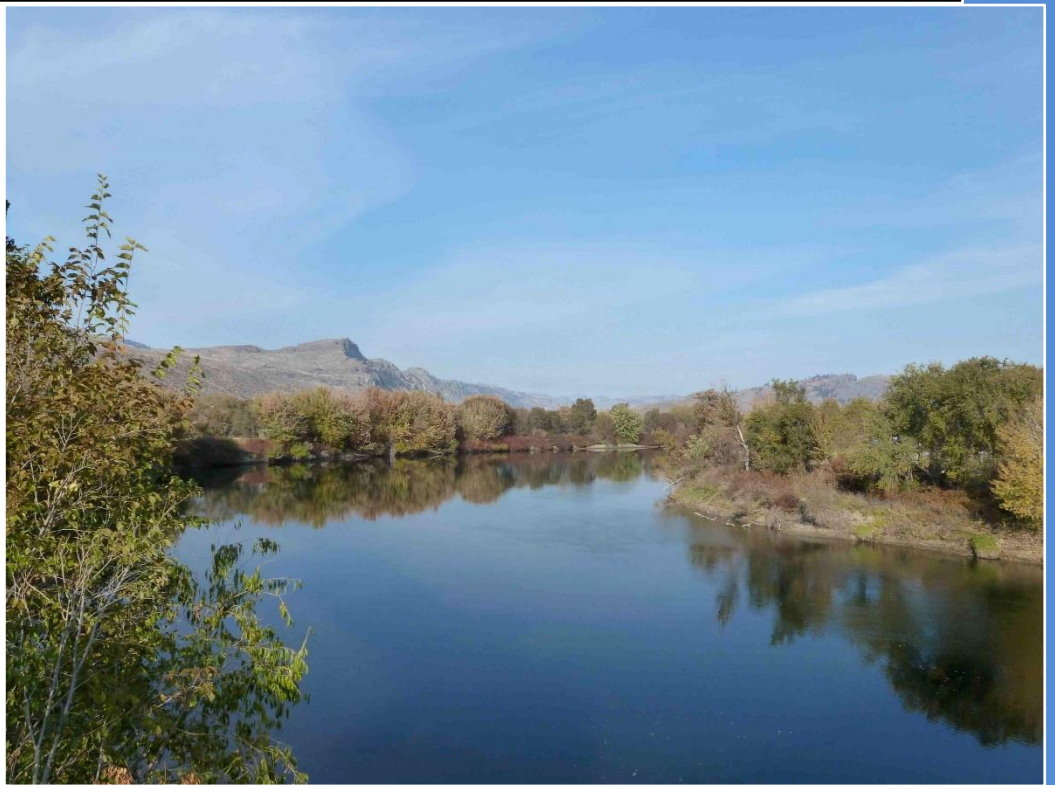


Town of Riverside

Shoreline Master Program



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Table of Contents

| | |
|---|----|
| Chapter 1 – Introduction..... | 4 |
| 1.1 History and Requirements of the Shoreline Management Act | 4 |
| 1.2 Master Program Development and Public Participation..... | 4 |
| 1.3 Purposes of the Shoreline Master Program | 5 |
| 1.4 Legislative Findings and Washington Shoreline Management Policies | 5 |
| 1.5 Organization of this Shoreline Master Program..... | 6 |
| 1.6 Shoreline Master Program Basics | 6 |
| 1.7 Relationship of this Shoreline Master Program to Other Plans..... | 7 |
| 1.8 Title | 7 |
| Chapter 2 - Shoreline Elements – Goals..... | 8 |
| 2.1 Introduction | 8 |
| 2.2 Economic Development Element..... | 8 |
| 2.3 Public Access Element..... | 8 |
| 2.4 Recreation Element | 8 |
| 2.5 Circulation Element..... | 8 |
| 2.6 Shoreline Use Element..... | 9 |
| 2.7 Conservation Element..... | 9 |
| 2.8 Historical/Cultural Element..... | 9 |
| 2.9 Flood Hazard Management | 9 |
| 2.10 Restoration Element | 10 |
| Chapter 3 – Shoreline Environment Designations | 11 |
| 3.1 Introduction | 11 |
| 3.2 Aquatic Environment Designation | 11 |
| 3.3 Conservancy Environment Designation | 12 |
| 3.4 Shoreline Residential Environment Designation | 13 |
| Chapter 4 – General Shoreline Policies and Regulations | 14 |
| 4.1 Introduction | 14 |
| 4.2 General Provisions | 14 |
| 4.3 Miscellaneous Policies and Regulations | 14 |
| 4.4 Public Access Policies and Regulations | 15 |
| 4.5 Vegetation Conservation Policies and Regulations | 17 |
| 4.6 Water Quality Policies and Regulations | 18 |
| 4.7 Archaeological, Cultural, and Historical Policies and Regulations | 18 |

Chapter 5 – Shoreline Designation Policies and Regulations 20

 5.1 Introduction 20

 5.2 Shoreline Uses, Modifications, and Setbacks 20

 5.3 Shoreline Use Policies and Regulations 24

Chapter 6 – Critical Areas in Shoreline Areas 40

 6.1 Critical Areas Definitions 40

 6.2 General Provisions 43

 6.3 Wetland Provisions 45

 6.4 Aquifer Recharge Area Provisions 47

 6.5 Fish and Wildlife Conservation Areas Provisions 48

 6.6 Frequently Flooded Areas Provisions 49

 6.7 Geologically Hazardous Areas Provisions 51

Chapter 7 – Administration Procedures and Enforcement 53

 7.1 Introduction 53

 7.2 Roles and Responsibilities 53

 7.3 Shoreline Permit Requirements 54

 7.4 Shoreline Permit Procedures 58

 7.5 Variance and Conditional Use Permit Criteria 63

 7.6 Time Limits and Amendments to Permits 65

 7.7 Nonconforming Use and Development Standards 66

 7.8 Enforcement and Penalties 67

 7.9 Shoreline Master Program – Review and Amendments 67

 7.10 Severability 67

 7.11 Conflict of Provisions 67

Chapter 8 – Definitions 68

 8.1 Introduction 68

Appendix A – Shoreline Inventory and Characterization

Appendix B – Official Shoreline Map for the Town of Riverside

Appendix C – Restoration Plan

Appendix D – Cumulative Impacts Analysis

1.1 History and Requirements of the Shoreline Management Act

In 1972, the public adopted Washington's Shoreline Management Act (SMA) by referendum “to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.” The SMA has three broad policies:

1. *Encourage water-dependent uses:* “uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...”
2. *Protect shoreline natural resources,* including, “...the land and its vegetation and wildlife, and the water of the state and their aquatic life...”
3. *Promote public access:* “the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and people generally.”

The SMA recognizes that “shorelines are among the most valuable and fragile” of the state's resources. The SMA, and the Town of Riverside, recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the SMA is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the Town is responsible for the following:

1. Development of an inventory of the natural characteristics and land use patterns along shorelines covered by the act.
2. Preparation of a "Master Program" to determine the future of the shorelines.
3. Development of a permit system to further the goals and policies of both the SMA and the local Master Program.
4. Development of a Restoration Plan that includes goals, policies and actions for restoration of impaired shoreline ecological functions.

1.2 Master Program Development and Public Participation

The Town obtained grant number G1400612 from the Washington Department of Ecology (Ecology) in 2013 to prepare a comprehensive Shoreline Master Program (SMP). This plan will be the first SMP prepared by the Town of Riverside. The Town was previously included under a regional SMP prepared by Okanogan County.

The first step of the preparation of the SMP was to inventory the Town's shorelines as defined by the state's SMA (RCW 90.58). The Okanogan River and its associated wetlands comprise the SMA shorelines in the Town. The inventory described existing biological and physical conditions. These conditions were then analyzed and characterized to create a baseline from which future development actions in the

shoreline will be measured. Utilizing the information gathered from the inventory, environmental designations were identified for the different shoreline reaches, and goals, policies, and regulations for each were developed.

The Guidelines require that the Town demonstrate that its updated SMP yields “no net loss” in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP in combination with other regional efforts will ultimately produce a net improvement in shoreline ecological functions.

1.3 Purposes of the Shoreline Master Program

The purposes of this SMP are:

1. To carry out the responsibilities imposed on the Town by the Washington State SMA (RCW Chapter 90-58).
2. To promote the public health, safety, and general welfare, by providing policies and regulations governing the future development of the shoreline resources of the Town.
3. To further, by adoption, the policies of RCW Chapter 90-58, and the goals of this SMP, both which hereafter follow.
4. To comply with the SMP Guidelines (WAC Chapter 173-26), including a particular focus on including regulations and mitigation standards to ensure that development under the SMP will not cause a net loss of ecological functions.

1.4 Legislative Findings and Washington Shoreline Management Policies

The Washington State Legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources, and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.

The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all-reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

1.5 Organization of this Shoreline Master Program

This SMP is divided into eight Chapters:

- Chapter 1: *Introduction* provides general background information on the state SMA; the development of the SMP in the Town; and a general discussion of when and how a SMP is used.
- Chapter 2: *Shoreline Elements – Goals* provides a summary of goals and objectives for the following nine elements: economic, public access, recreation, circulation, shoreline use, conservation, historical/cultural, flood hazard and restoration.
- Chapter 3: *Shoreline Environmental Designations* defines and maps the shoreline jurisdiction in the Town and defines and maps the shoreline environment designations of all the shorelines of the state in the Town. Policies and regulations specific to the three designated shoreline environments (Shoreline Residential, Conservancy, and Aquatic) are detailed in this chapter.
- Chapter 4: *General Shoreline Policies and Regulations* sets forth the general policies and regulations that apply to uses, developments, and activities in all shoreline areas of the Town.
- Chapter 5: *Shoreline Designation Policies and Regulations* sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: agriculture, commercial development, boating facilities, mining, signs, residential development, recreational development, shoreline modifications, transportation facilities, utilities, and historic, scientific and cultural features.
- Chapter 6: *Critical Areas in Shoreline Areas* provides policies and regulations for critical areas located in the Town's shoreline jurisdiction, as defined by RCW 36.70A.030.
- Chapter 7: *Administration Procedures and Enforcement* provides the system by which the Town's SMP will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.
- Chapter 8: *Definitions* defines terms found in this document.

1.6 Shoreline Master Program Basics

The Town's SMP is a planning document that outlines goals and policies for the shoreline of the Town and establishes regulations for development occurring in that area.

In order to preserve and enhance the shoreline of the Town, it is important that all development proposals relating to the shoreline area be evaluated in terms of the Town's SMP, and that the Town Shoreline Administrator, as appointed by the Mayor, be consulted. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit application or variance application. All proposals must comply with the policies and regulations established by the state SMA as expressed through this local SMP adopted by the Town, regardless of whether a permit is required.

The SMA defines for local jurisdictions the content and goals that should be represented in the SMPs developed by each community; within these guidelines, it is left to each community to develop the specific

regulations appropriate to that community. Under the SMA, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

The Town has designated its shorelines under three shoreline environments: Shoreline Residential, Conservancy, and Aquatic. These environments are described in Chapter 3: Shoreline Environment Designations. A description and map of the area within the jurisdiction of this SMP is also included in this Chapter, as well as in the Shoreline Inventory and Characterization report found in Appendix A.

Persons proposing any shoreline development, land use, or other projects in the shoreline area must consult with the Town's Shoreline Administrator to determine how the proposal is addressed in the SMP.

The Town's Shoreline Administrator will determine if a proposal is exempt from a Shoreline Substantial Development Permit (i.e. qualifies for a Shoreline Exemption), as well as provide information on the permit application process.

Requests for a variances, conditional use permits, and substantial development permits require review and recommendation by the Town's Shoreline Administrator, with the decision by the Town Council. Requests for conditional uses and variances also require final approval by Ecology. A description of exempt projects, shoreline application procedures and criteria are discussed in Chapter 7: Administration Procedures and Enforcement.

1.7 Relationship of this Shoreline Master Program to Other Plans

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations, which may also be applicable to such development or use.

Proposals must also comply with any regulations developed by the Town to implement its plans, as well as regulations relating to building construction and safety.

At the time of a permit application or an initial inquiry, the Town's Shoreline Administrator should inform the applicant of those regulations and statutes which may be applicable to the best of the administrator's knowledge; provided, that the final responsibility for complying with such other statutes and regulations shall rest with the applicant.

1.8 Title

This document shall be known and may be cited as the Town of Riverside's Shoreline Master Program or SMP. This document may refer to itself as the "SMP".

2.1 Introduction

As required by the Shoreline Management Act in RCW 90.58.100, the following elements have been considered in the preparation of this SMP for the Town of Riverside: Economic Development, Public Access, Recreation, Circulation, Shoreline Use, Conservation, Historical/Cultural Resources, Flood Hazard Management and Restoration. The goals and objectives established for these elements provide the basis for policies and regulations included under the general and specific use requirements of this SMP.

2.2 Economic Development Elements

A. Goal

1. Provide for economically productive uses that are particularly dependent on their shoreline location or use.

B. Objective

1. Plan for economic activity that is water-dependent, water-related, or that provides an opportunity for a substantial number of people to enjoy the shoreline (water-enjoyment).

2.3 Public Access Element

A. Goal

1. Increase public access to publicly owned areas of the shoreline, and preserve and enhance shoreline views.

B. Objectives

1. To provide for public access to publicly owned shoreline areas, except where deemed inappropriate due to safety hazards, inherent security problems, environmental impacts, or conflicts with adjacent uses.
2. Preserve and enhance shoreline views.

2.4 Recreation Element

A. Goal

1. Provide for the preservation and enlargement of public and private recreational opportunities and recreational facilities along the shoreline, including but not limited to, parks, boat ramps, and other recreational areas, wherever appropriate.

B. Objective

1. To develop public and private recreation opportunities that are compatible with adjacent uses and that protect the shoreline environment.

2.5 Circulation Element

A. Goal

1. Provide for a safe and adequate circulation system including existing and proposed major thoroughfares, transportation routes and other public utilities and facilities within the shoreline jurisdiction that benefits permitted uses without degrading the environment or aesthetic values of the area.

B. Objective

1. To ensure that uses permitted in shorelines areas are designed and conducted in such a manner that any interference with the public's use of the water and shoreline is minimized, as much as is practical.

2.6 Shoreline Use Element

A. Goal

1. Ensure that the overall design of land use patterns will locate activity and development in areas of the shoreline that will be compatible with adjacent uses and will be sensitive to existing shoreline environments, habitat, and ecological systems.

B. Objective

1. To promote the best possible pattern of land and water uses consistent with the Shoreline Management Act of 1971.

2.7 Conservation Element

A. Goal

1. Preserve, protect, and restore the natural resources of the shoreline, including but not limited to scenic vistas, aesthetics, and vital riparian areas for fisheries and wildlife protection.

B. Objectives

1. Through the use of best available science, develop and implement siting criteria, design standards, and best management practices that will ensure the long term enhancement of unique shoreline features, natural resources, and fish and wildlife habitat.
2. To designate and develop areas where there is an opportunity to restore, enhance, and conserve the natural shoreline for the benefit of fish and wildlife habitat.

2.8 Historical/Cultural Element

A. Goal

1. Identify, preserve, protect, and restore shoreline areas, buildings, and sites having historical, cultural, educational, or scientific values.

B. Objectives

1. To ensure the recognition, protection, and restoration of shoreline areas that have historical and or cultural value to the Town of Riverside.
2. To ensure the recognition, protection, and restoration of shoreline areas that have educational or scientific values to the Town of Riverside.

2.9 Flood Hazard Management

A. Goal

1. Protect the Town of Riverside from losses and damage created by flooding.

B. Objectives

1. To seek regional solutions to flooding problems through coordinated planning with state and federal agencies, other appropriate interests, and the public.

2. To ensure that flood hazard protection projects have a positive environmental benefit that emphasizes long-term solutions over short-term solutions.

2.10 Restoration Element

A. Goal

1. To protect and improve water quality, reduce the impacts of flooding events, preserve natural areas, vegetation, and preserve and restore habitat functions.

