

**Pend Oreille County Regional Partnership
Updated Shoreline Master Program
Board of County Commissioners Locally Adopted Draft
October 30, 2012**

Project Lead Agency:	Pend Oreille County
Project Co-Sponsors:	Kalispel Tribe
	Pend Oreille Public Utility District #1
Participating Local Governments:	Town of Cusick
	Town of Ione
	Town of Metaline
	Town of Metaline Falls
	City of Newport
Supporting Agencies:	Washington State Department of Ecology
	Washington State Department of Natural Resources
	Washington State Department of Fish and Wildlife
	U.S. Army Corps of Engineers
	Seattle City Light
	U.S. Forest Service

Note: This document contains numerous revisions made by the Board of County Commissioners in response to comments from the public and state agencies. Following action by the Board of County Commissioners, the locally adopted Master Program will be forwarded to the Washington State Department of Ecology for final review and approval. Please visit the Pend Oreille County website at www.pendoreilleco.org to see updated drafts of this document or to learn more about the status of the update process.

Acknowledgements

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This document is dedicated in honor of Pend Oreille Planning Commissioner Bill Lee who served his community with great passion and commitment.

Chapter 1: Introduction and Overview

A. Washington State Shoreline Management Act

The Washington State Shoreline Management Act (Revised Code of Washington 90.58) was passed by the State Legislature in 1971 and adopted through a public vote on a referendum to the people in 1972. The Act is based on legislative findings that:

“the shorelines of the state are among the most valuable and fragile of its natural resources and that 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 the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and 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.”

Following the adoption of the Shoreline Management Act, Pend Oreille County in partnership with the cities and towns in the county prepared and adopted a Shoreline Master Program to guide the use and development activities within jurisdictional shorelines throughout the county in 1974. In general terms, this Master Program is applicable to all rivers, streams with a mean annual flow greater than 20 cubic feet per second, all lakes greater than 20 acres, and all lands within 200 feet of the ordinary high water mark of these bodies of water and associated wetlands. The Master Program includes local goals and policies consistent with the State Law at the time of adoption as well as criteria for the designation of shoreline environments, maps highlighting the shoreline designations and regulations to govern the use and development of jurisdictional shoreline areas.

B. Pend Oreille County Regional Partnership

In 2003 the State Legislature amended the Shoreline Management Act to require all cities and counties to update their Shoreline Master Program to comply with the most recent provisions of state law. In 2007 Pend Oreille County received funding from the Department of Ecology to

initiate a multi-year planning process to update the County's Shoreline Master Program which had not been revised since its adoption in 1974. The County then established a regional partnership in consultation with the Kalipsel Tribe and the Pend Oreille PUD and supported by the five cities and towns as well as numerous state and federal natural resource agencies. This planning process was based on the same model used by the County to adopt its comprehensive plan and development regulations and features the County Planning Commission as the focal point of an extensive public involvement process. In this instance the Planning Commission was also supported by a Steering Committee comprised of representatives of the sponsoring organizations and a Technical Advisory Committee consisting of representatives of public and private organizations with relevant technical expertise.

With the support of the regional partnership numerous drafts of the Pend Oreille County Shoreline Master Program were prepared and revised over a several year period culminating in the Planning Commission forwarding a draft to the Board of County Commissioners with a recommendation to distribute the document for further public review and comment in accordance with the procedures for adoption prescribed by the state. The Board of County Commissioners reviewed the Planning Commissions recommended draft and authorized its distribution for public review and comment as well as the required 60-day SEPA/GMA state agency review and comment period. The Board of County Commissioners then reviewed all public and state agency comments and made numerous revisions to the draft master program. This revised draft was then redistributed to the public and state agencies for another opportunity for review and comment. Based on the additional comments received, further revisions have been made to the draft Master Program and the Board of County Commissioners is now conducting a final review of the document prior to local adoption. It is important to note however, that unlike other state mandated planning processes, Washington State Shoreline Management Act requires that local Shoreline Master Programs must be approved by the Department of Ecology before they go into effect.

Following final approval of this updated Master Program by the Department of Ecology it will be integrated into the County Comprehensive Plan and the County Development Regulations for implementation. The provisions contained in the updated Master Program will be used to guide County decision-making until further updated which is scheduled to occur in the year 2022.

C. No Net Loss of Ecological Function

The process for updating local Shoreline Master Programs is guided by the provisions of the Washington Administrative Code (WAC) 173-26. These guidelines include numerous principles that must be addressed including a provision that *"Local master programs shall include policies*

and regulations designed to achieve no net loss of those ecological functions.” The code further provides that “The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical and biological components, that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these components.”

In other words, the state guidelines provide that the level of ecological functions performed by shorelines throughout the county at the time of adoption of this Master Program as a whole should not decline over time. This implies that any loss of ecological function that may occur in the future is offset by improvements to ecological function so that there is no net loss. While this concept cannot readily be quantified, it is the intent of the County to monitor shoreline conditions and assess both improvements and impacts to the ecological functions performed by shorelines and make adjustments if necessary.

In order to achieve this concept of no net loss of ecological function this updated Shoreline Master Program includes clear policy direction as well new shoreline designations and regulations designed to avoid and minimize before mitigating potential adverse impacts. In addition, the updated Master Program also includes a Restoration Plan to guide the restoration of previously degraded shorelines. As noted in the cumulative impact analysis this updated plan includes numerous programmatic provisions that will have a positive impact on the ecological functions of shorelines throughout the County. Some of the highlights include:

1. Increasing the shoreline areas under the jurisdiction of the provisions of this update Shoreline Master Program by 9,975 acres a 54% increase.
2. Increasing the shoreline area designated as Natural which is afforded the highest level of protection from 247 acres which represents only 1.3 percent of the jurisdictional shorelines in the County, to over 6,684 acres, an increase of 2,606 percent!
3. Increasing the shoreline area designated as Conservancy and afforded the second highest level of protection from 5,823 acres or 32 % of the jurisdictional shorelines to 18,932 acres a 225% increase!
4. Collectively, the changes in Natural and Conservancy shoreline designations have resulted in over 92% of the shorelines in the County receiving the highest or second highest level of protection possible!

5. Replacing the largely illegible hand drawn shoreline maps with a GIS mapping system that includes high resolution imagery of all shoreline areas which will tremendously enhance permitting, monitoring, and enforcement activities.
6. In addition, it should be noted that the Shoreline Master Program that is being replaced by this updated Master Program was not amended since its adoption in 1974 and was developed before the County had a Comprehensive Plan, or a zoning code or any type of development regulations or regulations to protect environmentally sensitive areas.

It is also important to note the projected levels of development that are reasonably foreseen for Pend Oreille County over the next 20 years. In order to do so, the County recently examined the building permit records for the ten-year period from the year 2000 to 2009. This period included periods of positive economic growth as well as the current economic conditions of uncertainty and decline that are expected to continue well into the future. During this ten-year period the County issued approximately 617 building permits for new single family residences, an average of only 62 new houses a year for the entire County! Using the year of 2004 as a representative year, the County examined the building permits issued that year and found that only **x** involved construction in or near a jurisdictional shoreline area. Since this low level of development occurred under the limited provisions contained in the 1972 Shoreline Master Program and prior to the adoption of County-wide Development Regulations, it is not expected that future levels of development under the more stringent standards contained in this updated Master Program will be higher. In other words, there is very strong evidence to support a conclusion that the County will be experiencing very little new construction in the future and as a result very little if any potential for any additional adverse impacts to ecological function.

Chapter 2: Goals and Policies

The following Goals and Policies will guide the implementation of the County's updated Shoreline Master Program and will be integrated into the County Comprehensive Plan.

A. Pend Oreille County Shoreline Master Program Goals

The overall goal of the Pend Oreille County Shoreline Master Program is to support the preservation, use, and development of shoreline areas in accordance with the provisions of the Pend Oreille County Comprehensive Plan, and the Comprehensive Plans of the cities and towns in Pend Oreille County, the Washington State Shoreline Management Act and Shoreline Master Program Guidelines, and the Washington State Growth Management Act. The specific Goals of the Pend County Shoreline Master Program include:

- Protect private property rights.
- Promote responsible and appropriate recreational uses of lakes, rivers, and streams.
- Plan and permit appropriate uses and development activities within jurisdictional shorelines.
- Promote an increased awareness of the function and value of shorelines.
- No net loss of ecological functions within jurisdictional shorelines in accordance with the provisions of RCW 90.58.
- Protect environmentally sensitive areas.
- Protect archaeological and cultural resources.
- Support the restoration and enhancement of the ecological functions of shorelines in accordance with locally determined priorities and opportunities identified in the Restoration Plan adopted with this SMP.
- Maintain a regional partnership to implement, periodically review, and update the Shoreline Master Program.
- Recognize the importance of Shorelines of Statewide Significance.

B. Pend Oreille County Shoreline Master Program Policies

The Goals of the Pend Oreille County Shoreline Master Program shall be achieved through the implementation of the following Policies:

1. The goal of no net loss of ecological function should be achieved through the implementation of this updated Shoreline Master Program, by avoiding adverse impacts to shoreline resources, through the local development review process, and through the restoration of previously degraded shorelines.
 - a. The shoreline ecological functions to be protected include, but are not limited to fish and wildlife habitat, and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.
 - b. The County, in consultation with local governments, state and federal agencies, non-profit organizations, property owners, and other interested parties shall use the Characterization of Ecosystem-wide Processes Report, the Reach-based Analysis of Ecological Functions, and the Cumulative Impact Analysis that were prepared in support of updating the Shoreline Master Program as a baseline to determine whether the no net loss of ecological function is achieved.
 - c. In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative benefits and impacts should be considered.
2. The County may, to the greatest extent practical, and in accordance with the provisions of State Law, use existing data, reports and studies, to update its Shoreline Master Program and shall identify gaps in information and acquire additional information as necessary.
3. The County, in consultation with its regional partners and the Department of Ecology, shall maintain an inventory and supporting maps of shoreline areas under the jurisdiction of the Washington State Shoreline Management Act and the County Shoreline Master Program.
4. It shall be the responsibility of sponsors of proposed development activities and property owners to be aware of areas of their property which are within jurisdiction of this

Shoreline Master Program and to conform to all applicable federal, state, and local regulatory requirements on their shoreline property and adjacent surface waters.

5. The County shall integrate the Goals and Policies contained in the Shoreline Master Program into the County Comprehensive Plan, and shall integrate the updated shoreline regulations with the County's Development Regulations and Critical Area regulations in accordance with the provisions of state law.
6. The regulations to implement the updated Shoreline Master Program shall be based on the following sequence of actions when addressing potential adverse affects on the ecological functions of shorelines, provided that mitigating measures may include a combination of these measures:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action.
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation project and take appropriate corrective measures.
7. The County Development Regulations to implement this updated Shoreline Master Program shall include provisions to protect critical areas that have been updated in accordance with the provisions of the Laws of Washington State.
 - a. The level of protection to critical areas within shoreline areas will be at least to the level of protection afforded to critical areas outside of jurisdictional shorelines.

8. The development regulations to implement the updated Shoreline Master Program shall be based on the following shoreline environments and designations:
 - a. Shoreline and shoreland areas that are relatively free of human influences or that include ecologically intact or minimally degraded shoreline environments not suitable for development shall be designated as Natural;
 - b. Shoreline and shoreland areas exhibiting relatively intact ecological functions, conserve designated natural resource lands and designated environmentally sensitive areas, conserve public lands and resources, protect valuable historic and cultural areas, while providing appropriate recreational opportunities shall be designated as Urban Conservancy if located in an Urban Growth Area or Rural Conservancy if located outside of designated Urban Growth Areas;
 - c. Shoreline and shoreland areas that have been identified in local comprehensive plans as and zoning maps as suitable for residential development should be designated as Urban Residential if located in an Urban Growth Area or Rural Residential if located outside of designated Urban Growth Areas;
 - d. Shoreline and shoreland areas suitable for water-oriented commercial, industrial, and related uses should be designated as Urban or Rural Higher Intensity;
 - e. Water bodies that meet the criteria of shorelines of the state and areas water-ward of the Ordinary High Water Mark shall be designated as Aquatic; and
 - f. Areas under the jurisdiction of the Kalispel Tribe shall be designated as Tribal and are not under the jurisdiction of this Shoreline Master Program.
9. Jurisdictional shorelines shall be protected by establishing buffers upland from the ordinary high water mark. No new structures, related development or disturbance activities shall be permitted in shoreline buffer areas, unless specifically authorized. Buffers may be set on a case by case basis in accordance with specific procedures identified in the implementing regulations or may utilize the following standard buffers:
 - a. Natural: 200’;
 - b. Rural Conservancy: 150’;

- c. Urban Conservancy: 100’;
 - d. Rural Residential: 100’
 - e. Urban Residential: 50’;
 - f. Rural Higher Intensity: 50’; and
 - g. Urban Higher Intensity: 50’.
10. Buffers may be reduced to be compatible with the setbacks of buildings on neighboring properties based on a finding that the reduction will not result in a net loss of ecological function.
11. Development activities must be setback from the landward edge of any designated buffer in order to avoid any encroachments, adverse impacts, or unauthorized activities in required buffers.
- a. Property owners are encouraged to review Washington State Department of Natural Resources guidelines for defensible space around buildings before finalizing site plans. At the time of adoption of this updated Master Program, the Department recommended that there be at least 30 feet fire-safe defensible space around all homes.
12. New development activities may be permitted within jurisdictional shorelines if they are consistent with:
- a. The goals and policies of local Comprehensive Plans; and
 - b. Local development regulations; and
 - c. RCW 90.58 the Shoreline Management Act and the updated local Shoreline Master Program, whether or not a permit is required; and
 - d. The provisions of State and Federal laws and rules.
13. Applications for development activities in or near jurisdictional shorelines shall include an assessment of potential benefits and impacts on ecological functions.

- a. Development activities and uses proposed for jurisdictional shorelines must receive a shoreline authorization or permit from the County unless specifically exempted.
 - b. Applications shall include a site plan in a format prescribed by the County with sufficient information to assess potential benefits and impacts on ecological functions.
14. Proposed development activities and uses must be consistent with the goals, policies and use regulations of this updated Shoreline Management Plan, and must receive all other permits or approvals that may be required. This may include, but is not limited to:
- a. Shoreline Authorization;
 - b. Shoreline Substantial Development Permit;
 - c. Shoreline Conditional Use Permit;
 - d. Shoreline Variance;
 - e. Hydraulics Permit;
 - f. Section 401 Permit
 - g. Section 404 Permit;
 - h. Floodplain Development Permit;
 - i. FERC or designated licensee approval;
 - j. SEPA Checklist and Threshold Determination;
 - k. Conditional Use Permit;
 - l. Certificate of Zoning Compliance; and/or
 - m. Building Permit.

15. The County shall seek to streamline the local development review process to promote timely and coordinated agency review and comment.
 - a. Phased projects or similar project activities may be consolidated into a single shoreline application.
16. The County should adopt procedures to integrate shoreline reviews with required environmental assessments so as to avoid unnecessary duplication of efforts.
17. The Pend Oreille River, Sullivan Creek, Sullivan Lake, and Calispell Lake have been designated as Shorelines of Statewide Significance. As a result, priority consideration shall be given to the following uses in the following order of preference:
 - a. Preserve the natural character of the shoreline;
 - b. Result in the long term over short term benefit;
 - c. Protect the resources and ecology of the shoreline;
 - d. Increase public access to publicly owned areas of the shorelines;
 - e. Increase recreational opportunities;
 - f. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary; and
 - g. Recognize and protect the statewide interest over local interest.
18. Applications for new development activities fronting, near, or proposing to access a river, lake, stream, or other body of water may be required to include, subject to County review and approval, a Water Access Management Plan. This plan shall be processed in accordance with the procedures for any associated permits, and shall include, but is not limited to:
 - a. Identification of the proposed water dependent uses;
 - b. Proposed measures to preserve the natural environment;

- c. The location and type of proposed access;
 - d. Proposed parking plans;
 - e. Storm water management plans;
 - f. Public health and safety facilities;
 - g. Lighting, landscaping, and protective buffers;
 - h. Proposed measures to comply with the requirements of this Title, the Comprehensive Plan, the Shoreline Master Program, and other applicable local, state, and federal permits and approvals, including but not limited to the no net loss of ecological function; and
 - i. Documentation that the proposed use will not exceed the natural capacity of the water body and that it will not adversely affect environmentally sensitive areas.
19. New development activities may be permitted below the ordinary high water mark when authorized in this updated Shoreline Master Program and authorized through the issuance of the appropriate permits and approvals. Specifically authorized activities may include, in certain shoreline designations and/or under certain terms and conditions:
- a. Docks;
 - b. Marinas;
 - c. Aquaculture;
 - d. Bridges;
 - e. Dams, levees, dikes, flood control, bank stabilization projects, and or storm water management facilities;
 - f. Structures, development activities, and/or uses required by federal licenses and associated settlement agreements; and
 - g. Public utilities.

20. All proposed development activities shall comply with County, State, and Federal floodway and floodplain regulations.
21. New job generating, water dependent activities should be encouraged in shoreline areas in accordance with the provisions of local plans and regulations.
22. Existing water dependent and water related uses located in shorelines may be retained in accordance with the provisions of local plans and regulations.
23. Local development regulations should be periodically reviewed and updated to more clearly encourage water dependent uses in shoreline areas designated Rural/Urban Higher Intensity.
24. Residential development may be permitted in shoreline areas in accordance with the densities and standards contained in local development regulations, provided that:
 - a. There is no net loss of ecological functions as a result of new residential development in accordance with the provisions of WAC 173-26-241(3)(j).
25. The preservation of native or beneficial vegetation within jurisdictional shorelines should be encouraged and the removal should only be permitted in accordance with approved County standards. These standards should include documentation that the proposed removal:
 - a. Is the minimum amount necessary to achieve stated objectives;
 - b. Will not result in a net loss of ecological functions; and
 - c. Is consistent with planning provisions for restoration of shoreline ecological functions.
26. The County, in consultation with natural resource agencies, the Kalispel Tribe, property owners, and other interested parties, should provide guidelines to encourage the planting of shade trees along creeks and streams and beneficial native vegetation in and near all shoreline areas.
27. The County, in consultation with natural resource agencies, the Kalispel Tribe, property owners, and other interested parties, should provide guidelines that will minimize the

need for future bank stabilization activities. Except in undeveloped channel migration zones, actively eroding shorelines may be stabilized or protected, provided that:

- a. The County may require that proposed plans be prepared and/or reviewed by a professional qualified in biotechnical bank protection
- b. All plans are subject to County review and approval;
- c. All required permits and approvals have been obtained;
- d. There is no net loss of ecological functions as determined by the County;
- e. Structural shoreline modifications should be permitted only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes; and
- f. No new bulkheads shall be permitted.

28. The County, in consultation with local governments, state and federal agencies, the Kalispel Tribe, and non-profit organizations shall maintain a list of obstructions to fish passage to be removed in accordance with the provisions of local restoration plans.

29. Dredging may be permitted only through the issuance of a conditional use permit(s) from agencies with jurisdiction, provided that:

- a. The proposed dredging is necessary to implement the conditions of a federal license or associated settlement agreement and/or for the safe operation of the federally licensed dams in accordance with the terms of their approval; or
- b. The proposed dredging is necessary for navigational purposes or to maintain or enhance existing public accesses; and
- c. The proposed dredging is in the public interest; and
- d. The proposed dredging is the minimum amount necessary to achieve the stated objectives; and

- e. Dredging of bottom materials for the primary purpose of obtaining material for landfill, construction, or beach nourishment shall not be permitted; and
 - f. Potential adverse impacts associated with the proposed dredging and the disposal of associated dredging materials can be reasonably avoided, minimized, mitigated, rectified, reduced, and/or compensated; and
 - g. The disposal of dredge material on land away from the shoreline and associated buffers is preferred over open water disposal; and
 - h. Proposed new developments that require or will create a need for new dredging should not be permitted; and
 - i. Long-term cooperative management programs that rely primarily on natural processes, and involve land owners and applicable local, state and federal agencies and tribes should be encouraged to prevent conditions which make dredging necessary; and
 - j. Dredging may be permitted for water-dependent uses of economic importance to the region and/or essential public facilities only when necessary and when alternatives are infeasible or less consistent with this Shoreline Master Program; and
 - k. Dredging, as part of ecological restoration or enhancement project, public access or public recreation may be permitted if consistent with this Shoreline Master Program; and
 - l. Any dredging proposal should be evaluated for potential adverse impacts to benthic macro invertebrates and other aquatic, amphibian, and terrestrial wildlife, and aquatic, riparian and upland vegetation; and
 - m. Impacts to aquatic, amphibian, and terrestrial wildlife and native vegetation as noted above should be avoided and if unavoidable minimized and fully mitigated.
31. The removal of aquatic noxious weeds or nuisance plants may only be permitted through the issuance of required permit(s) and approvals provided that:
- a. Private property owners may remove aquatic weeds in front of their property by hand (manual removal) provided that they have on-site and have reviewed the pamphlet

- issued by the Washington Department of Fish and Wildlife and have received guidance on how to identify plants appropriate for removal and appropriate removal techniques;
- b. Mechanical control or removal must be conducted by licensed operators or through the use of approved devices, and with any required approvals by state and federal regulatory authorities; and
 - c. Chemical removal may only be conducted by certified applicators through a permit(s) issued by agencies with jurisdiction.
32. New aquaculture activities should be permitted only in areas where they would not:
- a. Adversely affect ecological functions of shoreline areas or water quality;
 - b. Conflict with approved resource management goals;
 - c. Unreasonably interfere with recreational activities and/or the public use and enjoyment of surface waters; or
 - d. Adversely affect the reasonable use and enjoyment of private property and the views of upland property owners.
33. New agricultural activities and uses in jurisdictional shorelines should be permitted only when:
- a. Appropriate native riparian and upland vegetation conservation practices are used to avoid adverse water quality impacts; and
 - b. A buffer of permanent vegetation between tilled areas and associated water bodies that will restrict surface runoff, protect water quality, improve habitat and reduce siltation has been proposed.
34. Commercial logging activities shall be evaluated for potential adverse impacts on jurisdictional shorelines and may be permitted in or near shorelines only with strict adherence to the requirements of the Forest Practices Act.

