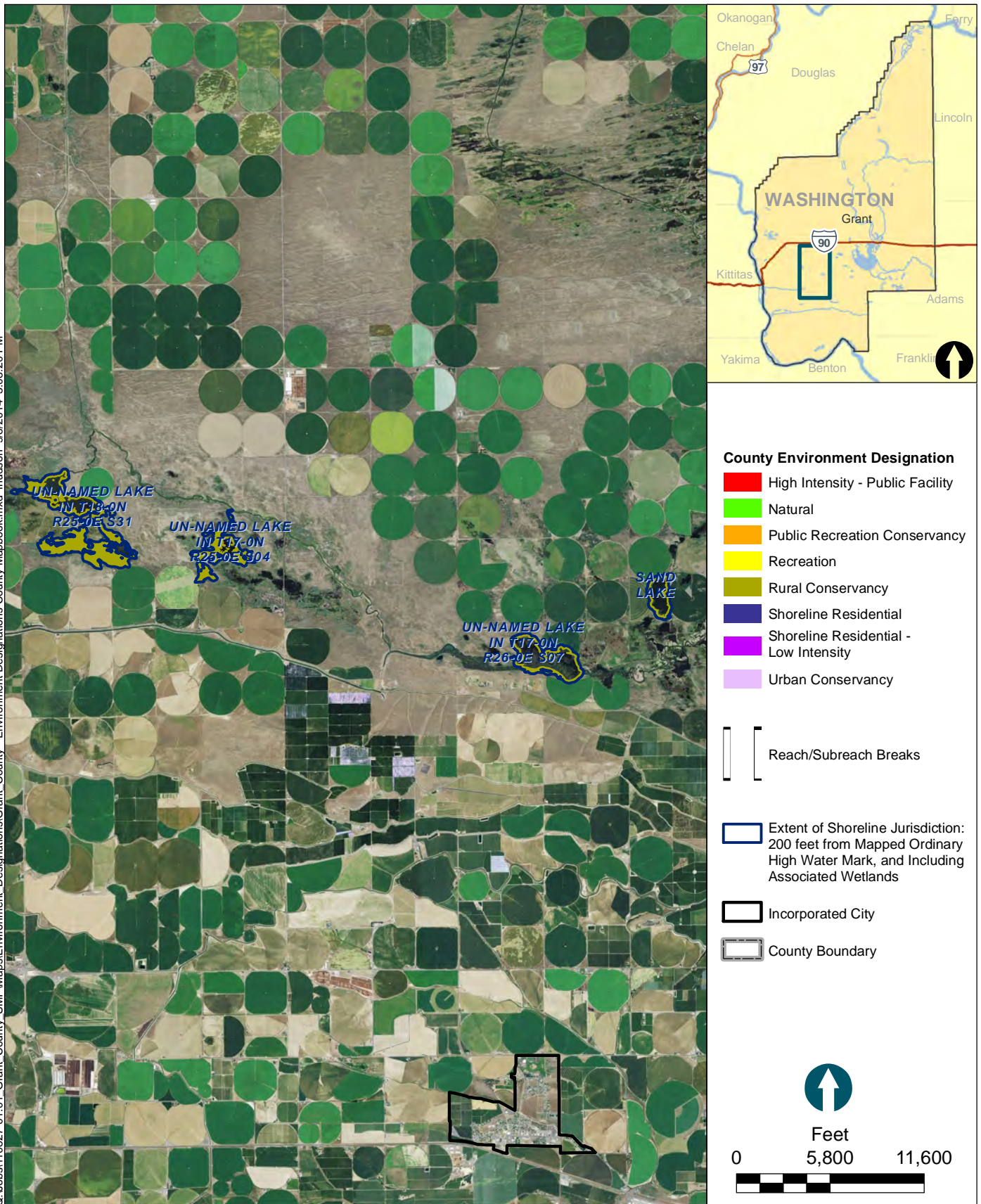
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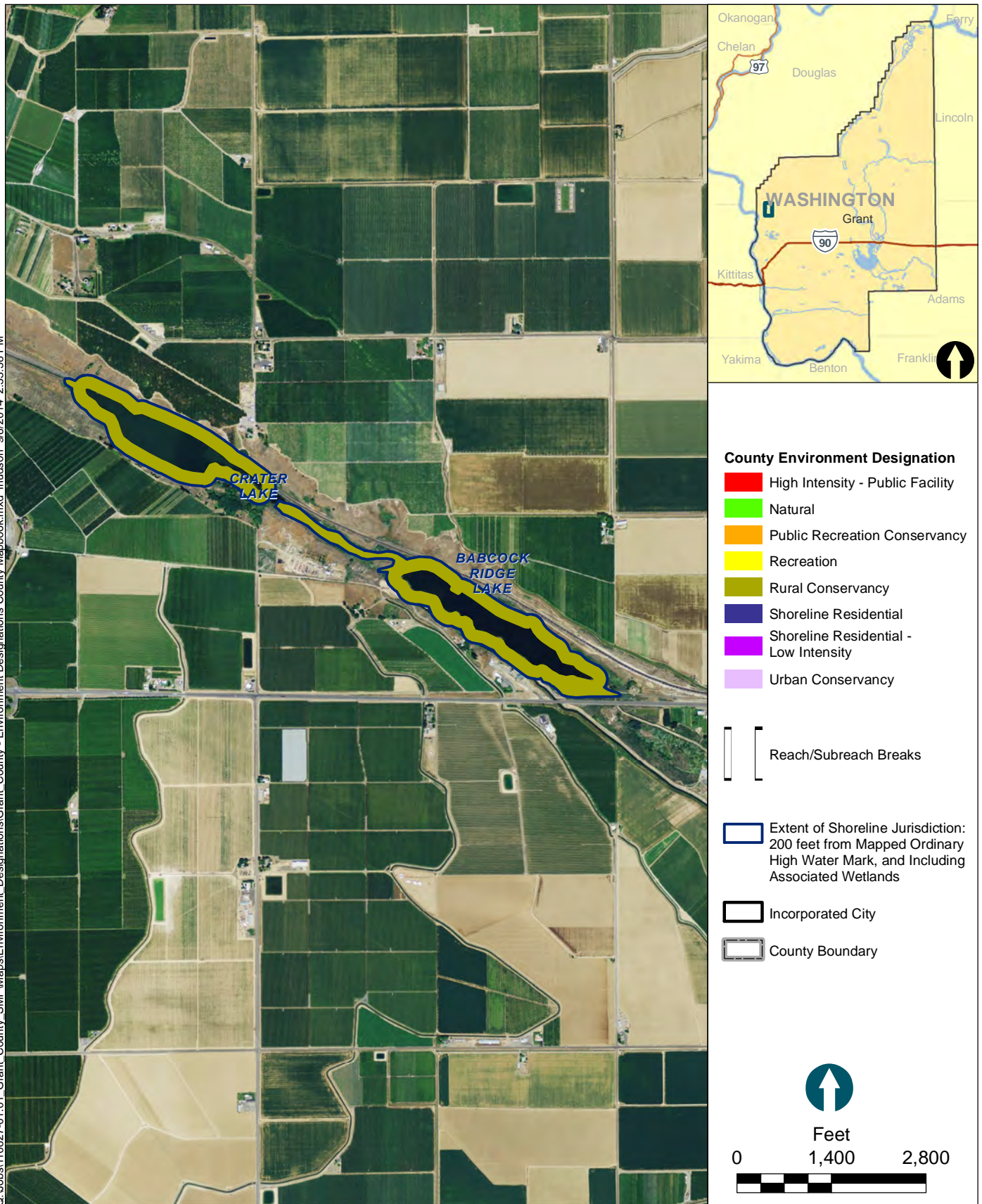
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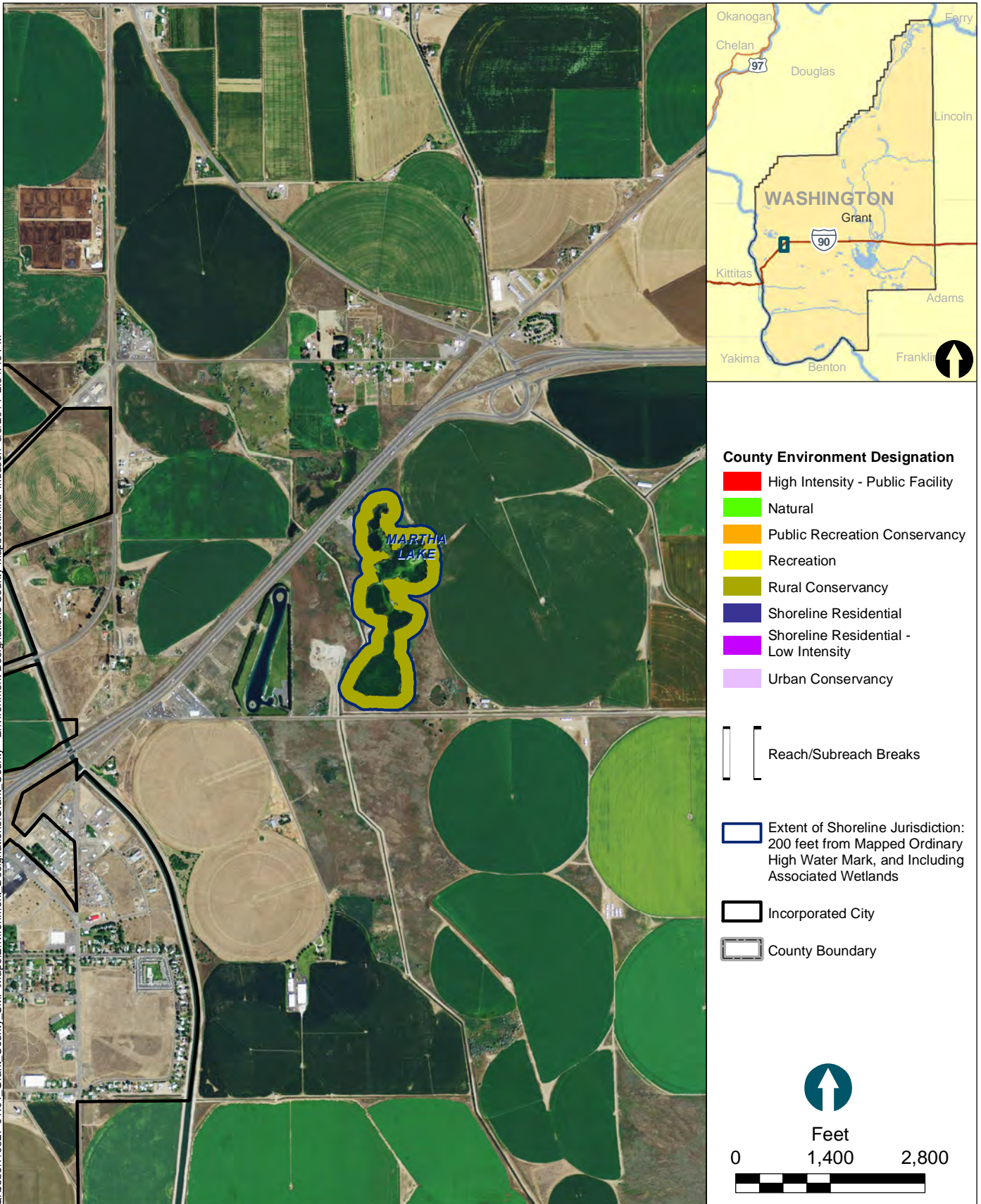
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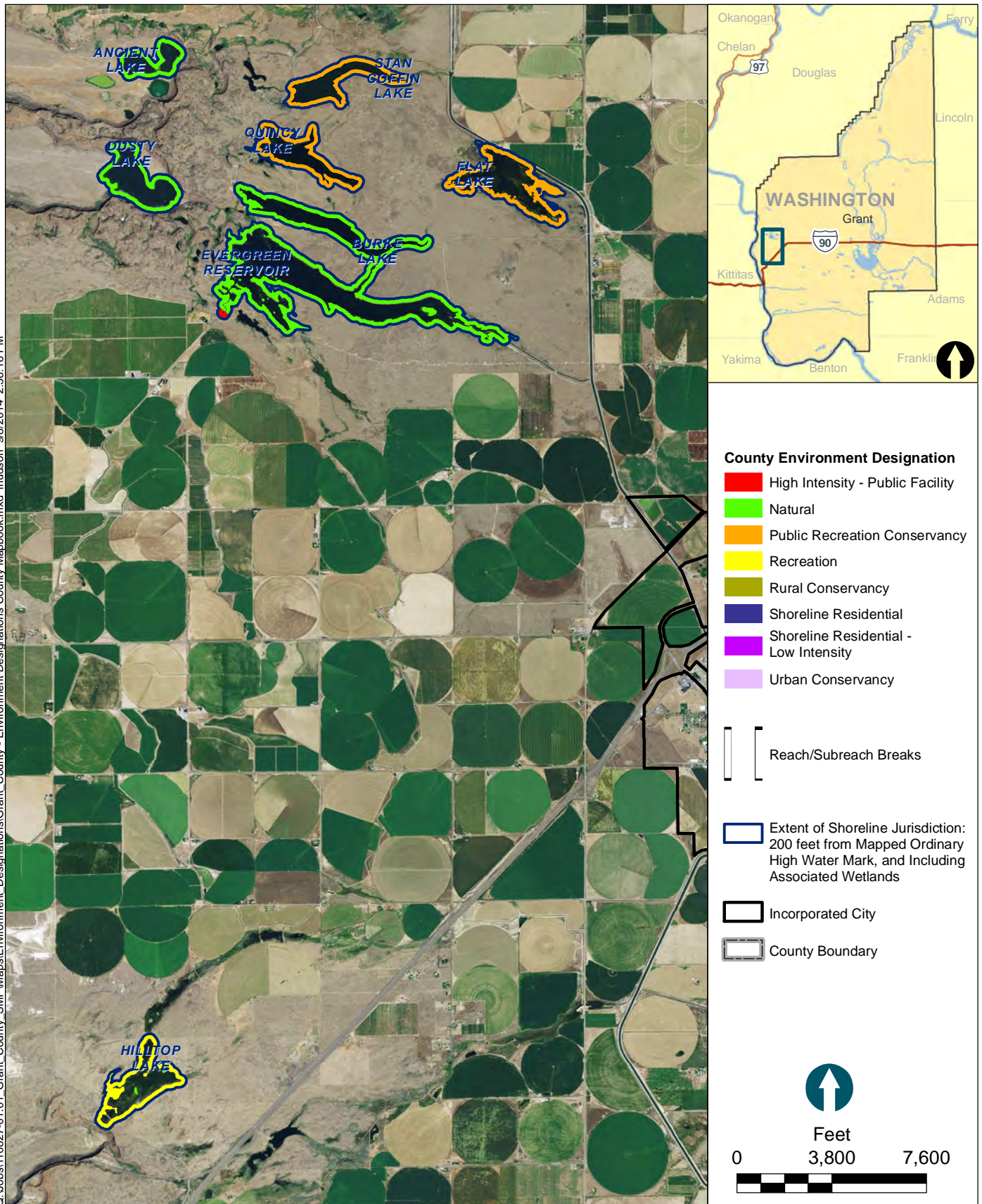