B. Objective

1. The degraded processes of the Riverside Shoreline will be restored to the extent that a net improvement to the shoreline ecosystem is obtained to benefit water quality, vegetation, wildlife habitat and the residents of Riverside.

3.1 Introduction

The Town of Riverside has established three shoreline environment designations based on the criteria given in 90.58 RCW and WAC 173-26-211, and analysis prepared by Forsgren Associates for the shorelines of the Okanogan River. The three designations are: Aquatic, Conservancy, and Shoreline Residential. Shoreline Area Designations are delineated on a map, hereby incorporated as a part of this Program (Appendix B) 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 for guidance only. They are to be used in conjunction with best available science, field investigations, and on-site surveys. Figure 3.1 shows the locations of lands falling under the designations.

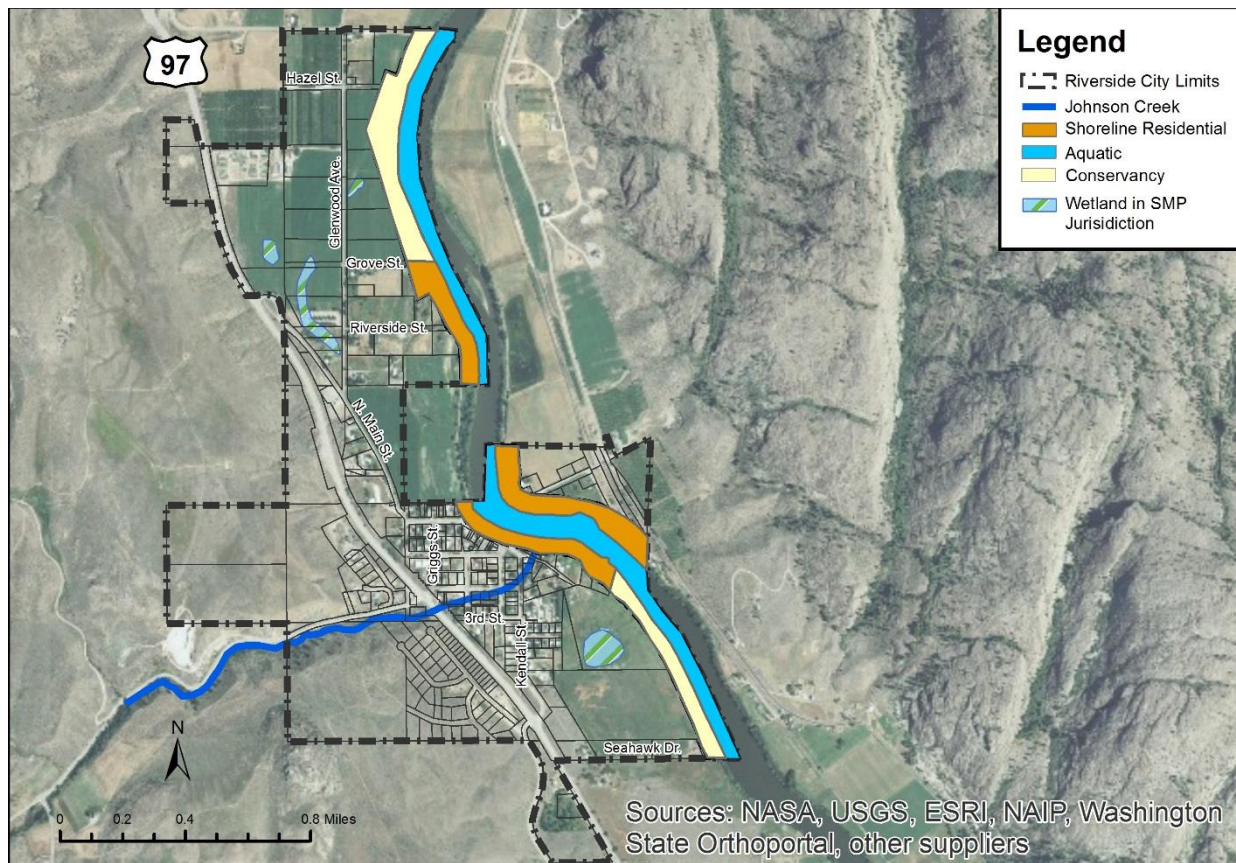


Figure 3.1.1: Official Shoreline Map (Shoreline Environment Designations)

What follows is a description of the designation criteria used to determine the environment designation of the Town’s shorelines, and the purpose of each designation. Additionally, the goals and policies presented in Chapter 2 can be used to manage appropriate use and development within the shoreline environment.

3.2 Aquatic Environment Designation

A. Purpose

The purpose of the “Aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM).

B. Management Policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of resources, multiple use of over-water facilities should be encouraged.
4. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of naturally hydrographic conditions.
5. On the Okanogan River stream bed, all uses and developments should be designed with consideration to impacts on public views, minimize interference with surface navigation, and to allow for the safe unobstructed passage of fish and wildlife, particularly those species dependent on migration.
6. In-water uses should be allowed where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.

C. Designation Criteria

An Aquatic shoreline designation is assigned to lands and waters water-ward of the OHWM.

3.3. Conservancy Environment Designation

A. Purpose

The purpose of the "Conservancy" shoreline designation is to protect shoreline ecological functions and conserve existing natural resources in order to provide for sustained resource and agricultural uses, achieve natural floodplain processes (connectivity of river channel with adjacent flood plain), and provide recreational and low-intensity residential development opportunities, as applicable. Examples of uses that are appropriate in a Conservancy shoreline designation include open space preservation, agricultural uses, low-impact recreation uses, and low-intensity residential development.

B. Management Policies

1. Uses in the "Conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions and processes or the rural, residential, and natural character of the shoreline area.
2. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied. New development should be designed and located to preclude the need for such work.
3. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of this designation.
4. Encourage regulations that limit lot coverage, provide adequate setbacks from the shoreline, promote vegetation conservation, reduce the need for shoreline stabilization, and maintain or improve water quality to ensure no net loss of shoreline ecological function.

5. 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.
6. Access, utilities, and public services to serve proposed developments 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.
7. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

C. Designation Criteria

The following criteria are used to consider a Conservancy shoreline designation:

1. The shoreline is currently supporting lesser-intensity resource based uses, such as agricultural, or is planned or platted for agricultural uses.
2. The shoreline is not highly developed with limited existing and future potential for low-density residential development.
3. The shoreline is currently performing an important ecological function, even though partially developed or supporting human use.
4. The shoreline has limited potential for public, water-oriented recreation.
5. The shoreline is comprised of open space, flood plain, or other sensitive areas that should not be more intensively developed.

3.4 Shoreline Residential Environment Designation

A. Purpose

The purpose of the “Shoreline Residential” designation is to accommodate residential development and appurtenant structures, as well as to provide appropriate public access and recreational uses.

B. Management Policies

1. Standards for density or minimum frontage widths, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
3. Access, utilities, and public-services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses.

C. Designation Criteria

Assign a “Shoreline Residential” environment designation to shoreline areas that support a predominance of single-family residential development with some duplex and multifamily, are platted for residential development, or are planned for residential development.

Chapter 4 – General Shoreline Policies and Regulations

4.1 Introduction

The following general policies and regulations apply to all uses and activities that may occur within the shoreline jurisdiction regardless of the Shoreline Master Program environment designation (see Chapter 3). These policies and regulations are intended to be used in conjunction with the more specific use and activity policies and regulations given in Chapter 5 – Shoreline Designation Policies and Regulations. General policies and regulations have been developed for the following categories:

1. Miscellaneous Items
2. Public Access
3. Vegetation Conservation
4. Water Quality
5. Archaeological, Cultural, and Historic Resources

4.2 General Provisions

- A. Any development proposed on a parcel of land within the shoreline jurisdiction shall be subject to project review as specified in Chapter 5 – Shoreline Designation Policies and Regulations.
- B. Except when specifically exempted by statute, all proposed uses and development occurring within the shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this SMP.
- C. Based upon the goals and policies established in Chapter 2 of this master program, the following general policies and regulations apply to all shoreline uses and activities in Riverside, regardless of environment designation.

4.3 Miscellaneous Policies and Regulations

- A. The disposal of solid waste in all shoreline environments is prohibited except in temporary containers designed to collect rubbish.
- B. Any development designed for human habitation is not permitted on or over water.
- C. All shoreline developments and uses shall utilize measures to minimize any increases in surface water runoff and to control, treat, and release runoff so receiving water quality and shoreline properties and features are not adversely affected. The Stormwater Management Manual for Eastern Washington (SMMEW) should be consulted for acceptable Best Management Practices (BMP's) for surface water treatment, control, and erosion protection.
- D. All shoreline development shall be located, designed, constructed, and maintained to minimize interferences with beneficial natural shoreline processes, such as water circulation, sand and gravel movement, accretion and erosion.
- E. Land clearing, grading, filling, and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed must be replanted as soon as possible. Surface drainage systems or substantial earth

modifications involving greater than two hundred fifty cubic yards (250 CY) of material shall be designed to prevent maintenance problems or adverse impacts on shoreline features.

- F. All development shall be located, designed, constructed, and managed to protect and/or not adversely affect those natural features which are valuable, fragile, or unique to the community, including but not limited to the following:
 - 1. Wetlands
 - 2. Fish, wildlife habitats, migratory routes, and spawning areas.
 - 3. Natural or man-made scenic vistas or features.
- G. All shoreline development shall be designed in accordance with all applicable local and FEMA flood control and management codes and regulations, the State Environmental Policy Act (SEPA), and other applicable local land use codes.
- H. New development shall, at a minimum, preserve native riparian vegetation and if possible, enhance it.
- I. Shoreline development shall not cause a net loss of shoreline ecological function.

4.4 Public Access Policies and Regulations

Shoreline public access is the physical ability of the general public to reach and touch the river's edge and/or the ability to have a view of the river and shorelines from upland locations. Currently, public access to the Town's shorelines are limited to only a few locations: the city park, WDFW boat ramp, and the Tunk Valley Road bridge crossing. Potential future public access opportunities may occur with the extensions of city streets including Hazel, Grove, and Riverside Streets, and with any future commercial, residential, or recreational development located in the shoreline jurisdiction. The following policies and regulations apply to any improvements to existing public access facilities and to any future public access opportunities.

- A. Public access to the Town of Riverside shoreline does not include the right to enter upon or cross private property, except for dedicated and marked public easements.
- B. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.
- C. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment, while assuring no net loss of ecological functions.
- D. Where appropriate, public access should be provided as close as possible to the river's edge without adversely affecting the shoreline environment.
- E. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons.
- F. Public access afforded by shoreline street ends should be preserved, maintained, and enhanced.

- G. Public access facilities should be maintained to provide a clean and safe experience and protect the environment.
- H. Public access provisions should be incorporated into all private and public developments. Exceptions may be considered for the following types of uses:
 - 1. Single-family residential development of four (4) or fewer lots;
 - 2. An individual multi-family structure containing fewer than three (3) dwelling units.
- I. Public access shall not be required where one or more of the following conditions apply.
 - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
 - 2. Constitutional or other legal limitations apply.
 - 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - 4. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - 5. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
 - 6. Significant unavoidable conflict between any access provisions and the proposed use and adjacent uses would occur and cannot be mitigated.
- J. To meet any of the conditions in Section I above, the applicant must first demonstrate and the Town determine in its findings that all reasonable alternatives to provide public access have been exhausted, including but not limited to:
 - 1. Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - 2. Separating uses and activities (e.g. fences, terracing, use of one-way glazings, hedges, landscaping, etc.).
 - 3. Developing access at a site geographically separated from the proposal such as a street end, vista or trail system.
 - 4. Sharing the cost of providing and maintaining public access between public and private entities.
- K. Required public access sites shall be connected directly to the nearest public street.
- L. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development activity.
- M. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said

recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval).

- N. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites.
- O. The Town Administrator may require the applicant to post signage restricting or controlling the public's access to specific shoreline areas. The applicant shall bear the responsibility for establishing and maintaining such signage.

4.5 Vegetation Conservation Policies and Regulations

Riparian and upland vegetation located within the shoreline jurisdiction provide many important benefits to the shoreline ecosystem. It provides important habitat and food sources for fish and wildlife, provides shade to keep stream temperatures cool for native fish, improves water quality by removing pollutants carried in surface runoff from upland areas, and also stabilizes stream banks which reduces erosion and sedimentation and protects properties located along the shoreline. Healthy riparian vegetation also contributes to the natural beauty of the area, and provides cooling shade for residents to enjoy on hot summer days. Some shoreline areas in the town have relatively intact vegetative communities near the shoreline, while in other areas the shoreline vegetation is very limited, or has been almost completely cleared down to the river's edge. Non-native vegetation is also present within the shoreline. The following general policies and regulations are designed to ensure that future shoreline development does not cause a net loss of shoreline ecological function through the removal of shoreline vegetation.

- A. Development work and other projects shall be designed to avoid the removal of trees in shorelines wherever practicable and to minimize the removal of other woody vegetation. Where riparian vegetation is removed, measures to mitigate the loss of vegetation shall be implemented to assure no net loss of ecological function.
- B. Restoration or enhancement of any shoreline area that has been disturbed or degraded shall use recommended plant species approved by state agencies and local conservation organizations such as the Okanogan County Extension Service, Okanogan County Noxious Weed Control Board, Dept. of Fish and Wildlife, and Washington Native Plant Society. Native plants are preferred.
- C. Stabilization of erosion-prone surfaces along shorelines shall primarily use vegetation and non-structural approaches when feasible. More intensive measures may be permitted providing the project will result in no net loss in shoreline function and if compliant with the provisions of Section 5.3(H)(6) of this SMP.
- D. Vegetation removal that would likely result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited. This does not preclude the removal of noxious weeds.
- E. Noxious weed abatement shall comply with RCW 17.10 and Section 5.3(H)(5)(j) of this SMP. The Okanogan County Noxious Weed Control Board can be consulted for a list of noxious weeds known to occur in the area.
- F. Non-destructive pruning and trimming of vegetation for maintenance purposes shall be permitted.

- G. Topping of trees shall be prohibited, except where required to maintain overhead utility lines.
- H. Areas that have been removed of vegetation due to construction activities or other disturbances may plant a temporary sterile crop (e.g., a sterile non-persistent member of the grass family such as sterile Triticale, barley, or oats) to prevent erosion during the establishment period of permanent vegetation.
- I. Replanted areas shall be maintained until desired vegetation is well established. In the case of transportation, utility, or other capital facility construction, the agency or developer constructing the facility shall be responsible for maintaining the vegetation until it is established.
- K. All clearing and grading activities shall be limited to the minimum necessary for the allowed or permitted development and shall comply with the provisions of this section as well as Sections 5.3(H)(4) and 5.3(H)(5) of this SMP.

4.6 Water Quality Policies and Regulations

- A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and groundwater adjacent to the site.
- B. When applicable, all shoreline development shall comply with the requirements of the latest version of the Washington State Department of Ecology’s Stormwater Management Manual for Eastern Washington (SMMEW).
- C. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter the river or a wetland area, or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.
- D. For lawns and other vegetation maintained within the shoreline jurisdiction, alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred Best Management Practice (BMP). Where chemical fertilizer, herbicide, or pesticide use is necessary for protecting existing natural vegetation or establishing new vegetation in shoreline areas as part of an erosion control or mitigation plan, the use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application.
- E. When applicable, new development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the latest version of the Washington Department of Ecology’s Stormwater Management Manual for Eastern Washington (SMMEW). New development shall utilize BMP’s specified in the SMMEW.
- F. All measures for the treatment of storm water runoff for the purpose of maintaining and/or enhancing water quality shall be conducted on-site.
- G. All materials that may come in contact with the river 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. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies.

4.7 Archaeological, Cultural, and Historical Policies and Regulations

The following provisions shall apply to archaeological, cultural, and historic resources, which may include sites, buildings, structures, districts, or objects that either are recorded at the Washington State Department of Archaeology and Historic Preservation (DAHP) and/or by local jurisdictions or have been

inadvertently uncovered. Archaeological sites located both in and outside the shoreline are subject RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Resources), and development or uses that may affect such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) as well as the provisions of this chapter.