35. Commercial mining activities may be permitted within certain shoreline environments when the following standards can be met:
- a. Mining should not be approved where it could interfere with shoreline ecological functions or processes or cause irreparable damage to shoreline resources or features. Application of this policy shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. Evaluating potential for net loss of ecological function shall be based on a review of the reclamation plan required for the site and presence of intact shoreland plant communities and shall consider impacts on ecological functions during operation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.
 - b. Mining should not interfere with public recreation on the shoreline.
 - c. Mining should not be permitted in channel migration zones of streams and rivers in Pend Oreille County.
 - d. Mining should only be permitted in accordance with the provisions of local comprehensive plans and development regulations and where appropriate studies and detailed operation plans demonstrate that:
 - (1) Fish habitat, upland habitat and water quality will not be significantly harmed;
 - (2) Mining should be located and operated so as to provide long-term protection of water quality, and fish and wildlife habitats; and
 - (3) The operation will not adversely affect geologic or hydrologic processes, channel alignment, nor increase bank erosion or flood damage.
 - e. Mining operations shall be located, designed, and managed so that other appropriate uses are not subjected to substantial or unnecessary adverse impacts from noise, vibration, odor, dust or other effects of the operation. The operator may be required to implement measures such as buffers, limited hours, or other mitigating measures to minimize adverse impacts.
36. Personal mining should be allowed in accordance with the provisions of state and federal guidelines.

37. New roads should be located outside of designated shoreline buffers except that bridges and essential utility infrastructure may cross buffers perpendicularly.
38. Public and private utility mains and transmission lines should be located outside of designated shoreline buffers.
 - a. Whenever these facilities must be placed in a shoreline area, the location should be chosen to avoid the obstruction of scenic views and damage to shoreline riparian and upland native vegetation, and marked to minimize potential adverse impacts to waterfowl.
 - b. Whenever feasible, these facilities shall be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.
 - c. Upon completion of installations and maintenance projects on shorelines, banks should be restored to a condition that meets or exceeds pre-project conditions, replanted with native species and provided maintenance care until the newly planted vegetation is established.
39. New marinas may be permitted in accordance with local land use regulations, provided that:
 - a. The proposed site does not require dredging;
 - b. The proposed site is not located near the confluence of tributaries to the Pend Oreille River;
 - c. The proposed site is not located in close proximity to priority habitat areas;
 - d. The proposed development does not conflict with the operation or maintenance of federally-licensed hydroelectric facilities; and
 - e. The proposed development will not result in the net loss of ecological function.
40. The County, in consultation with local governments, state and federal agencies, and non-profit organizations as appropriate shall maintain a list of improvements to be made to existing public accesses to the river, lakes, streams, and shoreline areas.

41. The County, in consultation with local governments, state and federal agencies, and non-profit organizations should encourage the enhancement of existing public access facilities and the development of new public access facilities in accordance with the following criteria:
 - a. Areas most suitable for recreational activities;
 - b. Areas underserved by recreational access;
 - c. Areas where facilities can reasonably be designed to avoid, minimize, or mitigate potential adverse impacts; and
 - d. Consistency with local plans and regulations.
42. The concentration of activities that can have an adverse impact on ecological functions should not be permitted.
 - a. Keyholing or other land use practices that result in the inappropriate or excessive concentration of uses in shoreline areas shall not be permitted.
43. Local regulations should be reviewed and periodically updated to protect jurisdictional shorelines from potential adverse effects of wake restrictions, fueling, milfoil control, etc.
44. Standards for the design, siting, and anchoring of docks shall include:
 - a. Provisions that enable applications that are consistent with the approved standards to be processed in an expeditious manner;
 - b. Standards to avoid, minimize, or mitigate potential adverse environmental affects or the net loss of ecological functions;
 - c. Docks proposed for new residential subdivisions of two or more lots should be shared or community facilities when feasible;
 - d. Docks should be spaced and oriented in a manner that minimizes hazards and obstructions to navigation and other water-oriented activities such as fishing, swimming and pleasure boating, as well as property rights of adjacent land owners;

- e. Docks should be the minimum size necessary to meet the needs of the proposed water-dependent use. The length and width of docks should be no greater than necessary for safety and functional use;
 - f. Watercraft should be restricted from extended mooring on waters of the state unless a lease or permission is obtained from the DNR and impacts to navigation and public access, if any, are mitigated; and
 - g. New docks shall be designed so as not to unduly interfere with lawful public access to or use of shorelines.
45. The County, in consultation with local governments, state and federal agencies, and non-profit organizations as appropriate, shall maintain a list of scenic viewpoints to be preserved and new viewpoints to be developed in accordance with the following criteria:
- a. Compliance with federal, state, and local scenic-by-ways standards and requirements;
 - b. Sites that do not adversely affect the public health and safety;
 - c. Sites that do not interfere with private property rights; and
 - d. Sites that do not adversely affect ecological functions or habitats.
46. Signs may be allowed within jurisdictional shorelines only when the following standards can be met:
- a. New signs must comply with local development regulations;
 - b. Signs located within designated scenic by-ways must comply with applicable federal, state, and local requirements; and
 - c. Signs shall be limited to:
 - (1) Interpretive, historical, informational, or directional signs approved and maintained by public agencies as well as public signs necessary to protect public health and safety;
 - (2) On-site advertising in accordance with local regulations;

- (3) Approved real estate signs; and
 - (4) Signs that constitute constitutionally protected forms of free speech as determined by the Pend Oreille County Prosecuting Attorney.
47. Local regulations should be updated to include protocols to guide the inadvertent discovery of archaeological or cultural resources.
48. The Tri-County Health District should review and revise standards to guide the location of new septic systems and the relocation or replacement of existing septic systems into areas that do not adversely affect shorelines or water quality.
49. The County may execute inter-local agreements to facilitate the implementation of the Shoreline Master Program. This may include, but is not limited to:
- a. The issuance of shoreline permits on behalf of cities and towns that do not have local planning staff;
 - b. The identification of indicators that can be readily monitored to help determine whether the standard of no net loss of ecological function is being achieved;
 - c. Design, construct, and or maintain shoreline restoration projects and public access facilities; and/or
 - d. To support the full and timely compliance with the conditions of federal licenses and settlement agreements associated with the federally-licensed dams.
50. The County will use education, development reviews, and enforcement to promote compliance with the County Shoreline Master Program.
51. Clustering of new developments in or near jurisdictional shoreline areas may be permitted provided that:
- a. Shoreline areas are kept intact;
 - b. Required open spaces, easements, dedications, and buffers are preserved in perpetuity; and

- c. The proposed development activity will not result in a net loss of ecological functions.
52. The County shall encourage private property owners to adopt voluntary measures to protect habitat and promote water quality such as alternatives to the use of pesticides, fertilizers, and products with phosphates.
53. The Pend Oreille River Water Trails Project is a high priority economic development project.
54. The restoration of the West Branch Little Spokane Wildlife Area is a high priority restoration project.
55. The implementation and ongoing compliance with the conditions of the licenses and associated settlement agreements for Box Canyon and Boundary Dams are a priority.
- a. The County may execute such Inter-Local Agreements with the Pend Oreille Public Utility District and Seattle City Light as may be necessary to implement the terms and conditions of Federal Energy Regulatory Commission licenses and associated settlement agreements for these facilities.
 - b. Proposed new development activities should be consistent with the provisions of approved federal licenses and associated development agreements.
56. The implementation and ongoing compliance with the adjudication of water rights and/or associated settlement agreements shall be a priority.
- a. The County may execute such Inter-Local Agreements as may be necessary to implement the terms and conditions of any adjudications or associated settlement agreements.
57. Public agencies should include public access measures as a part of public development activities within jurisdictional shoreline areas unless such access is incompatible with public safety, security, or environmental protection, or results in a net loss of ecological functions.

58. The County, in consultation with its regional partners, should periodically review the number and type of permits issued for new uses and development activities in jurisdictional shoreline areas, the terms and conditions of approval, and evaluate the cumulative effects, provided that:
- a. Project specific assessments or performance audits may be appropriate;
 - b. This review may be conducted in conjunction with the annual Comprehensive Plan and Development Regulation review conducted by the Department of Community Development and the Pend Oreille Planning Commission; and
 - c. This review may provide the basis for potential amendments to the County Shoreline Master Program.
 - d. The Department of Ecology has recommended that the County should track the following through the review of exempt and permitted shoreline activities:
 - (1) The number and type of permits by shoreline designation;
 - (2) Lineal feet of new shoreline bank stabilization;
 - (3) Square footage of new impervious surfaces;
 - (4) The number and square footage of new piers, docks, and floats; and
 - (5) Acres of fill and the creation of new wetlands areas within jurisdictional shoreline areas.
59. The County, in consultation with the Pend Oreille Public Utility District and Seattle City Light, should periodically review the results of monitoring activities required as a condition of relicensing dams on the Pend Oreille River.
- a. This review may provide the basis for potential amendments to the County Shoreline Master Program.
60. The County, in consultation with its regional partners and natural resource agencies shall periodically review the status and effectiveness of local restoration projects.

- a. This review may provide the basis for potential amendments to the County Shoreline Master Program.

Chapter 3: Shoreline Environment Designations

A. Introduction and Overview

The Washington State Shoreline Management Act requires that the Pend Oreille County Shoreline Master Program include a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in the Shoreline Management Act. The Act gives the County the option of adopting the classification system presented in guidelines provided by the Department of Ecology or of developing a customized classification system. In an effort to more effectively integrate planning activities mandated by the Shoreline Management Act with planning activities mandated through the Washington State Growth Management Act, the County has elected to adopt a customized system that features nine categories including:

1. Natural;
2. Rural Conservancy;
3. Urban Conservancy;
4. Rural Residential;
5. Urban Residential;
6. Rural Higher Intensity;
7. Urban Higher Intensity;
8. Aquatic; and
9. Tribal.

B. Shoreline Designations

The following is a description of the purpose, the classification criteria, and the management policies for each shoreline designation:

1. Natural

- a. Purpose: Preserve and protect shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions largely intolerant of human use.

- b. Designation Criteria:

- 1. The Natural Environment designation may be assigned to property that is relatively free of human influence if any of the following criteria are met:

- (a) The shoreline is publically owned and is not suitable for active use or development.
 - (b) The shoreline is performing an important function or eco-system wide activity that could be damaged by human activity;
 - (c) The shoreline represents an ecosystem or geological type that is of particular scientific, educational, historical, or cultural interest; or
 - (d) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

- c. Management Policies:

- 1. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreation uses may be permitted subject to conditions.
 - (a) Seasonal or frequency of use limitations may be imposed.
 - (b) Legal or jurisdictional limitations may apply.

- (2) Any use or development activity that would significantly degrade the ecological function or natural character of the shoreline should not be permitted.
 - (a) Measures necessary to protect recreation sites, cultural and historic resources, and fish and wildlife habitat may be permitted, provided that it does not result in the net loss of ecological function.
- (3) Activities and uses required as conditions of federal licenses and associated settlement agreements for dams may be permitted subject to the provisions of federal, state, and local laws.

2. Conservancy

- a. Purpose: Preserve and enhance high priority ecological functions, conserve designated natural resource lands and designated environmentally sensitive areas, conserve public lands and resources, protect valuable historic and cultural areas, while providing appropriate recreational opportunities.
- b. Designation Criteria:
 - (1) A Rural Conservancy designation may be assigned to shorelines outside of designated Urban Growth Areas that do not meet the criteria for a Natural Designation, if any of the following apply:
 - (a) The shoreline area has been designated in the Pend Oreille County Comprehensive Plan as a Natural Resource Area, or is zoned NR-40 or NR-20;
 - (b) The shoreline area has been zoned R-40; or
 - (c) The shoreline area is publicly owned and under the management or jurisdiction of a federal, state, or local agency or district; or
 - (d) The shoreline is supporting lesser intensity human uses but is subject to environmental limitations, such as steep banks, feeder bluffs, flood plains, or other flood prone areas; or
 - (e) The shoreline includes areas of significant cultural value; or

- (f) The shoreline includes areas of significant recreational value.
 - (2) An Urban Conservancy designation may be assigned to shorelines within an Urban Growth Area that do not meet the criteria for a Natural Designation, if any of the following apply:
 - (a) The area has been designated in a local comprehensive plan as open space, a public park, a conservancy area, or comparable designation and/or contains environmentally sensitive areas;
 - (b) The shoreline is publically-owned and under the management or jurisdiction of a federal, state, or local agency or district; or
 - (c) The shoreline is supporting lesser intensity human uses but is subject to environmental limitations, such as steep banks, feeder bluffs, flood plains, or other flood prone areas; or
 - (d) The shoreline includes areas of significant cultural value; or
 - (e) The shoreline includes areas of significant recreational value.
 - (3) The County is in the process of reviewing and updating Urban Growth Area boundaries with each city and town. Through this process minor adjustments may be made so that UGA boundaries follow property lines and parcels inadvertently included or excluded from a UGA due to mapping errors are correctly designated. This may result in the minor re-designation of shoreline areas from Rural Conservancy to Urban Conservancy or vice versa so that Shoreline Maps remain consistent with GMA maps. No changes in the underlying designation will be made through this administrative adjustment process.
- c. Management Policies:
- (1) Proposed development activities outside of urban growth areas must be consistent with the rural character of the County and the provisions of the County Comprehensive Plan and Development Regulations.
 - (2) Agriculture and commercial forestry are permitted uses.

- (3) Mining may be permitted as a conditional use in accordance with the provisions of the local comprehensive plan and development regulations provided that there shall be no net loss of ecological function.
 - (4) Public access and water-dependent recreation uses should be permitted where feasible and where ecological impacts can be mitigated.
 - (5) Low-impact resorts and public parks may be permitted.
 - (6) The sites of previous commercial and industrial uses may be redeveloped provided that there is no net loss of ecological function and the proposed use or activity complies with all provisions of the County Comprehensive Plan and Development Regulations.
 - (a) Low intensity, water-oriented commercial and industrial uses are limited to areas where those uses have occurred in the past or at sites that possess conditions and services to support the development.
 - (7) Activities and uses required as conditions of federal licenses and associated settlement agreements for dams may be permitted subject to the provisions of federal, state, and local laws.
 - (8) The hydrological functions of shorelines shall be maintained. As a general matter, this may be accomplished by limiting the impervious surface area of new development to a maximum of 10% of the lot or parcel..
3. Residential
- a. Purpose: Support residential uses at appropriate densities in accordance with local comprehensive plans. Provide public access and appropriate types and levels of recreational uses.
 - b. Designation Criteria:
 - (1) Shorelines within Urban Growth Areas may be designated Urban Residential if they have been targeted in local comprehensive plans and/or zoning codes for

residential development and they do not meet the criteria for a Natural or Conservancy Designation.

- (2) Shorelines outside of Urban Growth Areas may be designated as Rural Residential if they have been zoned R-20, R-10, or R-5, and they do not meet the criteria for a Natural or Conservancy Designation.
- (3) The County is in the process of reviewing and updating Urban Growth Area boundaries with each city and town. Through this process minor adjustments may be made so that UGA boundaries follow property lines and parcels inadvertently included or excluded from a UGA due to mapping errors are correctly designated. This may result in the minor re-designation of shoreline areas from Rural Residential to Urban Residential or vice versa. No changes in the underlying designation will be made through this administrative adjustment process.

c. Management Policies:

- (1) Standards shall be developed to limit vegetation removal, protect native vegetation and habitat, promote the appropriate design of docks, appropriately locate and maintain septic systems, bank stabilization, and to discourage inappropriate uses of fertilizers and pesticides.
- (2) In order to protect the public health and safety and to limit the potential for over concentration of recreational uses, proposed new residential developments in rural areas must submit management plans in accordance with the provisions of County Development regulations.
- (3) Certain non-residential uses may be permitted as a conditional use.
- (4) Master Planned Resorts may be permitted in accordance with state and local requirements.
- (5) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

4. Higher Intensity

- a. Purpose: Provide for water oriented commercial, industrial, and related uses.

b. Designation Criteria:

- (1) The Urban Higher Intensity designation is appropriate for shorelines within Urban Growth Areas zoned for commercial or industrial uses that do not meet the criteria for a Natural, Conservancy, or Residential Designation.
- (2) The Rural Higher Intensity designation is appropriate for areas outside of Urban Growth Areas that are being used or have been targeted for commercial, industrial, higher intensity recreation or tourism, uses that do not meet the criteria for a Natural, Conservancy, or Residential Designation.

c. Management Policies:

- (1) Priority shall be given to water dependent uses, then water-related uses, and then water enjoyment uses. Non-water related uses may be permitted as a part of a mixed-use development.
- (2) New development activities shall not result in a net loss of shoreline ecological functions.
- (3) Where applicable, new development activities shall include environmental cleanup and the restoration of shorelines to comply with relevant state and federal laws and licenses and associated settlement agreements.
- (4) Urban shorelines designated for higher intensity uses should be fully utilized before additional urban shoreline areas are designated for higher intensity uses.
- (5) Activities and uses required as conditions of federal licenses and associated settlement agreements for dams may be permitted subject to the provisions of federal, state, and local laws.

5. Aquatic

- a. Purpose: To protect jurisdictional bodies of water and the underlying lands that are waterward of the ordinary high water mark from uses or development activities that interferes with public rights of navigation and to protect the ecological functions.

b. Designation Criteria:

- (1) Rivers, lakes, and streams and associated wetlands that are under the jurisdiction of the Shoreline Management Act and the underlying lands that are waterward of the Ordinary High Water Mark.

c. Management Policies:

- (1) Priority shall be given to navigation and recreational uses.
- (2) Activities and uses required as conditions of federal licenses and associated settlement agreements for dams may be permitted subject to the provisions of federal, state, and local laws.
- (3) Aquatic noxious weeds or invasive species may be removed or controlled in accordance with the provisions of this plan.
- (4) New over-water structures shall be permitted only for water-dependent uses, public access, or ecological restoration and shall be the minimum size necessary to support the structure's intended use.
- (5) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities is encouraged.
- (6) Shoreline uses and modifications should be designed and managed to prevent the degradation of water quality, the alteration of natural hydrographic conditions, and harmful impacts to public access.
- (7) New developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, consider impacts to public views, allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration and to avoid or minimize impacts to shoreline vegetation.
- (8) New public accesses should:
 - (a) Be directed to areas that comply with local zoning, shoreline regulations, and development regulations;

- (b) Avoid impacts to fish spawning areas and riparian vegetation;
- (c) Feature low impact and avoid hardening of the access site and adjacent shoreline;
- (d) Should showcase appropriate shoreline restoration techniques and should include education about the values of the river's resources; and
- (e) Should be based on a long-term access management strategy for developing and restoring access to the site.

6. Kalispel Tribe

- a. Purpose: To identify shoreline areas under the jurisdiction of the Kalispel Tribe.
 - b. Designation Criteria: Shorelines located within the boundaries of the Kalispel Indian Reservation or held in trust by the U.S. Government for the Kalispel Tribe or a member of the Tribe.
 - c. Management Policies: Shorelines under the jurisdiction of the Kalispel Tribe are not subject to the provisions of the Washington State Shoreline Management Act or the Pend Oreille County Shoreline Master Program. Please contact the Kalispel Tribe to discuss potential development activities.
- (1) Please note that some parcels owned by the Tribe or Tribal members may not be under the planning jurisdiction of the Tribe and may be subject to the provisions of this Master Program. For more information about the jurisdictional status of a parcel, please contact the Kalispel Tribe and/or the County Department of Community Development.

Chapter 4: Shoreline Regulations

The following regulations shall be used to implement the revised Shoreline Master Program Goals and Policies. Upon approval, these regulations will be integrated into the County Development Regulations. As a result, please note that provisions that may typically occur in standalone versions of Shoreline Regulations have not been omitted from these regulations but rather reside in other Chapters of the County Development Regulations. Please see the Appendices for the complete Development Regulations.

Sections:

- xx.34.010 Purpose.**
- xx.34.020 Applicability.**
- xx.34.030 Shoreline Designations.**
- xx.34.040 Shoreline Permits and Authorizations.**
- xx.34.050 Table of Permitted Shoreline Uses.**
- xx.34.060 Development Standards.**
- xx.34.070 Non-Conforming Uses.**
- xx.34.080 Violations and Enforcement.**
- xx.34.090 Shoreline Mitigation and Restoration Fund.**

xx.34.010 Purpose. The purpose of this Chapter is to establish the regulations necessary to implement the updated Pend Oreille County Shoreline Master Program and to comply with the provisions of the Washington State Shoreline Management Act (RCW 90.58 as amended), the Washington State Growth Management Act (RCW 36.70, as amended), and the Washington State Environmental Policy Act, (RCW 43.21C, as amended).