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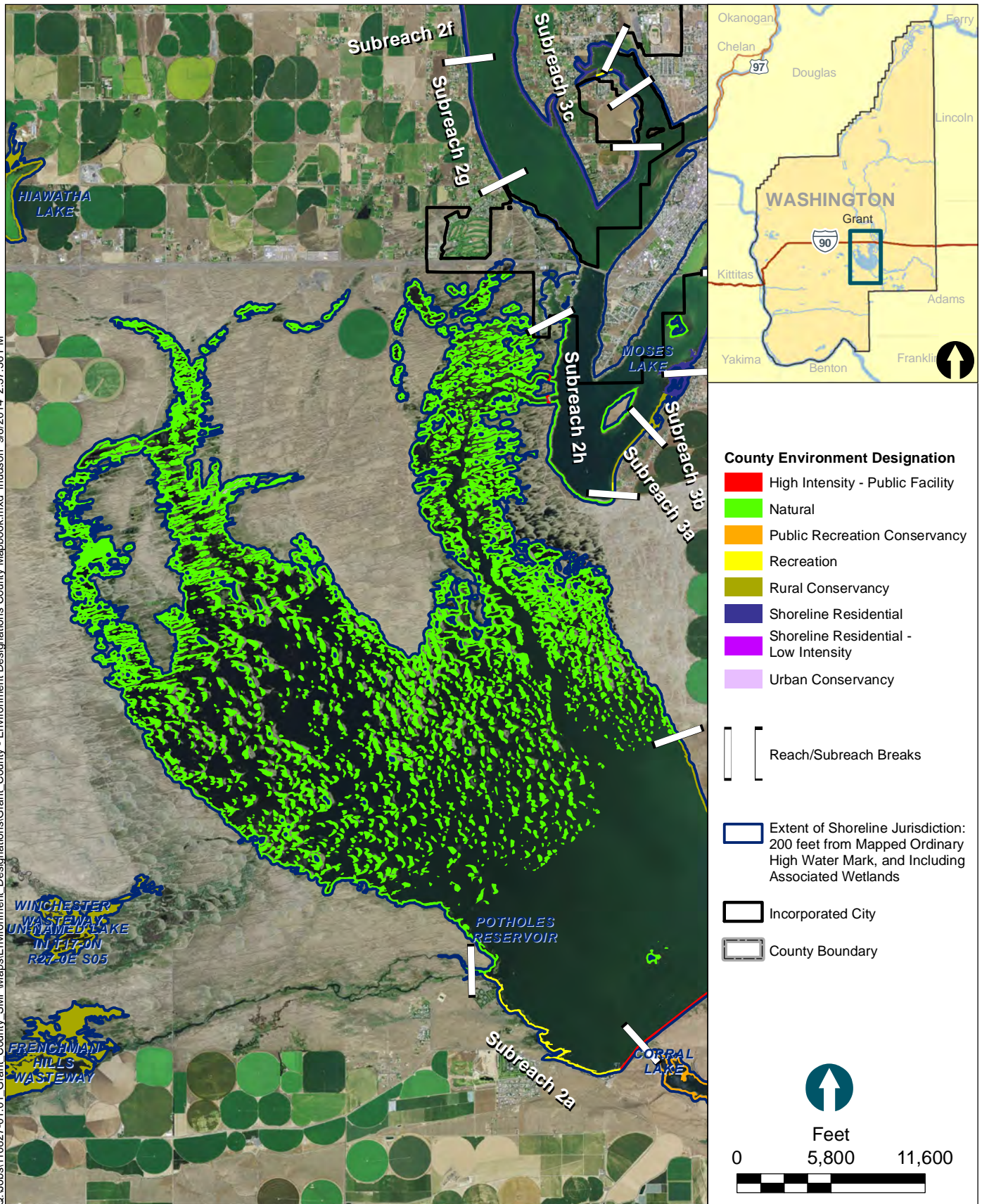


Map 20



Potholes Coulee and Frenchman Coulee Lakes, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

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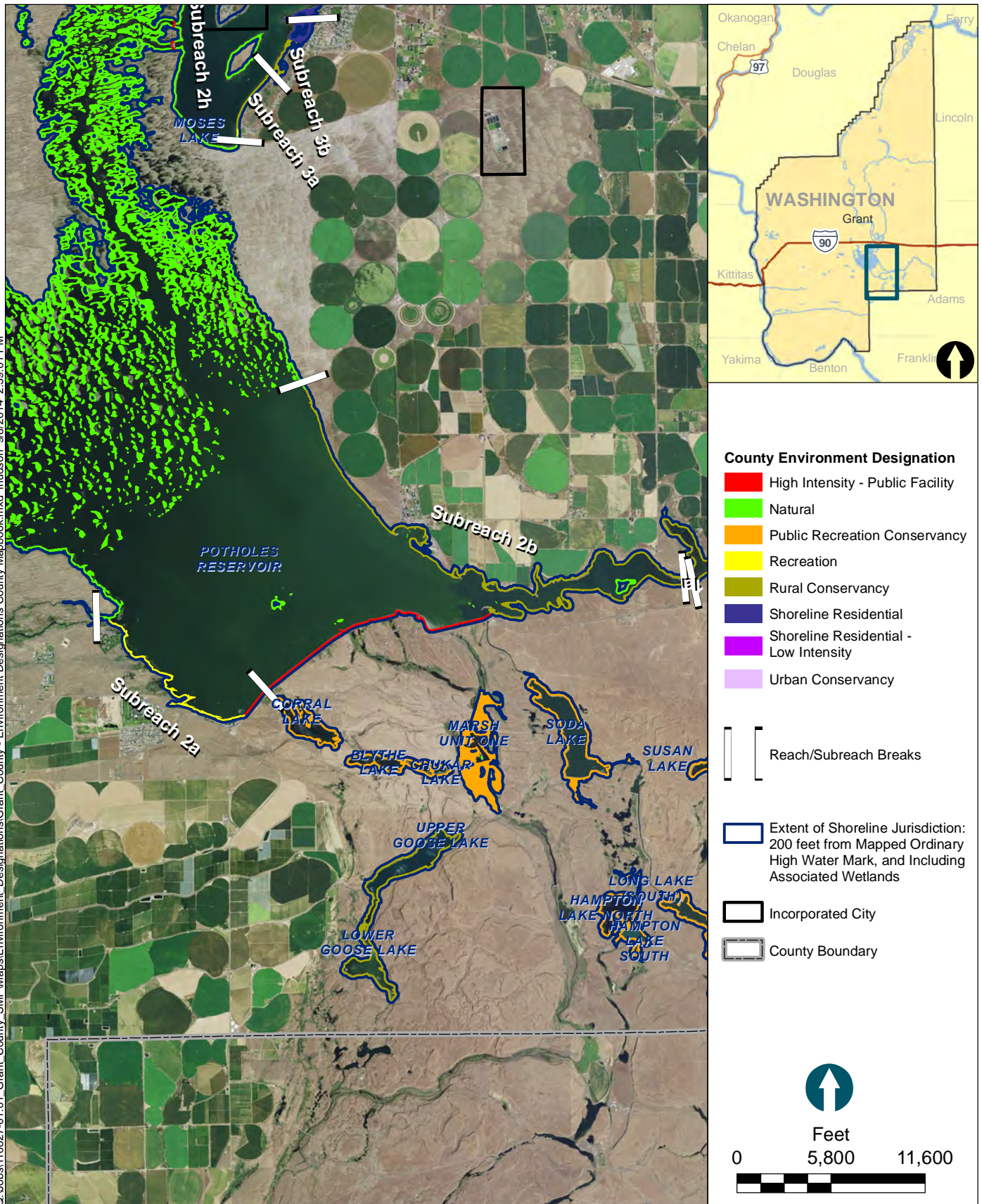


Map 21

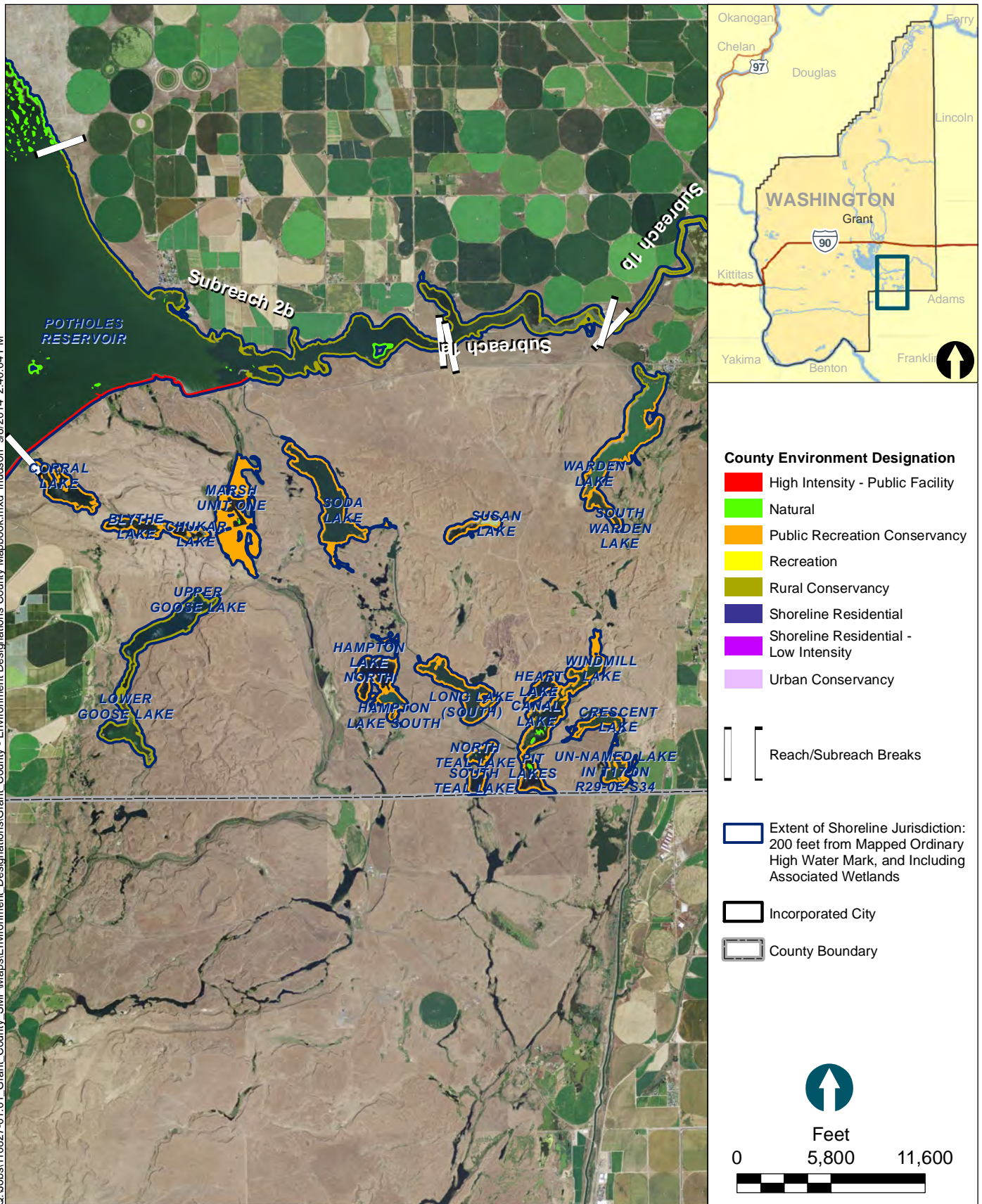