- A. Due to the limited and irreplaceable nature of archaeological and historic resources, preventing the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected tribes and the DAHP, is a high priority.
- B. New development shall be designed to avoid damaging identified archaeological and historic resources.
- C. If historic, cultural or archaeological sites or artifacts are inadvertently discovered in the process of development in shoreline areas, work on that portion of the development site shall be stopped immediately. The site should be secured, and the find reported to the Town of Riverside Administrator.
- D. Upon city notification of such find, the property owner or developer shall notify the DAHP and the Colville Confederated Tribes of the Colville Reservation History and Archaeological Department.
- E. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of an issued Shoreline Permit.
- F. Shoreline Permits shall contain provisions to immediately stop work upon discovery of historic, cultural, or archaeological sites or artifacts, and contain notification protocol procedures.
- G. The requirements of this section shall not apply where an applicant has obtained an approved Archaeological Excavation and Removal Permit from the DAHP pursuant to WAC 25-48-060, provided that the applicant must adhere to the requirements of said approved permit.

Chapter 5 – Shoreline Designation Policies and Regulations

5.1 Introduction

As required by the SMA, this Master Program sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Commercial Development, Boating Facilities, Mining, Signs, Residential Development, Recreational Development, Shoreline Modifications, Transportation Facilities, Utilities and Archaeological, Cultural, Educational and Historic Sites. The policies and regulations, which provide basic criteria for evaluating shoreline permit applications, are used to implement the broader goals, policies, and intent of the SMA and this Program.

5.2 Shoreline Uses, Modifications, and Setbacks

- A. Table 1 - Shoreline Use and Modification Matrix indicates which shoreline activities, uses, developments, and modifications may be allowed or are prohibited in the 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.
 3. “Prohibited” activities, uses, developments, and modifications are not allowed and cannot be permitted through a Variance or Shoreline Conditional Use Permit.
- B. Accessory uses shall be subject to the same shoreline permitting processes as their primary use.
- C. Where there is a conflict between Table 1, Shoreline Uses and Modification Matrix, and the written provisions in this SMP, the written provisions shall control.
- D. A use is considered unclassified when it is not listed in Table 1, Shoreline Uses and Modification Matrix, or in the Shoreline Modifications and Use Regulations, per Section 5.3(H) of this Chapter. Any proposed unclassified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the requirements of this Chapter and the requirements for conditional uses.
- E. 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.
- F. If any part of a proposed activity, use, modification or development is not eligible for exemption per Section 6.3 (Shoreline Permit Requirements), then a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit shall be required for the entire proposed development project.
- G. When a specific use or modification extends into the Aquatic environment and an abutting upland environment without clear separation (e.g., shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

- H. Shoreline and critical area buffers apply to all uses and modifications unless stated otherwise in the regulations.
- I. None of the allowed uses shall be conducted in the floodway in any environment designation, except as allowed by Section 6.6 – Frequently Flooded Areas Provisions.
- J. Shoreline Use and Modification Matrix:

Table 5.2.1 Shoreline Use and Modification Matrix⁽¹⁾

| Abbreviations: A= Allowed with Substantial Development Permit; CU= Conditional Use; S= Same as in adjacent shoreline designation landward of the OHWM ⁽³⁾ ; X= Prohibited; N/A= Not Applicable | Aquatic⁽²⁾ | Conservancy | Shoreline Residential |
|---|------------------------------|--------------------|------------------------------|
| Use/Modification | | | |
| Agriculture | | | |
| Grazing, Cultivation, and Orchards | X | A | A |
| Agricultural Buildings | X | A | A |
| Feedlots | X | X | X |
| Commercial Development | | | |
| Water-dependent | CU | A | A |
| Water-related / water enjoyment | X | A | A |
| Non-water-oriented | X | X | X |
| Boating Facilities | | | |
| Commercial Boat Launch Ramp | S | A | A |
| Public Boat Launch Ramp | S | A | A |
| Private Boat Launch Ramp | X | X | X |
| Mining | Prohibited | | |
| Signs | | | |
| Commercial Signs | X | A | A |
| Directional and Informational Signs | CU | A | A |
| Residential Development | | | |
| Exempt single family dwellings | X | A | A |
| Non-exempt single family dwellings (e.g. seasonal or year round rentals) | X | A | A |
| Multi-family | X | CU | A |

Table 5.2.1 Shoreline Use and Modification Matrix⁽¹⁾

| Abbreviations: A= Allowed with Substantial Development Permit; CU= Conditional Use; S= Same as in adjacent shoreline designation landward of the OHWM⁽³⁾; X= Prohibited; N/A= Not Applicable Use/Modification | Aquatic⁽²⁾ | Conservancy | Shoreline Residential |
|---|------------------------------|--------------------|------------------------------|
| Recreational Development | | | |
| Water-dependent | CU | A | A |
| Water-related / enjoyment (trails, accessory buildings) | CU | A | A |
| Non-water-oriented | X | CU | CU |
| Shoreline Modifications | | | |
| Dikes / levees | CU | CU | CU |
| Dredging and Materials Disposal ⁽⁴⁾ | CU | CU | CU |
| Bulkheads | A | A | A |
| Land Filling ⁽⁵⁾ | CU | A | A |
| Clearing and Grading | X | A | A |
| Shoreline stabilization, hardening, structural approaches | CU | A | A |
| Shoreline stabilization, bioengineering approaches | A | A | A |
| Shoreline restoration and enhancement projects | S | A | A |
| Transportation Facilities | | | |
| Secondary / Public Access Roads (Local City Streets) | X | A | A |
| Parking Lot | X | CU | A |
| Utilities | | | |
| Aboveground and underground utilities | CU | A | A |
| Archaeological, Cultural, Educational, Historic and Scientific Resources | | | |
| Archaeological Areas, Scientific, Educational, and Historic Sites | A | A | A |

K. Table 1 – Shoreline Use and Modification Matrix Notes:

1. In the event there is a conflict between the use(s) identified in Table 1 and the policies or regulations in this Shoreline Master Program, the policies and regulations shall apply.

2. Aquatic: Water-dependent use only, subject to the use and development regulations of the abutting upland shoreline area designation.
 3. S= Same as in adjacent shoreline designation landward of the OHWM (applicable to areas designated Aquatic only).
 4. All dredging shall be the minimum required to support an existing permitted or proposed use and shall be subject to a conditional use permit.
 5. Fill is only allowed to the minimum amount necessary for existing permitted or proposed uses which may require a substantial development permit.
- L. Table 2, Setback, Height, and Dimensional Requirements, indicates setback, height, and other dimensional requirements for structures, uses, and activities conducted in the area of the shoreline jurisdiction. Both the dimensional requirements and the applicable use and activity description must be complied with for developments in shoreline jurisdictions to occur.
1. To prevent the degradation of surface waters from agricultural runoff (pesticides, herbicides, livestock waste, etc.), other non-point source pollution, and sediment, a minimum 80-foot riparian buffer setback is required for all areas located adjacent to surface waters. The buffer setback shall be measured from the OHWM or top of river bank, as applicable.
 2. Developments associated with ecological restoration, water-dependent uses, and public access are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the minimum setback.
 3. Native plants and trees in the buffer must be left undisturbed unless presenting an immediate hazard to an overhead electrical line or structure or are a part of an approved riparian restoration/rehabilitation plan.
 4. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade that will obstruct the view of a substantial number of residences on areas adjoining shorelines. Height limits apply to all permanent and temporary structures and non-water related accessory structures. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.
 5. Lot coverage is the percentage of the parcel within the shoreline jurisdiction, less the required buffer, to be covered with impervious surfaces.
- M. Setback, Height, and Dimensional Requirements:

Table 5.2.2 Setback, Height, and Dimensional Requirements

| Shoreline Standard | Aquatic | Conservancy | Shoreline Residential |
|------------------------------|----------------|--------------------|------------------------------|
| Building or Structure Height | N/A | 35' | 35' |
| Riparian Buffer Setback | N/A | 80' | 80' |
| Building Setback from Buffer | N/A | 10' | 10' |
| Lot Coverage | N/A | 10% | 35% |

5.3 Shoreline Use Policies and Regulations

A. Agriculture

1. No new areas may be brought into production without compliance with this section. For existing areas under cultivation or use, no permits are required for change of use to alternate agriculture activities as described in RCW 90.58.065.
2. New agricultural activities on shorelands that did not have agricultural activities in place at the time of adoption of this Master Program; conversion of agricultural lands or the development of non-agricultural activities on agricultural lands; and uses in support of agricultural activities are governed by the provisions of this Master Program and subject to the following criteria:
 - (a) Non-agricultural land converted to agricultural use shall preserve pre-existing riparian habitat and will have a buffer strip of native vegetation no less than the use setback for the shoreline designation where it is located. This buffer will be established and maintained along shorelines to protect shoreline ecological function.
 - (b) Uses and activities shall be consistent with regulations specific to the shoreline designation in which the site is located, including regulations in Section 5.2.
 - (c) Vegetation enhancement shall be required where the shoreline has been ecologically degraded.
 - (d) Uses and activities shall be located and designed to ensure no net loss of ecological functions.
3. 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).
4. Feedlots are prohibited within the shoreline jurisdiction.
5. Discharge of any manure storage facility into ground or surface water is prohibited.
6. Fertilizers shall be applied in a manner which will minimize entry into surface waters.
7. All pesticides shall be handled in accordance with the provisions of the Washington Pesticides Application Act (RCW 17.21) and the Washington Pesticides Act (RCW 15.57).
8. Agricultural development shall conform to applicable state and federal policies and regulations.
9. New agricultural lands created by diking, draining, or filling wetlands or channel migration zones shall not be allowed.
10. The provisions of this Master Program do not require modification of or limitations on agricultural activities legally underway on agricultural lands as of the date of adoption of this SMP.

B. Commercial Development

1. Commercial developments permitted in shoreline areas are in descending order of

preference as follows:

- (a) Water-dependent uses;
- (b) Water-related uses;
- (c) Water-enjoyment uses; and
- (d) Non-water-oriented uses are prohibited regardless of environment designation.

Water dependent and enjoyment uses includes commercial developments such as: restaurants that provide a view of the river to customers, motels and hotels that provide walking areas for the public along the shoreline, office buildings, and retail sales buildings that have a riverfront theme with public access to the waterfront.

2. Over the water commercial development shall be prohibited.
3. Commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the river shoreline.
4. Commercial development in the shoreline jurisdiction should include landscaping to enhance the shoreline area.
5. The Town of Riverside shall require and use the following information in review of commercial development proposals.
 - (a) Specific nature of the commercial activity.
 - (b) Need for shoreline frontage and determination if use qualifies as water-dependent, water-related or water-enjoyment.
 - (c) Provisions for public visual and/or physical access to the shoreline.
 - (d) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping.
 - (e) Provisions to ensure development will not cause severe negative environmental impacts.
 - (f) The Shoreline Inventory and Characterization and accompanying maps.
6. Commercial development shall be designed and maintained in a neat, orderly, environmentally sound manner, consistent with the character and features of the surrounding areas. To this end, the City Administrator may adjust the project dimensions and increase required setbacks established in Table 2 and/or prescribe reasonable use intensity and screening as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
7. Commercial development shall not result in a net loss of ecological function of the Okanogan River or associated wetlands located within the shoreline jurisdiction.
8. Drainage and surface runoff from commercial areas shall be controlled to minimize

pollutants being carried into water bodies. Developers will be required to manage erosion and storm water following the recommended BMP's provided in the Stormwater Management Manual for Eastern Washington.

9. Commercial uses and activities shall comply with the specific requirements set forth in Tables 1 and 2 of this Chapter.

C. Boating Facilities

1. General Policies and Regulations

- (a) For commercial and public boating facilities, the perimeter of parking and storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas using primarily native vegetation. Landscaping along the waterward side shall also be required. The permit application submittal shall identify the size, location, and species of plants that will be used.
- (b) Boating facilities shall be located where no or minimal shoreline stabilization will be necessary and where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other maintenance activities.
- (c) Boating facility design shall minimize interference with geohydraulic processes and disruption of existing shore forms.
- (d) Parking facilities shall be located outside the shoreline jurisdiction, or, if that is not feasible, shall be located landward of the structure setback provided in Table 2 of this Chapter.
- (e) Boating facilities shall be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. Use of non-reflective materials is encouraged.
- (f) The Town of Riverside shall request technical assistance from agencies with jurisdiction and/or knowledge, including but not limited to the Washington departments of Ecology, Fish and Wildlife, and Health, and shall make available to those agencies the Shoreline Inventory and Characterization and maps developed as part of this master program. The Town of Riverside shall consider the comments received from those local agencies before making a decision on whether or not to approve the permit and any conditions or modifications required.

2. Boat Launch Policies and Regulations

- (a) Boat launch ramps shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for channel maintenance activities.
- (b) Boat launch ramps may be permitted on stable non-erosional banks where the need for shore stabilization structures is minimized.
- (c) Boat launch ramps may be permitted where the slope of the riverbank does not exceed twenty-five percent (25%) or where substantial cutting, grading, filling, or defense works are not necessary.

- (d) Ramp structures shall be placed near flush with the foreshore slope to minimize the interruption of geohydraulic processes.
- (e) Boat launch sites that are open to the public shall have adequate restroom facilities operated and maintained in compliance with the Okanogan County Public Health Department regulations.

D. Mining

- 1. Mining activities are prohibited in the Town of Riverside shoreline.

E. Signs

- 1. Signs shall only be allowed in or over water for water navigation or for the bridge crossing as necessary for operation, safety and direction, or related and necessary as part of a water dependent use.
- 2. The following types of signs are permitted in all upland shoreline environments (e.g. excluding all areas waterward of the OHWM in the shoreline environment).
 - (a) Water navigational signs, road and railroad signs necessary for operation, safety, and direction.
 - (b) Public information signs directly relating to an allowed local shoreline activity.
 - (c) Off-premise, free standing signs for community identification, information, or directional purposes.
 - (d) National, site, and institutional flags for temporary decorations customary for special holidays and similar events of a public nature.
 - (e) The U.S. and Washington State flags.
 - (f) Temporary directional signs to public or quasi-public events, provided these signs are removed within fourteen (14) days following the event.
 - (g) Signs identifying developments approved in compliance with the provisions of this Master Program.
- 3. Temporary or obsolete signs shall be removed within ten (10) days of elections, closures of business, or termination of any other function. Examples of temporary signs include real estate signs, directions to events, political advertisements, event or holiday signs, construction signs.
- 4. Permanent signs shall be constructed of durable, weather resistant materials.
- 5. Lighting of signs shall be prohibited unless the sign is necessary for safe navigation or public safety. On-demand lighting shall be used whenever feasible.
- 6. The following types of signs are prohibited in all shoreline environments.
 - (a) Signs that interfere with vistas, viewpoints, and visual access to the shoreline.
 - (b) Signs placed on trees or other natural features.

F. Residential Development

1. Residential development is prohibited waterward of the OHWM and within setbacks set within each shoreline environment designation, (see Tables 1 and 2 in Section 5.2).
2. Residential development shall assure no net loss of ecological functions.
3. Residential development shall not be approved if geotechnical analysis demonstrates that flood control or shoreline protection measures are necessary to create a residential lot or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection measures.
4. If wetlands or other environmentally sensitive areas are located on the development site, clustering of residential units or similar design shall be required in order to avoid any development in such areas.
5. Residential development is prohibited within floodways and areas with unstable soils, (as identified in a geotechnical study).
6. Residential structures and accessory structures are prohibited over water.
7. All residential structures, accessory uses, and facilities shall be arranged and designed to preserve views and vistas to and from shorelines and be compatible with the aesthetic values of the surrounding area.
8. Storm drainage and treatment facilities shall be required for residential development projects involving five (5) or more lots. Storm drainage facilities shall be separate from sewage disposal facilities. Drainage systems shall include provisions to prevent the direct entry of uncontrolled and untreated surface water runoff into the river. Such provisions may include retention ponds or grassy swales. The Town of Riverside shall refer to the Stormwater Management Manual for Eastern Washington to deal with runoff.
9. Prior to issuance of a Building Permit, Substantial Development Permit, or other development approval, the developer shall submit adequate plans for preservation of shoreline vegetation, for control of erosion during and after construction, and for the replanting of the site after construction resulting in permanent shoreline stabilization.
10. New multi-unit residential development, including the subdivision of land for more than four (4) parcels, shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public, unless it is determined that such access will result in incompatible uses or have an adverse impact to the shoreline environment.
11. Residential development shall comply with the specific requirements set forth in Tables 1 and 2 of this Chapter.