A. It is the further purpose of these regulations to:

1. Recognize and protect property rights consistent with the public interest; and
2. Provide for the management of the shorelines within the County by planning for and fostering all reasonable and appropriate uses of the shorelines;
3. Ensure the development of the shorelines in a manner which, while allowing for the limited reduction of the rights of the public, will promote and enhance the public interests;

4. Provide protection against adverse effects to the public health and welfare while protecting, generally, public rights of navigation;
5. Preserve, to the greatest extent feasible, consistent with the overall best interest of the State and its people, the public's opportunity to enjoy the physical and aesthetic qualities of the Shorelines of the State;
6. Preserve and protect the ecological functions of the shoreline to assure maintenance of water quality, fish and wildlife habitat; and
7. Maintain and enhance the aesthetic characteristics and values of the shoreline.

xx.34.020 Applicability.

A. The regulations set forth in this Chapter shall apply to:

1. All bodies of water together with the land underneath them located in Pend Oreille County that meet the jurisdictional criteria for Shorelines of the State, specified in the Washington Administrative Code (RCW 90.58.030) which in general terms includes:
 - b. Segments of rivers and streams with a mean annual flow of 20 cubic feet per second or more; and
 - b. Lakes greater than 20 acres in size.
2. All upland areas, also known as “shorelands,” that extend 200 feet landward in all directions on a horizontal plane from the edge of the ordinary-high-water mark (OHWM) of Shorelines of the State.
3. All wetlands associated with Shorelines of the State.
4. All designated floodways as depicted on the most current FEMA Flood Insurance Rate Maps, as adopted by the County, and contiguous floodplain areas landward 200 feet from such floodways.
5. All required buffers including environmentally sensitive area buffers located within jurisdictional shoreline areas. In these instances, the jurisdictional boundary will move upland to encompass the land necessary for the buffer.

B. Certain Shorelines of the State have been designated by the State as Shorelines of Statewide Significance in accordance with the provisions of RCW 90.58.030 and as a result, may be subject to a higher degree of protection. In Pend Oreille County, these include the Pend Oreille River, Sullivan Creek, Sullivan Lake, and Calispell Lake.

1. Priority consideration shall be given to the following uses of these shorelines, in the following order of preference:
 - a. Recognize and protect the statewide interest over local interest;
 - b. Preserve the natural character of the shoreline;

- c. Result in the long term over short term benefit;
 - d. Protect the resources and ecology of the shoreline;
 - e. Increase public access to publicly owned areas of the shorelines;
 - f. Increase recreational opportunities; and
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
2. The review of project specific development proposals proposed for Shorelines of Statewide Significance shall consider incremental and cumulative benefit and impacts and shall not result in the net loss of shoreline ecosystems and eco-system wide processes.
- C. Pend Oreille County shall maintain an Official Shoreline Jurisdiction Map illustrating the shorelines of the state, their associated wetlands, and shorelands that fall under the jurisdiction of this Chapter. In general terms, the bodies of water in Pend Oreille County that meet the jurisdictional criteria of the Washington State Shoreline Management Act include:
- 1. Rivers:
 - a. Little Spokane-East Branch;
 - b. Little Spokane-West Branch;
 - c. Pend Oreille (Shoreline of Statewide Significance);
 - d. Priest-Upper West Branch; and
 - e. South Salmo.
 - 2. Creeks and Streams (greater than 20 cfs mean annual flow):
 - a. Big Muddy;
 - b. Buck;
 - c. Calispell;
 - d. Calispell-North Fork;
 - e. Calispell-South Fork;
 - f. Calispell-Middle Fork;

- g. Cedar (North County);
 - h. Cusick;
 - i. Davis;
 - j. Goose;
 - k. Granite-North Fork;
 - l. Granite-South Fork;
 - m. Harvey;
 - n. LeClerc;
 - o. LeClerc-East Branch;
 - p. LeClerc-West Branch;
 - q. McCloud;
 - r. Mill;
 - s. Moon;
 - t. Outlet;
 - u. Skookum;
 - v. Skookum-South Fork;
 - w. Slate;
 - x. Spring Heel;
 - y. Sullivan (Shoreline of Statewide Significance);
 - z. Tacoma; and
 - aa. Tacoma-South Fork.
3. Lakes (greater than 20 acres):
- a. Bead;
 - b. Big Meadow/Heather;
 - c. Brownie;
 - d. Browns (middle county);
 - e. Browns (north county);
 - f. Calispell (Shoreline of Statewide Significance);
 - g. Chain;
 - h. Crescent;
 - i. Davis;
 - j. Diamond;
 - k. Fan;
 - l. Frater;
 - m. Horseshoe;
 - n. Ione Mill Pond;

- o. Kings;
- p. Ledbetter;
- q. Lead King-Lower;
- r. Lead King-Upper;
- s. Leo;
- t. Lost;
- u. Mallard Marsh;
- v. Marshall;
- w. Metcalf;
- x. Mountain Meadows;
- y. Nile;
- z. Panhandle;
- aa. Parker;
- bb. Petit Lake;
- cc. Power;
- dd. Sacheen;
- ee. Scotchman;
- ff. Shearer;
- gg. Skookum-North;
- hh. Skookum-South;
- ii. Sullivan (Shoreline of Statewide Significance);
- jj. Sullivan Mill Pond;
- kk. Trask Pond;
- ll. Trout;
- mm. Unnamed Lake;
- nn. Unnamed Slough;
- oo. Unnamed Wetland;
- pp. Wilderness; and
- qq. Yocum.

- D. In the event that any of the boundaries on the Official Shoreline Jurisdiction Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control.
- E. The Official Shoreline Jurisdiction Map generally depicts the shoreline areas that are under the jurisdiction of the Shoreline Management Act but the extent of jurisdictional shorelines on an individual lot, parcel or tract is to be determined by field investigations and a survey and is the responsibility of the project applicant/owner. Said investigation/survey shall be

included in shoreline permit application submittals to determine the extent of shoreline jurisdiction.

1. As a condition of surrendering the FERC license for the Sullivan Creek Hydroelectric Project the dam that creates Sullivan Mill Pond Lake will be removed. Upon completion of this project, an adjustment will need to be made to the Official Shoreline Map to remove Sullivan Mill Pond Lake and to extend the jurisdictional area of Sullivan Creek.
 2. Substantive changes to the Official Shoreline Map must be approved by the Department of Ecology in accordance with the provisions of RCW 90.58.
- F. The County Director of Community Development is authorized to make such administrative interpretations as may be necessary to determine the extent or applicability of the Washington State Shoreline Management Act or the provisions of this Chapter, in accordance with the provisions of RCW 90.58.
1. The Director shall consult with the Department of Ecology, as appropriate, to insure that formal written interpretations are consistent with the purpose and intent of RCW 90.58 and applicable guidelines.

xx.34.030 Shoreline Designations.

- A. For purposes of administering the Pend Oreille County Shoreline Master Program, all jurisdictional shoreline areas shall receive one of the following shoreline designations:
1. Natural;
 2. Rural Conservancy;
 3. Rural Residential;
 4. Rural Higher Intensity;
 5. Urban Conservancy;
 6. Urban Residential;
 7. Urban Higher Intensity;
 8. Aquatic; or
 9. Tribal.
- B. In the event that a jurisdictional shoreline area has not been designated or has been erroneously designated, the Director of Community Development in accordance with the provisions of state law is authorized to make the appropriate designation.
1. In the event that an amendment to the Shoreline Master Program is required, the area in question shall, as an interim measure, be designated as Urban Conservancy if it is in a designated Urban Growth Area, or Rural Conservancy, if it is not.
 2. The County is in the process of reviewing and updating Urban Growth Area boundaries with each city and town. Through this process minor adjustments may be made so that UGA boundaries follow property lines and parcels inadvertently included or excluded from a UGA due to mapping errors are correctly designated. This may result in the minor re-designation of shoreline areas from Rural Conservancy to Urban Conservancy or vice versa, or from Rural Residential to Urban Residential or vice versa. No changes in the underlying designation will be made through this administrative adjustment process.

C. The purpose of each shoreline designation is as follows:

1. Natural: To protect those shoreline areas that are relatively free of human influence or that includes intact or minimally degraded shoreline functions largely intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes.
2. Conservancy: Preserve and enhance high priority ecological functions, conserve designated natural resource lands and designated environmentally sensitive areas, conserve public lands and resources, protect valuable historic and cultural areas, while providing appropriate recreational opportunities. Shorelines within designated Urban Growth Areas shall be designated as Urban Conservancy and shorelines outside of designated Urban Growth Areas shall be designated as Rural Conservancy.
3. Residential: Support residential uses at appropriate densities in accordance with local comprehensive plans, while protecting shoreline natural character, resources and ecology as required by RCW 90.58.020. Provide public access and appropriate types and levels of recreational uses. Shorelines within designated Urban Growth Areas shall be designated as Urban Residential and shorelines outside of designated Urban Growth Areas shall be designated as Rural Residential.
4. Higher Intensity: Provide for high-intensity water oriented commercial, transportation, and industrial uses. Shorelines within designated Urban Growth Areas shall be designated as Urban Higher Intensity and shorelines outside of designated Urban Growth Areas shall be designated as Rural Higher Intensity.
5. Kalispel Tribe: Shorelines located within the boundaries of the Kalispel Indian Reservation or held in trust by the U.S. Government for the Kalispel Tribe or a member of the Tribe, are under the jurisdiction of the Kalispel Tribe and as a result, are not subject to the provisions of the Pend Oreille County Shoreline Master Program.
6. Aquatic: To protect jurisdictional bodies of water and the underlying lands that are waterward of the ordinary high water mark from uses or development activities that interferes with public rights of navigation and to protect the ecological functions.

xx.34.040 Shoreline Permits and Authorizations. All proposed development activities and new uses within jurisdictional shorelines, as determined by the County, must conform to the

provisions of this Chapter and must be reviewed for consistency with the goals, policies and use regulations of the Pend Oreille County Shoreline Master Program, and may proceed only after receipt of appropriate authorizations, permits, and approvals. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Master Program whether a permit is required or not.

A. In addition to such permits and approvals that may be required by State and Federal Agencies, all development activities and uses proposed for jurisdictional shorelines must receive authorization from Pend Oreille County. This may include, but is not limited to the following authorizations or permits:

1. Shoreline Authorization (SA). Shoreline Authorizations shall be processed as a Class 1 Permit and shall be required for proposed uses and development activities as indicated on the Table of Permitted Shoreline Uses and/or for any proposed development activity or use that is exempt from the requirements for a Shoreline Substantial Development Permit or a Shoreline Conditional Use Permit, provided that:
 - a. Proposed development activities and uses must comply with all applicable provisions of the Pend Oreille County Shoreline Master Program and all applicable provisions of this Title; and
 - b. If any part of the proposed development activity or use requires a shoreline substantial development permit (SSDP), then the entire activity must receive a SSDP.
 - c. The following uses are exempt from the requirements for a Shoreline Substantial Development Permit and may be permitted through the issuance of a Shoreline Authorization by Pend Oreille County. Please note that the exemptions to the SSDP shall be narrowly construed. Only those proposed developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the SSDP process and allowed through the issuance of an SA.
 - (1) Any use, modification, or development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred and eighteen dollars (\$5,718) or an amount subsequently established by the State of Washington, if such use, modification, or development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the use, modification, or development shall

include the fair market value of any donated, contributed or found labor, equipment or materials.

- (2) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within twelve months after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
- (3) When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high-water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife;
- (4) Emergency construction necessary to protect property from damage by the elements. An emergency means 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 these Shoreline Regulations. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed 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 which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or these Shoreline Regulations shall be obtained. All

emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the entire SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

- (5) Construction and practices normal or necessary to maintain existing farming and irrigation activities, including agricultural service roads and utilities;
- (6) Construction or modification, by or under the authority of the Coast Guard, of navigational aids such as channel markers and anchor buoys;
- (7) Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency and/or local government with jurisdiction, other than requirements imposed pursuant to chapter 90.58 RCW. “Single-family residence” means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are normal appurtenance. An “appurtenance” is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high-water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or water ward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high-water mark;
- (8) Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single family and multiple-family residences. The fair market value of the dock shall not exceed ten thousand dollars, or an amount subsequently established by the State of Washington, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of these Shoreline Regulations;

- (9) Operation, maintenance or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;
- (10) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- (11) Operation and maintenance of any system of dikes, ditches, drains, or other public facilities existing on September 8, 1975, which were created, developed or used primarily as a part of an agricultural drainage or diking system;
- (12) Any project with a certification from the Governor pursuant to Chapter 80.50 RCW;
- (13) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under these Shoreline Regulations, if:
 - (a) The activity does not interfere with the normal public use of the surface waters; and
 - (b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values; and
 - (c) The activity does not involve the installation of any structure, and upon the completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - (d) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the County to ensure that the site will be restored to preexisting conditions; and
 - (e) The activity is not subject to the permit requirements of RCW 90.58.550.

- (14) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control 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 Chapter 43.21C RCW;
- (15) Watershed restoration projects as defined in WAC 173-27-040.
- (16) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
 - (a) The project has been approved in writing by the Department of Fish and Wildlife;
 - (b) The project has received Hydraulic Project Approval (HPA) by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW;
 - (c) The County has determined that the project is substantially consistent with these Shoreline Regulations. The County shall make such determination and provide it by letter to the project proponent; and
 - (d) The proposed project complies with the remaining provisions of WAC 173-27-040 as applicable.
- (17) All other uses, modifications, and developments exempted by WAC 173-27-040.

2. Shoreline Substantial Development Permit (SSDP). Shoreline Substantial Development Permits shall be processed as a Class 2 Permit and shall be required for proposed uses and development activities as indicated on the Table of Permitted Shoreline Uses, provided that:
 - a. Proposed development activities and uses must comply with all applicable provisions of the Shoreline Master Program and all applicable provisions of this Title; and
 - b. If the proposed development activity is certified to cost less than \$5,718 as determined by the County, then the proposed activity may be permitted through the issuance of a Shoreline Authorization.
 3. Shoreline Conditional Use Permit (SCUP). Shoreline Conditional Use Permits shall be processed as a Class 2 Permit and shall be required for proposed uses and development activities as indicated on the Table of Permitted Shoreline Uses, provided that:
 - a. Proposed development activities and uses must comply with all applicable provisions of the Shoreline Master Program and all applicable provisions of this Title; and
 - b. Shoreline Condition Use Permits must also be reviewed and approved by the Washington State Department of Ecology in accordance with the provisions of WAC 173-27.
- B. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations 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 local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.
1. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of RCW [90.58.020](#) and the master program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;

- c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. That the public interest suffers no substantial detrimental effect.
 - 2. In the granting of all conditional use permits, consideration shall be given to the cumulative benefits and 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.
 - 3. Other uses which are not classified or set forth in the applicable master program 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 master program.
 - 4. Uses which are specifically prohibited by the master program may not be authorized.
- C. The requirements of this Chapter shall be considered as an overlay to the requirements of the applicable local zoning controls and Development Regulations. All proposed uses or development activities must comply with the requirements of this Chapter and all provisions of the underlying zoning district, as well as with the provisions of any applicable local, state, or federal law or requirement, provided that:
- 1. All proposed development activities or uses must comply with the Goals and Policies of the Pend Oreille County Comprehensive Plan and the County's Shoreline Master Program.

2. It is the intent of Pend Oreille County to continue to update its regulations protecting environmentally sensitive areas in phases in accordance with the provisions of the Washington State Growth Management Act.
 - a. If a portion of a wetland or floodplain is determined to be associated with a jurisdictional shoreline then the entire wetland or floodplain shall be subject to the provisions of this Chapter.
 - b. In the event of a conflict between the requirements of these Shoreline Regulations and the provisions of other applicable laws or requirements, the provisions that implement the Shoreline Regulations shall apply.
 3. Development activities or uses proposed for areas that fall within the boundaries of designated Project Areas for the Box Canyon or Boundary Dams may also be subject to the provisions of Inter-local Agreements with the Pend Oreille Public Utility District or Seattle City Light as well as subject to review and approval by the Federal Energy Regulatory Commission (FERC) and/or their designated licensee.
 4. All proposed development activities or uses that require approval through the issuance of a Shoreline Substantial Development Permit (SSDP), or Shoreline Conditional Use Permit (SCUP) must include with their application a SEPA Checklist and shall be subject to a SEPA Threshold Determination unless specifically exempted by the County.
 5. This Chapter applies to direct federal activities in accordance with the provisions of WAC 173-27-060.
- D. The County may approve, approve subject to conditions, or disapprove an application for a SA, SSDP, or SCUP. It is the goal of the County to integrate the processing of required permits or approvals for development activities or uses proposed for jurisdictional shorelines with other permits and approvals that may be required.
1. This may be accomplished in part through the Joint Aquatics Resources Permit Application (JARPA) process adopted by the County.
 2. Prior to submitting a Class 2 or Class 3 applications involving jurisdictional shorelines, prospective Applicants shall make an appointment for and attend a pre-application meeting with County Staff. The purpose of this meeting is to identify and discuss the proposed project or development activities, permit procedures, processing requirements,

permit fees, schedules, and information that will be necessary for project review. The Community Development Director may invite representatives from County departments, other affected jurisdictions, agencies, or other entities to attend.

3. New development activities and uses should be designed and constructed to avoid the net loss of shoreline ecological functions. Applications should highlight proposed measures to avoid, minimize, and/or mitigate measures that may have an adverse environmental impact or an adverse affect on ecological functions. The County may propose revisions that have less impact and/or require on- or off-site mitigation.
 4. Applicants intending to implement programmatic or phased projects are encouraged to include in their application all elements of the project that are known at the time of application.
 5. Revisions to permits must comply with the provisions of WAC 173-27-100.
- E. The County shall maintain a Table of Permitted Shoreline Uses and Activities that highlights the new development activities and uses that may be permitted through the issuance of a Shoreline Authorization, a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, as well as the new activities and uses that may not be permitted.
1. The County Director of Community Development is authorized to make such interpretations as may be necessary to administer this Chapter and to implement the provisions of the updated Pend Oreille County Shoreline Master Program. Such interpretations may be made in consultation with the Washington State Department of Ecology in order to ensure consistency with other interpretations of the provisions of the Shoreline Management Act. Interpretations made by the Director may include, but are not limited to:
 - a. Clarification of Shoreline Designations;
 - b. Determinations of Exempt Activities in accordance with the provisions of WAC 173-27-040;
 - c. Determinations of the permitting requirements for proposed development activities or uses not listed on the Table of Permitted Uses and Activities;
 - d. Resolution of conflicting code requirements or conflicting provisions of law; and/or

- e. Determinations of complete applications.
2. Any proposed development activity or use not specifically identified on the Table of Permitted Uses shall only be permitted through the issuance of a Shoreline Conditional Use Permit.
 3. The Director shall, when determining allowable uses and resolving use conflicts within jurisdictional shorelines, apply the following preferences and priorities in the order listed below:
 - a. Avoid actions that unreasonably restrict private property rights, result in a taking of private property without just compensation, and/or deny the reasonable use of private property.
 - b. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
 - c. Reserve shoreline areas for water-dependent and associated water related uses, provided that mixed-use developments that include and support water-dependent uses may be permitted.
 - d. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 - e. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
 - f. Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.
 - g. Preserve the ability of the federally-licensed dams to operate consistent with the terms of the federal licenses and associated Settlement Agreements.

4. Legally established residential and appurtenant structures in place on the date of adoption of this updated Shoreline Master Program shall be considered legal conforming uses and structures for purposes of implementing these shoreline regulations.
- F. Reasonable Use Exception. If the strict application of the provisions of this Chapter denies all reasonable economic use of private property, the property owner may seek a reasonable use exception from the standards in accordance with the provisions of Pend Oreille County Municipal Code xx.74, Reasonable Use Exception.
1. Requests for a reasonable use exception must also be approved as a Shoreline Variance in accordance with the criteria and procedures in this Chapter.
- G. Variances. Variances from bulk and dimension standards and associated performance standards shall be requested in writing and will be processed by the County as a Class 2 permit in accordance with the provisions of this Title.
1. Variances must be consistent with the policies of the Shoreline Management Act and the Goals and Policies of this Shoreline Master Program;
 2. Variances for development activities and/or uses that will be located landward of the ordinary high water mark (OHWM), may be authorized provided the Applicant can demonstrate that:
 - a. The strict application of the bulk, dimensional or performance standards precludes, or significantly interferes with, reasonable use of the property;
 - b. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, special considerations associated with in-fill development, and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

- e. The variance requested is the minimum necessary to afford relief;
 - f. The variance will not interfere with the operation of any federally licensed dam; and
 - g. The public interest as determined by the County will suffer no substantial detrimental effect.
3. Variances for development activities and/or uses that will be located waterward of the ordinary high water mark (OHWM), or within any jurisdictional wetland, may be authorized provided the Applicant can demonstrate all of the following:
- a. That the strict application of the bulk, dimensional or performance standards precludes all reasonable use of the property;
 - b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief;
 - f. That the public interest as determined by the County will suffer no substantial detrimental effect; and
 - g. That the public rights of navigation and use of the shorelines will not be adversely affected.
4. In the granting of all variance permits, consideration shall be given to the cumulative benefits and impact of additional requests for like actions in the area, when applicable. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent

with the policies of the Shoreline Management Act and the Goals and Policies of this Shoreline Master Program and shall not cause substantial adverse effects to the shoreline environment.