Potholes Reservoir, Reach 1, Environment Designations
Grant County Shoreline Master Program
Grant County, WA



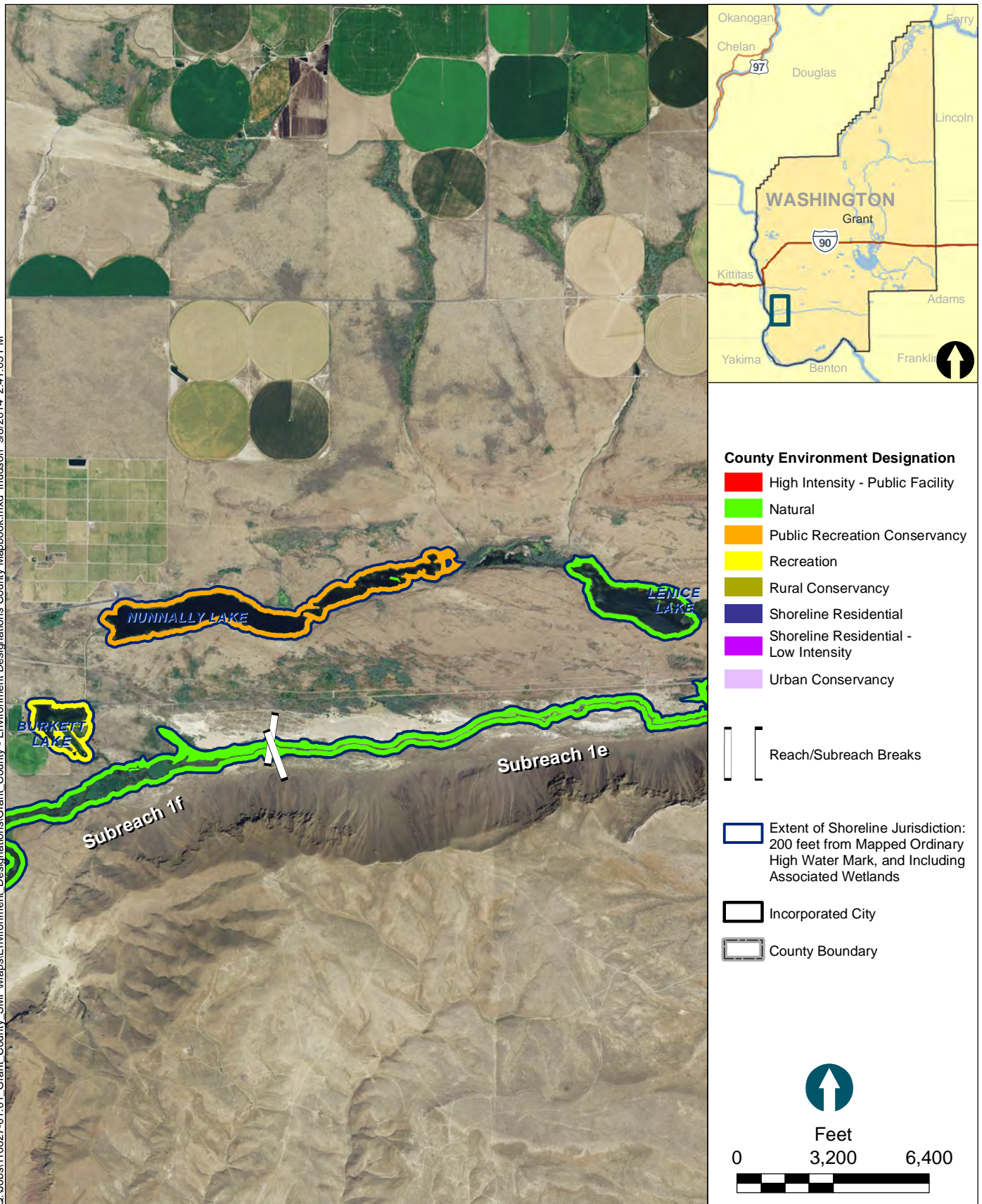
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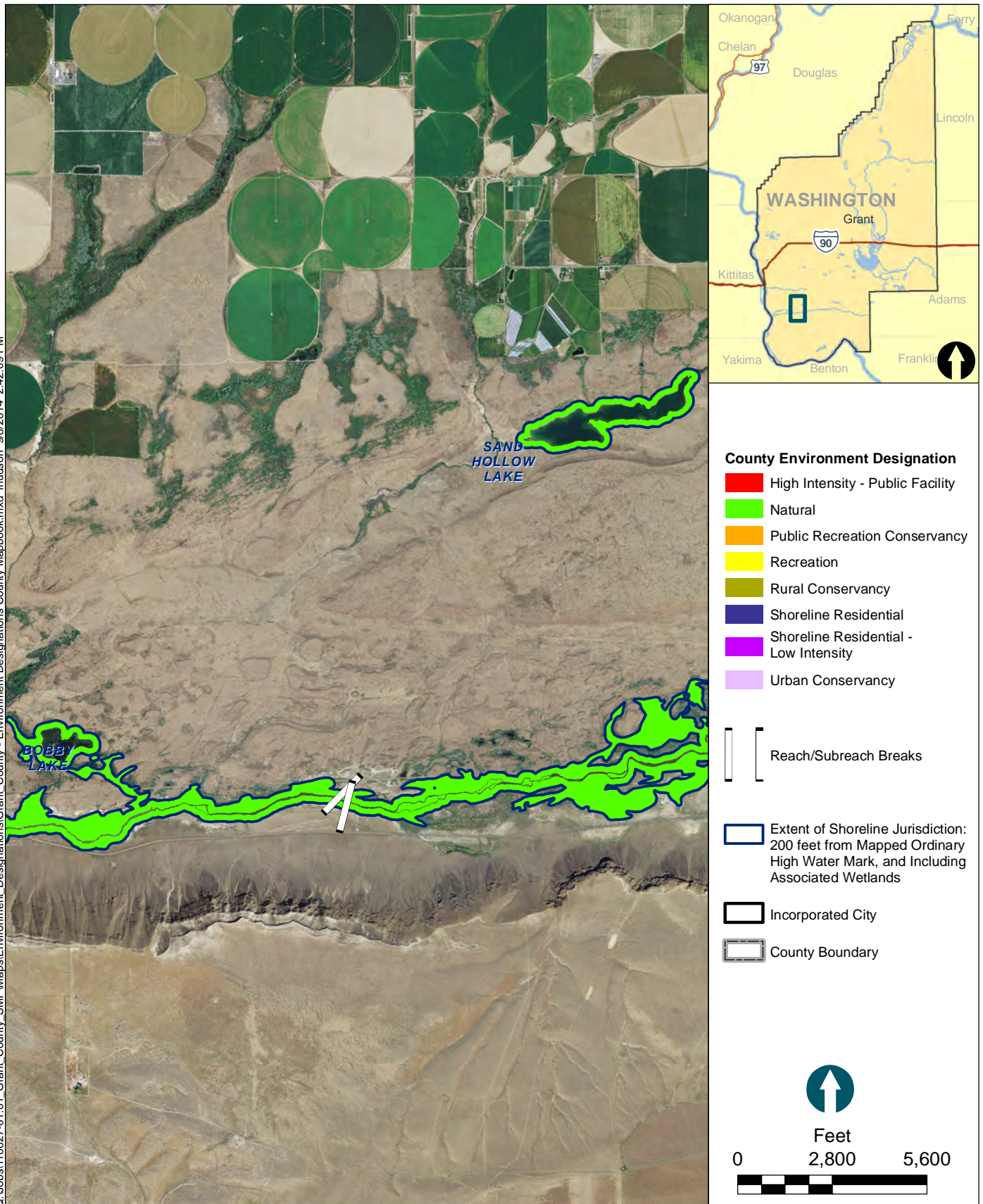
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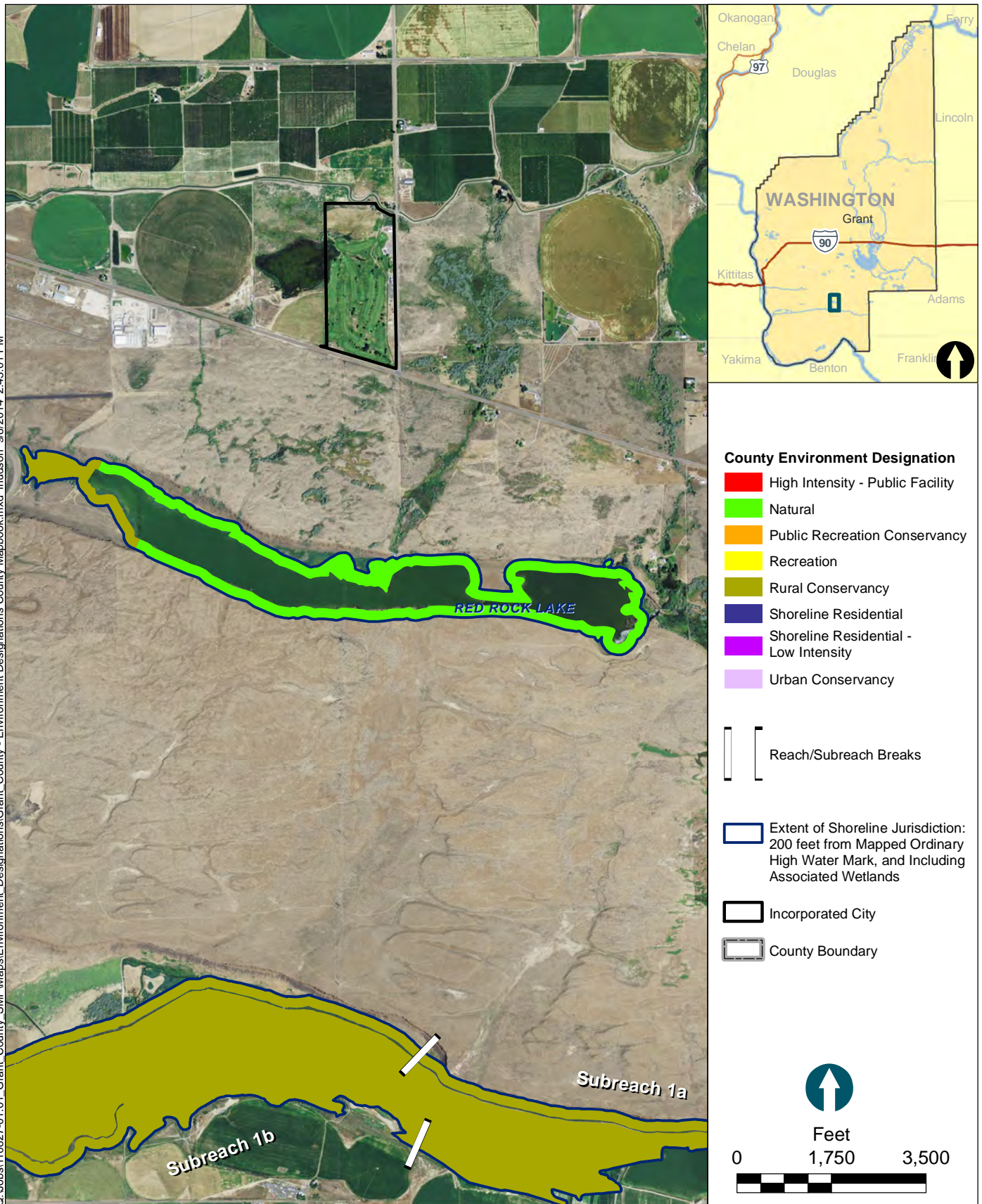