G. Recreational Development

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

2. For recreation developments such as parklands and playfields that require the use of fertilizers, pesticides, or other chemicals, the applicant shall specify the methods that will be used to ensure that the use complies with all provisions of this master program, including preventing the chemicals from entering the river and any adjacent wetlands. Chemical-free buffer strips may be required at the discretion of the Town Administrator.
3. Recreational facilities shall make provisions, such as screening, buffer strips, fences, and signs, to prevent overflow of use onto adjacent private properties.
4. Waterward of the OHWM, no recreational buildings or structures shall be built, except for water-dependent and/or water-enjoyment structures such as viewing platforms. Such uses may be permitted as a shoreline conditional use.
5. Substantial accessory use facilities, such as restrooms, access roads, and parking facilities in the shoreline is not a preferred use and shall be allowed only as necessary to support an authorized use, and shall be set back from the OHWM as specified in Table 1 of Section 5.2, unless it can be shown that such facilities are water-dependent and the planned location will not adversely affect shoreline functions. Such facilities may be linked to the shoreline by walkways.
6. Each development plan shall include a landscape plan that uses native, or native compatible self-sustaining vegetation. Removal of on-site native vegetation shall be limited to the minimum necessary for the permitted development or structures.
7. Recreational uses shall provide facilities for non-motorized access to the shoreline, such as pedestrian and bicycle paths, where those facilities will not result in loss of shoreline ecological functions.
8. Proposals for recreational development shall include adequate facilities for water supply, sewage, and garbage disposal.
9. Trails and paths on steep river bank slopes shall be located, designed, and maintained to protect bank stability.

H. Shoreline Modifications

1. Dikes and Levees Policies and Regulations
 - (a) Dikes and levees shall be located, designed, constructed, and maintained so that the resultant effects on the river processes will not cause significant damage to adjacent properties or valuable resources.
 - (b) Proposals for dikes and levees should be designed to protect life and property without impacting upstream or downstream uses of the floodway or river resources.
 - (c) Decisions regarding dikes and levees should balance the benefits of development with potential flood losses and destruction of natural and beneficial floodplain values. Floodplain values include water resources values (moderation of floods, water quality maintenance, and groundwater recharge), cultivated resource values (agriculture), living resources (fish, wildlife, plant resources and habitat), and cultural resource values (open space, natural beauty, scientific study, outdoor recreation).

- (d) Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
 - (e) Dikes and levees shall not be placed in the floodway, except as current deflectors necessary for protection of roads.
 - (f) Proposals for dikes and levees shall contain a detailed evaluation of potential losses to floodplain values. This evaluation shall address:
 - i. Groundwater discharge;
 - ii. Associated wetlands;
 - iii. Water quality;
 - iv. Erosion/sedimentation.
 - (g) Dikes and levees shall only be authorized by Shoreline Conditional Use Permit and shall be consistent with all flood control management plans and regulations adopted by the Town of Riverside, Okanogan County, the Army Corps of Engineers, and the Federal Emergency Management Agency (FEMA).
2. Dredging and Dredge Spoil Policies and Regulations
- (a) The following information shall be provided by the applicant for the Town of Riverside to use in review of shoreline dredging and dredge material disposal proposals.
 - i. Dredging volumes, methods, schedules, frequency, hours of operation, and procedures.
 - ii. Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation methods and routes, hours of operation, and schedule.
 - iii. Location and stability of bedlands adjacent to the proposed dredging area.
 - iv. Hydraulic analyses, including current flows, direction, and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects.
 - v. Assessment of water quality impacts.
 - vi. Biological assessment including migratory, seasonal, and spawning factors.
 - (b) Dredging and dredge spoil disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - i. Result in significant damage to water quality, fish, and other essential biological elements, affect river bank stability, and will not adversely alter natural drainage and circulation patterns, currents river flows, or reduce floodwater capacities, or adversely impact properly functioning conditions for proposed, threatened or endangered species or the functions and values of critical areas.

- (c) Proposals for dredging and dredge spoil disposal shall include all feasible mitigating measures to protect habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, and disturbance of fish runs and spawning habitat.
- (d) Dredging and dredge spoil disposal shall not occur in wetlands except as authorized by a Conditional Use Permit with conditions providing that valuable functions of the wetland, such as wildlife habitat and natural drainage will not be diminished. A design prepared by a qualified wetland scientist is required prior to allowing dredging and/or disposal of dredge spoils into a wetland.
- (e) Dredging waterward of the OHWM shall be allowed by conditional use permit only when:
 - i. It has been proven that the development cannot be sited elsewhere and has been designed to avoid and minimize new and maintenance dredging [WAC 173-26-231(3)(f)].
 - ii. For navigation or existing navigational access.
 - iii. In conjunction with a water-dependent use.
 - iv. As part of a habitat management plan that has been approved by the Town of Riverside and has been accepted by the Washington Department of Fish and Wildlife or other agency with jurisdiction.
 - v. In conjunction with a bridge, utility, navigational structure, or instream structure, for which there is a documented public need and where other feasible site or routes do not exist.
 - vi. To improve flood control, water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water.
- (f) When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
- (g) Dredging shall use techniques that cause the minimum dispersal and broadcast of bottom material.
- (h) Dredging to construct boat launches, dock piling structures, swimming holes, and similar uses shall only be permitted as a conditional use and shall include a habitat enhancement/mitigation plan.
- (i) Disposal of dredged materials shall be accomplished at approved contained upland sites in compliance with all Federal, State, and local regulations. If upland disposal sites are dry lands and fall within the shoreline jurisdiction, the placement of dredged spoils shall be considered grading and must be consistent with all applicable provisions of Section 5.3(H)(4) and 5.3(H)(5).
- (j) Depositing dredge spoils within water and riparian management zones shall be allowed only by Shoreline Conditional Use for one of the following reasons:
 - i. For wildlife habitat improvement.

- ii. To correct problems of material distribution adversely affecting fish resources.
 - iii. For permitted enhancement of beaches that provide public access, where it has been conclusively demonstrated that no net loss of shoreline ecological functions will result or for public safety.
 - iv. When land disposal alternatives are more detrimental to shoreline resources than depositing it in water areas.
- (k) If suitable alternatives for land disposal are not available or are infeasible, water disposal sites shall be identified consistent with the following criteria.
- i. Disposal will not interfere with geohydraulic processes.
 - ii. The dredge disposal has been analyzed by qualified personnel and found to be minimally or nonpolluting.
 - iii. Aquatic life will not be adversely affected, including fish spawning habitat.
 - iv. The site and method of disposal meets all requirements of applicable regulatory agencies.
- (l). The Town of Riverside may impose reasonable limitations on dredge disposal operating periods and hours and may require buffer strips at land disposal sites.
3. Land Filling Policies and Regulations
- (a) The Town of Riverside shall require and use the following information in its review of fill proposals.
- i. Proposed use of the fill area.
 - ii. Physical characteristics of the fill material, such as chemical and composition if appropriate, depending on where it is to be placed and/or if it will be subject to inundation.
 - iii. Source of the fill material.
 - iv. Method of placement and compaction.
 - v. Location of fill relative to existing drainage patterns and wetlands.
 - vi. Location of fill relative to the OHWM.
 - vii. Perimeter erosion control or stabilization measures.
 - viii. Type of surfacing and runoff control devices.
- (b) Fill waterward of the OHWM shall only be permitted as a conditional use in all shoreline designations, and only for one of the following purposes.
- i. In conjunction with a water-dependent use permitted in this Master Program.

- ii. In conjunction with a bridge, utility, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist.
 - iii. As part of an approved shoreline restoration project.
 - iv. As part of a fisheries or wildlife habitat enhancement project.
 - v. Clean up and disposal of contaminated sediments as part of an interagency environment clean-up plan.
 - vi. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Department of Natural Resources and in accordance with Section 5.3(H)(2).
- (c) Fills shall be permitted only when it is demonstrated that the proposed action will not:
- i. Result in significant damage to water quality or fish and wildlife habitat;
 - ii. Adversely alter natural drainage and current patterns or significantly reduce floodwater capacities.
- (d) Where land fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use.
- (e) Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Fill perimeters shall be designed and constructed with silt curtains, vegetated buffer areas, or other methods to prevent material movement. In addition, the sides of the fill shall be appropriately sloped to prevent erosion and sedimentation, both during initial fill activities and afterwards.
- (f) Fill materials shall be clean sand, gravel, soil, rock, or similar material. Use of polluted dredge spoils and sanitary landfill materials are prohibited. The developer shall provide evidence that the material has been obtained from a clean source prior to fill placement.
- (g) The timing of fill construction shall be regulated to result in no net loss of shoreline ecological functions, including water quality and aquatic life.
- (h) Pier or pile support shall be utilized whenever feasible in preference to filling.
- (i) Filling to create dry land is prohibited in floodplains except where it can be clearly demonstrated that the geohydraulic characteristics and floodplain storage capacity will not be altered to cause increased flood hazard or other damage to life or property in excess of accepted standards provided by state and/or federal agencies.
- (k) All permitted fill shall require a conditional use permit or substantial development permit depending on the shoreline designation. Fills shall comply with the specific requirements set for in Tables 1 and 2 of Section 5.2.

4. Clearing and Grading Policies and Regulations
- (a) Clearing and grading activities shall only be allowed in association with a permitted shoreline development.
 - (b) All clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Surfaces cleared of vegetation and not developed must be replanted as soon as possible.
 - (c) Clearing or grading within required riparian buffer setbacks as shown in Table 2 of Section 5.2 shall require a variance in all shoreline designations.
 - (d) No clearing or grading shall be initiated before the permit, exemption, or variance is issued.
 - (e) Existing native riparian vegetation shall be retained whenever possible.
 - (f) Grading permits shall be required in the following situations:
 - i. Where more than 250 cubic yards of material will be moved within a shoreline area; or
 - ii. Any clearing or grading within building setbacks or buffers.
 - (g) In its review of clearing and grading proposals, the Town of Riverside shall require and utilize a clearing and grading plan that addresses species removal, replanting, irrigation, erosion and sedimentation control, and plans for protecting shoreline resources from harm.
 - (h) Grading of a development shall not alter natural drainage patterns in a manner that would increase the rate or quantity of surface runoff.
 - (i) Immediately upon completion of construction or maintenance activity, remaining cleared areas shall be restored to a naturalistic condition using compatible, native vegetation or native compatible self-sustaining vegetation in accordance with Chapter 4, Section 4.5.
 - (j) Clearing invasive non-native shoreline vegetation listed on the Okanogan County Noxious Weed Control Board Noxious Weed List is permitted in shoreline locations, provided hand held equipment is used and native vegetation is promptly reestablished in the disturbed area.
 - (k) All shoreline development and activity shall use applicable BMP's from the Stormwater Management Manual for Eastern Washington to minimize increases in surface water runoff that may result from the clearing and grading activity.
 - (l) Soil stabilization associated with clearing and grading shall, whenever feasible, use bioengineering or other soft stabilization techniques.
 - (m) Any significant placement of materials from off-site, substantial creation or raising of dry upland, shall be considered filling and comply with the provisions of Section 5.3(H)(4).

5. Shoreline Stabilization Policies and Regulations

- (a) Shoreline stabilization measures consisting of natural materials, such as in the case of vegetation bank stabilization and bioengineering stabilization techniques, are strongly preferred over stabilization techniques that make use of materials such as steel, wood, or concrete.
- (b) New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
- (c) New structural stabilization measures shall not be allowed except to protect an existing primary structure or for the restoration of ecological functions except when all of the following conditions apply:
 - i. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by river currents and/or waves. Normal sloughing, erosion of steep river banks, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the river edge before considering shoreline stabilization;
 - ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;
 - iii. The erosion control structure will not result in a net loss of shoreline ecological functions.
- (d) Use of shoreline stabilization measures to create usable land is prohibited including creation of new lots that will require shoreline stabilization in order to allow development.
- (e) New non-water-dependent development that include structural shoreline stabilization shall not be allowed unless all of the following conditions apply.
 - i. The need for shoreline stabilization is to protect the development from destruction due to erosion caused by natural processes, such as river currents and waves. This must be demonstrated through a geotechnical report.
 - ii. The erosion is not being caused by upland conditions, such as storm drainage issues and removal of vegetation.
 - iii. Non-structural measures (such as placing the development farther from the shoreline), vegetative methods, or installing on-site drainage improvements, are not feasible or not sufficient.
 - iv. The stabilization will not result in a net loss of shoreline ecological functions.

- (f) All shoreline stabilization projects shall require a geotechnical analysis prepared by a qualified professional. They must also be designed by a qualified professional using the most current, accurate, and complete technical and scientific information available. The applicant may also be required to have a qualified professional oversee the construction.
 - (g) Standards for new stabilization structures when found to be necessary include limiting the size to a minimum, using soft river bank stabilization approaches, mitigating for impacts, and using bioengineered bank stabilization techniques unless those are demonstrated to be infeasible or ineffective before implementing “hard” stabilization measures.
 - (h) Use of car bodies, scrap building materials, asphalt or concrete from construction projects, or other discarded pieces of equipment, or appliances for the stabilization of shorelines is prohibited.
 - (i) Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.
 - (j) Hard armoring solutions shall not be authorized except when a geotechnical report confirms that there is a significant possibility that the primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of hard armoring measures. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, the report may still be used to justify more immediate authorization to protect against erosion using soft stabilization measures and/or bioengineering stabilization techniques.
 - (k) All applicable federal, state, and local permits shall be obtained and complied with in the construction of shoreline stabilization measures. All permits must be issued before any stabilization work takes place.
6. Shoreline Restoration and Enhancement Projects Policies and Regulations
- (a) Shoreline restoration and enhancement activities to restore or enhance shoreline ecological functions and processes and/or shoreline features should be targeted towards meetings 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 Town 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 Master Program.
 - (d) Habitat restoration and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:
 - i. The project will not adversely impact spawning, nesting, or breeding fish and wildlife habitat conservation areas;

- ii. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected;
- iii. Water quality will not be degraded;
- iv. Flood storage capacity will not be degraded;
- v. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated.

I. Transportation Facilities (Streets and Parking Lots) Policies and Regulations

1. New streets, street extensions, and parking lots shall not be located within the shoreline jurisdiction unless the developer demonstrates that no feasible alternative upland locations exist, and the project is the minimum development necessary to serve another specific, localized, and permitted shoreline use.
2. When new transportation facilities must be built in the shoreline jurisdiction, proposed facilities shall be planned, located, and designed to achieve the following:
 - (a) Streets and parking lots shall be designed with the minimum horizontal footprint required to provide service for the permitted shoreline use.
 - (b) Transportation facilities should be located and designed to prevent the need for shoreline protective measures such as riprap or other bank stabilization and bulkheads.
 - (c) Streets and parking lots shall be designed to fit the existing topography as closely as possible, in order to minimize grading, vegetation removal, and alterations to the natural topography.
 - (d) Transportation facility designs shall include measures to prevent erosion and provide storm water runoff treatment as required by the Department of Ecology using the Best Management Practices (BMP's) provided in the Stormwater Manual for Eastern Washington.
 - (e) Cut and fill slopes shall be designed at the normal angle of repose or less for the types of native soils present at the project location.
 - (f) Transportation facilities shall comply with the specific requirements set forth in Tables 1 and 2 of Section 5.2.
3. Improvements to existing streets shall not interfere with pedestrian and bicycle access, and shall whenever possible, provide for expansion and enhancement of pedestrian and bicycle transportation facilities.
4. Parking lots in shoreline areas must directly serve an approved shoreline use, and shall not be allowed as a primary use in any shoreline environment designation.
5. Parking facilities shall be landscaped in a manner to minimize adverse visual and aesthetic impacts on adjacent shoreline and abutting properties.
6. Transportation and primary utility facilities shall be required to make joint use of rights-of-way to limit disturbance to adjacent shoreline.