5. Variances from the use regulations of the Shoreline Master Program are prohibited.
- H. Appeals. Class 1 and Class 2 decisions made by the County to implement the provisions of this Chapter may be appealed in accordance with the provisions of this Title. Further appeals of decisions made to implement the County Shoreline Master Program shall be filed in accordance with the procedures contained within the Laws of Washington State.

xx.34.050 Table of Permitted Shoreline Uses and Activities.

- A. Legend. The Table of Permitted Shoreline Uses and Activities contains the following acronyms to highlight the uses and activities that may be permitted and the permit or approval that is required. Activities permitted through a Shoreline Authorization, Shoreline Substantial Development Permit, or Shoreline Conditional Use Permit must comply with all applicable provisions of the Shoreline Master Program and all applicable development regulations. Additional permits and approvals may be required.

X: The proposed development activity or use is prohibited within jurisdictional shoreline areas.

SA: Development activity or use that may be permitted through the issuance of a written Shoreline Authorization by the County. This includes activities that are exempt from the requirements for a Shoreline Substantial Development Permit (SSDP) in accordance with the provisions of State Law, provided that if any part of a proposed activity or use requires a SSDP, then the entire use or activity must receive a SSDP.

SSDP: May be permitted through the issuance of a Shoreline Substantial Development Permit by the County and the Washington State Department of Ecology. Development activities certified to cost less than the State financial thresholds (\$5,718/\$10,000) may be permitted through a Shoreline Authorization from the County (SA) based on a finding such activity will not materially interfere with normal public use of the water or Shorelines of the State.

SCUP: Development activity or use that may be permitted through the issuance of a Shoreline Conditional Use Permit. Shoreline Conditional Use Permits must be approved by the County and the Washington State Department of Ecology. Development activities certified to cost less than the State financial threshold (\$5,718/\$10,000) may be permitted through a Shoreline Authorization from the County (SA) based on a finding such activity will not materially interfere with normal public use of the water or Shorelines of the State.

B. Table of Permitted Uses and Footnotes.

	Residential		Conservancy		Higher Intensity		Natural	Aquatic
	Rural	Urban	Rural	Urban	Rural	Urban		
Activity/Use (1)		(2)		(2)		(2)		(3)
Advertising Signs and Billboards: Off-site	X	X	X	X	X	X	X	X
Advertising Signs and Billboards: On-site (19)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Agricultural, Farming, and Ranching Activities (24)	SA	SA	SA	SA	SA	SA	X	X
Agricultural Buildings and Structures	SA	SA	SA	SA	SA	SA	X	X
Agricultural Drainage/Diking System (25)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Aquaculture (30)	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Bank Stabilization Measures (4)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP	SSDP
Bed and Breakfast Inn	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Boat Ramp-Private	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Boat Ramp-Public/Community	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Boating Facility (12)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Bulkheads (New)	X	X	X	X	X	X	X	X
Camping Facilities (27)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X
Camp: Non-Profit	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	X
Clearing and Grading (5)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X
Commercial Development: Non-water Dependent (6)	X	X	X	X	SSDP	SSDP	X	X
Commercial Development: Water Dependent	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	SCUP (6)
<i>X=Prohibited, SA=Shoreline Authorization Required, SSDP=Shoreline Substantial Development Permit Required, SCUP=Shoreline Conditional Use Permit Required.</i>								

	Residential		Conservancy		Higher Intensity		Natural	Aquatic
	Rural	Urban	Rural	Urban	Rural	Urban		
Activity/Use (1)		(2)		(2)		(2)		(3)
Commercial Timber Harvesting/Related Activities (7)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP	SCUP
Conforming Structures: Normal maintenance or repair (31)	SA	SA	SA	SA	SA	SA	SA	SA
Cultural and Historic Resource Protection	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Dock: Commercial Facility (8)	SCUP	SCUP	X	X	SCUP	SCUP	X	SCUP
Dock: Community (8)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	SSDP
Dock: Private Non-commercial	SA	SA	SA	SA	SA	SA	X	SA
Dock: Public Facility (8)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Dredging (9)	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Essential Public Facilities	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP	SCUP
Fill (10)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP
Conservation, Restoration, and/or Habitat Improvement (11)	SA	SA	SA	SA	SA	SA	SA	SA
Flood Hazard Reduction Measures (23)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Home Business	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Hotel/Motel	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
House Boats (Single Family Residence)	X	X	X	X	X	X	X	X
Hydroelectric Facility	X	X	X	X	SCUP	SCUP	SCUP	SCUP
Industrial Development: Non-water Dependent (6)	X	X	X	X	SSDP	SSDP	X	X
<i>X=Prohibited, SA=Shoreline Authorization Required, SSDP=Shoreline Substantial Development Permit Required, SCUP=Shoreline Conditional Use Permit Required.</i>								

	Residential		Conservancy		Higher Intensity		Natural	Aquatic
	Rural	Urban	Rural	Urban	Rural	Urban		
Activity/Use (1)		(2)		(2)		(2)		(3)
Industrial Development: Water Dependent	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Irrigation System Facilities	SA	SA	SA	SA	SA	SA	X	X
Livestock Grazing	SA	SA	SA	SA	SA	SA	X	X
Mining: Commercial (13)	SCUP	X	SCUP	X	SCUP	SCUP	X	X
Multi-Family Residences	SSDP	SSDP	SSDP	SSDP	X	SSDP	X	X
Navigational Aids and moorage buoys (21)	SA	SA	SA	SA	SA	SA	SA	SA
Non-classified Uses (14)	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP
Non- Conforming Structures: Maintenance, Repair, or Expansion (15)	SA	SA	SA	SA	SA	SA	SA	SA
Noxious Weed/Nuisance Plant Management (16)	SA	SA	SA	SA	SA	SA	SA	SA
Parking Lots (17)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP	X
Public Access Facilities	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Recreation: Non-water Dependent (6)(26)	SCUP	SCUP	SCUP	SCUP	SCUP	SCUP	X	SC
Recreation: Water Dependent (26) (27)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Resorts: Master Planned	SSDP	SSDP	SCUP	SCUP	SSDP	SSDP	X	X
Resorts: Other	SSDP	SSDP	X	X	SSDP	SSDP	X	X
Roads and Bridges	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
RV Parks	SSDP	SSDP	X	X	SSDP	SSDP	X	X
RV Resorts	SSDP	SSDP	X	X	SSDP	SSDP	X	X
Scientific, historical, cultural, educational research uses, and low-intensity water oriented recreation uses.	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP (22)	SSDP
<i>X=Prohibited, SA=Shoreline Authorization Required, SSDP=Shoreline Substantial Development Permit Required, SCUP=Shoreline Conditional Use Permit Required.</i>								

	Residential		Conservancy		Higher Intensity		Natural	Aquatic
	Rural	Urban	Rural	Urban	Rural	Urban		
Activity/Use (1)		(2)		(2)		(2)		(3)
Sewage Treatment Facilities	SSDP	SSDP	SCUP	SCUP	SSDP	SSDP	X	X
Signs (19)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP
Single Family Residence/Accessory Structures (18)(29)	SA	SA	SA	SA	SA	SA	SCUP	X
Solid Waste Facilities	X	X	X	X	X	X	X	X
Telecommunication Facilities	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Tram/Funicular	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP	SCUP
Utilities (28)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	SCUP	SCUP
Vacation Rentals (20)	SSDP	SSDP	SSDP	SSDP	SSDP	SSDP	X	X
Vegetation Management (16)	SA	SA	SA	SA	SA	SA	SA	SA
Watershed Restoration Projects (11)	SA	SA	SA	SA	SA	SA	SA	SA
<i>X=Prohibited, SA=Shoreline Authorization Required, SSDP=Shoreline Substantial Development Permit Required, SCUP=Shoreline Conditional Use Permit Required.</i>								

Footnotes:

- (1) Please consult with the Kalispel Tribe regarding uses and activities on lands under the jurisdiction of the Tribe.
- (2) Only if permitted by local zoning codes. Must also conform to the development regulations of the Town and County as appropriate.
- (3) Any uses or activities that may be permitted within shoreline areas designated as Aquatic must be authorized by the underlying property owner and/or all agencies with jurisdiction as well as comply with all provisions of the applicable local development regulations.
- (4) Please see xx. 34.060 L Shoreline Stabilization Measures for more details. Bank stabilization measures that do not meet the thresholds for a Shoreline Substantial

Development Permit, as determined by the County, may be permitted through a Shoreline Authorization.

- (a) Structural bank stabilization measures should only be permitted to protect a legally existing structure, or use that is in danger of loss or substantial damage and no other alternatives are available. New developments in these shoreline designations should be designed and located to preclude the need for such work.
 - (b) Biotechnical erosion control measures may be permitted in the Natural Shoreline Environment.
- (5) No clearing and grading activities shall occur in jurisdictional shorelines unless specifically authorized through the issuance of a Clearing and Grading Permit by the County. Please see xx.34.060 J Clearing and Grading for more details.
 - (a) Clearing and grading activities in the Natural Shoreline Environment may only be permitted in conjunction with an approved development activity.
- (6) May be permitted only if there is a finding that there are unique and unusual circumstances that warrant location within a jurisdictional shoreline and that no net loss of ecological function will occur.
- (7) All commercial timber harvesting must conform to Washington State Department of Natural Resource standards and the provisions of Pend Oreille County Development Regulations XX.40. Also see xx.34.060 R Timber Harvesting for more details.
 - (a) Commercial timber harvesting within Shorelines of Statewide Significance may only be approved through the issuance of a SCUP in accordance with the provisions of the Shoreline Management Act, RCW 90.58.
- (8) See xx.34.060 F Docks for more details. Docks certified to cost less than the State financial threshold (\$10,000) may be permitted through a Shoreline Authorization from the County (SA) based on a finding such activity will not materially interfere with normal public use of the water or Shorelines of the State.
- (9) Dredging may only be permitted in accordance with Washington State Department of Natural Resource and with U.S. Army Corps of Engineer Standards and /or FERC license or associated settlement conditions.

- (10) May be permitted only in conjunction with an approved flood proofing activity or bank stabilization project or with the conditions of approval of a federally-licensed dam.
 - (a) Fill waterward of the ordinary high water mark may only be allowed when necessary to support the uses identified in WAC 173-26-231(3)(c).
- (11) Must be designated as a conservation, restoration, and/or habitat improvement activity by the County, the Federal Energy Regulatory Commission, the Washington State Department of Fish and Wildlife, or other state or federal natural resource agency in accordance with the provisions of WAC 173-27-040(2)o.
- (12) Please see Chapter xx.34.060 G Boating Facilities for more details.
- (13) All mining activities must comply with Washington State Department of Natural Resource standards. Please see Chapter xx.34.060 N Mining for more details.
- (14) May be permitted through an administrative code interpretation if found to be consistent with other uses identified in this Table. Other uses may be permitted though the issuance of a SCUP in conformance with the standards applicable in the Conservancy designation or through an amendment to the SMP.
- (15) Please see Chapter xx.34.070 Non-conforming Uses and Structures for more details.
- (16) Please see Chapter xx. 34.060 H Vegetation Management and I Aquatic Plant Management for more details.
- (17) May be permitted as an accessory use only outside of required buffers.
- (18) Single family residences shall include associated on-site utilities such as sanitary sewers, septic-systems, wells and domestic water hook-ups, propane, electrical service, telephone lines, internet, and/or cable TV.
 - (a) For purposes of this Chapter, "appurtenant structures" means garages, sheds, and other legally established accessory structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.
 - (b) Septic drainfields must comply with all requirements of the Tri-County Health District and should not be located in required buffers unless no other feasible alternative exists as determined by the Health District.

- (19) Please see Chapter xx.34.060 O Signs for more details.
- (20) All vacation rentals must also comply with the provisions of Chapter XX.70.
 - (a) The construction of a new vacation rental must be approved through the issuance of a SSDP.
 - (b) The conversion of an existing single family residence to a vacation rental may be approved through the issuance of a SA.
- (21) Must comply with all applicable local, state, and federal regulations, including but not limited to U.S. Coast Guard rules.
- (22) May be permitted subject to conditions and may be denied based on a finding that the proposed use would degrade ecological functions or the natural character of the shoreline.
- (23) New structural flood hazard reduction measures may be permitted in jurisdictional shorelines only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, 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 the provisions of the Washington Administrative Code.
 - (a) New structural public flood hazard measures such as dikes and levees, may be required to dedicate and improve public access pathways unless such improvements would cause unavoidable health and safety hazards, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflicts with the proposed use, and/or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
- (24) 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. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities and may be permitted only through the issuance of a SSDP.

- (25) Development activities associated with the operation and maintenance of any system of dikes, ditches, drains, or other public facilities existing on September 8, 1975, which were created, developed or used primarily as a part of an agricultural drainage or diking system may be permitted through a shoreline authorization.
- (26) Includes commercial and public recreation facilities.
- (27) Only public camping and recreation facilities may be permitted in Natural Shoreline Areas, subject to a determination by the County that the proposed project is a low-impact design that will result in no net loss of ecological function.
- (28) Please see Chapter xx.34.060 W Utilities for more details.
- (29) Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet current standards for setbacks, buffers, height or density shall be considered conforming structures.
 - (a) The redevelopment, expansion, or replacement of a residential structure may be permitted if it is otherwise consistent with the provisions of the County Development Regulations and this Master Program, including the requirement for no net loss of shoreline ecological functions.
- (30) Sponsors of proposed new aquaculture activities are encouraged to consult with the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources before submitting an application. In addition to permits from the County, an HPA from WDFW may be required, as well as other permits and approvals from agencies with jurisdiction.
- (31) Legally established residential and appurtenant structures in place on the date of adoption of this updated Shoreline Master Program shall be considered legal conforming uses and structures for purposes of implementing these shoreline regulations.

xx.34.060 Development Standards. The following standards apply to all development activities and uses proposed for jurisdictional shoreline areas unless otherwise noted:

- A. **Shoreline Buffers.** In an effort to avoid or minimize potential adverse impacts on the ecological functions performed in shorelines, buffers may be established so that new development activities are setback from the ordinary high water mark. In general terms, the size of a buffer for a given site is best determined on a case-by-case basis taking into account the topography and condition of the shoreline area, the nature of the ecological functions, the intensity of the proposed new development activity, and the reasonably foreseeable cumulative effects. While a customized approach to setting buffers may be preferable, not all situations may warrant or support what is typically a more costly and time consuming approach. As a result, a series of standard buffers are provided for property owners seeking a less costly and more stream-lined approach for the review and approval of their development plans.

Sponsors of proposed new development activities may choose to incorporate the following standard buffers into their plans, or may, with the assistance of a qualified professional such as a wetlands biologist, submit plans for customized buffers for review and approval, in accordance with the following provisions:

1. **Standard Shoreline Buffers.**

- | | |
|---|---------------------|
| a. Natural Shoreline Designation | 200 feet from OHWM. |
| b. Rural Conservancy Shoreline Designation | 150 feet from OHWM. |
| c. Rural Residential Shoreline Designation | 100 feet from OHWM. |
| d. Rural Higher Intensity Shoreline Designation | 50 feet from OHWM. |
| e. Urban Conservancy Shoreline Designation | 100 feet from OHWM. |
| f. Urban Residential Shoreline Designation | 50 feet from OHWM. |
| g. Urban Higher Intensity Shoreline Designation | 50 feet from OHWM. |

2. Customized Buffers.

- a. Buffer Averaging. The County may permit a proposal to reduce the standard buffer on a portion of a site if the buffer is increased on another portion of the site, so that the total buffer area has not been reduced, based on a written finding that there will be no net loss of ecological function, provided that:

- (1) Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;
- (2) Supporting documentation may be required from a qualified professional;
- (3) The site has not applied buffer width reduction or modification by any prior action administered by Pend Oreille County. Sites which utilize this provision are not eligible for any future buffer width modifications, under any provision of this Program, except as part of an approved variance.
- (4) Additional conditions of approval and/or mitigation measures including but not limited to such as requirements to increase native vegetation, limit native vegetation removal, limit the use of fertilizers and pesticides, further protect steep slopes, and/or the payment of a mitigation fee may be required; and
- (5) At no point along the shoreline may the buffer be reduced by more than 35% of the standard buffer for the applicable designation, provided that:
 - (a) On lots less than 300 feet in depth which are encumbered by a public transportation corridor, the buffer may be reduced through averaging up to 50% of the applicable standard buffer; and
 - (b) All structures are located as far landward as practical, and not closer than 50 feet from the ordinary high water mark.

- b. In-fill Development. In an effort to facilitate in-fill development in approved plats, the County may approve requests to reduce the standard shoreline buffers for a new single-family residence and appurtenant structures in accordance with the following criteria:

- (1) Where there are single family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the

greater of either a common line drawn between the nearest corners of the nearest residence, or a common line calculated by the average of the nearest residences' existing buffer.

- (2) Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as the greater of either a common line drawn between nearest corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot, or a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot.
- c. New single family residences may be permitted without a variance on lots whose dimensions do not allow a residence to be constructed outside of the standard shoreline buffer, provided that:
- (1) The depth of the lot is equal to or less than the standard shoreline buffer;
 - (2) The lot was in existence at the time the this updated Shoreline Master Program went into effect;
 - (3) Appropriate measures are taken to avoid, minimize, or mitigate potential adverse impacts to the shoreline;
 - (4) The residence is located in the least environmentally damaging location relative to the shoreline and any critical areas;
 - (5) All structures are located as far landward as practical and not closer than 50 feet from the ordinary high water mark; and
 - (6) The proposed development conforms to all other requirements of the Shoreline Master Program and the Shoreline Management Act
- d. Variance. Standards shoreline buffers may also be reduced through the issuance of a variance approved by the County and the Department of Ecology, provided that:
- (1) The strict application of the bulk, dimensional or performance standards precludes or significantly interferes with the reasonable use of the property;

- (2) The need for the variance is the result unique conditions, natural features, and/or the requirements of this master program, and is not the result of intentional actions of the property owner to create the need for the variance;
 - (3) The proposed activity is compatible with other uses in the area ;
 - (4) The variance will not constitute a grant of special privilege;
 - (5) The variance requested is the minimum necessary to afford relief; and
 - (6) The public interest will suffer no substantial detrimental effect.
 - (7) In the granting of all variance permits, consideration shall be given to the cumulative benefits and impact of additional requests for like actions in the area, when applicable. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of the Shoreline Management Act and the Goals and Policies of this Shoreline Master Program and shall not cause substantial adverse effects to the shoreline environment.
 - (8) Variances from the use regulations of the Shoreline Master Program are prohibited.
- 3. Property owners, prospective new property owners, and the sponsors of new development activities are strongly encouraged to schedule a pre-application meeting with Department of Community Development staff to discuss their development goals before applications are prepared to discuss options for complying with these buffer requirements.
 - 4. All buffers shall be measured from the Ordinary High Water Mark (OHWM);
 - 5. Approved uses, structures, and development activities may not encroach upon required buffers unless specifically authorized in this Chapter.
 - 6. Clearing, grading, and removal of native vegetation, may be permitted within the required shoreline buffers if specifically authorized in these regulations.
 - a. Property owners are encouraged to consult with the County regarding appropriate standards for the maintenance of native vegetation.