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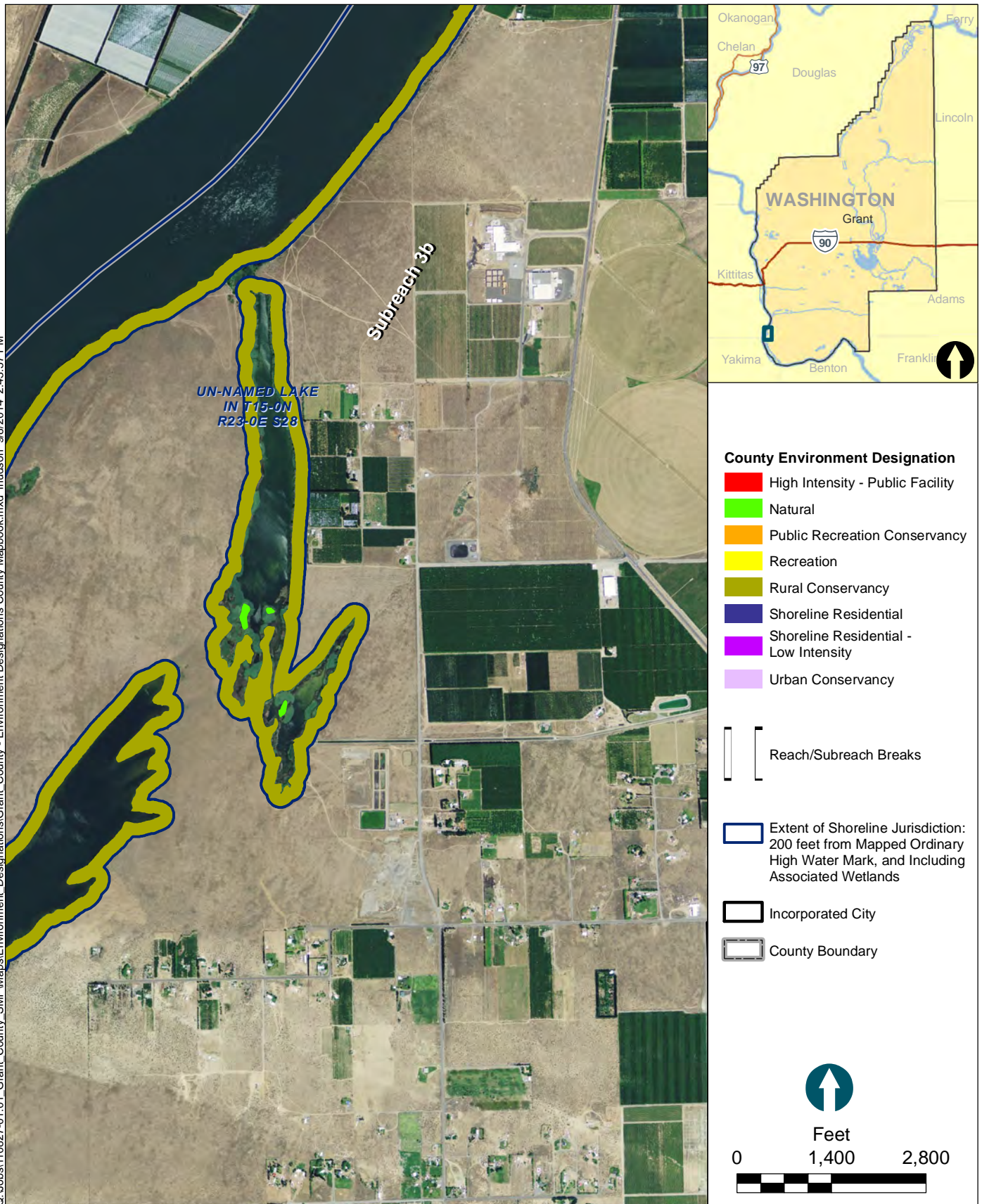
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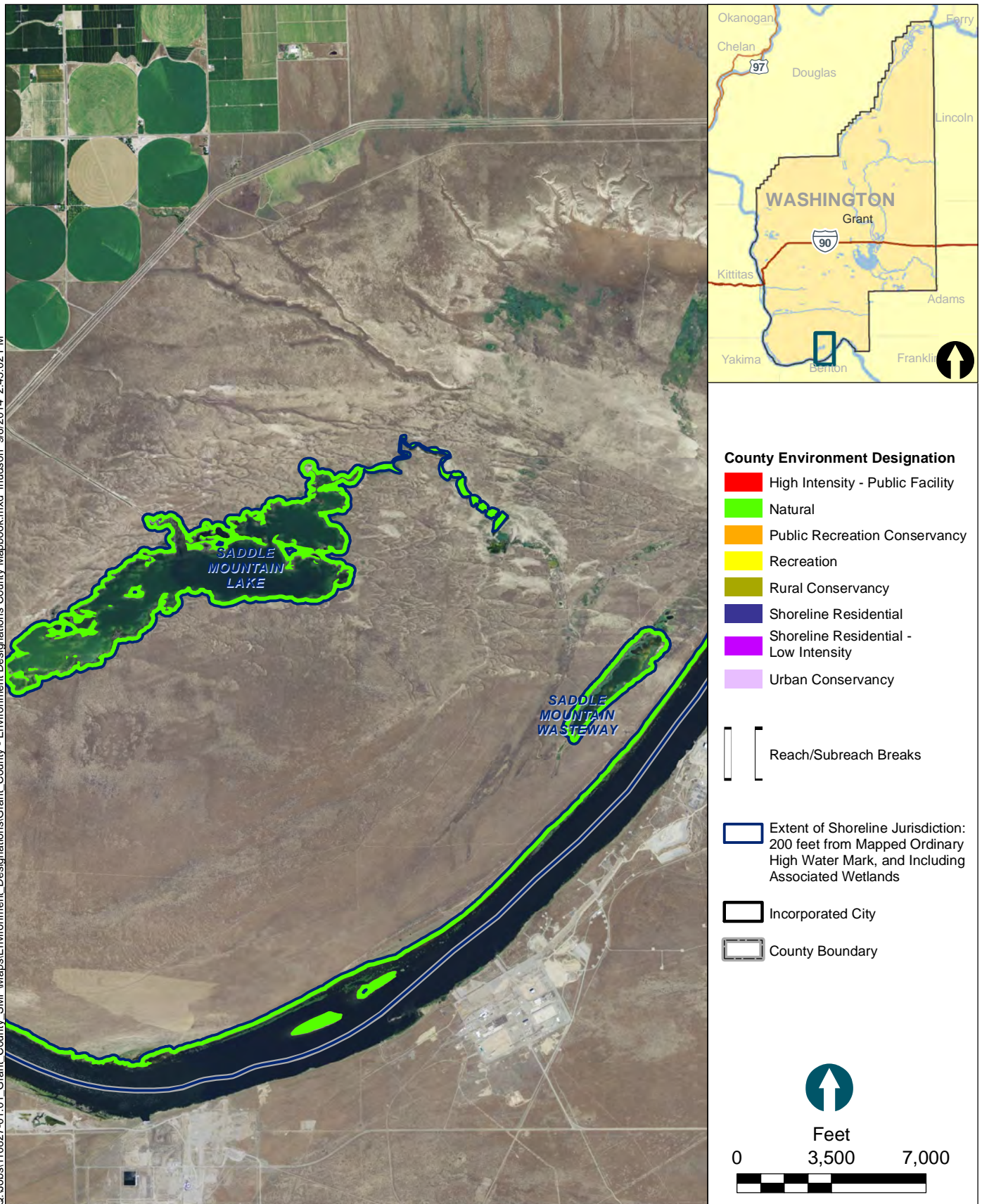
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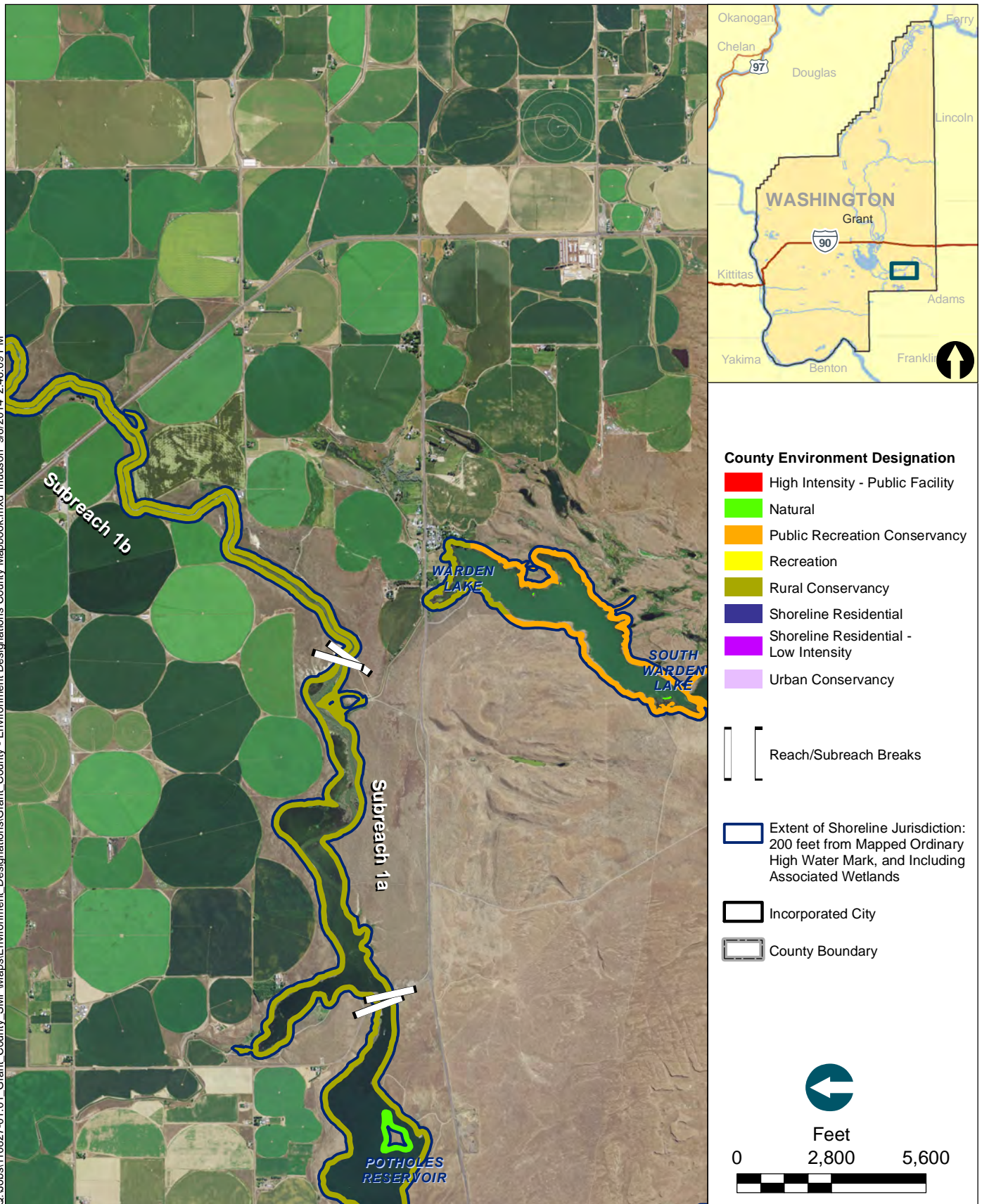
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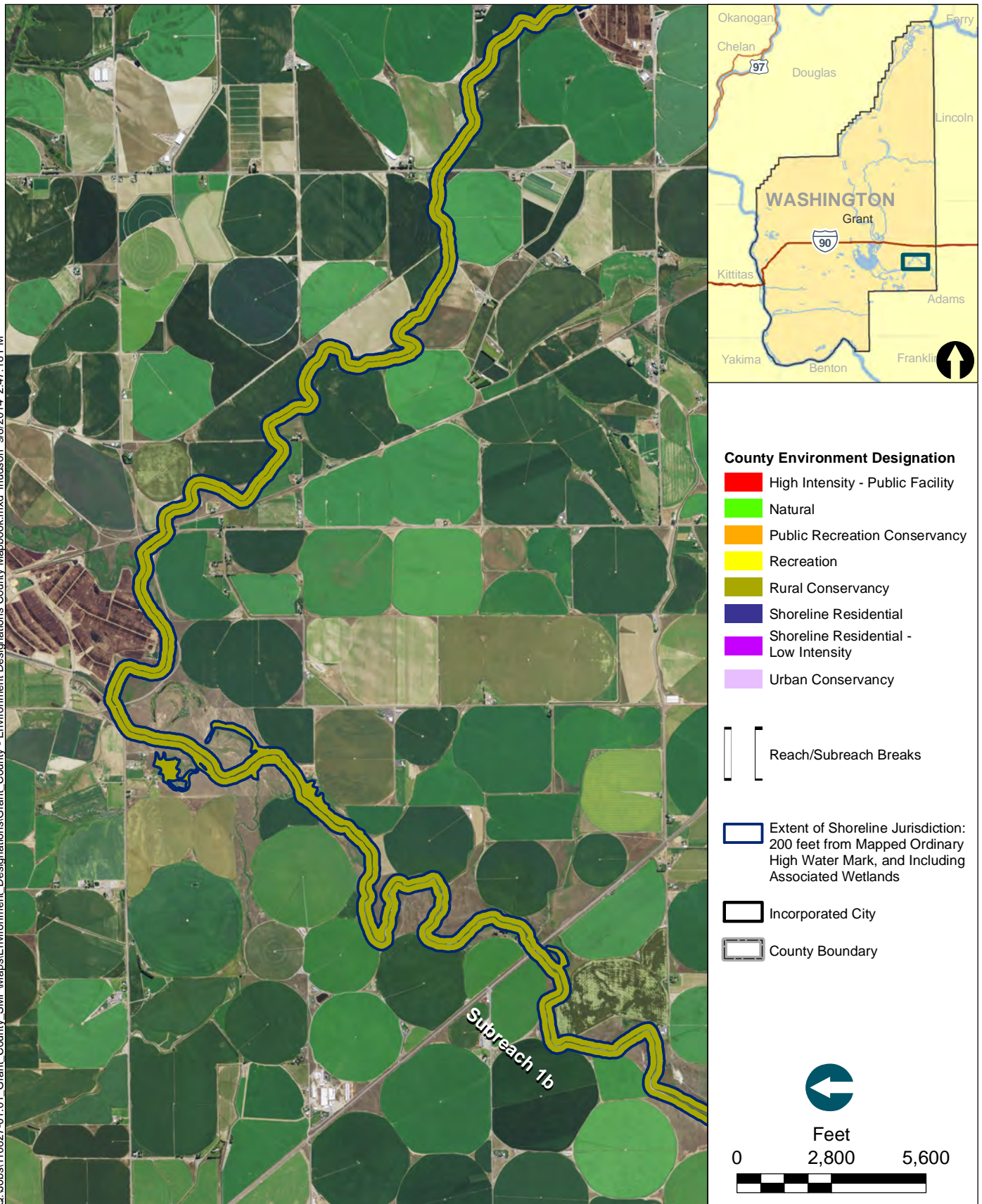