7. Land fills for transportation facility development are not permitted in wetlands except when all structural or upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with these regulations.

J. Utilities Policies and Regulations

1. Applications for the installation of utility facilities shall include the following information:
 - (a) Description of the proposed utilities;
 - (b) Reason why the utility facility must be located in the shoreline jurisdiction;
 - (c) Any alternative locations considered and reasons for their elimination;
 - (d) Location of other utility facilities in the vicinity of the proposed project and any plans to connect to these utilities;
 - (e) Proposed method of utility installation and construction;
 - (f) Erosion and sedimentation runoff control measures during construction;
 - (g) Project timeline including duration of the project and proposed dates of project start and completion.
2. Utility development shall be located with public rights-of-ways or existing utility corridors whenever possible and be coordinated with government agencies and other utility providers to provide for compatible multiple uses. Placing new utilities within public rights-of-ways and existing utility corridors will help reduce disturbance to the shoreline area.
3. 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 (such as a wetland), or obstruct public access to the shoreline.
4. 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 re-graded to be compatible with the natural terrain of the area and re-vegetated with appropriate native plants.
5. In the shoreline jurisdiction, utility transmission lines, pipelines, and cables shall be placed underground instead of aboveground to not obstruct existing scenic river views, unless such underground installation is demonstrated to be unfeasible.
7. Where new utilities must be installed aboveground, consideration shall be given to the maintenance of trees in the vicinity of the utilities, and the utilities shall be located to eliminate or minimize the need for topping or pruning trees.
8. Where utilities must cross the river, they shall be installed on the bridge and not underwater, unless such installation is demonstrated to be unfeasible.
9. Underwater pipelines which transport material intrinsically harmful to aquatic life or

potentially injurious to water quality, including sewer lines, shall be provided with automatic shut off valves at each end of the underwater segment.

10. Where no feasible alternative exists or the alternative would result in unreasonable and disproportionate cost, utilities may be allowed within the floodway. Where such utilities are allowed, mitigation shall address impacted functions and processes throughout the affected shoreline, including effects upstream and downstream of the project site, and shall be adequate to ensure no net loss of shoreline ecological function.

Chapter 6 – Critical Areas in Shoreline Areas

6.1 Critical Areas Definitions

Critical areas, as defined by RCW 36.70A.030 include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Shorelines of the state themselves shall not be considered critical areas under this chapter, but any of the above areas and ecosystems located within a shoreline of the state shall be addressed as such in this chapter.

In the case of the Okanogan River in Riverside, the entire shoreline jurisdiction area is a critical area, because the river and adjoining lands provide habitat for federally listed species and species of concern, and also for state designated sensitive and priority species. It also is located almost entirely within a frequently flooded area, which is also critical area, as defined below.

The following are definitions of the various types of critical areas:

- A. Wetland:** 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 non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Figure 5: Wetland Locations provided in the Shoreline Inventory and Characterization Report in Appendix A shows the approximate boundaries of wetlands located within the Town of Riverside city limits. This information was obtained from the US Fish and Wildlife’s National Wetlands Inventory Data database.
- B. Critical Aquifer Recharge Area:** Wellhead protection areas, streams, wetlands, and any other lands that have been specifically identified as critical recharge areas based on reliable scientific data. Areas in which soils show high permeability ratings of more than 20 inches per hour are also thought to exhibit high potential for contributing to aquifer recharge.
- C. Fish and Wildlife Conservation Areas:** Fish and wildlife habitat conservation areas include those areas with the below characteristics. As previously mentioned, because the Okanogan River provides important habitat for some federally and state designated endangered, threatened and sensitive species, the entire shoreline within the Town’s limits is a critical area.
 - 1. Federally designated endangered, threatened and sensitive species. Areas with which federally designated endangered, threatened and sensitive species have a primary association. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.
 - 2. Areas in which state designated endangered, threatened and sensitive species have a primary association.

3. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.
4. State Priority Habitats and Areas Associated With State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.
5. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the Town, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

D. Frequently Flooded Areas:

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 (FIRMS) for the Town of Riverside, or as subsequently revised by FEMA as being within the 100-year flood plain, or those floodways and associated floodplains delineated by the Okanogan County Flood Hazard Ordinance as being within the 100-year floodplain or having experienced historic flooding. For the purpose of this SMP, in case of conflict between FEMA flood hazard maps and the County Flood Hazard Ordinance, the more restrictive designation shall apply. Figure 6: Floodway and Flood Hazard Zones provided in the Shoreline Inventory and Characterization Report in Appendix A shows the approximate locations of the 100-year flood plain and floodway based on current FEMA data.

E. Geologically Hazardous Areas:

1. Geologically hazardous areas include those with the below characteristics. Many of these areas are not likely to occur within the Town of Riverside, but are given here to provide a complete definition of this type of critical area designation. Some of the geological hazardous areas mentioned depend on the type of soil present. Figure 9: Soil Type provided in the Shoreline Inventory and Characterization Report in Appendix A shows the approximate boundaries of various soil types present within the Town of Riverside city limits. This

information was obtained from the USDA Natural Resources Conservation Service Web Soil Survey database.

- (a) **Erosion Hazard Areas.** Erosion hazard areas are at least those identified by the U.S. Department of Agriculture’s Natural Resources Conservation Service as having a “moderate to severe,” “severe,” or “very severe” rill and inter-rill erosion hazard. Erosion hazard areas are also those areas impacted by shore land and/or stream bank erosion and those areas within a river’s channel migration zone. Erosion hazard areas are those that contain all three of the following characteristics:
 - i. A slope of 30 percent or greater;
 - ii. Soils identified by the Soil Conservation Service as unstable and having a high potential for erosion; and
 - iii. Areas that are exposed to the erosion effects of wind or water.
- (b) **Landslide Hazard Areas.** Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas are those that may contain any of the following circumstances:
 - i. All areas that have historically been prone to landsliding;
 - ii. All areas containing soil types identified by the Natural Resource Conservation Service (NRCS) as unstable and prone to landslide hazard;
 - iii. All areas that show evidence of or are at risk from snow avalanches; or
 - iv. All areas that are potential unstable as a result of rapid stream incision or stream bank erosion.
- (c) **Seismic Hazard Areas.** Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesion-less, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table. Seismic hazards shall be identified in the Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for Eastern Washington and other geologic resources.
- (d) **Mine Hazard Area.** Mine hazard areas are those areas underlain by or affected by mine workings such as gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Factors that should be considered include: proximity to development, depth from ground surface to the mine working, and geologic material.
- (e) **Volcanic Hazard Areas.** Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. According to the Okanogan County Office of Planning and Development Critical Area Regulations, there are no volcanic hazard areas known to exist in Okanogan County. However, there are several active volcanoes located

in the nearby Cascade Mountains, and these volcanoes could deposit ash in the area during eruptions.

2. Known geologically hazardous areas within the Town consist of erosion hazard areas, such as slopes exceeding 30 percent located adjacent to the river. As more information is obtained that demonstrates the existence of other types and/or areas of geologically hazardous areas, these types and/or areas shall be classified and protected in accordance with the provisions of this chapter.

6.2 General Provisions

- A. Applicability.** This chapter applies to the construction, alteration, or enlargement of any building or structure, excavation, grading, earthwork construction, and the removal of vegetation on any land, which meets the classification standards for any critical area as defined in Section 6.1 above, that is located within the shoreline jurisdiction of the Town of Riverside, as defined by this SMP.
- B. Purpose.** The purpose of these regulations and policies is to designate ecologically sensitive and hazardous areas and to protect those areas and their functions and values within the shoreline jurisdiction. These regulations and policies are also needed to comply with the requirements of the SMA.
- C. Designation of Critical Areas.** The Town shall regulate all uses, activities, and developments within, adjacent to, or likely to affect one or more critical areas located within the shoreline jurisdiction, consistent with the most current, accurate, and complete scientific or technical information available and provisions herein. The below maps and resources are to be used as a general guide to determine the locations and extents of critical areas within the city limits of the Town of Riverside. The Shoreline Administrator is tasked with interpreting the maps and available data to confirm the approximate locations and boundaries of critical areas. Any affected property owner, permit applicant, or other party with standing has the right to appeal the Shoreline Administrator's determination according to the provisions of Section 7.4.N – Appeal to the State Shoreline Hearings Board.
 1. The following data maps and documents may be used as a general guide to determine the locations and extents of critical areas within the Town's city limits:
 - (a) Figure 5: Wetland Locations given in the Shoreline Inventory and Characterization Report in Appendix A of this SMP. This map shows the approximate locations and types of wetlands located within the Town's city limits.
 - (b) Figure 6: Floodway and Flood Hazard Zones given in the Shoreline Inventory and Characterization Report in Appendix A. This map shows the approximate 100-year flood plain boundary and floodway boundary.
 - (c) Figure 9: Soil Type given in the Shoreline Inventory and Characterization Report in Appendix A. This map shows the various types of soils present within the Town's city limits, and could be used to determine the extent of any highly erodible soils.
 - (d) Critical area maps included in the Critical Area Regulations provided by the Okanogan County Office of Planning and Development.

- (e) Maps and reference documents included in the Okanogan County Shoreline Master Program.
- (f) Soil Survey of Okanogan County, Washington by the United States Department of Agriculture, Soil Conservation Service.
- (g) United States Fish and Wildlife Service National Wetlands Inventory maps.
- (h) Washington Department of Fish and Wildlife's Priority Habitats and Species maps.
- (i) Aerial photos
- (j) USGS Topographic Quadrangle maps

D. Permitted, Conditional and Prohibited Uses.

1. Uses allowed or prohibited on a property with critical areas shall be the same as those allowed or prohibited in the underlying environment designation in which the property is located. Each use shall be evaluated using the review process identified in Chapter 7 – Administration Procedures and Enforcement, of this SMP.

E. Project Review Required

1. All land use or building permits for clearing or development activities within two hundred and fifty feet (250') of a critical area as defined on acceptable data maps, shall be subject to review under provisions of this chapter unless exempted in Subsection 4 below.
2. For those projects determined by the Shoreline Administrator likely to have an impact to the critical areas, the applicant shall submit a technical study identifying the precise limits of the critical area and its function and resource value as part of the application. The study shall be prepared by a qualified professional with demonstrated qualifications in the area of concern and shall apply best available science as part of its analysis.
3. Projects subject to this Chapter shall submit an application consistent with Chapter 7 – Administration Procedures and Enforcement, of this SMP.
4. **Exempt Activities.** The following activities shall be allowed in critical areas provided they are conducted using best management practices and at a time and in a manner designed to minimize adverse impacts to the critical area:
 - (a) Conservation or preservation of soil, water, vegetation, fish and wildlife.
 - (b) Outdoor recreational activities which do not involve disturbance of the resource or site area, including fishing, hunting, bird watching, hiking, horseback riding and bicycling.
 - (c) Harvesting wild crops in a manner that is not injurious to the natural reproduction of such crops and provided the harvesting does not require tiling of soil, planting of crops or alteration of the resource by changing existing topography, vegetation, water conditions or water sources.
 - (d) Education, scientific research and use of nature trails.

- (e) Existing and ongoing agriculture activities, including farming, horticulture, irrigation, ranching or grazing of animals.
 - (f) Normal and routine maintenance of legally constructed irrigation and drainage ditches.
 - (g) Normal and routine maintenance, repair or operation of existing serviceable structures, facilities or improved areas, not including expansion, change in character or scope or construction of a maintenance road.
 - (h) Minor modification (such as construction of a patio, balcony or second story) of existing serviceable structures where the modification does not adversely impact the functions of the critical area.
5. **Permit applicants must demonstrate protection of the critical area.** The town requires applicants to demonstrate that development on a site determined to have critical areas will protect the resource by taking one of the following steps (listed in order of preference):
- (a) Avoid impacts to the resource altogether.
 - (b) Minimize the impact 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) Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project.
 - (d) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
 - (e) Compensate for the impact by replacing, enhancing or providing substitute resources or environments.
 - (f) Monitor the impact and take appropriate corrective steps.
6. If a critical resource on a property that is being developed in the Town crosses city limits, the Town shall coordinate with Okanogan County in the review of the project.
7. Projects subject to this Chapter shall obtain a permit consistent with Chapter 7 of this SMP.

6.3 Wetland Provisions

- A. The existence of a wetland and the location of its boundary (as designated in the National Wetlands Inventory) shall be field confirmed and determined by the applicant through the performance of a field investigation applying a methodology acceptable to the Washington Department of Ecology's wetland rating system. Qualified professionals shall perform wetland determinations and delineations using an acceptable methodology.
- B. A wetland containing features satisfying the criteria of more than one of the following categories shall be classified in the highest applicable category. A wetland can be classified into more than one category when distinct areas that clearly meet the criteria of separate categories exist. Wetland rating categories shall be applied as the wetland exists at the time of the adoption of this SMP or as it exists at the time of an associated permit application. Wetland rating categories shall not change due to illegal modifications. The following are the Eastern Washington Wetland

Rating Categories as specified in Washington State Wetland Rating System for Eastern Washington – 2014 Update, Ecology Publication #14-06-030 or as updated:

1. Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, or provide a high level of function. Generally, these wetlands are not common and make up a small percentage of wetlands in Eastern Washington. Category I wetlands in eastern Washington include:
 - (a) Alkali wetlands;
 - (b) Wetlands of High Conservation Value. These Category I wetlands have been identified by scientists from the Washington Natural Heritage Program (WNHP) as important ecosystems for maintaining plant diversity in our state;
 - (c) Bogs and Calcareous Fens (Peat wetlands);
 - (d) Mature and old-growth forested wetlands over ¼ acre in size that are dominated by slow growing native trees.
 - (e) Forests with stands of Aspens; or
 - (f) Wetlands that perform functions as high levels, (wetlands scoring 22 points or more out of 27 from the rating of functions of Category I wetlands).
 2. Category II wetlands occur more commonly than Category I wetlands, but still need a high level of protection. Category II wetlands in eastern Washington include:
 - (a) Forested wetlands in the floodplains of rivers,
 - (b) Mature and Old-Growth forested wetlands with fast growing trees,
 - (c) Vernal pools, also called rainpools, that are located in a landscape with other wetlands.
 - (d) Wetlands that perform functions well, (wetlands scoring between 19-21 points out of 27 from the rating functions of Category II wetlands).
 3. Category III wetlands are wetlands with moderate levels of functions and can often be adequately replaced with a well-planned mitigation project. These wetlands generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 4. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. These are wetlands that should be replaceable, and in some cases, improved. These wetlands may provide some important functions, and also need to be protected.
- C. Wetland Buffers.** Development near wetlands shall observe the buffers given on the following page, as measured from the edge of the wetland. No development or activity shall occur within the required buffers unless the applicant can demonstrate that the proposed use or activity will not degrade the functions and values of the wetland and other critical areas according to the evaluation criteria from Subsection E on the following page. In no case shall any development or activity be permitted closer to the edge of the wetland than within one-half of the required buffer.