7. Existing structures or uses within required shoreline buffers may not be expanded unless specifically authorized in this Chapter.
 8. Approved reductions in standard buffers shall not be in effect until a notice to title documenting the conditions of approval has been recorded in a format prescribed by the County.
 9. Property owners are encouraged to review Washington State Department of Natural Resources guidelines for defensible space around buildings before finalizing site plans. The Department recommends that there be at least 30 feet fire-safe defensible space around all homes.
- B. General Provisions. All development activities and uses within jurisdictional shoreline areas shall be subject to the following general standards applicable in all shoreline designations.
1. All development activities and uses shall be located, designed, constructed and managed to achieve no net loss of ecological functions.
 - a. Hydrological connections between water bodies, water courses, and associated wetlands shall be protected.
 2. All development activities and uses shall be subject to the following mitigation sequencing:
 - a. Avoidance of potential adverse impacts by not taking a certain action or parts of an action;
 - b. Minimizing potential impacts by limiting the degree or magnitude of a proposed action through the use of appropriate technology or by taking affirmative steps to reduce potential impacts;
 - c. Rectifying the potential impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Compensating for the potential impact by replacing, enhancing, or providing substitute resources or environments; and

- e. Monitoring the direct impacts, mitigation, and compensation projects and taking appropriate corrective measures for adequate multi-year periods.
 - 3. Within the jurisdictional shorelines, property water ward of the OHWM shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.
 - 4. New buildings or structures built within jurisdictional shorelines shall not exceed 35 feet in height above the average grade unless a finding is made that the proposed height is in the public interest through the issuance of a variance.
 - 5. All discharges of effluent or drainage from developments in shoreline areas shall meet current requirements of federal, state, and local health laws and regulations on water quality and pollution prevention.
- C. Environmentally Sensitive Areas. The provisions of Chapter xx.36 Environmentally Sensitive Areas of the Pend Oreille County Development Regulations adopted by the Board of County Commissioners in conjunction with this updated Shoreline Master Program or as subsequently amended, shall apply to all jurisdictional shoreline areas.
- 1. In the event of a conflict between the provisions of Chapter XX. 34 Shoreline Regulations and Chapter xx.36 Environmentally Sensitive Areas the provisions of Chapter xx. 34 Shoreline Regulations shall apply.
- D. Creation of new lots. The creation of five or more new lots that are created through a subdivision, Master Planned Resort, RV Park, RV Resort, or Binding Site Plan from a parcel that contains jurisdictional shorelines or required buffers shall meet the following standards:
- 1. Land shall be dedicated to provide appropriate public access to shoreline areas, provided that:
 - a. Such access shall not be required if demonstrated to be incompatible due to reasons of safety, security, or impact to the shoreline;
 - b. Required access should be designed and improved in accordance with the provisions of state and federal law and local development regulations, including but not limited to the provisions of XX.26.050 D Water Access; and

- c. The provision of required public access should not result in a net loss of ecological functions.
- E. Docks.** In addition to Pend Oreille County, several state and federal agencies including, but not limited to the U. S. Army Corps of Engineers, the Washington Department of Natural Resources, the Washington Department of Ecology, and the Washington Department of Fish and Wildlife, have standards and requirements that may affect the design and placement of docks. It is the intent of the County to coordinate and integrate the requirements of these agencies and to provide a stream-lined permitting process for docks that do not contribute to the net loss of ecological functions. In general terms, the smaller the dock, and the more it is designed to comply with the letter and intent of the various regulations that apply, the greater the likelihood it can be approved in a timely manner. **In all instances, prospective applicants are encouraged to consult with County Staff prior to submitting an application for a new dock.**
- 1. The seasonal removal and reinstallation of the existing docks, as well as the routine repair or maintenance activities to the existing docks, may be initiated without a Shoreline Authorization from the County provided that:
 - a. There are no unresolved code violations involving the dock;
 - b. There is no change in the size or footprint of the deck;
 - c. The proposed activities do not trigger the need for a permit or approval from the U.S. Army Corps of Engineers, the Washington Department of Natural Resources, the Washington Department of Fish and Wildlife, the U. S. Department of Fish and Wildlife, or the Federal Energy Regulatory Commission;
 - d. The use of treated wood is prohibited. No new treated wood may be installed on existing docks. When existing treated wood or pilings need to be replaced, they should be replaced with alternative materials, such as untreated wood, metal, concrete, or plastic;
 - e. The use of tires on docks, above or below water, is prohibited (e.g., floatation, fenders, decking, etc). Tires may not be installed on existing docks. When repairs are performed to portions of the dock that include tires, they must be replaced with inert or encapsulated materials such as plastic or encased foam;

- f. Un-encapsulated floatation material is prohibited. No un-encapsulated flotation materials may be installed on existing docks. New floatation material must be encapsulated within a shell that prevents breakup or loss of the floatation material into the water, and is not readily subject to damage by ultraviolet radiation or abrasion. When repairs are performed to portions of the dock that includes un-encapsulated floatation materials, it must be replaced with inert or encapsulated materials such as plastic or encased foam;
 - g. Only low voltage solar or battery powered lighting may be permitted. Other forms of new permanent lighting including hard wired fixtures and high voltage lighting shall not be permitted on new or existing docks. Property owners are strongly encouraged to remove or replace existing lighting fixtures. When making repairs to or replacing existing lighting fixtures, the effects of artificial night lighting must be minimized by focusing the light on the dock surface, and using shades that avoid illumination of the surrounding environment; and
 - h. If anchors or supporting lines/chains need to be replaced, soil screw anchors should be used whenever feasible.
 - (1) When replacing an anchor(s), the old anchor(s) should be removed.
2. New docks, the replacement of an existing dock, or the repair of an existing dock that does not meet the criteria of 1 above may be permitted through the issuance of a Shoreline Authorization from the County, which involves a Class 1 Administrative Review, provided that all of the following criteria and conditions are met:
- a. The dock must be for the private, non-commercial, recreational use of the occupant of the upland, residential property;
 - b. The dock must be designed for the use of the upland single family residence, or in the case of a shared dock the adjoining single family residences, or no more than four multi-family units on the same lot;
 - c. The proposed new dock must cost less than \$10,000 including the value of materials, equipment, and labor;

- d. The proposed action meets the Construction Specifications and Conservation Measures identified in Regional General Permit 7 (RGP 7) issued by the U.S. Army Corps of Engineers (USACE);
 - (1) It is important to note that the Construction Specifications and Conservation Measures shall apply to all docks in the County unless otherwise noted, and is not limited to docks on bodies of water under the jurisdiction of the USACE.
 - (2) The requirements to use grating on the surface area of piers, ramps and floats applies to the Pend Oreille River and may apply to other bodies of water such as lakes. Please contact the Department of Natural Resources to determine if grating is required for overwater structures on state-owned aquatic lands.
 - (3) Please note that in accordance with the provisions of RGP 7 that the USACE may not permit structures or shading objects on docks such as, but not limited to: storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered boat moorage. Please contact the USACE or the County Department of Community Development for more details.
 - (4) The County shall, upon the expiration of Regional General Permit 7, continue to apply the provisions of the expired Regional General Permit until such time that a new Regional General Permit is adopted and this Shoreline Master Program amended, as appropriate.
- e. The proposed action meets all of the standards of the Washington Department of Natural Resources, including but not limited to the provisions of WAC 332-30-144 that may be in effect at the time;
 - (1) Mechanical boat lifts may be permitted upon execution of a lease agreement with the Department of Natural Resources, as applicable.
- f. The proposed action meets all of the standards of the Washington Department of Fish and Wildlife, and has received a Hydraulics Project Approval (HPA), if applicable;
 - (1) Please note that WDFW, DNR, and/or the USACE may not permit covers over boat docks. Please contact WDFW, DNR, the USACE, or the County Department of Community Development for more details.

- (2) Please note that WDFW may allow the installation and operation of a portable boat hoist in a lake without a HPA under certain circumstances. Please see WAC 220-114-040 and/or contact WDFW or the Department of Community Development for more details.
- g. Only low voltage solar or battery powered lighting may be permitted. Other forms of new permanent lighting including hard wired fixtures and high voltage lighting shall not be permitted on new or existing docks. Property owners are strongly encouraged to remove or replace existing lighting fixtures. When making repairs to or replacing existing lighting fixtures, the effects of artificial night lighting must be minimized by focusing the light on the dock surface, and using shades that avoid illumination of the surrounding environment, the night sky;
 - h. The use of treated wood is prohibited. Alternative materials, such as untreated wood, metal, concrete, or plastic must be used;
 - i. The use of tires is prohibited above or below water (e.g., floatation, fenders, decking, etc);
 - j. New floatation material must be encapsulated within a shell that prevents breakup or loss of the floatation material into the water, and is not readily subject to damage by ultraviolet radiation or abrasion;
 - k. The dock shall be secured with pilings or soil anchor screws whenever feasible;
 - l. Shared docks are strongly encouraged and preferred over new individual docks whenever feasible;
 - m. Property owners are encouraged to consult with their neighbors regarding the location and design of new docks; and
 - n. The dock is located to avoid degradation of habitat and to avoid the potential for the net loss of ecological function. Applications for new docks should highlight proposed measures to avoid, minimize, and/or mitigate measures that may have an adverse environmental impact or an adverse effect on ecological functions. The County may require revisions that have less impact and/or require on- or off-site mitigation.

3. New docks, the replacement of an existing dock, or the repair of an existing dock that does not meet the criteria of 1 or 2 above, may only be permitted through the issuance of a Shoreline Substantial Development Permit or a Shoreline Conditional Use Permit, as determined by the County, which involves a Class 2 Review. This may require the preparation of more extensive application materials and a longer review process, provided that all of the following criteria and conditions are met:
 - a. The proposed activity must comply with the Construction Specifications and Conservation Measures contained in Regional General Permit 7 issued by the USACE, or as subsequently extended by the County.
 - (1) Docks proposed for the Pend Oreille River that do not meet these Construction Specifications and Conservation Measures may be permitted only if an individual or nationwide permit has been obtained from the USACE, which may involve the preparation of a biological assessment and an individual consultation in accordance with the requirements of the Endangered Species Act;
 - (2) It is important to note that the Construction Specifications and Conservation Measures shall apply to all docks in the County unless otherwise noted, and is not limited to docks on bodies of water under the jurisdiction of the USACE.
 - (3) The requirements to use grating on the surface area of piers, ramps and floats applies to the Pend Oreille River as required by the USACE and may apply to other bodies of water such as lakes. . Please contact the Department of Natural Resources to determine if grating is required for overwater structures on state-owned aquatic lands.
 - (4) Please note that in accordance with the provisions of RGP 7 that the USACE may not permit structures or shading objects on decks such as, but not limited to: storage boxes, benches, planters, sheds, tables, outdoor furniture, living quarters, fueling facilities, carpeting, or covered boat moorage. Please contact the USACE or the County Department of Community Development for more details.
 - (5) The County shall, upon the expiration of Regional General Permit 7, continue to apply the provisions of the expired Regional General Permit until such time that a new Regional General Permit is adopted and this Shoreline Master Program is amended, as appropriate.

- b. The proposed activity must comply with all standards of the Washington Department of Natural Resources including, but not limited to the provisions of WAC 332-30-144 in effect at the time;
 - (1) Mechanical boat lifts may be permitted upon execution of a lease agreement with the Department of Natural Resources, as applicable.
- c. The proposed activity must comply with all standards of the Washington Department of Fish and Wildlife (WDFW) and receive a Hydraulics Project Approval (HPA), if applicable;
 - (1) Please note that WDFW, DNR, and/or the USACE may not permit covers over boat docks. Please contact WDFW, DNR, the USACE, or the County Department of Community Development for more details.
 - (2) Please note that WDFW may allow the installation and operation of a portable boat hoist in a lake without a HPA under certain circumstances. Please see WAC 220-114-040 and/or contact WDFW or the Department of Community Development for more details.
- d. New docks should be designed and constructed to avoid the net loss of ecological function. Applications for new docks should highlight proposed measures to avoid, minimize, and/or mitigate measures that may have an adverse environmental impact or an adverse effect on ecological functions. The County may propose revisions that have less impact and/or require on- or off-site mitigation;
- e. Only low voltage solar or battery powered lighting may be permitted. Other forms of new permanent lighting including hard wired fixtures and high voltage lighting shall not be permitted on new or existing docks. Property owners are strongly encouraged to remove or replace existing lighting fixtures. When making repairs to or replacing existing lighting fixtures, the effects of artificial night lighting must be minimized by focusing the light on the dock surface, and using shades that avoid illumination of the surrounding environment; and
- f. The use of treated wood is prohibited. Alternative materials, such as untreated wood, metal, concrete, or plastic must be used;
- g. The use of tires is prohibited above or below water (e.g., floatation, fenders, decking, etc);

- h. New floatation material must be encapsulated within a shell that prevents breakup or loss of the floatation material into the water, and is not readily subject to damage by ultraviolet radiation or abrasion;
 - i. The dock shall be secured with pilings or soil anchor screws whenever feasible;
 - j. Shared docks are strongly encouraged and preferred over new individual docks whenever feasible; and
 - k. Property owners are encouraged to consult with their neighbors regarding the location and design of new docks;
4. Additional requirements. In addition to the requirements of 1, 2, and 3 above, the following provisions shall also apply:
- a. Applications for the construction of a new dock may include a proposal to construct a landing pad landward of the ordinary high water mark, provided that:
 - (1) The size of the landing pad shall be the minimum necessary to secure the ramp and/or dock and to provide safe access;
 - (2) The cost of the landing pad including labor, equipment, and materials does not exceed the \$5,718 threshold in order to be processed under a Shoreline Authorization. If it does, then a Shoreline Substantial Development Permit shall be required.
 - (3) The landing pad shall not result in the net loss of ecological function. This may require special conditions of approval or mitigating measures.
 - (4) Only low voltage solar or battery powered lighting may be permitted. Other forms of permanent lighting including hard wired fixtures and high voltage lighting shall not be permitted;
 - (5) The use of treated wood is prohibited waterward of the ordinary high water mark. Alternative materials, such as untreated wood, metal, concrete, or plastic must be used; and

- (6) The landing pad may include temporary unattached storage areas, canopies, benches, planters, tables, or outdoor furniture. Permanent buildings, structures, or facilities may not be constructed on landing pads and Fueling facilities, or carpeting shall not be permitted.
 - b. In the event of conflicting standards between agencies, the standards that provide the greatest protection to ecological functions of shorelines, as determined by the County, shall apply;
 - c. Proposed subdivisions that will create two or more new residential lots should be served by a shared or community dock(s) when feasible;
 - d. Docks on the Pend Oreille River may require approval of the Pend Oreille PUD or Seattle City Light or the Federal Energy Regulatory Commission in accordance with the provisions of the most recent licenses granted by the Federal Energy Regulatory Commission;
 - e. Docks that do not meet the criteria for exempt, private, recreational docks contained in RCW 79.105.403 may require a lease from the Washington Department of Natural Resources;
 - f. Certain docks or related facilities may also require a land use permit(s) or approvals or the preparation of a SEPA checklist, as determined by the County. Project Sponsors are encouraged to consult with County Staff early in the process to determine if land use permits and approvals may be required; and
 - g. All docks shall have permanent markings identifying the name, address, and telephone number of the owner.
- F. Boating Facilities. New boating facilities including marinas may be permitted in accordance with local land use regulations, provided that:
- 1. The proposed site does not require dredging;
 - 2. The proposed site is not located near the confluence of tributaries to the Pend Oreille River;
 - 3. The proposed site is not located in close proximity to priority habitat areas;

4. The proposed development will not result in the net loss of ecological function;
 5. The facility is designed in a manner that minimizes the potential for adverse shoreline impacts in the future, as well as hazards to navigation, and water oriented activities such as fishing, swimming, and the reasonable use of nearby properties;
 6. The proposed facility complies with the rules and regulations of all other agencies with jurisdiction and the provisions of this Chapter;
 7. Boating facilities on the Pend Oreille River may be subject to review and approval by the Pend Oreille PUD, Seattle City Light, and/or FERC;
 8. Boating facilities may require a lease from the Washington Department of Natural Resources; and
 9. Boating facilities may require a land use permit(s) or approvals and will involve the preparation of a SEPA checklist.
 10. New marinas shall provide public access in accordance with WAC 173-26-221 (4).
- G. Vegetation Management. The removal of native vegetation from jurisdictional shoreline areas shall be minimized and the planting of native species of vegetation shall be encouraged. Property owners shall minimize the use and presence of non-native species in jurisdictional shoreline areas and avoid the use of fertilizers and pesticides that can adversely affect water quality, provided that:
1. Species of plants that occur or historically occurred within Pend Oreille County before European contact based on the best available science and historic documentation (i.e. native vegetation) may not be removed from required shoreline buffers without a permit or authorization from the County.
 2. Property owners are encouraged to consult with natural resource agencies regarding opportunities to plant non-invasive native vegetation in shoreline areas.
 3. Property owners may propose the removal of native vegetation in order to provide access to shoreline areas, provided that:

- a. The amount of vegetation proposed for removal is the minimum amount necessary in order to provide safe and reasonable access;
 - b. The access is designed to minimize adverse environmental effects and to avoid the net loss of ecological function;
 - c. Applications for vegetation management shall highlight proposed measures to avoid, minimize, and/or mitigate measures that may have an adverse environmental impact or an adverse effect on ecological functions. The County may propose revisions that have less impact and/or require on- or off-site mitigation; and
 - d. Property owners are encouraged to consult with local homeowners associations and resource agencies to learn more about low-impact property maintenance practices.
- H. Aquatic Plant Management. In addition to Pend Oreille County, several state and federal agencies, including but not limited to the U. S. Army Corps of Engineers, the Washington Department of Ecology, and the Washington Department of Natural Resources, have standards and requirements that may affect the management of aquatic plants. The County shall coordinate and integrate the requirements of these agencies and seek to provide a stream-lined permitting process and to avoid the net loss of ecological functions. The removal of aquatic noxious weeds and nuisance plants may be permitted in accordance with the following provisions:
1. Herbicides may only be applied by licensed commercial applicators in accordance with state and local requirements and the conditions of NPDES permits in effect at the time of the proposed application.
 2. Private property owners may remove or manage aquatic weeds in front of their property by hand (manual removal) provided that they have reviewed, have on-site, and comply with the pamphlet issued by the Washington Department of Fish and Wildlife, *Aquatic Plants and Fish publication #APF-11-97* and have received guidance on how to identify plants appropriate for removal and appropriate removal techniques.
 - a. Property owners are encouraged to notify the County of the location of bottom barriers.

3. The mechanical removal of aquatic noxious weeds and nuisance plants by commercial operators may be permitted through a site specific shoreline authorization and/or through an annual programmatic permit.
 4. All other means of the removal of aquatic noxious weeds or nuisance plants may only be permitted through the issuance of required permit(s) and approvals provided that the proposed actions must comply with the standards of the Washington Department of Fish and Wildlife, the US Army Corps of Engineers, and the Washington Department of Natural Resources, and the provisions of this Chapter.
- I. Clearing and Grading. Applications for Clearing and Grading permits shall include:
1. A proposed Temporary Erosion Control Plan prepared in accordance with the provisions of the Eastern Washington Storm Water Manual prepared by the Washington Department of Ecology as adopted by Pend Oreille County;
 2. A proposed site plan prepared in accordance with County standards specifying the total disturbance footprint to include all primary and appurtenant structures, access roads and drives, permanent parking on-site wastewater treatment systems and all of their components including repair (replacement) sites for drainfields, electrical, natural gas, municipal sewage and any other utility lines, and location of temporary storage and staging of construction materials and equipment including vehicular use and parking;
 3. A proposed Revegetation Plan that features no net loss of ecological function; and
 4. Clearing and grading activities proposed for or near Environmentally Sensitive Areas must comply with all provisions of County Development Regulations including XX.36 Environmentally Sensitive Areas. Additional state and federal permits may be required. Applicants are strongly encouraged to contact the County Community Development Department to discuss their conceptual plans before detailed plans and application materials are prepared.
- J. Impervious Surfaces. No new impervious surfaces may be approved or constructed in required shoreline buffers unless specifically authorized in this Chapter.
1. New impervious surfaces may be permitted within jurisdictional shoreline areas outside of the required buffers provided that a Stormwater Management Plan has been submitted for County review and approval in accordance with the provisions of the Eastern

Washington Storm Water Manual prepared by the Washington State Department of Ecology as adopted by Pend Oreille County.

2. Impervious surfaces that may be required to comply with the provisions of applicable federal, state, or local laws, such as the Americans with Disabilities Act, may be permitted.
- K. Shoreline Stabilization Measures. Proposed development activities or uses intended to stabilize banks and prevent erosion and/or protect recreation sites may only be permitted by the County based on a finding that the proposal will not result in a net loss of ecological function, provided that:
1. Biotechnical bank protection measures, which may include vegetation enhancement, upland drainage controls, or planting anchor trees, are preferred. “Hard” solutions such as the placement of rip rap may only be permitted upon a finding that no other less environmentally intrusive option is feasible.
 - a. New bulkheads are prohibited.
 - b. The use of gabions is prohibited.
 2. Project Sponsors are encouraged to design bank stabilization measures proposed for the Pend Oreille River in compliance with the standards of the Regional General Permit issued to the U.S. Army Corps of Engineers in effect at the time that the bank stabilization application has been submitted and deemed by the County to be complete. Bank stabilization measures that do not meet these standards may be permitted only if an individual or nationwide permit has been obtained from the U.S. Army Corps of Engineers which may include the preparation of a biological assessment and an individual consultation in accordance with the requirements of the Endangered Species Act.
 - a. Project Sponsors are also encouraged to consult the publication of the Washington State Department of Fish and Wildlife, prepared in consultation with several natural resource agencies, *Integrated Stream Bank Protection Guidelines*.
 3. New bank stabilization measures and the enlargement of existing structures should be designed and constructed to avoid the net loss of ecological function. Applications for bank stabilization projects should highlight proposed measures to avoid, minimize, and/or

mitigate measures that may have an adverse environmental impact or an adverse affect on ecological functions. The County may require revisions that have less impact and/or require on- or off-site mitigation.

- a. The County may require that the Project Sponsor prepare, at no cost to the County, a geotechnical report to address the necessity for shoreline stabilization by estimating time frames and rates of erosion and to report on the urgency associated with the specific situation.
 - b. The size of proposed stabilization measures shall be limited to the minimum necessary.
 - c. Publicly financed or subsidized shoreline erosion control measures should not restrict public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
 - d. Adverse impacts to sediment conveyance systems should be avoided or if that is not possible, avoided.
4. New development that would require shoreline stabilization which would cause significant impacts to adjacent or down-current properties and shoreline areas should not be approved.
 5. An existing shoreline stabilization structure may be replaced with a similar structure provided that:
 - a. There is a demonstrated need to protect the principal use or structure from erosion;
 - b. The replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions; and
 - c. The replacement wall or bulkhead shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

L. Flood Hazard Reduction. All proposed uses and development activities must comply with the provisions of the County Development Regulations governing Frequently Flooded Areas and the following provisions:

1. All proposed actions must result in no net loss of ecological functions.
2. Where feasible, preference shall be given to nonstructural flood hazard reduction measures over structural measures.
3. Proposed flood hazard reduction measures should be based on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts, provided those measures are consistent the Shoreline Management Act and the provisions of WAC 173-26.
4. No new development activities or uses shall be permitted in areas designated by the County as having a High Probability of Channel Migration, provided that:
 - a. All development and uses including emergency actions proposed within the Channel Migration Zone shall be reviewed by a licensed geologist or licensed professional engineer with a demonstrated minimum of five years of field experience in fluvial geomorphology and evaluating channel response. This review shall be documented in a report prepared by the consulting professional. The review and report shall include a detailed assessment of the reach's channel migration zone and potential for erosion or flooding, and shall include a determination regarding the use or development's potential to result in interference with the long term natural channel migration processes of streams and rivers in Pend Oreille County, affect adjacent and across stream properties or infrastructure, and will not need future structural flood and erosion protection.
5. Removal of gravel for flood control purposes may be approved only if biological and geomorphological studies demonstrate a long-term benefit to flood hazard reduction, no net loss of ecological functions, and that extraction is part of a comprehensive flood management solution.