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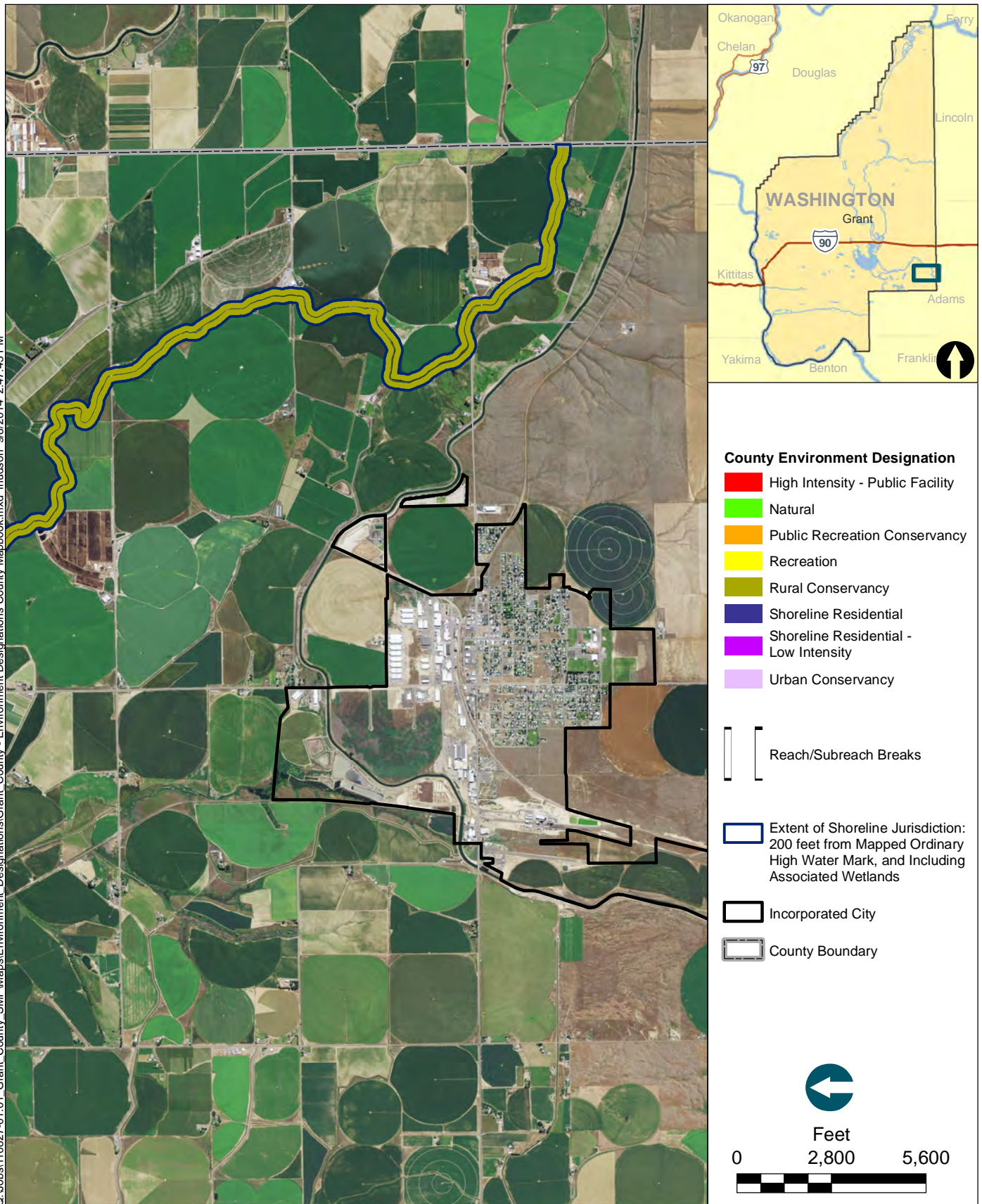
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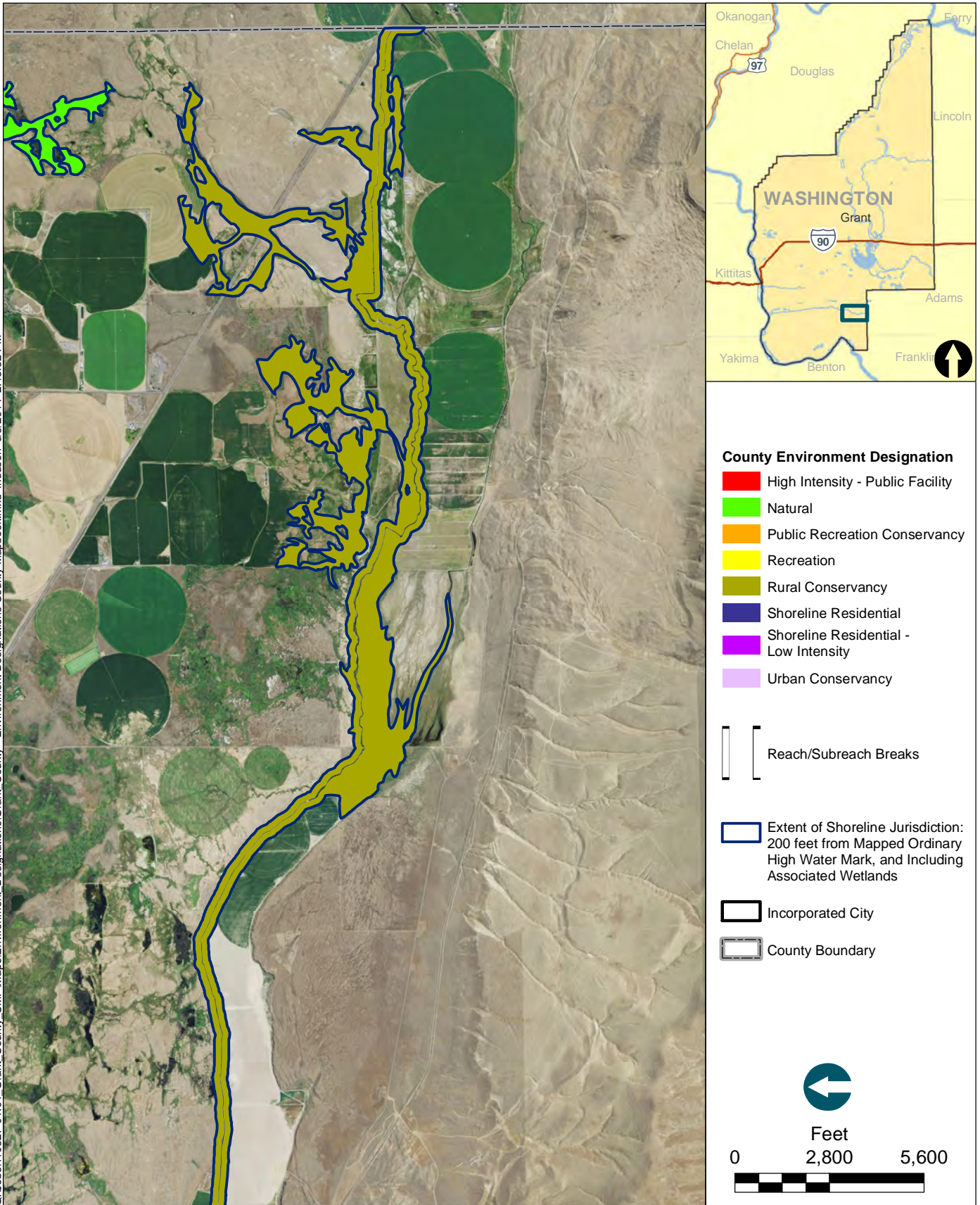
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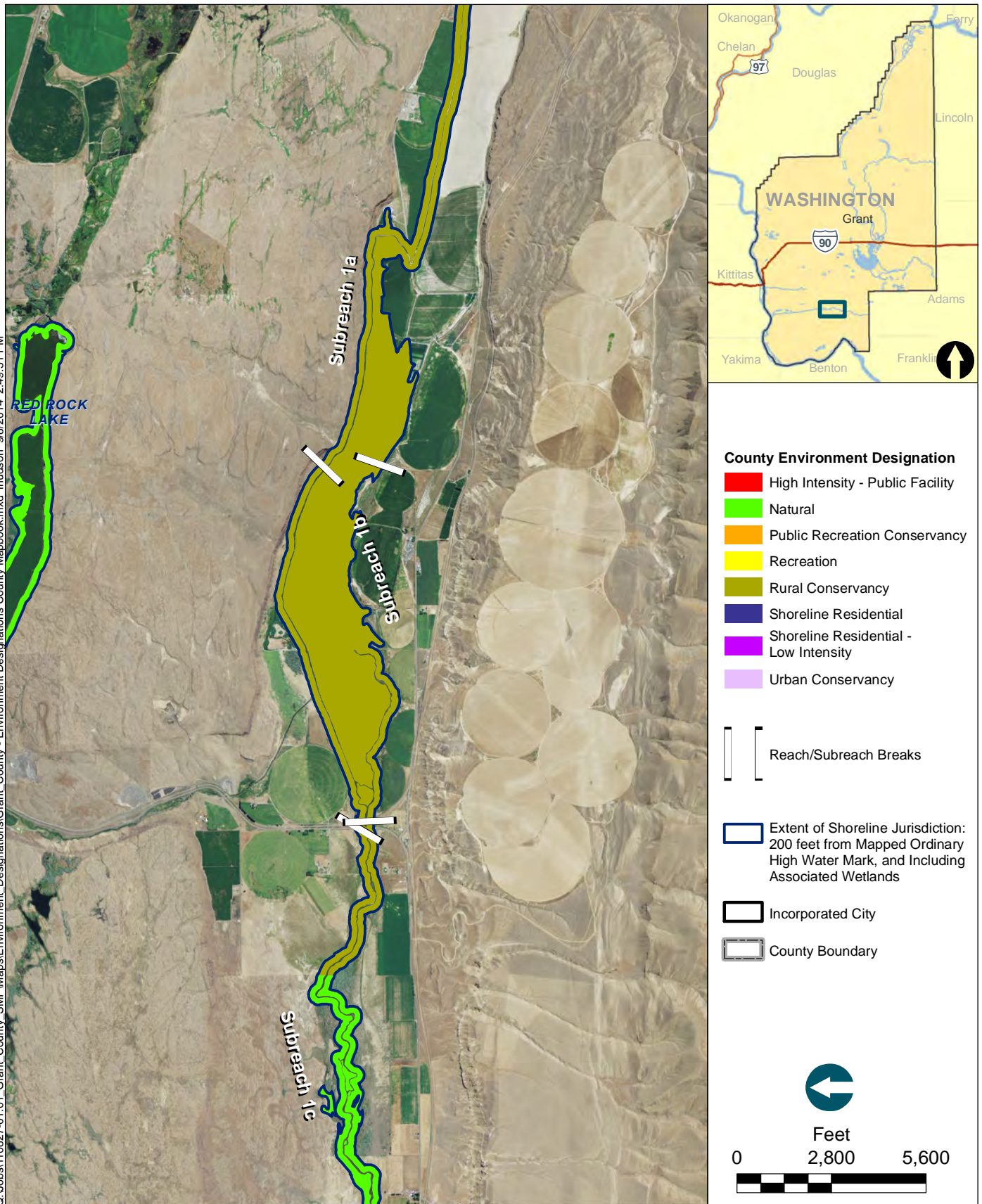
Map 26c