Table 6.3.1 Wetland Buffers

| Wetland Category | Buffer |
|-------------------------|---------------|
| Category I | 250 feet |
| Category II | 200 feet |
| Category III | 150 feet |
| Category IV | 50 feet |

- D.** Buffer zones may be increased if the Shoreline Administrator finds, on a case-by-case basis and based upon best available science, at least one of the following applies:
1. A larger buffer is necessary to maintain viable populations of existing species, or
 2. The wetlands are used by species proposed or listed by the federal government or the State as endangered, threatened, rare, sensitive or being monitored as habitat for those species or has unusual nesting or resting sites, or
 3. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or
 4. The adjacent land has minimal vegetative cover or slopes greater than twenty-five percent (25%).
- E.** Buffer zones may be decreased to no less than fifty percent (50%) if the Shoreline Administrator finds, on a case-by-case basis and based upon Best Available Science, that all of the following apply:
1. The critical area report provides a sound rationale for a reduced buffer, and
 2. The existing buffer area is well-vegetated with native species and has less than ten percent (10%) slopes, and
 3. No direct or indirect, short-term or long-term adverse impact to the wetland will result from the proposed activity.
- F.** Wetland buffer areas may be used for conservation and restoration activities, passive recreation (including trails, wildlife viewing structures & fishing access areas) and storm water management facilities.
- G.** If activities will result in the loss or degradation of a regulated wetland or buffer, a mitigation or enhancement plan prepared by a qualified expert shall be submitted for review and approval by the Town. Any mitigation or replacement wetland shall follow the recommended minimum guidelines specified by the Department of Ecology. (*Department of Ecology's Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06-06-011b, March 2006).*)
- 6.4 Aquifer Recharge Area Provisions**
- A.** Commercial uses involving the processing, use, storage, or production of hazardous, toxic, or dangerous material shall meet applicable federal, state, and local regulations within critical

aquifer recharge areas because of the potential for introduction of those materials to ground water.

- B.** Agricultural practices shall adhere to all applicable local, state, and federal laws regarding pesticide and fertilizer application, and shall be conducted in a manner so as to limit introduction of contaminants to ground water.
- C.** All proposed activities within aquifer recharge areas must comply with the water source protection requirements of the federal Environmental Protection Agency, state Department of Health and the Okanogan County Health District.
- D.** Any application for a city permit that utilizes or generates hazardous or toxic materials shall be required to comply with state and federal regulations, (the Clean Drinking Water Act and the Clean Water Act).
- E.** All household hazardous waste shall be disposed of according to the Okanogan County Comprehensive Solid Waste Management Plan.
- F.** All new development shall comply with the maximum lot coverage required in the shoreline environment designation in which it occurs, (see Chapter 5 – Shoreline Designation Policies and Regulations, Section 5.2.M, Table 2). It is important that impervious surfaces be limited to that allowed to ensure there continues to be areas of post-development pervious surfaces that all for the continued recharge of the aquifer.

6.5 Fish and Wildlife Conservation Areas Provisions

- A.** All proposed development in the town’s shoreline jurisdiction has the potential to impact critical wildlife habitat. Habitat management plans, prepared by qualified experts, will be required for all proposed developments. Habitat management plans shall be in conformance with Washington Department of Fish and Wildlife requirements, and be submitted for evaluation to local, state and federal agencies (as identified by the US Fish and Wildlife Service, the National Marine Fisheries Service, the Washington Department of Fish and Wildlife, and the Department of Natural Resources).
- B.** The habitat management plan shall be based on best available science and best management practices, and shall be designed to achieve specific habitat objectives and shall include, at a minimum:
 - 1. A detailed description of vegetation on and adjacent to the project area,
 - 2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species,
 - 3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area,
 - 4. A detailed discussion of the potential impact on habitat by the project, including potential impact to water quality,

5. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity,
 6. A discussion of continuing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
- C. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the functions and values of the habitat.
 - D. Non-indigenous plant, animal, or fish species to the region shall not be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.
 - E. The habitat management plan shall address the project area of the proposed activity, all habitat conservation areas and recommended buffers within three-hundred feet (300') of the project area and all other critical areas within three hundred feet (300') of the project area.

6.6 Frequently Flooded Areas Provisions

The following policies and regulations must be factored into decisions regarding all flood management and planning within that portion of the 100-year floodplain that falls within Riverside's shoreline jurisdiction, (within 200 feet of the OHWM). Figure 6: Floodway and Flood Hazard Zones in the Shoreline Inventory and Characterization Report in Appendix A shows the locations of the 100-year floodplain, areas between the 100-year and 500-year floodplains, and approximate floodway boundaries, all based upon the FEMA FIRM for the Town of Riverside. As can be seen from Figure 6, floodplains are a substantial feature in the Town and extend through nearly all areas of the Town's shoreline jurisdiction, as well as beyond the shoreline to other areas of the Town.

Floodplain management involves taking actions with the purpose of preventing or mitigating damage to flooding. Floodplain management can involve planning and zoning to control development, either to reduce risks to human life and property, or to prevent development from contributing to the severity of flooding. Floodplain management can also address the design of developments to reduce flood damage and the construction of flood controls, such as dikes, dams, engineered floodways, and bioengineering.

The following policies and regulations are designed to provide a framework for floodplain management within the Town's shoreline jurisdiction.

- A. Non-structural control solutions are preferred over structural flood control devices, and should be used wherever possible when control devices are needed. Non-structural controls include such actions as prohibiting or limiting development in areas that are historically flooded or limiting increases in peak flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage. Structural flood hazard reduction measures include structures such as concrete walls, riprap, and stone reinforcement. While these measures can protect certain areas from flooding, they can intensify flooding elsewhere in a watershed. They can also damage ecological functions crucial to fish and wildlife species (such as limiting the river channel's connectivity to adjacent floodplains and wetlands), bank stability, and water quality. For these reasons, structural control measures shall be limited when feasible.
- B. All development shall conform to Section 1612 (Flood Loads) from the 2006 International Building Code and the Okanogan County Flood Hazard Ordinance.
- C. Any use or development shall maintain the pre-development movement (volume and velocity) of surface (storm runoff) water and prevent or minimize the unnatural diversion of flood water to

otherwise flood-free areas which could necessitate expensive and environmentally disruptive flood control methods.

- D.** All development activities shall clearly delineate the 100-year flood plain boundary using FEMA Flood Insurance Rate Maps (FIRMS). This information must be given on a Site Plan for applications for Substantial Development Permits, (see Chapter 7, Section 7.4.C.13).
- E.** Normal and routine repair and maintenance of flood control measures such as dikes, as required and authorized by the US Army Corps of Engineers, in existence on the date of adoption of this SMP shall be exempt from permit requirements.
- F.** All shoreline uses and activities shall be located and designed to minimize or prevent the need for shoreline stabilization measures, flood protection works, filling, or substantial site grading. The use of car bodies, scraps of building materials, tires, asphalt or concrete from street work, or any discarded pieces of equipment, appliances or other debris for the stabilization of shorelines is prohibited. See Section 5.3.H.6 of this SMP for specific shoreline stabilization regulations and standards.
- G.** Development in floodplains should not significantly or cumulatively increase flood hazards or be inconsistent with comprehensive flood hazard management plans adopted pursuant to RCW 86.12.
- H.** New structural flood hazard reduction measures are allowed in the shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that non-structural measures are unfeasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with Section 4.5 of this SMP and WAC 173-26-221(5).
- I.** New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the Shoreline Administrator.
- J.** New structural public flood hazard reduction measures, such as dikes and levees shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, unacceptable and significant 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.
- K.** The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and be consistent with Section 5.3.H.2 of this SMP. Such removal shall only be allowed 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 river as much as is physically feasible. New transportation facilities shall be designed so that the effective base flood storage volume of the floodplain is not reduced. The applicant shall provide all necessary studies, reports, and engineering analysis which shall be subject to review and modification by the Town and/or the Town's designated representative. If proposed transportation facilities effectively provide flood control, they shall comply with the policies and regulations of this section.

- M.** The Town of Riverside requires Floodplain Development Permits be obtained prior to completing any development within the floodplain, regardless of location within or outside of the shoreline jurisdiction.

6.7 Geologically Hazardous Areas Provisions

- A.** All projects shall be evaluated through a geotechnical report, completed by a qualified professional with expertise in the particular hazard(s) present in given critical area, to determine whether the project is proposed to be located in a geologically hazardous area, and if so, what is the project's potential impact on the geologically hazardous area and the potential impact of the geologic hazard on the proposed project;
- B.** All projects shall comply with the applicable federal, state and local regulations, including the International Building Code;
- C.** Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
 1. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
 2. Will not adversely impact other critical areas;
 3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 4. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.
- C.** Mitigation plans for geologically hazardous areas shall establish setbacks and buffer widths as needed to eliminate or minimize risks of property damage, death, or injury resulting from development of the hazard area. Where established, buffers shall be maintained between all permitted uses and activities and designated geologically hazardous area(s).
- D.** The existing native vegetation within the buffer area(s) shall be maintained, except the normal, nondestructive pruning and trimming of vegetation for maintenance purposes is allowed.
- E.** Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion area or related buffer shall be prohibited. Where removal of vegetation is unavoidable, reseeding and replanting with native vegetation shall be preferred. In lieu of a native restoration, planting an erosion control mix recommended by the Natural Resource Conservation Service, the Okanogan Conservation District, the WSU Cooperative Extension Office, or other qualified agent to assist in stabilization of the areas and to discourage establishment of invasive plants may be substituted.
- F.** As determined through the site-specific study, appropriate drainage, grading, excavation and erosion control measures shall be implemented in the geologically hazardous area(s).
- G.** Every erosion hazard area mitigation plan shall include a run-off management plan or an erosion control plan to reduce sedimentation problems.
- H.** Development and activities located in erosion hazard areas shall provide for long-term slope stability, and designs shall incorporate the following standards:

1. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
 2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
 5. Development shall be designed to minimize impervious lot coverage.
- I. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available.
 - J. As determined through the site-specific study, mitigation measures shall be implemented that maintain the integrity of the geologically hazardous area(s).
 - K. As determined through the site-specific study, appropriate management and monitoring plan(s) shall be developed and implemented to preserve and protect both the geologically hazardous area(s) and the project, with any necessary surety to ensure compliance with such plan(s).
 - L. A use or structure established prior to the effective date of this chapter which does not conform to the standards set forth in this section, is allowed to continue and be reasonably maintained, provided that such activity or structure shall not be expanded or enlarged in any manner that increases the extent of its nonconformity.

7.1 Introduction

This chapter establishes an administrative system designed to assign responsibilities for implementation of this Shoreline Master Program (SMP) and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications and to ensure that all persons affected by this SMP are treated in a fair and equal manner.

7.2 Roles and Responsibilities

A. Administrator Authority

The Town Mayor or his/her designee shall serve as the Shoreline Administrator. The Administrator will be vested with:

1. Overall administrative responsibility for this SMP.
2. Authority to provide recommendations to the Town's Council to approve, approve with conditions or deny Substantial Development Permits and permit revisions in accordance with the policies and provisions of this SMP.
3. Authority to grant Statements of Exemptions from shoreline substantial development permits; and
4. Authority to determine compliance with RCW 43.21C, the State Environmental Policy Act, (SEPA).
5. Authority to decide on appeals from administrative decisions issued by the Shoreline Administrator of this SMP.

B. Administrator Duties and Responsibilities

The duties and responsibilities of the Shoreline Administrator shall include:

1. Specifying the required application forms and submittal requirements including the type, details and number of copies for the Substantial Development, Conditional Use and Variance applications. At a minimum, the application shall include the information required by the SMP.
2. Advising interested citizens and applicants of the goals, policies and regulations of this program and the Shoreline Management Act (SMA).
3. Making administrative interpretations of the policies and regulations of this program and the SMA.
4. Collecting applicable fees based on an annual fee schedule.
5. Determining that all applications and required information and materials are provided.
6. Making field inspections as necessary.

7. Reviewing, insofar as possible, all provided and related information deemed necessary for application needs.
8. Determining if a shoreline substantial development permit, conditional use or variance permit is required.
9. Conducting a thorough review and analysis of the shoreline Substantial Development Permit applications, making written findings and conclusions and approving, approving with conditions, or denying such applications.
10. Submitting Variance and Conditional Use applications and making written recommendations on such permits for review and recommendation.
11. Assuring that proper notice is given to appropriate persons and the public for all hearings.
12. Providing summary reports to the Town Council of any shoreline management permits that have been issued.
13. Investigating, developing and proposing amendments to this SMP as deemed necessary to more effectively and equitably achieve its goals and policies.
14. Seeking remedies for alleged violations of this program, the provisions of the SMA, or of conditions of any approved shoreline permit issued by the Town.
15. Forwarding shoreline permits to the Washington Department of Ecology for filing or action.

C. Town Council Authority

The Town Council is vested with authority to:

1. Initiate an amendment to this SMP according to procedures prescribed in WAC 173-26-100.
2. Adopt all amendments to this SMP. Substantive amendments shall become effective upon adoption by Ecology.
3. Issue final orders summarizing findings and conclusions for Substantial Development permits and Conditional Use and Variance permits.
4. Issue final decisions on Substantial Development permits.

After Town Council approval of a Conditional Use or Variance permit, the Town must submit the permit to Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. Ecology issues final decisions on Conditional Use and Variance permits.

7.3 Shoreline Permit Requirements

Any person wishing to undertake a substantial development within the shoreline jurisdiction shall apply to the Town for a shoreline permit. Based on the provisions of the SMP, the Administrator shall determine if a Substantial Development Permit, a Conditional Use Permit and/or Shoreline Variance is required.

Exempt developments, which are outlined below in Section B.2, shall not require a Substantial Development Permit. However, an exempt development may require a Conditional Use Permit and/or a Shoreline Variance from SMP provisions. In any case, a Statement of Exemption must be obtained from the Administrator for a development that is exempt from Substantial Development Permit requirements.

A. Review Criteria for All Development

1. All proposed uses, activities and development occurring within the shoreline jurisdiction must conform to Chapter 90.58 RCW, i.e. the SMA, its implementing rules and this SMP, whether or not a permit is required.
2. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the SMA and the SMP.
3. No permit shall be issued for any new or expanded building or structure of more than thirty-five 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 where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served.
4. A substantial development shall not be undertaken within the jurisdiction of the SMA unless a shoreline substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.
5. The Town may attach conditions to the approval of permits as necessary to ensure consistency of the project with the SMA and this SMP.

B. Exemptions from Substantial Development Permit Requirements

1. The following guidelines are to be used in determining whether or not a development proposal is exempt from the substantial shoreline development permit.
 - (a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions, (see Section 7.3.B.2), may be granted exemption from the substantial development permit process.
 - (b) An exemption from the substantial development permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the SMA. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a 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 variance.
 - (c) The burden of proof that a development or use is exempt from the permit process is on the applicant.
 - (d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

- (e) The Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP.
 - (f) Whenever a development falls within the exemption criteria outlined above and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Shoreline Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and Ecology. Exempt development as defined herein shall not require a substantial development permit, but may require a conditional use permit, variance and/or a Statement of Exemption.
 - (g) Before determining that a proposal is exempt, the Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the SMP and the SMA.
2. The following are exempt from the requirements for a Substantial Development Permit for the purpose of this SMP.
- (a) Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred eighteen dollars (\$5,718) or as amended by the state office of financial management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For the purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
 - (b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as a repair where such replacement structure or development is comparable to the original structure or development including by not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
 - (c) Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion, not for the purpose of creating dry land. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.

- (d) 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 which requires immediate action within a time too short to allow full compliance with the SMA or this SMP. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required absent an emergency, pursuant to RCW 90.58 or this SMP, shall be obtained. 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.
- (e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. Alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.
- (f) Construction or modification of navigational aids such as channel markers and anchor buoys.
- (g) Construction by an owner, lessee, or contract purchaser of a single family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and meets all requirements of the state agency or local government having jurisdiction thereof.
- (h) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as part of an agricultural drainage or diking system.
- (i) The marking of property lines or corners, when such marking does not significantly interfere with normal public use of the surface of the water.
- (j) Any project with certification from the Governor pursuant to RCW 80.50, Energy Facilities – Site Locations.
- (k) Site Exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - i. The activity does not interfere with the normal public use of the surface waters.
 - ii. 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.
 - iii. 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.
 - iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to pre-existing conditions.
- (l) 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 that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under RCW 43.21C.

7.4 Shoreline Permit Procedures

Pre-application

A. Information Prior to Submitting an Application

1. Prior to submitting a complete application for a Substantial Development Permit, a Conditional Use Permit and/or a Variance, the applicant may request preliminary site plan review by the Town. This will enable the applicant to become familiar with the requirements of this SMP, other applicable regulations and the approval process. The preliminary site plan review shall be conducted according to procedures established by the Administrator.