M. Mining.

1. Commercial mining activities will be permitted in shoreline areas in accordance with the following provisions:

- a. No mining activities will occur in shoreline buffers or waterward of the ordinary high water mark;
 - b. Sub-surface mining may be permitted below jurisdictional shorelines in accordance with the provisions of federal, state, and local laws and no-mining areas designated in association with federally licensed dams, provided that the proposed activity will not result in a net loss of ecological functions;
 - c. Dredging within the Aquatic Shoreline Environment may only be permitted in accordance with state regulations, and may not adversely affect fish or animal habitat and may not result in a net loss of ecological function;
 - d. Mining should not be permitted in channel migration zones of streams and rivers in Pend Oreille County; and
 - e. Applications for new mining activities should highlight proposed measures to avoid, minimize, and/or mitigate measures that may have an adverse environmental impact or an adverse affect on ecological functions. The County may propose revisions that have less impact and/or require on- or off-site mitigation.
2. Personal mining may be allowed in accordance with the provisions of the publication Washington State publication, *Gold and Fish Rules for Mineral Prospecting and Placer Mining*, 2nd edition, April 2009, or as subsequently amended.
- N. Signs may be permitted within jurisdictional shorelines only when the following standards can be met:
- 1. New signs must comply with local development regulations;
 - 2. Signs located within designated scenic by-ways must comply with applicable federal, state, and local requirements; and
 - 3. Permitted signs in the Residential, Conservancy, and Higher Intensity Shoreline Environments shall be limited to include:
 - a. Interpretive, historical, informational, or directional signs approved and maintained by public agencies, as well as public signage necessary to protect the public health

and safety;

- b. On-site advertising in accordance with local regulations;
- c. Approved real estate signs; and
- d. Signs that constitute constitutionally protected forms of free speech as determined by the Pend Oreille County Prosecuting Attorney.

4. Permitted signs in the Natural and Aquatic Shoreline Environments shall be limited to include:

- a. Interpretive, historical, informational, or directional signs approved and maintained by public agencies, as well as public signage necessary to protect the public health and safety;

O. Public Access Facilities. New public access facilities may be approved on public or private land in accordance with the following standards:

- 1. The proposed access may not result in a net loss of ecological function;
- 2. The proposed use must comply with the rules and regulations of all agencies with jurisdiction and the provisions of this Chapter;
- 3. New public accesses should:
 - a. Be directed to areas that comply with local zoning, shoreline regulations, and development regulations;
 - b. Avoid impacts to fish spawning areas and riparian vegetation;
 - c. Feature low impact and avoid hardening of the access site and adjacent shoreline;
 - d. Should showcase appropriate shoreline restoration techniques and should include education about the values of the river's resources; and
 - e. Should be based on a long-term access management strategy for developing and restoring access to the site.

- (1) Applications must include a site plan and supporting narrative to document the design and location of the site including adequate provisions for site access, parking, restrooms, boat launching, picnic, and camping facilities if applicable.
- f. A management plan shall also be submitted that identifies proposed measures for maintaining the facility in a safe and sanitary condition, controlling the hours of use, regulating activities, and minimizing adverse impacts on neighboring properties.
4. Shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, shall include public access measures as a part of each development project, unless such is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. This includes new publically funded dikes or levees, as described in WAC 173-26-221(3)(C)(4).
- P. Archaeological and Cultural Resources. Upon discovery of any artifacts or evidence of potential archaeological or cultural resources within a jurisdictional shoreline area all authorized construction activities or uses shall be suspended pending authorization to proceed from the County, the Kalispel Tribe, and the Washington State Office of Archaeology and Historic Preservation, as appropriate.
 1. Permits issued in areas documented to contain archaeological resources shall require a site inspection or evaluation by a qualified archaeologist in consultation with the Kalispel Tribe.
- Q. Commercial Harvest of Timber.
 1. All activities associated with the commercial harvest of timber must strictly comply with the provisions of the Washington State Forest Practices Act (RCW 76.09) and all applicable provisions of the Washington Administrative Code.
 2. All activities must comply with the rules and regulations of other agencies with jurisdiction including the provisions of this Chapter.
 3. Activities associated with the proposed conversion of timber lands to non-forestry uses shall not be considered a forest practice and must strictly comply with all provisions of this Chapter.
- R. Agriculture.

1. Existing agricultural uses and activities may be exempt from the provisions of this Chapter in accordance with the provisions of RCW 90.58.065.
 - a. Property owners are strongly encouraged to adopt voluntary measures to minimize adverse environmental consequences associated with farming activities, particularly measures to limit the access of livestock to jurisdictional shorelines and associated wetlands.
 2. New farming activities must comply with the provisions of this Chapter and the required Setbacks and Buffers.
 - a. Fencing must be installed in accordance with applicable standards in order to prevent livestock from entering jurisdictional wetlands and associated buffers.
- S. Higher Intensity Uses. Uses proposed for shorelines designated as Urban or Rural Higher Intensity shall:
1. Not cause a net loss of shoreline ecological function.
 2. Include visual and/or public access where feasible and appropriate.
 3. Include sign control measures, appropriate development siting, screening and architectural standards, and maintenance of natural buffers to achieve aesthetic objectives.
- T. Commercial Development. Commercial uses and development activities in jurisdictional shoreline areas must comply with all provisions of the local comprehensive plan and development regulations and all provisions of this Chapter including but not limited to:
1. The proposed use or development activity shall not result in a net loss of ecological functions or adversely impact navigation, recreation, and public access.
 2. Public access and ecological restoration measures should be considered as conditions of approval unless demonstrated to be infeasible or inappropriate. Where commercial use is proposed for location on land in public ownership, public access in accordance with the provisions of WAC 173-26-221(4) should be required.

3. Unless specifically authorized, non-water-dependent commercial uses may only be approved when they are auxiliary to and/or necessary in support of water-dependent uses.

U. Industrial Development. Industrial uses and development activities in jurisdictional shoreline areas must comply with all provisions of the local comprehensive plan and development regulations and all provisions of this Chapter including but not limited to:

1. The proposed use or development activity shall not result in a net loss of ecological functions and should not have significant adverse impacts to other shoreline resources and values that cannot be reasonable mitigated.
2. Public access and ecological restoration measures should be considered as conditions of approval unless demonstrated to interfere with industrial uses or create a hazard to life or property.
3. The reuse of former industrial sites is encouraged.

V. Utilities.

1. When installing new utilities, shoreline areas should be avoided to the maximum extent possible;
 - a. Whenever these facilities must be placed in a shoreline area, the location should be chosen to avoid the obstruction of scenic views and damage to shoreline riparian and upland native vegetation, and marked to minimize potential adverse impacts to waterfowl.
2. Whenever feasible, these facilities should be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.
 - a. Installation should be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible.
3. The utility installation should not increase or decrease the natural rate of shore migration or channel migration.
4. The utility route should avoid paralleling the stream or following a down-valley course near the channel;

5. The utilities should cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;
 - a. Crossings should be contained within the footprint of an existing road or utility crossing where possible.
6. Upon completion of installations and maintenance projects on shorelines, banks should be restored to a condition that meets or exceeds pre-project conditions, replanted with native species and provided maintenance care until the newly planted vegetation is established.

XX.34.070 Non-conforming Uses and Structures.

- A. Uses, or structures that were legally established or constructed in accordance with the provisions of the Shoreline Management Act and its implementing regulations and programs in effect at the time, but that do not conform to the provisions of this Chapter, shall be considered legal non-conforming uses or structures, except as provided below. Uses or structures that were illegally constructed or established in accordance with laws, regulations, and programs in effect at that time, and that do not conform to the provisions of this Chapter shall be considered illegal non-conforming uses or structures.
1. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet current standards for setbacks, buffers, height or density shall be considered conforming structures.
 - a. The redevelopment, expansion, or replacement of a residential structure may be permitted if it is otherwise consistent with the provisions of the County Development Regulations and this Master Program, including the requirement for no net loss of shoreline ecological functions.
 2. All new uses and structures must comply with the provisions of this Chapter. No new non-conforming uses or structures may be permitted.
 3. Existing non-conforming uses or structures included in a development proposal or application covered by the provisions of this Chapter, must be brought into compliance unless otherwise provided.
 4. Non-residential structures that were legally established and are used for a conforming use but which are non-conforming 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 non-conformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
 5. Non-residential uses that were legally established and are non-conforming with regard to the use regulations of the master program may continue as legal non-conforming uses.
 6. A structure which is being or has been used for a non-conforming use may be used for a different non-conforming 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;
 - b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting 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 master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.
- 7. A non-conforming structure which is moved any distance must be brought into conformance with the provisions of the Shoreline Management Act and the Shoreline Master Program in effect at the time.
 - 8. If a non-conforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the non-conforming rights shall expire and any subsequent use shall be conforming.
 - 9. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Shoreline Management Act or in compliance with Shoreline Master Program in effect at the time, but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of this Shoreline Master Program.

xx.34.080 Violations and Enforcement. Violations of, or failure to comply with the provisions of this Chapter are declared to be unlawful and subject to the provisions of XX.92 Violations and Enforcement.

xx.34.090 Shoreline Mitigation and Restoration Fund. It is the goal of Pend Oreille County to experience no net loss of shoreline ecological functions. This can be accomplished by the avoidance, minimization, and mitigation of potential project specific adverse impacts as well as through the restoration of previously degraded shoreline areas. As a result, the County shall establish and maintain a dedicated fund known as the Shoreline Mitigation and Restoration Fund.

- A. This fund shall be established by Ordinance and shall include administrative procedures to guide the acceptance of voluntary payments in lieu of on-and off-site mitigation measures to achieve no net loss of ecological function, and/or to support shoreline restoration projects.
 - 1. The Board of County Commissioners may also allocate to this account revenues derived from fines, gifts, grants, or public revenues in accordance with the provisions of state and federal laws.
- B. These funds shall be used to finance on- and off-site compensatory mitigating measures, as well as shoreline restoration projects, provided that:
 - 1. The funds must be expended in the same water resource basin as the proposed project for which they were collected; and
 - 2. Priority consideration shall be given to the use of these funds to leverage additional funding from federal, state, local, and non-profit sources.
- C. The County may contract with a public agency or local non-profit organization to administer this fund and/or to administer project specific activities.

Chapter 5: Environmentally Sensitive Areas Regulations

The following regulations, prepared in accordance with the provisions of the Washington State Growth Management Act, will also be used to implement the Shoreline Master Program Goals and Policies. These regulations will be applicable to all environmentally sensitive areas, also known as Critical Areas, whether they are located in jurisdictional shoreline areas or not, provided that if there is a conflict between the provisions of these regulations and the provisions of the regulations specifically implementing the Shoreline Master Program, the provisions of the Shoreline Master Program regulations shall apply.

- xx.36.010 Purpose.**
- xx.36.020 Applicability.**
- xx.36.030 General Provisions.**
- xx.36.040 Wetlands.**
- xx.36.050 Geologically Hazardous Areas.**
- xx.36.060 Fish and Wildlife Habitat Conservation Areas.**
- xx.36.070 Frequently Flooded Areas.**
- xx.36.080 Critical Aquifer Recharge Areas.**

xx.36.010 Purpose. The purpose of this Chapter is to identify and protect environmentally sensitive areas, also known as critical areas, and to supplement the County's development requirements by providing additional land use controls without violating the constitutional rights of property owners.

- A. This Chapter is intended to meet the requirements of:
 - 1. The Washington State Growth Management Act, RCW 36.70A; and
 - 2. The Washington State Shoreline Management Act, RCW 90.58.
- B. In the event of conflicts between this Chapter and the Chapter implementing the County's Shoreline Master Program, the provisions of the updated Shoreline Regulations shall prevail.

xx.36.020 Applicability. All development activities including new uses of land and buildings and changes of use must comply with all provisions of this Chapter and this Title as well as all applicable provisions of local, state, and federal law.

- A. Environmentally sensitive areas, or critical areas, subject to the provisions of this Chapter shall consist of:
 - 1. Wetlands;
 - 2. Geologically Hazardous Areas;
 - 3. Fish and Wildlife Habitat Conservation Areas;
 - 4. Frequently Flooded Areas; and
 - 5. Critical Aquifer Recharge Areas.
- B. It is important to note that the shoreline areas within 200' of the ordinary high water mark of many of the rivers, streams, and lakes in the County and their associated wetlands are under the jurisdiction of the Washington State Shoreline Management Act and in addition to the requirements of this Chapter, proposed development activities involving these areas must also comply with the provisions of the Pend Oreille County Shoreline Master Program and the implementing regulations in Chapter xx. 34.
- C. It shall be the responsibility of Property Owners and the sponsors of proposed development activities to know the location of environmentally sensitive areas and jurisdictional shoreline areas on and near their property and to comply with the provisions of this Chapter at all times.
 - 1. Property Owners and Project Sponsors that may be proposing development activities in proximity of environmentally sensitive areas are strongly encouraged to schedule an appointment with County Staff to discuss the applicability of these regulations prior to preparing and submitting land use applications to the County.
 - 2. The County shall maintain public maps that may assist in the identification of environmentally sensitive areas. However, it shall be the responsibility of the Property Owner or Project Sponsor to identify and map all environmentally sensitive areas on their property.

- a. The presence of environmentally sensitive areas and jurisdictional shoreline areas or associated buffers on a parcel triggers the requirements of this Chapter, regardless of whether or not an environmentally sensitive area or buffer is depicted on an official map.

xx.36.030 General Provisions.

- A. Mitigation Sequencing. Property Owners or Project Sponsors shall, when designing proposed new development activities that may potentially affect environmentally sensitive areas, use the following measures, listed in priority order, to avoid, minimize, and/or mitigate adverse impacts:
1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action or moving the proposed action;
 2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
 3. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action;
 5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments; and/or
 6. Monitoring the impact and taking appropriate corrective measures.
- B. Environmentally Sensitive or Critical Areas Reports.
1. The cost of preparing any required environmentally sensitive areas report(s) shall be borne by the Applicant.
 2. Environmentally sensitive areas reports shall be prepared by a qualified professional(s) as determined by the County.
 3. The cost of a professional peer review of any required environmentally sensitive areas report, if required by the County, shall be borne by the Applicant.

4. Individual environmentally sensitive areas reports may be combined with other required environmentally sensitive areas or shoreline reports, in a format approved by the County.

C. Application Requirements.

1. It shall be the responsibility of Property Owners and the Sponsors of proposed development activities to identify all environmentally sensitive areas and jurisdictional shoreline areas on their property and within 300 feet of their property lines on all application materials including required environmental checklists.
 - a. If a proposed development activity that may have a potential adverse impact on an environmentally sensitive area(s) does not require a specific permit such as a building permit, short plat approval, etc, compliance with the provisions of this Chapter is still required.
 - (1) If a specific permit is not required, the County may require the Project Sponsor to submit an application for a Critical Areas Authorization.
 - (2) Project Sponsors are strongly encouraged to schedule an appointment and meet with County Staff to discuss development plans before application materials are prepared and submitted.
2. All land use applications submitted to the County involving environmentally sensitive areas must include a SEPA Checklist and at a minimum such information identified in WAC 173-27-180.
3. In order to fully assess the potential impact on environmentally sensitive areas and the effectiveness mitigation sequencing methods the County may require the preparation of an Environmentally Sensitive Areas Report(s) and supporting technical studies prepared by a qualified professional as determined by the County.

- D. Overlapping Buffer Requirements. In the event that more than one buffer applies to a proposed development, the buffer affording the highest level of protection as determined by the County should apply where the buffers overlap, unless specifically authorized by the County.

1. For example, if a development proposal involves a parcel that includes a jurisdictional shoreline, a jurisdictional wetland, and a non-jurisdictional fish bearing stream there could be three different buffer requirements applicable to the site. Where the buffer areas overlap, the widest buffer area would apply, unless a lesser buffer area is approved in accordance with the provisions of this Title.
- E. Emergency Measures to Protect the Public Health and Safety. Nothing in this Title shall prevent a public agency or a private property owner from taking emergency actions necessary to protect persons and property from immediate or urgent threats to the public health and safety.
1. Emergency measures should be limited to reasonable measures necessary to protect the public health and safety from the immediate or urgent threat.
 2. The County, and other state and federal agencies, such as the Washington State Department of Fish and Wildlife, should be contacted as soon as practical after the emergency action to determine if any additional measures are required and what if any permits may be required.
 3. Remediation may be required after the fact to restore the site to pre-emergency conditions. Once the immediate threat has been addressed, any adverse impacts on critical areas should be minimized and mitigated according to the provisions of this Chapter.
 4. Property owners are advised that the failure to take appropriate preventative measures, the failure to secure required permits in advance, the failure to meet conditions of approval including the maintenance of erosion control measures, and/or the failure to act in a timely manner may not constitute an emergency and may result in the imposition of civil penalties and/or remediation measures.
- F. Performance Bonds. In an effort to ensure the successful installation, operation, and maintenance of compensatory mitigation measures or other requirements under this Title, the County may require a performance bond(s) or comparable financial guarantee.
1. The performance bond or guarantee may be up to 150% of the estimated cost of the required improvement.

2. The duration and form of the financial guarantee shall be determined by the County in consultation with the County Prosecuting Attorney.

XX.36.040 Wetlands.

A. The purposes of this Section are to:

1. Recognize and protect the beneficial functions performed by many wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through bio-filtration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.
2. Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands.
3. Establish review procedures for development proposals in and adjacent to wetlands.

B. Identification of wetlands and the delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within Pend Oreille County meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.

1. Wetlands shall be delineated by a qualified wetland professional in accordance with the U. S. Army Corps of Engineers publication *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (WMVCR)*, *Regional Supplement to the 1987 Wetland Delineation Manual* (Corps Publication # ERDC/ EL TR-10-03).
2. Wetland delineations are valid for five years; after five years the County shall determine whether a revision or additional assessment is necessary.

C. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Eastern Washington* (Ecology Publication #04-06-015, or as revised and approved by Ecology), provided that the County may utilize the Washington Department of Ecology wetland

rating system, as set forth in the *Washington State Wetland Rating System for Western Washington* (Ecology Publication #04-06-025, or as revised and approved by Ecology) if warranted by local conditions.

1. Category I wetlands include:

- a. Alkali wetlands;
- b. Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands;
- c. Bogs;
- d. Mature and old-growth forested wetlands over $\frac{1}{4}$ acre with slow-growing trees;
- e. Forests with stands of aspen; and
- f. Wetlands that perform many functions very well (scores of 70 points or more).

(Note: Category I Wetlands typically represent a unique or rare wetland type; are more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are difficult if not impossible to replace; or, provide a high level of function).

2. Category II wetlands include:

- a. Forested wetlands in the floodplains of rivers;
- b. Mature and old-growth forested wetlands over $\frac{1}{4}$ acre with fast-growing trees;
- c. Vernal pools; and
- d. Wetlands that perform functions well (scores between 51-69 points).

3. Category III wetlands include:

- a. Vernal pools that are isolated; and

- b. Wetlands with a moderate level of functions (scores between 30-50 points).

(Note: Category III wetlands oftentimes 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 level of functions (scores fewer than 30 points).

(Note: Category IV wetlands are typically heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected).

- 5. Wetland rating categories shall not change due to illegal modifications or unauthorized activities.

D. Applicability. In addition to the provisions of this Chapter, all development activities including new uses of land and buildings and changes of use must comply with the Table of Permitted Zoning Uses and all provisions of this Title as well as all applicable provisions of local, state, and federal law, unless specifically exempted.