Lind Coulee, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

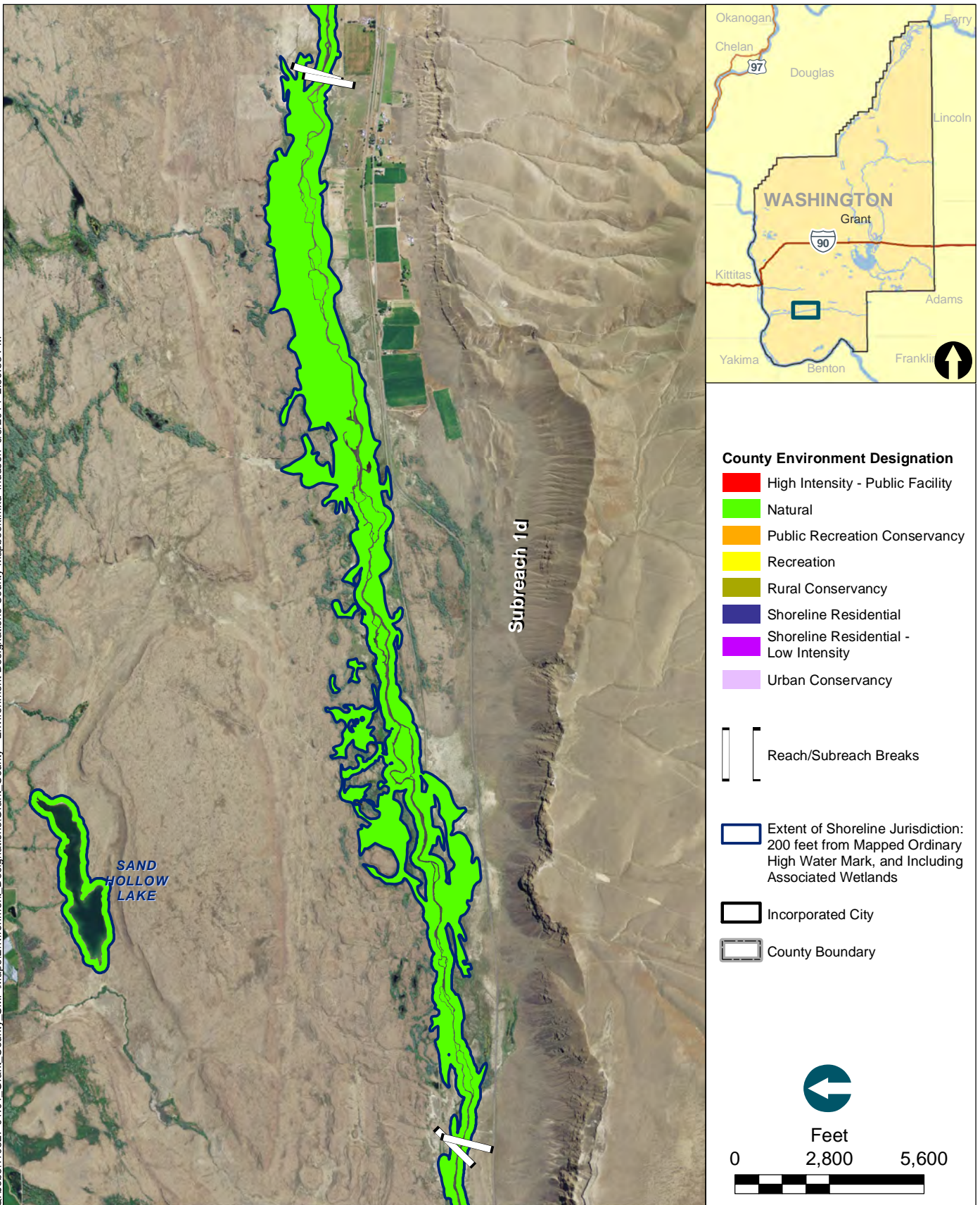
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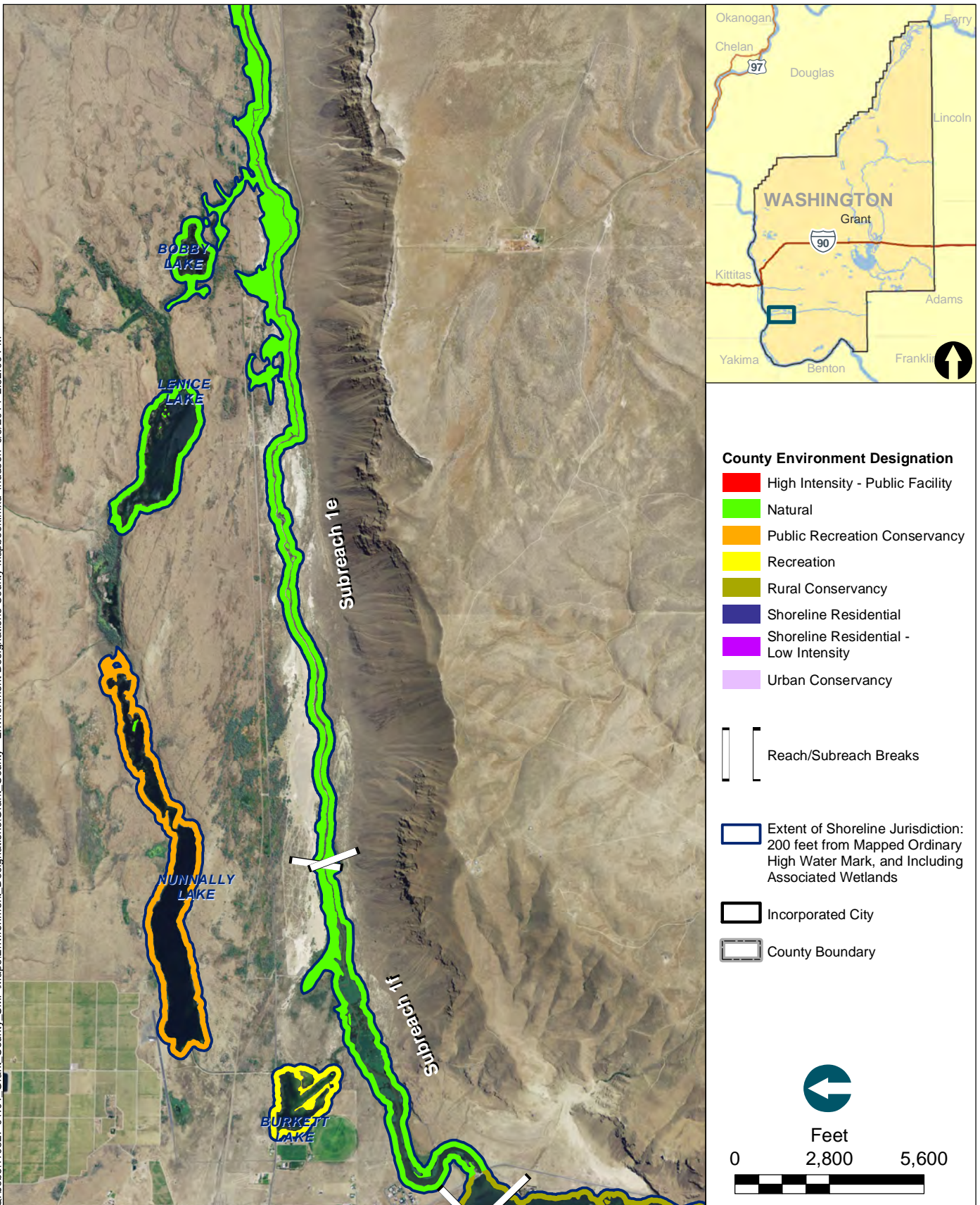
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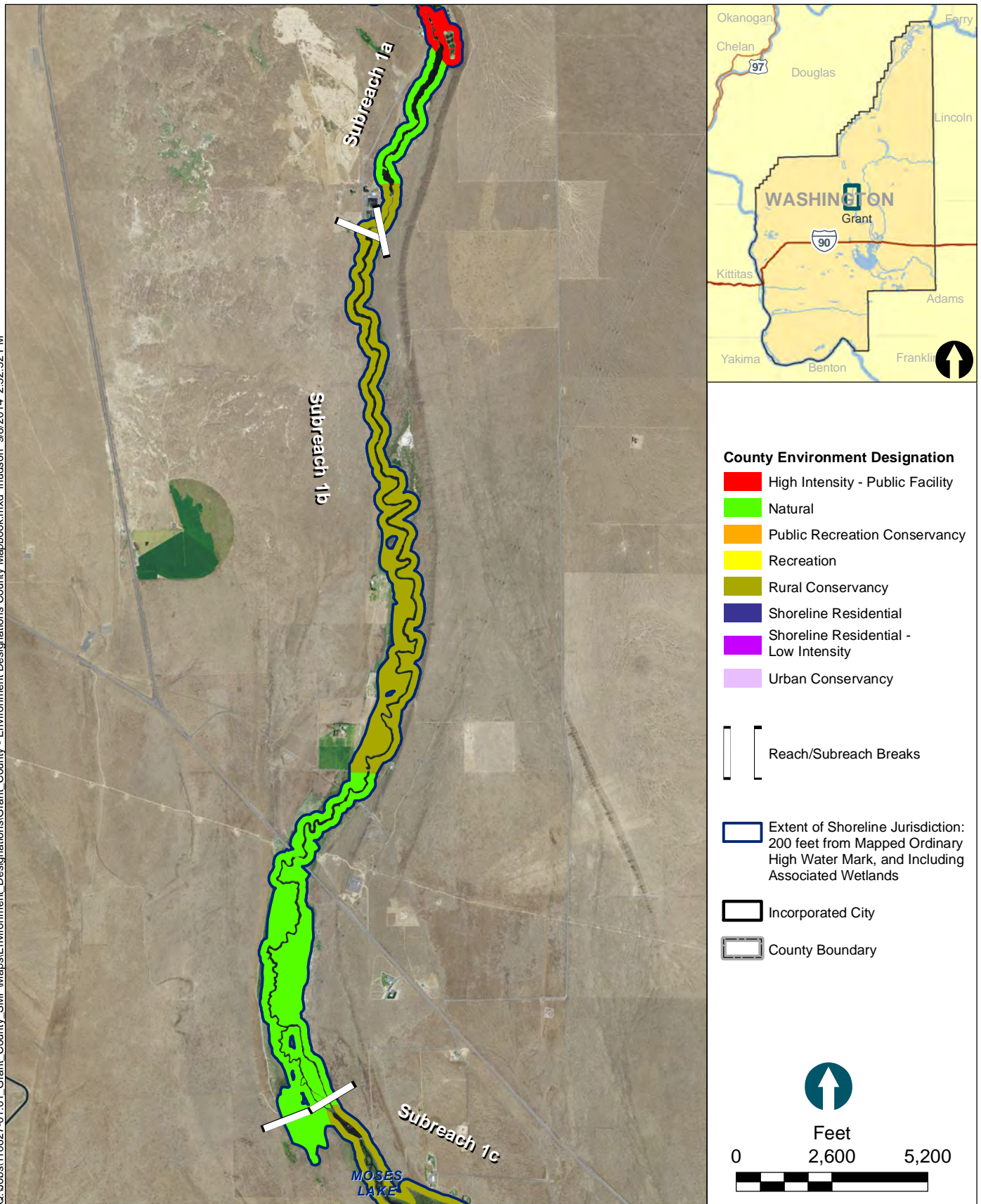
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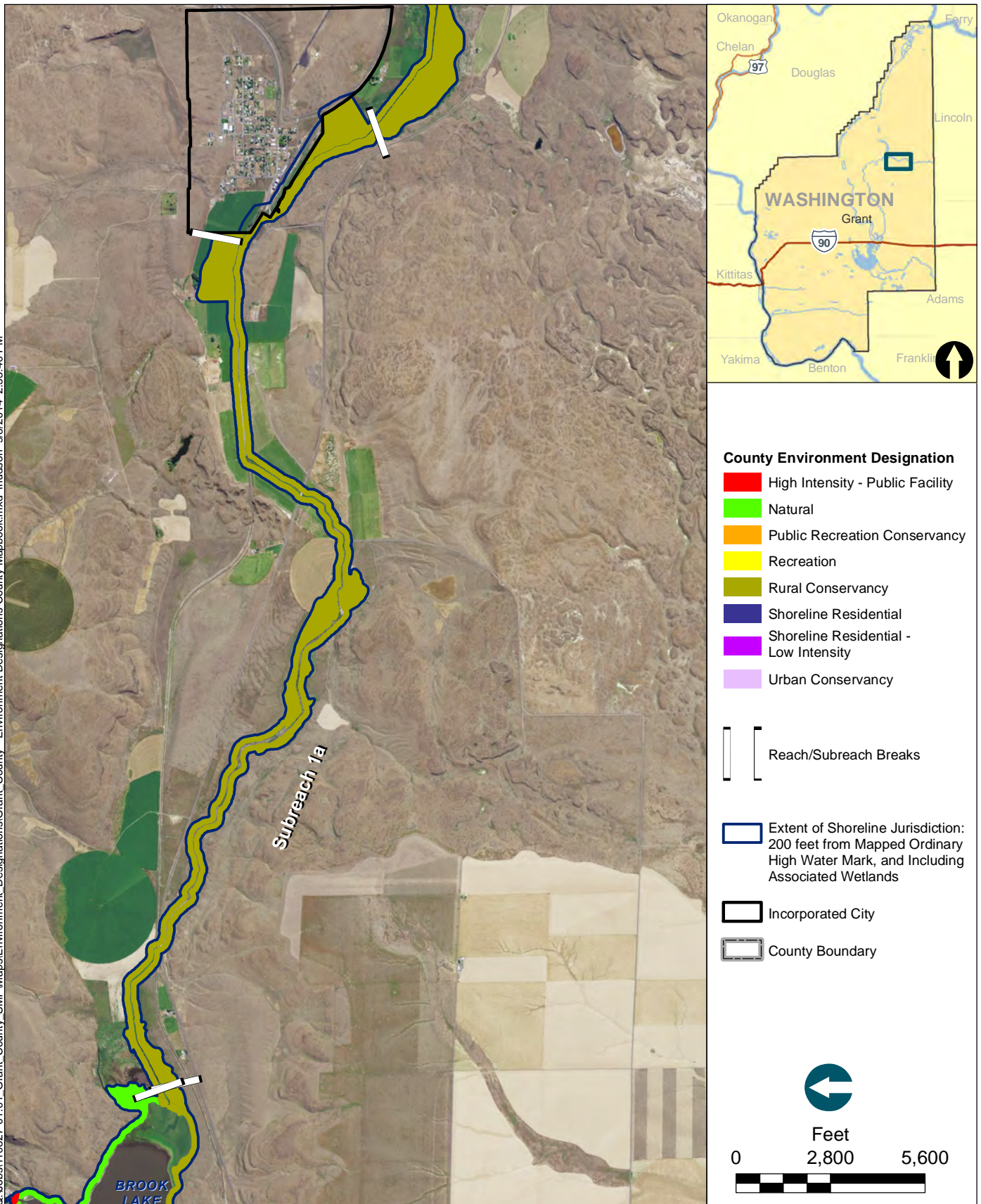