Application Submittal

B. Statement of Exemption

1. A Statement of Exemption must be obtained from the Administrator for a development that is exempt from Shoreline Substantial Development Permit requirements, but which requires other permit approvals, such as a building permit or Floodplain Development Permit. This statement will verify that the development is exempt. The statement will also list any provisions that must be followed to ensure that the development is consistent with the Master Program and the Act. The Statement of Exemption shall be attached to the other permit approvals.
2. Whenever a development falls within the exemption criteria listed in Section 7.3.B, and is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Administrator shall prepare a Statement of Exemption and send a copy of this statement to the Washington Department of Ecology.
3. Before issuing a Statement of Exemption, the Administrator shall review the Master Program to determine if the proposed development requires a Shoreline Conditional Use Permit and/or a Variance. It may be necessary for the Administrator to conduct a site inspection to ensure that the proposed development meets the exemption criteria.
 - (a) **Application Forms.** Applications for such shoreline exemptions shall be made on forms provided by the Administrator.
 - (b) **Site Plan.** A site plan shall meet the requirements of the underlying development permit and shall include the following items listed in Section C.2 below.

C. Substantial Development Permits

1. **Application Forms.** No substantial development, except those exemptions listed in this SMP, shall be undertaken on shorelines of the Town without first obtaining a Substantial Development Permit from the Town. Applications for such permits shall be made on forms provided by the Administrator.

For Variance and Conditional Use Permit requests, the application shall also demonstrate compliance with the provisions of Section 7.5 of this chapter.

For all shoreline permits and in addition to the information requested on the application, the applicant shall provide, at a minimum, the following information:

2. **Site Plan** - drawn to scale (1 foot equals 40, 100, 200 or 400 feet or other scale approved by the Administrator) and including:
 - (a) Site boundary and project limits.
 - (b) Property dimensions in the vicinity of the project.
 - (c) Ordinary high water mark.
 - (d) Typical cross section or sections showing:
 - i. existing ground elevation
 - ii. proposed ground elevation
 - iii. height of proposed structures
3. Where appropriate, proposed land contours using one-foot intervals, if development involves grading, cutting, filling, or other alteration of existing ground contours.
4. Dimensions and locations of any existing structures or features that will be maintained.
5. Dimensions and locations of proposed structures, roads, parking areas and landscaping.
6. Source, composition and volume of fill material.
7. Composition and volume of any extracted materials and identify proposed disposal area.
8. Location of proposed utilities, such as sewer, water, gas, cable, phone and electricity.
9. Information regarding compliance with local and state health regulations, if the development proposes the use of septic tanks.
10. Shoreline environment designations according to this SMP.
11. Location in proximity to shorelines of the state, (Okanogan River).
12. Location and extent of any known or suspected critical areas as defined in Chapter 6 – Critical Areas, of this SMP.
13. The approximate location of the 100-year floodplain boundary using the FEMA Flood Insurance Rate Map (FIRM) for the Town of Riverside, in relation to the project location.
14. **Vicinity Map** drawn to scale and including:
 - (a) Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.).
 - (b) If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide additional information describing the precise location of the disposal site and its distance to the nearest city or town.

15. Give a brief narrative description of the general nature of the improvements and land use within 1,000 feet in all directions from development site (i.e., residential to the north, commercial to the south, etc.).
16. Adjacent land owners. Provide the names and addresses of all real property owners certified by a title company within three hundred feet of the property where development is proposed.
17. If the proposed site includes critical areas as defined in Chapter 6 of this SMP, then the following additional application requirements shall apply:
 - (a) A scaled drawing showing the dimensions and exact boundary of the critical area on the project site.
 - (b) Identification of specific means to mitigate any potential adverse environmental impacts of the proposal.
 - (c) Top view and typical cross-section views of the critical area (and buffer, if applicable) to scale.
 - (d) If the critical area is a wetland, a qualified professional shall provide a delineation report using the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, unless the Administrator determines the project exempt from further review. The project shall be exempt from further review if the Applicant can clearly show:
 - i. No adverse impacts will occur to the wetland or its buffer; and
 - ii. The proposed use or structure is located beyond the required buffer or building setback zone based upon wetland type.

D. Application Fees

1. At the time of an application request, the Applicant shall pay a filing fee as determined by the Town Council, by resolution. Sufficient fees shall be charged to the Applicant to cover the costs of the evaluation of the application.

E. Complete Application

1. Within twenty-eight (28) days of receiving an application for a Substantial Development Permit, a Conditional Use Permit, or a Variance, the Administrator shall provide a written determination stating that the application is either complete or incomplete. If an application is incomplete, then the determination shall include a statement indicating what is necessary to make the application complete. A determination of completeness shall not preclude the town from requesting additional information or studies.

Application and Project Review

F. Permit Process

1. When a complete application and associated information have been received by the Administrator, the actions listed below shall be taken. These actions also apply to shoreline Conditional Use Permits and requests for Variances:

2. **Public Notice.** The Administrator shall have a Notice of Application for Substantial Development Permit, Conditional Use, or Variance (as applicable) published in a newspaper of general circulation, within the area in which the development is proposed. The applicant shall also provide notice of application to all properties located within 300 feet of the site.
 - a) The Notice of Application for Substantial Development Permit, Conditional Use, or Variance (as applicable) describes the location of the project and includes a statement that any person desiring to present their views to the Administrator may do so in writing within thirty (30) days of the final newspaper publication. The notice also provides the date when a public hearing will be held on the application and states that any person may submit oral or written comments at the hearing. All persons who indicate their desire to receive a copy of the final order shall be notified, in a timely manner, of the Town Council's decision.
 - b) The Notice of Application for a Substantial Development Permit, Conditional Use, or Variance (as applicable) shall be provided within fourteen days after the determination of completeness and should include information required by WAC 173-27-110.
 - c) The Administrator shall also have the applicant post the Notice of Application for a Substantial Development Permit, Conditional Use or Variance (as applicable) on-site.
 - d) The Administrator may require any other manner of public notice deemed appropriate to accomplish the objectives of reasonable notice to the adjacent landowners and the public.
3. **Review.** The Administrator shall review an application for a Substantial Development Permit, Conditional Use or Variance using the following information:
 - (a) The application.
 - (b) Applicable SEPA documents.
 - (c) Evidence presented at the public hearing.
 - (d) Written and oral comments from interested persons.
 - (e) Information and comments from any other agencies, (County, State, and Federal).

The Administrator may require an applicant to furnish information and data in addition to that contained or required on the Substantial Development Permit, Conditional Use or Variance application.

G. Administrative Review of Substantial Development Permits

1. The Administrator shall review the application and related information and issue a written decision to approve, approve with condition, or deny the application for a Substantial Development Permit. No permit shall be granted unless the proposed development is consistent with the provisions of this SMP, the Shoreline Management Act of 1971 and the rules and regulations adopted by the Department of Ecology thereunder.

H. Public Hearing for a Permit

1. At least one public hearing shall be held by the Administrator regarding an application for a Conditional Use or Variance. The public hearing should be held at the earliest possible date after the thirty (30) day public comment period has ended.

2. A written notice of the public hearing at which the Administrator will consider the application shall be mailed or delivered to the applicant a minimum of seven (7) days prior to the hearing. The Administrator's findings and conclusions and recommended action on the application shall be sent to the applicant with the notice of public hearing.

I. Burden of Proof on Applicant.

1. The burden of proving that the proposed development is consistent with the criteria which must be met before a permit is granted shall be on the applicant. The applicant may, but is not required to, respond to public comments made at or prior to the hearing.

J. Conditional Approval

1. Should the Administrator or Town Council find that any application does not substantially comply with criteria imposed by the SMP and the Shoreline Management Act, it may deny such application or attach any terms or condition which is deemed suitable and reasonable to affect the purpose and objective of this Master Program and the Act.

K. Bonds

1. The Town may require the applicant to post a bond in favor of the Town of Riverside to assure full compliance with any terms and conditions imposed by the City on any Substantial Development Permit, Conditional Use or Variance. Said bond shall be in an amount to reasonably assure the Town that any deferred improvement will be carried out within the time stipulated.

L. Town Council Decision

1. The Town Council shall review Conditional Use and Variance applications at a closed record hearing.
2. The record established by the Administrator (including testimony, exhibits, comment letters, plans, etc.) shall be the record used by the Council unless it is supplemented by the Town Council pursuant to this section. A request to supplement the record shall be made in a separate document that is attached to an appeal. The appeal shall not mention or refer to the material that is proposed to be added to the record. A request to supplement the record shall include a brief description of the nature of the material to be added and a separate, attached copy of the material to be added. The request to supplement the record must clearly establish that the new evidence or information to be added to the record was not available or could not have been reasonably produced at the time of the open record hearing before the Administrator.
3. The Council may affirm, modify, or reverse the Administrator's recommendation, remand to the Administrator with directions for further proceedings or grant other appropriate relief. If the Council reverses or modifies the Administrator's recommendation, the Council shall enter findings and/or conclusions to support the decision.

(a) The Administrator's recommendation shall be given substantial weight.

(b) Within five (5) days of the Town Council's decision, the Administrator shall send the Town Council's final order, including findings and conclusions to the following:

- i. The applicant.
- ii. The Department of Ecology.
- iii. The Attorney General.

M. Department of Ecology Review of Variance and Conditional Use Permits

1. After the City Council has approved a Variance or Conditional Use Permit, the Administrator shall file the permit with the Department of Ecology for its approval, approval with conditions, or denial. When a Substantial Development Permit and a Conditional Use or Variance Permit are required for a development, the filing on local government's rulings on the permits shall be made simultaneously. The Department of Ecology will issue its decision on a Variance or Conditional Use Permit within thirty (30) days of filing. The submittal is not complete until all the required documents have been received by the Department of Ecology and the Attorney General. Upon receipt of the Department of Ecology's decision, the Administrator shall notify those interested persons having requested notification of such decision.
2. Development authorized by a Variance or Conditional Use Permit shall not begin until twenty-one (21) days following Ecology's approval, provided no appeal proceedings have been initiated.

N. Appeal to the State Shoreline Hearings Board

1. Any person aggrieved by the granting, denying, rescission or modification of a Shoreline permit may seek review from the State Shorelines Hearings Board. An appeal of a Shoreline Substantial Development Permit shall be initiated by filing an original and one copy of request for review with the Hearings Board within twenty-one (21) days of the Department of Ecology's receipt of the final decision by the Town Council. An appeal of a Variance or Conditional Use Permit shall be filed with the Hearings Board within twenty-one (21) days of the Department of Ecology's decision. The request for review shall be in the form required by the rules for practice and procedure before the Shorelines Hearings Board. The person seeking review shall also file a copy of the request for review with the State Department of Ecology and the Attorney General.

7.5 Variance and Conditional Use Permit Criteria

The Shoreline Management Act states that master programs shall contain provisions covering Conditional Uses and Variances. These provisions should be applied in a manner that protect the environment, while also assuring that a person will be able to use his/her property in a fair and equitable manner.

A. Variances

1. **Purpose.** The purpose of a Variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the SMP. A Variance is appropriate where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant. Construction pursuant to a Variance shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
2. **Application.** An application for a shoreline Variance shall be submitted on a form provided by the Administrator.
3. **Criteria for Granting Variances.**
 - (a) Variance permits for development and/or uses that will be located landward of the OHWM, and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following variance criteria as listed in WAC 173-27-170:
 - i. 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.

ii. That the hardship described above 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.

iii. That the design of the project will be compatible with other authorized uses in the area and will not cause adverse impacts to adjacent properties or the shoreline environment.

iv. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area.

v. That the variance requested is the minimum necessary to afford relief.

vi. That the public interest will suffer no substantial detrimental effect.

(b) Variance permits for development that will be located either waterward of the OHWM or within any wetlands may be authorized provided the applicant can demonstrate all of the following:

i. That the public rights of navigation and use of the shorelines will not be adversely affected by granting the Variance.

ii. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes all reasonable use of the property.

iii. That the proposal is consistent with the criteria established under subsection 3(a)i through 3(a)v of this section.

(c) In the granting of all Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Variances are granted to other developments in the area where similar circumstances exist, the total of the Variances should remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment.

(d) Variances from the use regulations of the SMP are prohibited.

B. Conditional Use

1. **Purpose.** The purpose of a Conditional Use Permit is to allow greater flexibility in varying the application of the use regulations of the SMP in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the Town or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and the SMP. Uses that are specifically prohibited by this SMP may not be authorized with the approval of a conditional use permit.

2. **Application.** An application for a Shoreline Conditional Use shall be submitted on a form provided by the Administrator.

3. **Criteria for Granting Shoreline Conditional Use Permits.**

(a) Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following conditional use criteria as listed in WAC 173-27-160:

(i) That the proposed use will be consistent with the policies of RCW 90.58.020 and the

policies of the SMP.

(ii) That the proposed use will not interfere with the normal public use of public shorelines.

(iii) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with the goals and policies of the SMP.

(iv) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.

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

(b) 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.

(c) Uses that are specifically prohibited by this SMP may not be authorized pursuant to this section.

4. **Unclassified Uses.** Other uses, which are not classified 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 the SMP.

7.6 Time Limits and Amendments to Permits

A. Time Requirements for Shoreline Permits

1. **Duration of Permits:** The Town of Riverside may issue shoreline permits which determine the length of time a shoreline permit will be effective based on the specific requirements of the development proposal. If a permit does not specify a termination date, the following requirements apply:

(a) **Time Limit for Substantial Progress.** Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permits.

(b) **Extension for Substantial Progress.** The Shoreline Administrator may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.

(c) **Five-Year Permit Authorization.** If construction has not been completed within five (5) year of approval by the Town of Riverside, the Town will review the permit and, upon showing of good cause, either extend the permit for one year, or terminate the permit. Prior to the Town authorizing any permit extensions, it shall notify any parties of record and the Department of Ecology. Only one (1) single extension is permitted.

(d) **Effective Date.** The effective date of a substantial development permit shall be the date of filing with the Town of Riverside, as provided in RCW 90.58.140(6)(a). The effective date of a variance or conditional use permit shall be the date the decision of the

Department of Ecology is transmitted to the Town of Riverside, as provided in RCW 90.58.140(6)(b).

B. Amendments to Permits

1. 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 RCW 90.58. Changes which are not substantive in effect do not require approval of a revision.
2. Revisions to permits shall be considered consistent with WAC 173-27-100.

7.7 Nonconforming Use and Development Standards

A. Applicability.

1. "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the SMA or this SMP, or amendments thereto, but which does not conform to present regulations or standards of this SMP. Standards for nonconforming use or development in the shoreline area are provided below.

B. Nonconforming Structures

1. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded 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. Modification or addition to a nonconforming structure shall not increase the building footprint lying within the above described setback area.
2. If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds fifty (50) percent of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP.
3. If a nonconforming structure is unintentionally damaged, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within twelve months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.
4. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
5. A nonconforming structure that is moved any distance must be brought into conformance with the SMP and the SMA.

C. Nonconforming Use

1. Uses that were legally established and are nonconforming with regard to the use regulations of the SMP may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded.
2. A use which is listed as a conditional use, but which existed prior to adoption of the SMP or

any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

3. A structure, which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
 - (a) No reasonable alternative conforming use is practical; and
 - (b) The proposed use will be at least as consistent with the policies and provisions of the SMA and the SMP and as compatible with the uses in the area as the pre-existing use.
 - (c) In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the SMP and the SMA and to assure that the use will not become a nuisance or a hazard.
4. A nonconforming use may be re-established as a nonconformance, except that any nonconforming use that is discontinued for a period of one (1) year shall not be allowed to continue as the nonconforming use.

7.8 Enforcement and Penalties

- A. The Shoreline Administrator and/or his or her designated representative shall enforce all provisions of this SMP. The enforcement procedures and penalties contained in WAC Chapter 173-27 and RCW Chapter 90.58 are hereby incorporated by reference.