- 1. Development activities proposed for jurisdictional shoreline areas must also comply with the provisions of Chapter xx.34 Shoreline Regulations.
 - a. This includes the Table of Permitted Shoreline Uses which may be more restrictive than the uses permitted in the Table of Permitted Zoning Uses.
- 2. In particular, the following activities are subject to the provisions of this Section if they are proposed for a wetland or wetland buffer:
 - a. The construction, reconstruction, demolition, or expansion of any structure;
 - b. The creation of new lots through a subdivision, short plat, Master Planned Resort, RV Park, RV Resort, or binding site plan;
 - c. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

- d. The dumping of, discharging of, or filling with any material;
 - e. The draining, flooding, or disturbing the water level or water table;
 - f. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;
 - g. Pile driving;
 - h. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations", WAC 222-12-030, or as thereafter amended;
 - i. Proposed uses or activities determined by the County to have a potential adverse impact on wetland values and functions; and/or
 - j. Activities that may result in:
 - (1) A significant change of water temperature.
 - (2) A significant change of physical or chemical characteristics of the sources of water to the wetland.
 - (3) A significant change in the quantity, timing or duration of the water entering the wetland.
 - (4) The introduction of pollutants.
- E. Prospective applicants are encouraged to contact the Department of Ecology Eastern Regional office and the U. S. Army Corps of Engineers to determine what state and federal permits and approvals may be required.
- F. The sponsors of proposed development activities that involve or may impact designated wetlands or their buffers shall prepare and submit for County review and approval an environmentally sensitive areas report unless specifically exempted. The following activities may be determined by the County to be exempt from the buffer requirements,

and/or other provisions of this Section provided that appropriate measures are proposed to avoid or mitigate potential adverse impacts:

1. All isolated Category III and IV wetlands less than 1,000 square feet that:
 - a. Are not associated with riparian areas or buffer;
 - b. Are not part of a wetland mosaic;
 - c. Do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife or species of local importance;
 - d. Are not a vernal pool;
 - e. Are not an alkali wetland; and
 - f. Do not contain aspen stands
2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
5. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological

- or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
 7. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way or easement, provided that the maintenance or repair does not expand the footprint or use of the facility, easement, or right-of-way.
 8. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
- G. Wetland Buffers. Unless specifically exempted, all regulated wetlands shall have a wetland buffer that shall not be disturbed unless specifically authorized.
1. All wetland buffers shall be measured from the wetland edge, as established by the approved wetland boundary survey.
 2. The width of the required wetland buffer shall be based on a determination by the County of the intensity of the proposed use. For purposes of administering this Section the following shall be used to determine low, medium, and high intensity activities:
 - a. High intensity activities may include:
 - (1) Commercial uses;
 - (2) Industrial uses;
 - (3) More than one dwelling unit per acre;

- (4) Higher intensity recreational uses such as golf courses, ball fields, motorized vehicle facilities; and/or
 - (5) Other uses determined by the County to be of a higher intensity than the enumerated low or medium intensity uses.
 - b. Medium intensity activities may include:
 - (1) New residential development at a density not to exceed one (1) dwelling unit per acre;
 - (2) Moderate intensity open space and parks with recreation activities such as biking and jogging;
 - (3) Less intensive agricultural activities such as orchards and hay fields; and/or
 - (4) Building logging roads.
 - c. Low intensity activities may include:
 - (1) Forestry (cutting trees only);
 - (2) Less intensive recreation activities such as walking bird watching, etc; and/or
 - (3) Other uses determined by the County to be of lesser intensity than the enumerated high or medium intensity uses.
- 3. Unless otherwise authorized, the required wetland buffers, shall be based on the category of the wetland and the intensity of the proposed development activity as follows, irrespective of shoreline environment designation:
 - a. Category I Wetland: 125' for low intensity uses, 190' for medium intensity uses, and 250' high intensity uses;
 - b. Category II Wetland: 100' for low intensity uses, 150' for medium intensity uses, and 200' high intensity uses;

- c. Category III Wetland: 75' for low intensity uses, 110' feet for medium intensity uses, and 150' high intensity uses; and
 - d. Category IV Wetland: 25' for low intensity uses, 40' for medium intensity uses, and 50' high intensity uses.
4. The width of a wetland buffer may be increased or decreased by the County on a case-by-case basis based on approval of a wetland report that documents that a larger buffer is needed to protect wetland functions or values or that a smaller buffer adequately protects wetlands without a net loss of functions or values.
- a. The standard buffer widths identified above assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided. The proponent shall maintain the viability of the buffer in perpetuity as specified in the wetland report.
 - b. Wetland buffers may be reduced by no more than 25% of the standard buffer width.
5. The County may approve proposals to average required buffers based on a finding that the averaging will result in greater than or equal wetland protection or is necessary to allow the reasonable use of property, provided that:
- a. The total area of the wetland buffer is not reduced; and
 - b. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
 - c. The averaged buffer will not result in degradation of the wetlands functions and values as demonstrated by a critical areas report from a qualified wetland professional.
 - d. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

6. The following uses may be permitted in a wetland buffer provided that they are not prohibited by other applicable laws and are conducted in a manner that does not adversely affect wetland function and values:
 - a. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 - b. Passive recreation facilities designed and in accordance with an approved critical area report, including:

- (1) Walkways and trails; and
- (2) Wildlife-viewing structures.
- c. Dispersed camping areas.
- d. Educational and scientific research activities.
- e. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.
- f. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
- g. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.
- h. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

- i. Stormwater management facilities are limited to stormwater dispersion outfalls and bio-swales in the outer 25% of the buffer of Category III or IV wetlands only, provided that the location of such facilities will not degrade the functions or values of the wetland.
 - j. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.
8. Signage and Fencing.
- a. All buffers shall be temporarily fenced during construction activities in a manner approved by the County that should include highly visible and durable protective barrier to prevent access and to protect the wetland and associated buffer.
 - b. As a condition of approval the County may require temporary or permanent signs to clearly identify and protect wetlands and associated buffers.
 - c. As a condition of approval, the County may require or authorize the construction of a temporary or permanent fence to protect wetlands and associated buffers, provided that:
 - (1) Fences should be installed on the outside perimeter of required wetland buffers;
 - (2) The fence shall be designed and constructed so that it does not interfere with animal migration and does not adversely affect animal habitats.
 - (3) Permanent fencing may be required if domestic grazing animals are on site or may be introduced to the site in the future.
 - (4) Property owners are encouraged to consider the impacts of fencing on neighboring property owners.
- H. Mitigation Sequencing. All proposed development activities that may impact wetlands and their associated buffers shall be designed and constructed in accordance with the following principles, listed in order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.
 2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
 3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
 4. Reduce or eliminate the impact over time by preservation and maintenance operations.
 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
 6. Monitor the required compensation and take remedial or corrective measures when necessary.
- I. Compensatory Mitigation. In certain circumstances where impacts to wetlands or their associated buffers cannot be avoided or minimized, the County may approve compensatory mitigation to achieve equivalent or greater biologic functions.
1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1)*, Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised.
 2. At a minimum, the mitigation ratios shall be as follows:

Wetland Category	Creation/ Re-Establishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage Site*	Not possible	6:1	Case-by-case	10:1
Category I: Mature Forest	6:1	12:1	24:1	24:1
Category I: Based on Functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1

Category IV	1.5:1	3:1	6:1	10:1
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*Permanent Impacts to Category I Bogs and Natural Heritage sites cannot be mitigated for, and are prohibited.

3. Methods to achieve compensation for wetland functions shall be approached in the following order of preference:
 - a. Restoration (re-establishment and rehabilitation) of wetlands.
 - b. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.
 - c. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
 - d. Preservation of high-quality, at risk-wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation. Preservation of high-quality, at-risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:
 - (1) Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA species.
 - (2) There is no net loss of habitat functions within the watershed or basin.
 - (3) The impact area is small (generally less than ½ acre) and/or impacts are occurring to a low functioning system (Category III or IV wetland).
 - (4) All preservation sites shall include buffer areas adequate to protect the habitat and its function from encroachment and degradation.

4. Compensatory mitigation actions shall be conducted on the site of the alteration except when all of the following apply (refer to the guidance document "Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication #10-06-07, November 2010):
 - a. There are no reasonable opportunities on-site (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydro-geomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
 - b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 - c. Off-site locations shall be in the same sub-drainage basin unless:
 - (1) Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the County and strongly justify location of mitigation at another site; or
 - (2) Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the bank's certification.

- d. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.
5. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora. Whenever practical, it is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands, but at a minimum compensatory mitigation shall be completed prior to the completion of the approved development activity and the issuance of a certificate of occupancy.

J. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - a. The wetland bank is certified under state rules;
 - b. The County determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.
- J. In-Lieu Fee. To aid in the implementation of off-site mitigation, the County may develop a program which prioritizes wetland areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules.
- K. Wetlands Report. Unless specifically exempted by the County, all applications for proposed development activities in or near a wetland or wetland buffer shall include a wetlands report prepared by a qualified professional, as determined by the County. The County may provide more detailed guidelines for the preparation of a wetlands report. At a minimum a wetlands report and the accompanying plan sheets should contain the following information:
 1. The name and contact information of the Applicant; authorization of the property owner if the owner is not the Applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
 2. A statement specifying the accuracy of the report and all assumptions made and relied upon.
 3. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, etc.
 4. A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses including references.
 5. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.

6. For each wetland identified on-site and within 300 feet of the project site provide the following based on an assessment of the entire wetland complex, not just the portion present on the proposed project site:
 - a. The wetland rating;
 - b. Required buffers;
 - c. Hydrogeomorphic classification;
 - d. Wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site portions);
 - e. Cowardin classification of vegetation communities; and
 - f. Habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.).
7. A description of the proposed actions including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives including a no-development alternative.
8. An assessment of the probable cumulative benefits and impacts to the wetlands and buffers resulting from the proposed development.
9. A description of reasonable efforts made to apply the required mitigation sequencing, xx.36.040, to avoid, minimize, and mitigate impacts to critical areas.
10. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
11. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

12. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.
13. A description of proposed compensatory mitigation measures, if any, to address adverse impacts to wetlands and their buffers that cannot be avoided through mitigation sequencing.
 - a. Mitigation shall be described in accordance with *Wetland Mitigation in Washington State-Part 2:Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia WA, March 2006* or as revised).
14. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
 - a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on-site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates; and the location of proposed mitigation sequencing activities including proposed compensatory mitigation if applicable.
 - b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

- L. Unauthorized Alterations and Enforcement. Unless otherwise provided for in this Title, the following shall apply:
1. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored.
 - a. The County shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of provisions of this Chapter.
 2. All development work shall remain stopped until a restoration plan is prepared and approved by County. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described below. The County may, at the violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.
 3. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:
 - a. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
 - b. The historic soil types and configuration shall be restored to the extent practicable.
 - c. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
 - d. Information demonstrating compliance with other applicable provisions of this Chapter shall be submitted to the County.

4. The County is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. Representatives of the County shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.
5. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor.
 - a. Each day or portion of a day during which a violation of this Chapter is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this Chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The County may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter.
 - b. If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The County may coordinate its preservation or restoration activities with other communities in the watershed to optimize the effectiveness of the restoration action.

XX.36.050 Geologically Hazardous Areas.

A. The purposes of this Section are to:

1. Identify and protect areas susceptible to erosion, sliding, earthquake or other geological events.
2. Provide guidance to enable property owners to avoid activities that may cause or be susceptible to damage from significant hazards.

B. Geologically hazardous areas are those areas susceptible to one or more of the following types of hazards:

1. Erosion Hazard;
2. Landslide Hazard;
3. Seismic Hazard;
4. Mine Hazard;
5. Volcanic Hazard; or
6. Other geological events such as mass wasting, debris flows, rock falls, and differential settlement.

C. Designation of Geological Hazard Areas. The following criteria shall be used to identify specific geological hazard areas, provided that the County may utilize updated or new information to identify these areas consistent with the principals of Best Available Science:

1. Erosion hazard areas are at least those areas 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.

2. 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. Example of these may include, but are not limited to the following:
 - a. Areas of historic failures, such as:
 - (1) Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;
 - (2) Those areas mapped by the Washington State Department of Ecology (Coastal Zone Atlas) or the Washington State Department of Natural Resources (slope stability mapping) as unstable (U or class 3), unstable old slides (UOS or class 4), or unstable recent slides (URS or class 5); or
 - (3) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Washington State Department of Natural Resources;
 - b. Areas with all three of the following characteristics:
 - (1) Slopes steeper than fifteen percent (15%);
 - (2) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (3) Springs or ground water seepage.
 - c. Areas that have shown movement during the Holocene Epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch.
 - (1) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

- (2) Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking;
 - (3) Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
 - (4) Areas that show evidence of, or are at risk from snow avalanches;
 - (5) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
 - (6) Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least ten (10) feet of vertical relief.
3. 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 conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by:
- a. The magnitude of an earthquake;
 - b. The distance from the source of an earthquake;
 - c. The type of thickness of geologic materials at the surface; and
 - d. The type of subsurface geologic structure.
4. Mine hazard areas are those areas underlain by or affected by mine workings such as adits, 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.

5. 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.
 6. Geologically hazardous areas shall also include areas determined by the County to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.
- D. The sponsors of proposed development activities that involve or may impact geologically hazardous areas or their buffers shall prepare and submit for County review and approval an environmentally sensitive areas report unless specifically exempted. The following activities may be determined by the County to be exempt from the requirements to prepare an environmentally sensitive areas report, the buffer requirements, and/or other provisions of this Section provided that appropriate measures are proposed to avoid or mitigate potential adverse impacts:
1. The following activities may be exempt in Seismic Hazard Areas, Mine Hazard Areas, Volcanic Hazard Areas, and Other Hazard Areas based on a determination by the County that the proposed activity will not increase the risk of hazard.
 - a. Additions to existing residences that are two hundred fifty (250) square feet or less; and
 - b. Installation of fences.
- E. Performance Standards.
1. General Requirements. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
 - a. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
 - b. Will not adversely impact other critical areas;
 - c. 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

- d. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the State of Washington.
2. In addition to the general requirements above, proposed development activities on sites which contain erosion or landslide hazard areas shall meet the following standards:
- a. A buffer shall be established from all edges of landslide hazard areas. The size of the buffer shall be determined by the County to eliminate or minimize the risk of property damage, death, or injury resulting from landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
 - (1) The minimum buffer shall be equal to the height of the slope or fifty (50) feet, whichever is greater.
 - (2) The buffer may be reduced to a minimum of ten (10) feet when a qualified professional demonstrates to the County's satisfaction that the reduction will adequately protect the proposed development, adjacent developments, and uses and the subject critical area.
 - (3) The buffer may be increased based on a finding by the County that a larger buffer is necessary to prevent risk of damage to proposed and existing development.
 - b. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a hazards analysis is submitted and certifies that:
 - (1) The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;
 - (2) The development will not decrease slope stability on adjacent properties; and
 - (3) Such alterations will not adversely impact other critical areas.
 - c. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated

that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this Title. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

- (1) The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the Uniform Building Code;
 - (2) Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;
 - (3) 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;
 - (4) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 - (5) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 - (6) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
 - (7) Development shall be designed to minimize impervious lot coverage.
- d. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited;
 - e. Approved clearing activities should be allowed only from May 1 to October 1 of each year provided that the County may extend or shorten the season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an

approved forest practice permit issued by the Washington State Department of Natural Resources;

- f. 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. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior;
- g. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
 - (1) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
 - (2) Discharged at flow durations matching pre-developed conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state; or
 - (3) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope;
- h. The division of land in landslide hazard areas and associated buffers is subject to the following:
 - (1) Land that is located wholly within a landslide hazard area or its buffer may not be subdivided. Land that is located partially within a landslide hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the landslide hazard or its buffer.
 - (2) Access roads and utilities may be permitted within the landslide hazard area and associated buffers if the County determines that no other feasible alternative exists; and

- i. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and related buffers.
- 3. In addition to the general requirements above, proposed development activities on sites which contain mine hazard areas shall meet the following standards:
 - a. Alterations. Alterations of a mine hazard area and/or buffer are allowed, as follows:
 - (1) All alterations are permitted within a mine hazard area with a low potential for subsidence;
 - (2) Within a mine hazard area with a moderate potential for subsidence, all alterations are permitted subject to a mitigation plan to minimize risk of structural damage, as recommended in the hazard analysis.
 - (3) Within a mine hazard area with a severe potential for subsidence only fences and non-residential structures less than 200 square feet may be permitted.
 - b. The division of land in mine hazard areas and associated buffers is subject to the following:
 - (1) Land that is located within two hundred (200) feet of a mine hazard area with a severe potential for subsidence may not be subdivided. Land that is located partially within a mine hazard area may be divided provided that each resulting lot has sufficient buildable area that is two hundred (200) feet away from the mine hazard area with a severe potential for subsidence. Land that is located within a mine hazard area with a low or moderate potential for subsidence may be subdivided.
 - (2) Access roads and utilities may be permitted within two hundred (200) feet of a mine hazard area with a moderate or severe potential for subsidence if the County determines that no other feasible alternative exists.
 - c. Reclamation Activities. For all reclamation activities, including grading, filling, and stockpile removal, as-built drawings shall be submitted in a format specified by the County.

- F. **Geologically Hazardous Area Report.** Unless specifically exempted by the County, all applications for proposed development activities in or near a geologically hazardous area or buffer shall include a report prepared by an engineer or geologist, licensed in the State of Washington with experience analyzing geologic, hydrologic, and ground water flow systems, and who has experience preparing reports for the relevant type of hazard. The County may provide more detailed guidelines for the preparation of a geologically hazardous area report. At a minimum the report and the accompanying plan sheets should contain the following information:
1. The name and contact information of the Applicant; authorization of the property owner if the owner is not the Applicant; the name, qualifications, and contact information for the primary author(s) of the geologically hazardous area report; a description of the proposal; identification of all the local, state, and/or federal geologically-related permit(s) required for the project; and a vicinity map for the project.
 2. A statement specifying the accuracy of the report and all assumptions made and relied upon.
 3. The report shall include a copy of the site plans for the proposal showing:
 - a. The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, within three hundred (300) feet of, or that are likely to impact the proposal;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
 - c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report; and
 - d. Clearing limits.
 4. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils

- analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:
- a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
 - b. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
 - c. A description of the vulnerability of the site to seismic and other geologic events;
5. The report shall contain a hazards analysis including a detailed description of the proposed project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
 - a. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis.
 6. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.
 7. In addition to the requirements listed above, critical area reports for erosion and landslide hazard areas should also include:
 - a. A site plan depicting:
 - (1) The height of slope, slope gradient, the top and toe of the slope, and cross-section of the project area;

- (2) The location of springs, seeps, or other surface expressions of ground water on or within three hundred (300) feet of the project area or that have potential to be affected by the proposal; and
 - (3) The location and description of surface water runoff features.
- b. An analysis of the site including:
- (1) A description of the extent and type of vegetative cover;
 - (2) A description of subsurface conditions based on data from site-specific explorations;
 - (3) Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
 - (4) An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 - (5) An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred-year storm event;
 - (6) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties.
 - (7) A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
 - (8) Recommendations for building siting limitations; and
 - (9) An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.
- c. A geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:

- (1) Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
 - (2) Recommendations for drainage and sub-drainage improvements;
 - (3) Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary;
 - (4) A description of reasonable efforts made to apply the required mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas; and
 - (5) A description of proposed compensatory mitigation measures, if any, to mitigate adverse site impacts that cannot be avoided through mitigation sequencing.
- d. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall conform to the requirements of the Washington State Department of Ecology Stormwater Management Manual for Eastern Washington as adopted by Pend Oreille County , or alternative measures that meet or exceed these standards as determined by the County;
 - e. The technical information shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with the Washington State Department of Ecology Stormwater Management Manual for Eastern Washington as adopted by Pend Oreille County, or alternative measures that meet or exceed these standards as determined by the County. The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area;
 - f. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability; and

- g. If the County determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the technical information shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the County.
8. In addition to the requirements listed above, critical area reports for seismic hazard areas shall also include:
- a. On the site map all known and mapped faults within two hundred (200) feet of the project area or that have potential to be affected by the proposal;
 - b. In the analysis a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement); and
 - c. A geotechnical engineering report shall evaluate the physical properties of the subsurface soils, especially the thickness of unconsolidated deposits and their liquefaction potential. If it is determined that the site is subject to liquefaction, mitigation measures appropriate to the scale of the development shall be recommended and implemented.
9. In addition to the requirements listed above, critical area reports for mine hazard areas shall also include:
- a. On the site plan site plan the delineation of any of the following features found within three hundred (300) feet of or directly underlying the project area, or that have potential to be affected by the proposal:
 - (1) The existence of mines, including all significant mine features, such as mine entries, portals, adits, mine shafts, air shafts, and timber shafts;
 - (2) The location of any nearby mines that may impact or be affected by the proposed activities;
 - (3) The location of any known sinkholes, significant surface depressions, trough subsidence features, coal mine spoil piles, and other mine-related surface features; and

- (4) The location of any prior site improvements that have been carried out to mitigate abandoned coal mine features; and
- b. A discussion of the potential for subsidence on the site and classify all mine hazards areas within three hundred (300) feet of the project area, or that have potential to be affected by the proposal, as either low, moderate, or severe. The hazards analysis shall include a mitigation plan containing recommendations for mitigation of the potential for future trough subsidence, as appropriate, for the specific proposed alteration and recommendations for additional study, reports, and development standards if warranted.

XX.36.060 Fish and Wildlife Habitat Conservation Areas.

A. Areas within the County meeting one or more of the following criteria, may be designated as Fish and Wildlife Habitat Conservation Areas, subject to the provisions of this Chapter, and shall be managed consistent with the principles of best available science, such as the *Washington State Department of Fish and Wildlife's Management Recommendations for Priority Habitat and Species*.

1. Areas with which State and Federally Designated Endangered, Threatened, and Sensitive Species have a primary association.
 - a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered.
 - b. 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.
 - c. Habitats of Primary Association: "Habitats of primary association" means a critical component(s) of the habitats of federally or state-listed endangered, threatened, candidate, sensitive, and priority wildlife or plant species, which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Habitats of primary association include, but are not limited to: winter ranges, migration ranges, corridors, breeding sites, nesting sites, regular large concentrations, communal roosts, roosting sites, staging area, and "priority habitats" listed by the Washington State Department of Fish and Wildlife.
2. Priority habitats and species as identified by the Washington State Department of Fish and Wildlife, and as subsequently amended.
3. Habitats and species designated by the County as being of local importance and warranting protection, based on the provisions of Best Available Science.