Map 27d

Lower Crab Creek, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

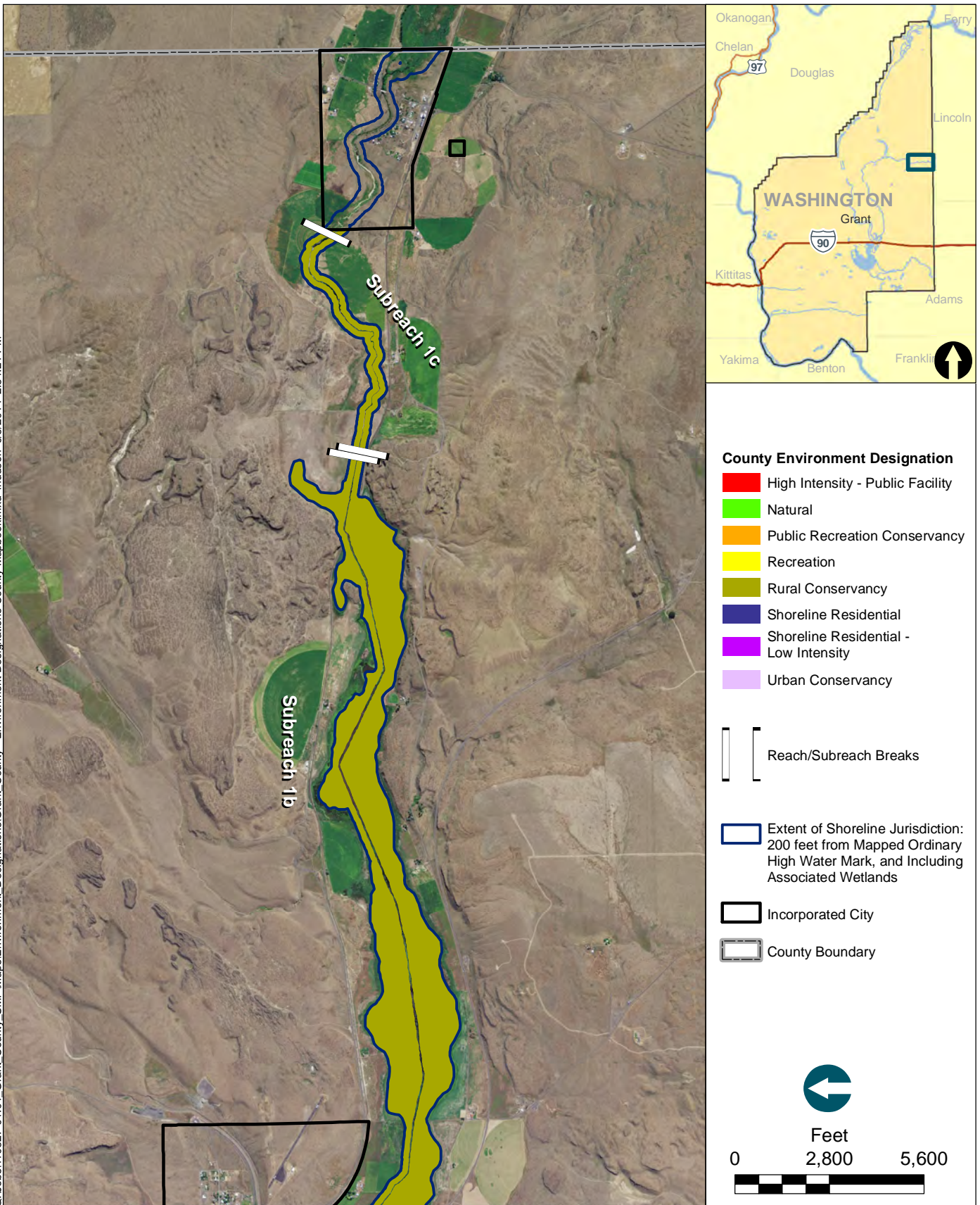
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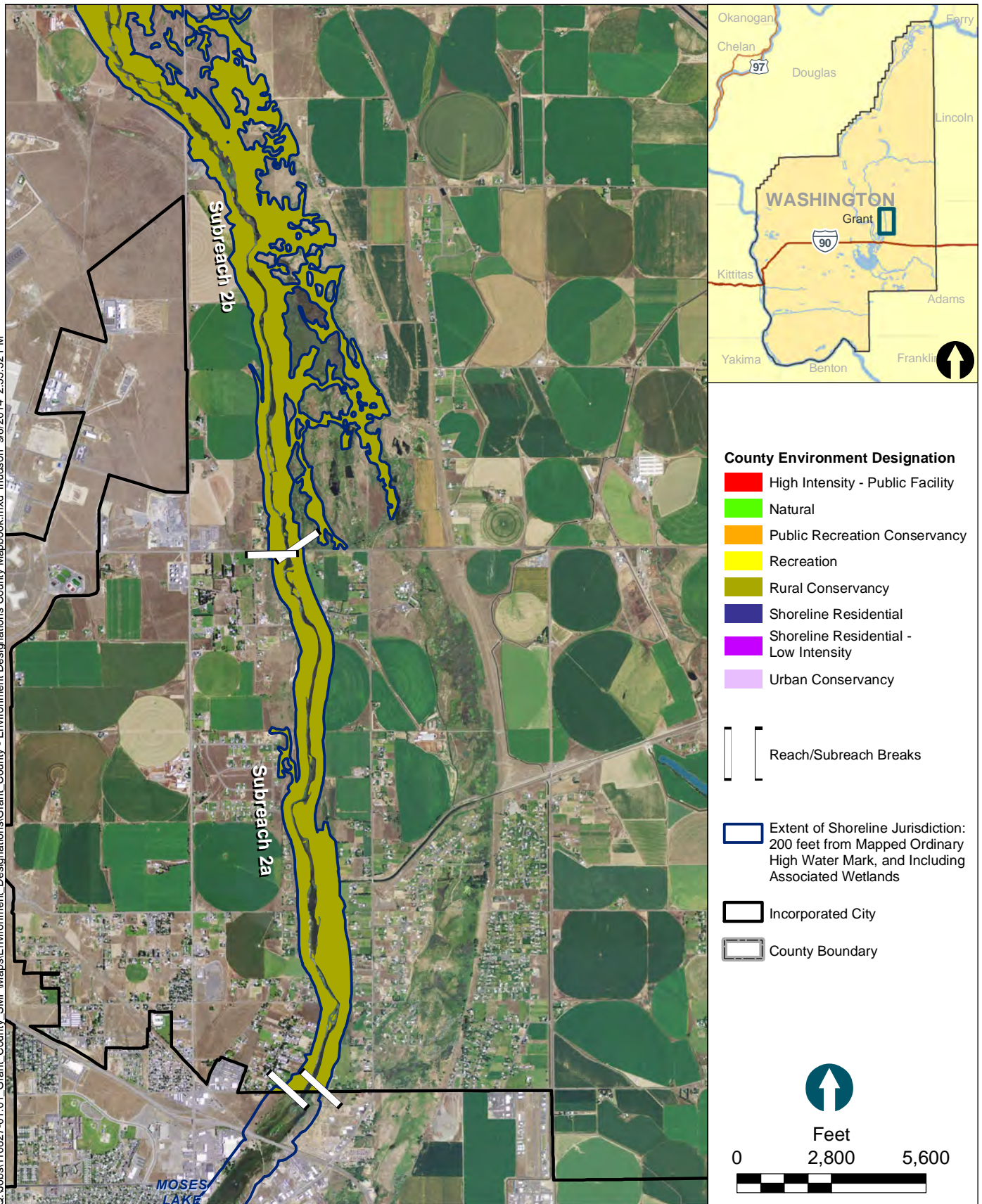
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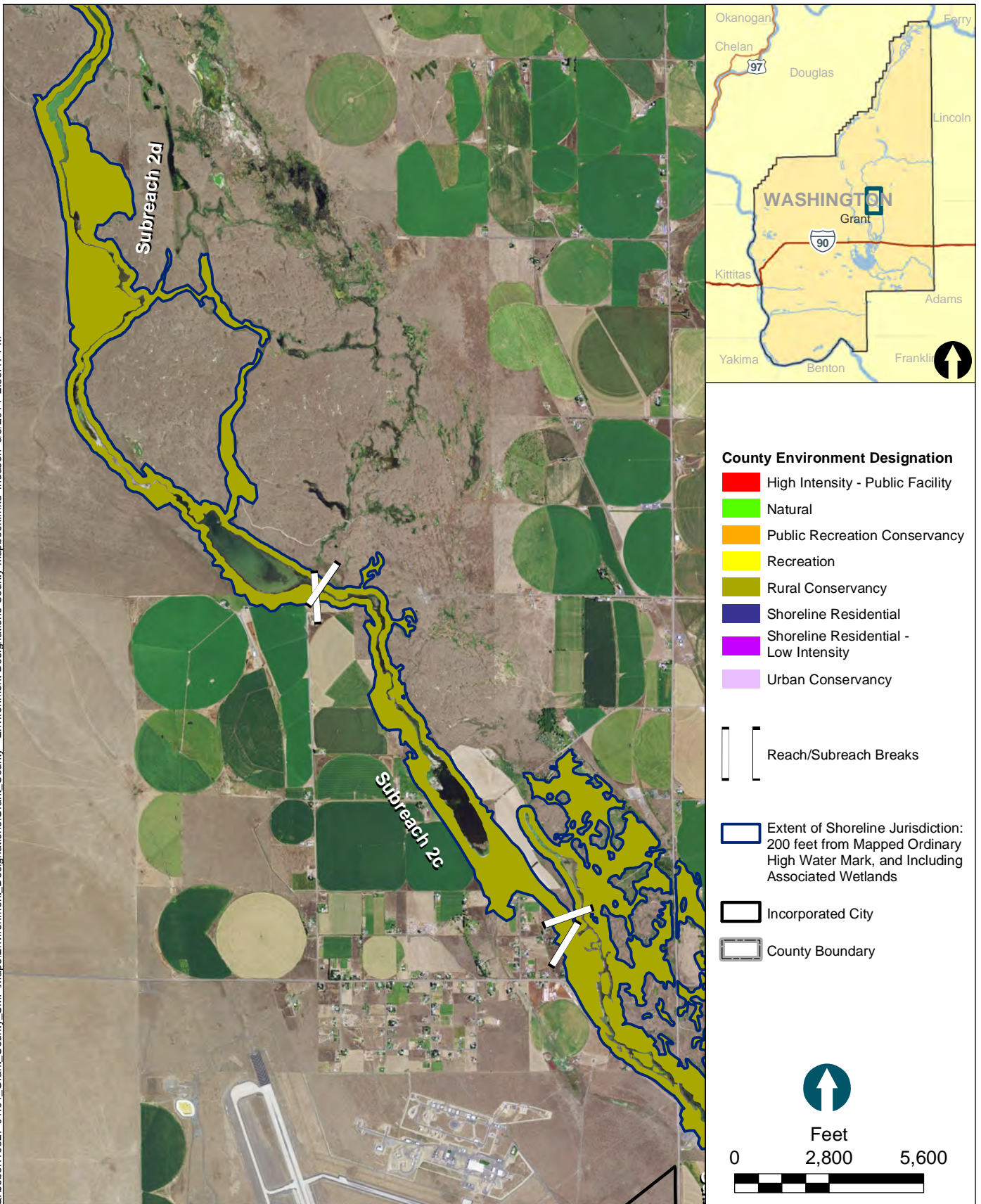