7.9 Shoreline Master Program – Review and Amendments

A. Master Program Review

1. This SMP shall be periodically reviewed as necessary to reflect changing local circumstances, new information or improved data and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26-090 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

B. Amendments to the Master Program

1. Any of the provisions of this SMP may be amended as provided for in RCW 90.58.120 and RCW 90.58.200 and WAC 173-26. Amendments or revision to the SMP, as provided by law, do not become effective until approved by the Department of Ecology.
2. Proposals for shoreline environment re-designation (i.e., amendments to the shoreline maps and descriptions), must demonstrate consistency with the criteria set forth in WAC 173-16-040(4).

7.10 Severability

- A. If any provisions of this SMP, or its application to any person or legal entity or parcels of land or circumstances are held invalid, the remainder of the SMP, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

7.11 Conflict of Provisions

- A. Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the Town, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this SM

Chapter 8 – Definitions

8.1 Introduction

The definitions include requirements from WAC 173-26-020 and definitions and general principles and governing principles from WAC 173-26-186. This chapter lists the official (legal) definitions of terms used in this SMP. As used in this SMP, unless the context requires otherwise, the following definitions and concepts apply:

A

1. “Accessory Building or Use” means a subordinate building or use which is located on the same legal lot as the principal building or uses.
2. “Accessory Building or Use” means a subordinate building or use which is located on the same legal lot as the principal building or use.
3. “Administrative Authority” shall, in the context of these regulations, mean the Town of Riverside.
4. “Administrator” shall, in the context of this master program, mean the duly appointed representative of the Town.
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. “Agriculture” and “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;
7. “Agricultural Equipment” and “Agricultural Facilities” includes, but is not limited to:
 - (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
 - (ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
 - (iii) Farm residences and associated equipment, lands, and facilities; and

(iv) Roadside stands and on-farm markets for marketing fruit or vegetables.

8. "Agricultural Land" means those specific land areas on which agriculture activities are conducted.
9. "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, poultry and poultry products, and dairy products;
10. "Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.
11. "Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.
12. "Appurtenance" means development that is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and/or the perimeter of a wetland. Appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, swimming pools, hot tubs, saunas, landscaping retaining walls outside buffer, and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.
13. "Archaeological resource/site" means archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered, are located on Town of Riverside shorelands and including, but not limited to, submerged and submersible lands and the bed of the river within the state's jurisdiction, that contains archaeological objects.
14. "Associated Wetlands" means those wetlands that are in proximity to and either influenced, or are influenced by a stream subject to the Shoreline Managements Act. Refer to WAC 173-22-030(1)
15. "Average Grade Level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the ground elevations at the center of all exterior walls of the proposed building or structure.

B

1. "Best management practices" means (BMP's) means conservation practices or systems of practices and management measures that:

- A. Control soil loss and reduce water quality degradation caused by nutrients, animal waste,

toxins, and sediment.

- B. Minimize adverse impacts to surface water and ground water flow, circulation pattern, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats.
 - C. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.
2. "Boat launch ramp" means a structure constructed of concrete or other material, which extends waterward of the ordinary high-water mark.
 3. "Buffer". A riparian buffer is a an environmental servitude or easement upland from the line of ordinary high water mark, typically consisting of native vegetation, which can provide water quality, water quantity, biological and geochemical benefits to the adjoining shoreline habitat and may provide both flora and fauna habitat. A buffer with naturally functioning conditions, where it exists is a standard measure for protecting critical areas and separating them from incompatible uses. When impervious surfaces from previous development completely functionally isolate the Riparian Buffer area from the waterbody, the regulated riparian buffer area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Shoreline Administrator may adjust the regulated riparian area to reflect site conditions and sound science.
 4. "Building" Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind and not including advertising signboards or fences.
 5. "Building Setback" An additional setback for construction activities that is measured from the end of the riparian setback.
 6. "Bulkhead" A solid wall erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves or current action.
 7. "Bulk storage" means non-portable storage of bulk products in fixed tanks.

C

1. "Concentrated animal feeding operations (CAFO)" As defined by the Code of Federal Regulations 122.23.
2. "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
3. "Class A Noxious Weed". Non-native weed species whose distribution in Washington State is still limited.
4. "Class B Noxious Weed". Non-native weed species whose distribution is limited to portions of Washington State.

5. "Clearing". The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.
6. "Commercial use" Facilities used or established to provide goods, merchandise or services for compensation or exchange, excluding facilities for the growth, production, or storage of agricultural products.
7. "Community boating facilities" including docks, piers, ramps, marinas, etc., are typically designed and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-water front property owners.
8. "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;
9. Critical Areas
 - A. "Critical Areas" as defined under chapter 36.70A RCW includes the following areas and ecosystems:
 - i Wetlands;
 - ii Areas with a critical recharging effect on aquifers used for potable waters;
 - iii Fish and wildlife habitat conservation areas;
 - iv Frequently flooded areas; and
 - v Geologically hazardous areas.
 - B. Critical areas on shorelines must meet the requirements of RCW 36.70A.480. Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

D

1. "Density" An expression of the intensity of use of property, usually indicated in the following manner: For residential uses: Minimum acreage or square footage required for each residential unit; for non-residential uses: Maximum amount of use and/or floor area expressed as a percentage or fraction of the size of the lot.
2. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(d).)
3. "Development regulations" means the controls placed on development or land uses by Town of Riverside, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

4. "Dike" an artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.
5. "Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.
6. "Dredge material disposal" means the disposal of material excavated waterward of the ordinary high watermark.
7. "Dredging" means the removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies or from wetlands.
8. "Dwelling, Single-Family" means a detached building containing one dwelling unit.
9. "Dwelling unit" means a building or portion thereof designed exclusively for residential purposes on a permanent basis; to be used, rented, leased, or hired out to be occupied for living purposes having independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling unit.

E

1. "Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201 (2)(c).
2. "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.
3. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. 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;
4. "Emergency construction" is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii)).
5. "Erosion hazard areas" are those areas containing soils which, according to the United States Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include channel migration zones.
6. "Exempt substantial development" are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

F

1. "Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials; (WAC 173-27-030(8))
2. "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 this SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the local or tribal government reviewing the application may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.
3. "Feedlot" A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering.
4. "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.
5. "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term.
6. "Floating homes" A structure designed and operated substantially as a permanently based over water residence. Floating homes are not vessels and typically lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.
7. "Floats" means a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.
8. "Floodplain" 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 the flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

9. "Floodway" means that area either established in the federal emergency management agency flood insurance rate maps or floodway maps; or those portions of the area of a river valley lying stream ward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
10. "Frequently flooded areas" are lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year.
11. "Frontage" is the distance measured along the ordinary high water mark.

G

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

H

1. "Habitat" means the specific area or environment in which a particular type of plant or animal lives.
2. "Hard shoreline stabilization" means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion including but not limited to, bulkheads, rip-rap, jetties, groins, breakwaters, and stone reinforcement.

3. "Height, building" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation;
4. "Historic Site" means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places, or any locally developed historic registry formally adopted by the responsible local government.
5. "Hyporheic Zone" is a region beneath and alongside a stream bed, where there is mixing of shallow groundwater and surface water. The flow dynamic and behavior in this zone (termed hyporheic flow or underflow) is recognized to be important for surface water/groundwater interactions, as well as fish spawning, among other processes.

I

1. "In-stream Structure" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.
2. "Integrated Pest Management Plan" (IPM) is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

L

1. "Landfill" see fill.
2. "Large Woody Debris" or "LWD" means all wood greater than four inches (4") in diameter naturally occurring or artificially placed in streams, including, branches, stumps, logs and logjams.
3. "Legal Pre-Existing Lot" a lot which was legal prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the SMP.
4. "Legal Pre-Existing Structure" a building or structure which was lawful prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the SMP.
5. "Legal Pre-Existing Use" a use of the land which was lawful prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision, or amendment, to conform to the current requirements of the SMP.

6. "Limited Master Program Amendment" means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.
7. "Litter container" means a container provided on public or private property for temporary disposal of wastepaper, used beverage or food containers, and other small articles of rubbish, trash, or garbage by users of the site. Every litter container shall be closed with a well-fitting lid or designed to reasonably prevent its contents from becoming litter.
8. "Local Government" means any county, incorporated city or town which contains within its boundaries shorelines of the state subject to 90.58 RCW.
9. "Levee" A large dike or embankment, often having an access road along the top which is designed as part of a system to protect land from floods.

M

1. "May" means an action is acceptable, provided it conforms to the provisions of this SMP.
2. "Mining" The act of extracting from the earth minerals and/or ores via open pit, shaft, leaching, hydraulic, or other methods, except dredging and sand and gravel. Note that mining activities are subject to zoning regulation and approval processes; however, prospecting and exploration activities that are conducted with minimal disturbance of the subject property are not considered mining and are not restricted by zoning. Surface mining operations are also regulated by Department of Natural Resources.
3. "Mitigation." Mitigation is a step or steps required of a project proponent, whether or not a permit is required to assure that the project meets the test of no net loss in the affected stretch or reach or watershed on which the project is located. Mitigation may be provided by buffers as provided herein or through design and engineering techniques which achieve the same result-- no net loss of ecosystem habitat functions and values. Mitigation may only include conditions the Town can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the condition or easement is to apply.
4. "Monitoring" means evaluating the impacts of development on the environment (which may include biology, geology, hydrology, hydraulics, and other factors related to safety and shoreline ecological function) and determining how well any required mitigation measures are functioning through the monitoring period. Monitoring may also include collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features; and does also include gathering baseline data.
5. "Must" means an action is required.

N

1. "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;
2. "Navigable waters of the United States" means a water body that in its ordinary condition, or by

being united with other water bodies, forms a continued route over which commerce is or may be carried on with other states or foreign countries in the customary modes in which such commerce is conducted by water.

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

O

1. "Ordinary High-Water Mark (OHWM)" on all lakes and streams is 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 existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department of ecology. The following criteria clarify this mark on lakes and streams:
 - A. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water.
2. "Over-water structures" Any structure located waterward of the OHWM. Common examples include, but are not limited to, residential piers, marinas, and bridges.

P

1. "Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail;
2. "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;
3. "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.
4. "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 of the attributes listed in WAC 173-26-211(5).

5. "Priority Species" means a species requiring protective measures and/or management guidelines to ensure its 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 endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
 - B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
 - C. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
 - D. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.
6. "Provisions" means policies, regulations, standards, guideline criteria or environment designations.
7. "Public Access" means the public's right to get to and use the State's public waters the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic roads and overlooks, viewing towers and other public sites or facilities.

Q

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

R

1. "Recreational development" "Recreational Development" means the modification of the natural or existing environment to accommodate recreation. This includes clearing land, earth modifications, structures and other facilities such as parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, wildlife enhancement (wildlife ponds are considered excavation), and other low intensity use outdoor recreation areas.

2. "Recreational uses" Uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, and other low intensity use outdoor recreation areas. Recreational Uses that do not require a shoreline location, nor are related to the water, nor provide significant public access are considered non water- oriented. For example, a recreation uses solely offering indoor activities would be considered non water-oriented.
3. "Residential development" means one or more buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, mobile homes, short/long subdivisions of land and other structures that serve to house people.
4. "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired 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 aboriginal or pre- European settlement conditions.
5. "Riparian Areas" are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and sub-surface hydrology connect water bodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.
6. "Riparian Buffer Setback" Functions as a setback from the shoreline, and are measured from the OHWM.
7. "Riprap" means broken stone or other hardening material placed along the shoreline of a lake, river, or stream to prevent erosion or provide stability.

S

1. "SEPA" State Environmental Policy Act.
2. "SEPA Checklist" A checklist required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible government agency decide whether a full environmental impact statement (EIS) is required. (WAC 197-11-960)
3. "Shall" means a mandate; the action must be done.
4. "Shoreline Areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030. "Shoreline Administrator" means the staff member designated by Town to perform and review functions required in this program.
5. "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

- A. Shorelines of statewide significance;
 - B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;
6. "Shoreline ecological function" see "Ecological function"
 7. "Shoreline frontage" means the land that lies adjacent to the lake, river, or stream subject to this program.
 8. "Shoreline Jurisdiction" for the Town of Riverside, the Shoreline Jurisdiction will include the Okanogan River and all lands that are located within 200 feet of the floodway edge or OHWM, whichever is further landward, and any associated wetlands. For streams, an entire wetland is associated if any part is located within the 200 year floodplain of a shoreline or within 200 feet of the OHWM or floodway.
 9. "Shoreline Management Act" or "SMA" means the Shoreline Management Act of 1971, RCW 90.58, as amended.
 10. "Shoreline Master Program" or "SMP" means the comprehensive use plan for the shoreline area of a jurisdiction subject to this title, 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.;
 11. "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.
 12. "Shoreline permit" means a shoreline substantial development permit, a shoreline conditional use, or a shoreline variance, or any combination thereof issued by the Town of Riverside, pursuant to RCW 90.58.
 13. "Shorelines of the State" are the total of all "shorelines" and "shorelines of state-wide significance" within the state.
 14. "Shorelines of State-wide Significance" means:
 - A. Those natural rivers or segments thereof that are downstream of a point where the mean annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers downstream from the first three hundred square miles of drainage area, whichever is longer. The Okanogan River within the Town of Riverside is classified as a shoreline of State-wide Significance.
 - B. Those shorelands associated with such water bodies.
 15. "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.

16. "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 to 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.
17. "Soft shoreline stabilization" means shore erosion control and restoration practices using only plantings or organic materials to restore, protect or enhance the natural shoreline environment.
18. "Solid Waste" means all putrescible and non-putrescible solid and semi-solid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants, from septic tanks, wood waste, dangerous waste, and problem wastes.
19. "State Master Program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.
20. "Structural shoreline stabilization" means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion, examples include, bulkheads, concrete walls, rip-rap, jetties, groins, breakwaters, stone reinforcement.
21. "Subdivision" division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership including any remaining portions of the parent parcel. (Ord. 95-7 § 1, 1995).
22. "Substantial accessory use facilities" Substantial accessory including but not limited to rest rooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas associated with recreational development.
23. "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand seven hundred eighteen dollars (\$5718) or the dollar value as amended by the State of Washington Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The uses and activities listed below shall not be considered substantial developments for the purpose of this chapter. All development, including the uses and activities listed below, is subject

to Tribal Historic and Cultural Office regulations in accordance with the Tribal Cultural Artifacts Code.

- A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
- B. Construction of the normal protective bulkhead common to single family residences;
- C. Emergency construction necessary to protect property from damage by the elements;
- D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. Alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.
- E. Construction or modification of navigational aids such as channel markers and anchor buoys;
- F. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
- G. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- H. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
- I. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - i. The activity does not interfere with the normal public use of the surface waters;
 - ii. 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;
 - iii. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - v. The activity is not subject to the permit requirements of RCW 90.58.550;
- J. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state

agencies under chapter 43.21C RCW.

24. "Substantially degrade" means cause significant ecological impact.

T

1. "Temporary" means having a specific, short-term duration.
2. "Temporary sign" means a sign not intended to be permanently installed.
3. "Temporary Use" A use that is limited in scope, duration, and frequency.

U

1. "Upland", when used as an adjective, means outside of the shoreline area.
2. "Uplands" means those lands outside of the shoreline area and not under shoreline jurisdiction.
3. "Use" means the purpose for which land or a structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained.

V

1. "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.
2. "Vegetation conservation areas" includes activities to prevent the loss of plant communities that contribute to the ecological functioning of shoreline areas.
3. "Visual public access" see public access.

W

1. "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.
2. "Water-enjoyment use" means a recreational or similar use facilitating public access to the shoreline as a primary character of the use; or, a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of use and which, through location, design and operation assures the public's ability to enjoy physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that foster enjoyment.
3. "Water-oriented use" means any one or combination of water-dependent, water-related or water-enjoyment uses.
4. "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and

biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

5. "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location because:
 - 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.
6. "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.
7. "Woody Debris" means all wood naturally occurring or artificially placed in streams, including, branches, stumps, logs and logjams.