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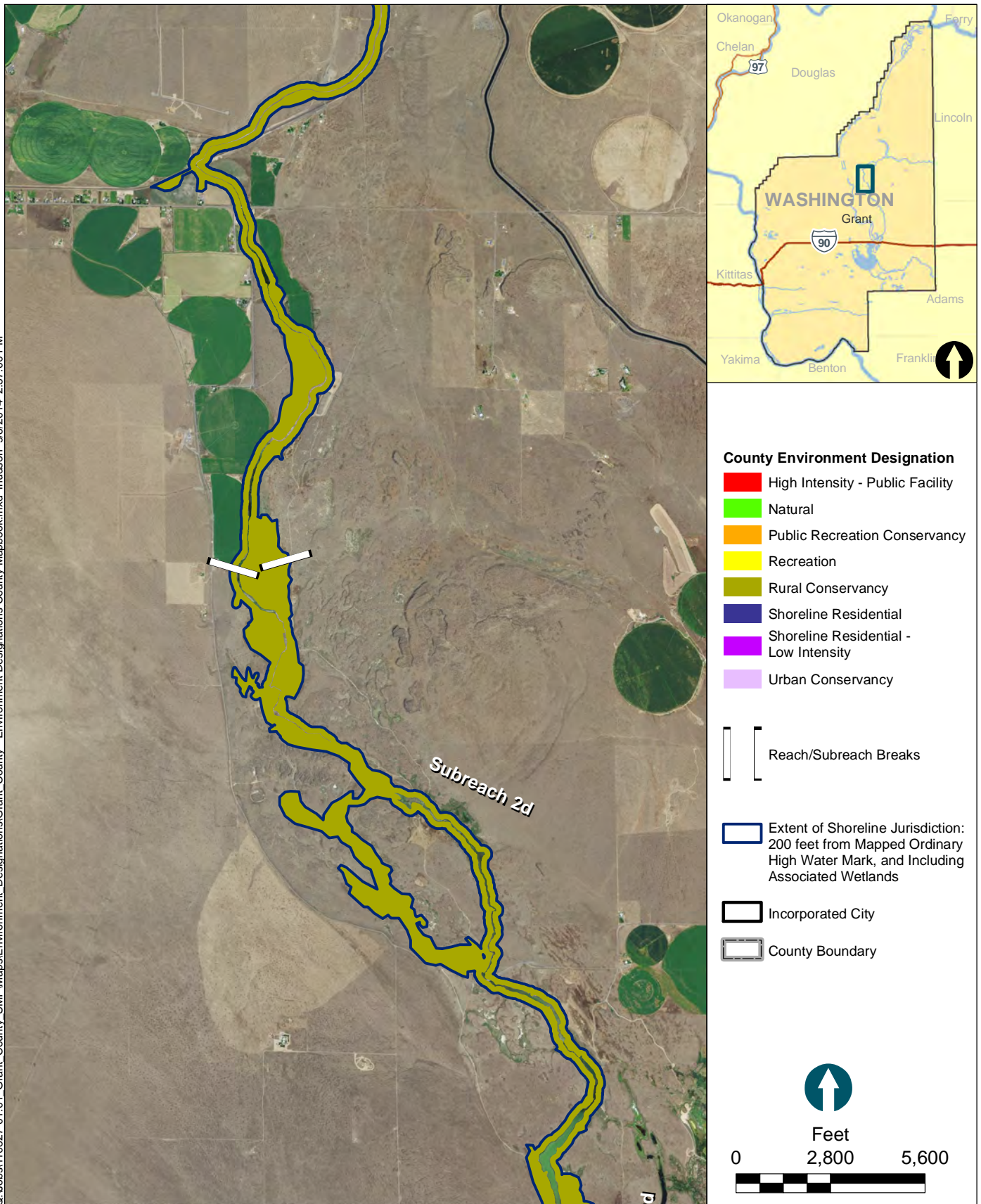
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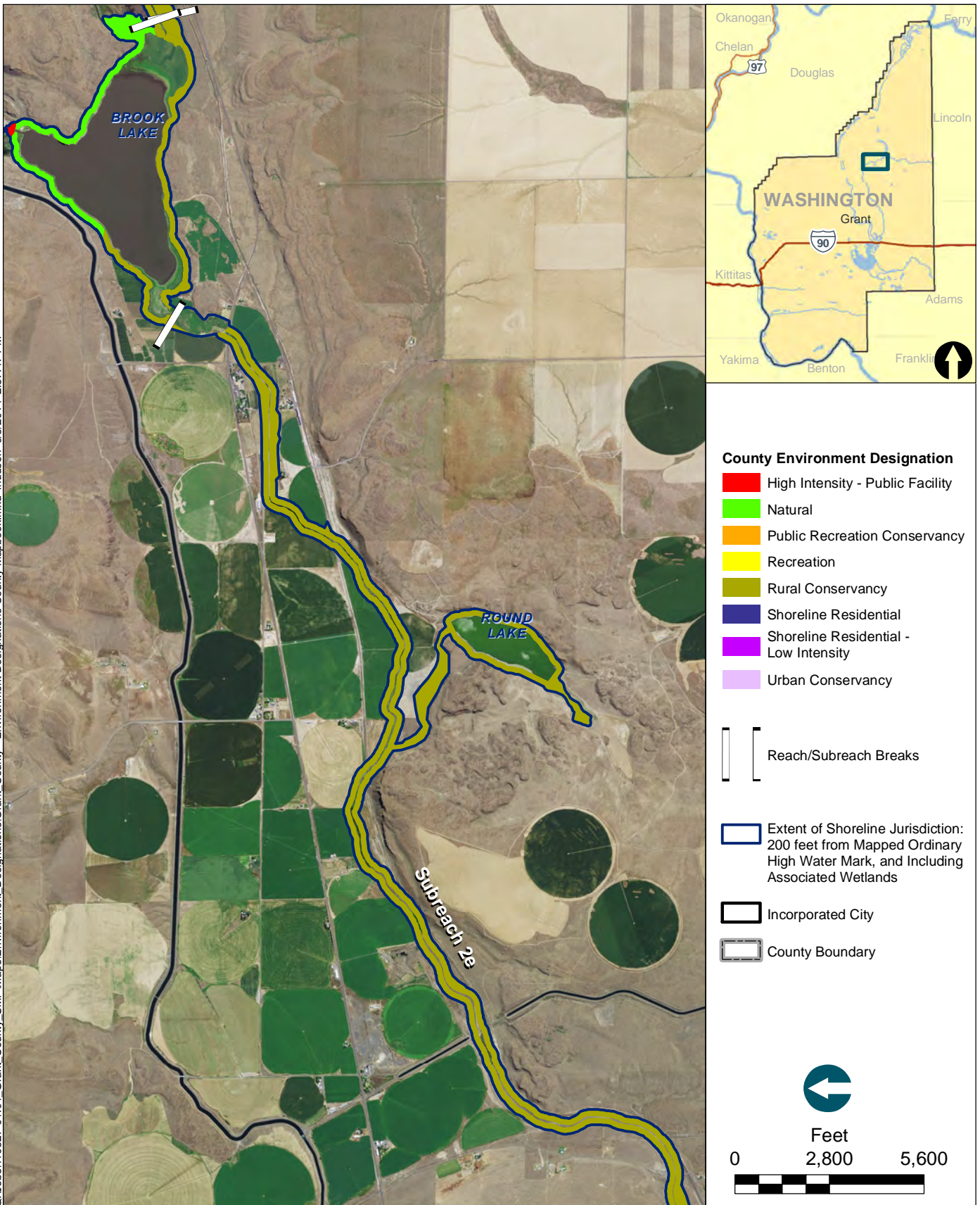
Map 30b

Upper Crab Creek, Reach 2, Environment Designations
Grant County Shoreline Master Program
Grant County, WA

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