4. Natural area preserves and natural resource conservation areas as defined, established, and managed by the Washington State Department of Natural Resources.
 5. Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program.
 6. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish and wildlife habitat;
 7. Land identified by the County as being essential for the preservation of connections between habitat areas and open spaces.
- B. The following fish and wildlife habitat areas shall be considered priority habitat areas in Pend Oreille County and shall be afforded the highest level of protection:
1. Areas with which State and Federally Designated Endangered, Threatened, and Sensitive Species have a primary association.
 2. Natural area preserves and natural resource conservation areas as defined, established, and managed by the Washington State Department of Natural Resources.
 3. Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program.
- C. While the County may maintain maps that highlight the potential location of fish and wildlife habitat conservation areas it shall be the responsibility of the property owner and project sponsor to identify all fish and wildlife habitat conservation areas on their property and to comply with the provisions of this Chapter at all times.
1. Note: Information regarding Priority Habitat and Species in Pend Oreille County may be found on the Washington State Department of Fish and Wildlife website.
- D. General Performance Standards.

1. It should be noted that properties that contain fish and wildlife habitat conservation areas may contain other environmentally sensitive areas and as a result, more than one critical areas report may need to be prepared.
2. Development activities proposed for properties that contain fish and wildlife habitat conservation areas may also be under the jurisdiction of state and federal agencies and as a result, numerous permits and approvals may be required. As a result, Project Sponsors are strongly encouraged to schedule a pre-application conference with County Staff to discuss potential permitting requirements and opportunities for integrating and streamlining the development review process.
3. Proposed development activities in or near fish and wildlife habitat conservation areas should follow the required mitigation sequencing outlined in XX.36.030 General Provisions, Mitigation Sequencing to avoid or minimize potential adverse impacts before considering any action that may require mitigation.
4. A fish and wildlife habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat. All new structures and land alterations shall be prohibited from fish and wildlife habitat conservation areas, unless specifically authorized by the County.
 - a. Any proposed alterations or impacts to a fish and wildlife habitat conservation area should be supported by the principles of best available science.
5. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a fish and wildlife habitat conservation area unless authorized by a state and/or federal permit or approval.
6. The County may deny, restrict, or condition approvals of a proposed use or development activity within or adjacent to a fish and wildlife habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the principles of best available science and may include, but are not limited to, the following:
 - a. Establishment of buffer zones;

- b. Preservation of critically important vegetation and/or priority habitat features such as snags and downed wood;
 - c. Limitation of access to the habitat area, including fencing to deter unauthorized access;
 - d. Seasonal restriction of construction activities to protect priority fish and wildlife species;
 - e. Establishment of a duration and timetable for periodic review of mitigation activities; and
 - f. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
7. Mitigation of alterations to fish and wildlife habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse off-site impacts. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.
8. The County may require the establishment of buffer areas for activities adjacent to fish and wildlife habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat.
- a. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife.
 - b. Fish and wildlife habitat conservation areas and their buffers should be preserved in perpetuity through the use of native growth protection areas, critical area tracts, or comparable methods as approved by the County.
9. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

10. The County may reduce fish and wildlife habitat area buffers in accordance with the provisions of the critical area report, the principles of best available science, and applicable management recommendations issued by the Washington Department of Fish and Wildlife, if:
 - a. It will not reduce stream or habitat functions;
 - b. It will not adversely affect fish habitat;
 - c. It will provide additional natural resource protection, such as buffer enhancement;
 - d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer.
11. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:
 - a. Land that is located wholly within a habitat conservation area or its buffer should not be subdivided;
 - b. Land that is located partially within a habitat conservation area or its buffer may be divided provided that the developable portion of each new lot and its access is located outside of the habitat conservation area or its buffer and meets the minimum lot size requirements and all applicable provisions of the applicable development regulations.
 - c. Access roads and utilities serving the proposed subdivision may be permitted within the habitat conservation area and associated buffers only if the County determines that no other feasible alternative exists and when consistent with this Title
12. The outer perimeter of the fish and wildlife habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the County prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

13. As a condition of any permit or authorization issued pursuant to this Chapter, the County may require the Applicant to install permanent signs along the boundary of a fish and wildlife habitat conservation area or buffer.
 - a. Signs should be designed, and installed in a manner to assure protection of sensitive features or wildlife and shall be subject to County approval.
 - b. Signs shall be maintained by the property owner unless otherwise approved by the County.
 14. The County may require as a condition of approval of any permit or authorization issued pursuant to this Chapter to require the Applicant to install a permanent fence at the edge of the fish and wildlife habitat conservation area or buffer, when fencing will prevent future impacts to the habitat conservation area.
 - a. The Applicant should be required to install a permanent fence around the habitat conservation area or buffer when domestic grazing animals are present or may be introduced on site.
 - b. Fencing installed as part of a proposed activity or as required in this Subsection shall be design so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts and shall be subject to County approval.
- E. Habitat Specific Performance Standards. In addition to the general performance standards listed above, the following habitat specific performance standards may also apply, as determined by the County.
1. No development shall be allowed within a fish and wildlife habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable state or federal agency.
 - a. Whenever activities are proposed adjacent to a fish and wildlife habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through

the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the County. Approval for alteration of land adjacent to the fish and wildlife habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.

- b. Project Sponsors are encouraged to contact the U. S. Fish and Wildlife Service and/or the Washington State Department of Fish and Wildlife to determine what, if any, state or local laws protecting Bald or Golden Eagles may be applicable to their proposed development.
2. All activities, uses, and alterations proposed to be located in water bodies used by fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of fish habitat, including, but not limited to, adhering to the following standards:
 - a. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;
 - b. An alternative alignment or location for the activity is not feasible;
 - c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
 - d. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report, and
 - e. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
3. Fills, if otherwise permitted by the County Development Regulations XX.34 Shoreline Regulations, shall not adversely impact fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

4. Unless specifically authorized by the County, all structures and activities shall be located outside of designated riparian habitat areas and required riparian buffers.
 - a. Riparian habitat areas shall be established for habitats that include aquatic and terrestrial ecosystems that mutually benefit each other and that are located adjacent to rivers, perennial or intermittent streams, seeps, and springs
 - b. Riparian Habitat Area widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank, if the ordinary high water mark cannot be identified. Riparian habitat areas should be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of in-stream fish habitat through control of temperature and sedimentation in streams; preservation of fish and wildlife habitat; and connection of riparian wildlife habitat to other habitats.
 - c. Riparian habitat areas should retain their natural vegetative condition unless specifically authorized by the County.
5. Unless otherwise approved by the County, the recommended widths of Riparian Habitat Areas shall be as follows:
 - a. Type S (Shorelines of the State): (See xx.34 Shoreline Regulations, Required Buffers);
 - b. Type F (Fish Bearing): 200 feet;
 - c. Type NP (Non-fish bearing-perennial): 150 feet;
 - d. Type NS (Non-fish bearing-seasonal): 150 feet; and
 - e. Type U (Unknown, not typed): Must be evaluated with proposed type and Riparian Habitat Area width included in any development application.
6. The recommended riparian habitat area widths may be increased by the County, as follows:
 - a. Based on a finding that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;

- b. When the frequently flooded area exceeds the recommended riparian habitat area width, the riparian habitat area shall extend to the outer edge of the frequently flooded area;
 - c. When a channel migration zone is present, the riparian habitat area width shall be measured from the outer edge of the channel migration zone;
 - d. When the habitat area is in an area of high blow down potential, the riparian habitat area width shall be expanded an additional fifty (50) feet on the windward side; and/or
 - e. When the habitat area is within an erosion or landslide hazard area, or buffer, the riparian habitat area width shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.
7. The recommended riparian habitat area width may be reduced by the County in accordance with the recommendations of a critical area report only if:
- a. The width reduction will not reduce stream or habitat functions, including those of non-fish habitat;
 - b. The width reduction will not degrade the habitat, including habitat for anadromous fish;
 - c. The proposal will provide additional habitat protection;
 - d. The total area contained in the riparian habitat area of each stream on the development proposal site is not decreased;
 - e. The width reduction will not be located within another critical area or associated buffer; and
 - f. The reduced riparian habitat area width is supported by the best available science.
8. Mitigation of adverse impacts to riparian habitat areas shall result in equivalent functions and values on a per function basis, be located as near the alteration as feasible, and be located in the same sub-drainage basin as the habitat impacted.

9. The performance standards set forth in this Subsection may be modified at the County's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected sub-drainage basin as a result of alternative mitigation measures.
10. The following specific activities may be permitted within a riparian habitat area, when the activity complies with the applicable provisions set forth in XX.34 Shoreline Regulations and the standards of this Subsection. The standards that provide the most protection to protected habitat and species shall apply.
 - a. When clearing and grading is permitted as part of an authorized activity or as otherwise allowed in these standards, the following should apply:
 - (1) Grading is allowed only during the dry season, which is typically regarded as beginning on May 1 and ending on October 1 of each year, provided that the County may extend or shorten the dry season on a case-by-case basis, determined on actual weather conditions.
 - (2) Filling or modification of a wetland or wetland buffer is permitted only if it is conducted as part of an approved wetland alteration.
 - (3) The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other areas of the project area.
 - (4) The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.
 - (5) Erosion and sediment control that meets or exceeds the County standards shall be provided.
 - b. New, replacement, or substantially improved shoreline erosion control measures may be permitted in accordance with an approved critical area report that demonstrates the following:

- (1) Natural shoreline processes will be maintained.
 - (2) The shoreline erosion control measures will not degrade fish or wildlife habitat conservation areas or associated wetlands.
 - (3) Adequate mitigation measures ensure that there is no net loss of the functions or values of in-stream habitat or riparian habitat as a result of the proposed shoreline erosion control measures.
- c. Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft armoring techniques in accordance with an approved critical area report.
- d. New public boat launches that meet the applicable provisions of XX.34 Shoreline Regulations may be permitted in accordance with an approved critical area report that has demonstrated the following:
- (1) The project will not result in increased beach erosion or alterations to, or loss of, shoreline substrate;
 - (2) The ramp will not adversely impact critical fish or wildlife habitat areas or associated wetlands;
 - (3) Adequate mitigation measures ensure that there is no net loss of the functions or values of in-stream habitat or riparian habitat as a result of the ramp; and
- e. Repair and maintenance of an existing dock or pier that otherwise meet all of the applicable provisions of XX.34 Shoreline Regulations may be permitted in accordance with an approved critical area report subject to the following:
- (1) There is no increase in the use of materials creating shade for predator species;
 - (2) There is no expansion in overwater coverage;
 - (3) There is no new spanning of waters between three (3) and thirteen (13) feet deep;

- (4) There is no increase in the size and number of pilings; and
 - (5) There is no use of toxic materials (such as creosote) that come in contact with the water.
- f. Construction of trails may be permitted in accordance with an approved critical area report subject to the following standards:
- (1) There is no other feasible alternative route with less impact on the environment;
 - (2) Trails shall be located on the outer edge of the riparian area or buffer, except for limited viewing platforms and crossings;
 - (3) Trails and associated viewing platforms shall not be made of continuous impervious materials; and
 - (4) Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report;
- g. Construction of roadways and minor road bridging, may be permitted in accordance with an approved critical area report subject to the following standards:
- (1) There is no other feasible alternative route with less impact on the environment;
 - (2) The crossing minimizes interruption of downstream movement of wood and gravel;
 - (3) Roads in riparian habitat areas or their buffers shall not run parallel to the water body;
 - (4) Crossings, where necessary, shall only occur as near to perpendicular with the water body as possible;

- (5) Road bridges and culverts are designed and installed according to the Washington Department of Fish and Wildlife Fish Passage Design at Road Culverts, 1999, or as subsequently amended.
- (6) Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report; and
- h. New utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report, if they comply with the following standards:
 - (1) Fish and wildlife habitat areas shall be avoided to the maximum extent possible;
 - (2) Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible;
 - (3) The utilities shall cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;
 - (4) Crossings shall be contained within the footprint of an existing road or utility crossing where possible;
 - (5) The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and
 - (6) The utility installation shall not increase or decrease the natural rate of shore migration or channel migration.
- i. New public flood protection measures and expansion of existing ones may be permitted, subject to the County's review and approval of a critical area report and the approval of a Federal Biological Assessment by the federal agency responsible for reviewing actions related to a federally listed species.
- j. In-stream structures, such as, but not limited to, high flow bypasses, sediment ponds, in-stream ponds, retention and detention facilities, tide gates, dams, and weirs, shall

- only be allowed in conformance with the provisions of Chapter 90.58 and this Master Program, and upon acquisition of any required local, state, and federal permits.
- k. Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:
 - (1) No other feasible alternatives with less impact exist;
 - (2) Mitigation for impacts is provided;
 - (3) Stormwater conveyance facilities shall incorporate fish habitat features; and
 - (4) Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.
 - l. New on-site sewage systems and individual wells may be permitted in accordance with an approved critical area report only if accessory to an approved residential structure, for which it is not feasible to connect to a public sanitary sewer system.
 - m. Repairs to failing on-site sewage systems associated with an existing structure shall be accomplished by utilizing one of the following methods that result in the least impact:
 - (1) Connection to an available public sanitary sewer system;
 - (2) Replacement with a new on-site sewage system located in a portion of the site that has already been disturbed by development and is located landward as far as possible, provided the proposed sewage system is in compliance with the [local health district]; or
 - (3) Repair to the existing on-site septic system.
- E. Fish and Wildlife Habitat Conservation Areas Report. Unless specifically exempted by the County, all applications for proposed development activities in or near a priority fish and wildlife habitat conservation area shall include a critical areas report prepared by a qualified professional, as determined by the County. The County may provide more detailed guidelines for the preparation of a wetlands report. At a minimum a critical areas

report for a fish and wildlife habitat conservation area and accompanying plan sheets should contain the following information:

1. A description of the proposed development activity and a map(s) highlighting:
 - a. The project area of the proposed activity;
 - b. All habitat conservation areas and recommended buffers within three hundred (300) feet of the project area; and
 - c. All shoreline areas, floodplains, other critical areas, and related buffers within three hundred (300) feet of the project area.
2. An assessment of the habitat area(s) evaluating the presence or absence of designated critical fish or wildlife species or habitat. This assessment shall also include:
 - a. A detailed description of vegetation on and adjacent to the project area;
 - b. 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;
 - c. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife management recommendations, as amended, that have been developed for species or habitats located on or adjacent to the project area;
 - d. A detailed discussion of the direct and indirect potential benefits and impacts on habitat by the project, including potential impacts to water quality;
 - e. 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 and to be conducted in accordance with the Mitigation Sequencing requirements of this Chapter, XX.36.030 A; and

- f. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
3. In addition, the County may also require:
- a. Detailed surface and subsurface hydrologic features both on and adjacent to the site.
 - b. An evaluation by an independent qualified professional regarding the Applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and/or
 - c. That the Applicant consults with the Washington Department of Fish and Wildlife, the Kalispel Tribe, and/or other appropriate agencies prior to preparing and submitting the report.

XX.36.070 Frequently Flooded Areas.

- A. Applicability. This Section shall apply to all areas of Special Flood Hazard within the jurisdiction of Pend Oreille County.
- B. Purpose.
 - 1. The purpose of this Section is to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money and costly flood control and flood relief projects;
 - c. Minimize prolonged business interruptions;
 - d. Minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
 - e. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood damages;
 - f. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
 - g. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
 - h. Administer the Washington State Floodplain Management Act (Chapter 86.16 RCW) and maintain Pend Oreille County's eligibility to participate in the National Flood Insurance Program.

2. This section includes methods and provisions for:
 - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Sewer and Water Services. The Project Sponsor shall provide sufficient documentation to verify, subject to County review and approval, that adequate provisions can be made to provide water and sewer service to the site, including but not limited to sufficient water rights, without adversely affecting existing levels of service.
 - a. Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - b. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.
 4. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
- B. Classification. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study - Pend Oreille County, Washington and Incorporated Areas”, dated March 4, 2002, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference. The Flood Insurance Study and the FIRM are on file at the County Courthouse.
1. Area of “special flood hazard” means the land in the flood plain within a community subject to a one- percent or greater chance of flooding in any given year. Designation

on maps always includes the letter A. Also referred to as “100-year floodplain” and “Special Flood Hazard Area”.

2. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.”

C. Review Process.

1. A floodplain development permit shall be obtained before any construction or development activity is initiated within any special flood hazard area.
2. When base flood elevation data has not been established for areas of special flood hazard, the Community Development Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in accordance with accepted engineering practices.
3. The Community Development Director shall:
 - a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - c. Administer and implement these regulations by granting or denying development applications in accordance with the provisions of this Chapter. This shall include but is not limited to the:
 - (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the

encroachment provisions of FEMA Model Ordinance Section 5.4(1) are met.

4. Information to be obtained and maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in section xx36.030(c)(2), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (CFR 60.3(b)(5)(i)) Recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.
- b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM:
 - (1) Obtain and record the elevation (in relation to mean sea level to which the structure was floodproofed).
 - (2) Maintain the floodproofing certifications required in Section 4.1-2(3) (44 CFR 60.3 (b) (5) (iii)).
- c. Maintain for public inspection all records pertaining to the provisions of this Chapter.

5. Subdivision proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and

other proposed developments which contain at least fifty lots or five acres (whichever is less).

- e. All subdivisions and short subdivisions shall establish an elevation monument on or adjacent to the subject property for future elevation certification purposes.
 - f. All subdivisions and short subdivisions shall show on the face of the final plat or short plat, the boundary of the 100-year floodplain and floodway.
 - g. All subdivision proposals involving lands within the 100- year flood plain shall provide elevations at each lot corner.
6. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.
7. Variances.
- a. Variances may be granted when the following conditions exist:
 - (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variance requests in the designated floodway shall be accompanied by a professional engineering analysis of the resultant base flood discharge. Variances shall not be granted from the provisions of Section XX.36.030.F.2.
 - (2) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, and comply with all other variance criteria.
 - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be

commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (4) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - (5) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases, the technical justification required for issuing the variance increases.
- b. Variances to the provisions of this Section may be granted upon consideration of:
- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;

- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. General Regulations.

1. Requirements for below-grade crawlspaces.

- a. The interior grade of a crawlspace below BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG).
- b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point unless the structure is designed by a licensed professional engineer. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed areas should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.
- d. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace. For velocities in excess of 5 feet per second, other foundation types should be used.

- e. Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements.
2. Anchoring.
- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
3. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
4. Construction Materials and methods.
- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Utilities.
- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
 - c. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
 - d. New water wells shall be constructed in compliance with WAC 173-160-171;
 - e. Elevate or adequately anchor propane tanks if located below the regulatory flood elevation; and
 - f. Elevate or floodproof utilities below the regulatory flood elevation.
- E. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) the following provisions are required:
- 1. Residential Construction.
 - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
 - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Detached accessory buildings (garages). The following special provisions apply to detached accessory structures used as garages to single-family residences. When an accessory structure represents a minimal investment, the elevation or dry floodproofing standards need not be met. However all other requirements applicable to structures will be applicable. A minimum investment shall be determined by the applicable guiding authority or by appeal under the variance procedure and shall be determined, if necessary, on a case by case basis. However, as a general application, expenditure for the accessory structure of not more than ten percent of the value of the main structure shall be considered a minimal investment.
 - a. Accessory structures shall not be used for human habitation and must be limited to parking and storage.
 - b. Accessory structures shall comply with the foundation opening requirements in Section XX.36.030.E.1.b.
 - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - d. Accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure that may result in damage to other structures.
 - e. Accessory structures must comply with floodplain encroachment provisions of this chapter and the National Flood Insurance Program.
 - f. Service facilities such as electrical and heating equipment shall be elevated one foot or more above the base flood elevation.
 - g. Applicants that elect not to elevate the lowest floor of accessory structures under the provisions of this section shall be notified that flood insurance premiums will be based on rates that are one foot below the base flood elevation.
3. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structures, except detached accessory structures, shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this Section.
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.
4. Critical facility. Construction of new, critical facilities shall be located outside the limits of the special flood hazard area. However, new construction and substantial improvement of both new and existing critical facilities shall be permissible within the 100-year floodplain, provided no feasible alternative site is available, and provided the facility's nature is related to or necessitates a riverine location (such as municipal water and sewer pump stations and related treatment facilities).
 - a. Critical facilities shall have the lowest floor elevated three feet or more above the base flood elevation;
 - b. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters; and,
 - c. Access routes to critical facilities shall be elevated to or above the base flood elevation to the extent possible.
5. Manufactured homes. All manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately

designed and anchored foundation system to resist flotation, collapse and lateral movement.

6. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either be on a site for fewer than 180 days or be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or meet the requirements of this Section and the elevation and anchoring requirements for manufactured homes.
- F. **Floodways.** Areas designated as floodways are located within areas of special flood hazard established in Section XX.36.030.B. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - b. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.

- c. Any development that results in additional walled and roofed space at a floor elevation at or below the ground floor shall constitute an increase in the ground floor area.
 - 3. If subsection 1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections XX.36.030.D. and E.
 - 4. Filling in the floodway is prohibited except for residential maintenance. Residential maintenance is considered the importing of bark or topsoil for flowerbeds and gardens. The total amount of material shall not exceed 10 cubic yards per calendar year.
 - 5. Traditional agricultural practices are exempt.
- G. Standards for shallow flooding areas (AO zones). Shallow flooding areas appear on FIRM maps as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
- 1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basements) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
 - 2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of

buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section XX.36.030.E.3.c.

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM are required to:
 - a. Be on the site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

XX.36.080 Critical Aquifer Recharge Areas

A. Classification

1. Pend Oreille County has been mapped to show where the water is more or less vulnerable to contamination. The Aquifer Recharge maps along with the associated report, ("Evaluation of Groundwater Pollution Susceptibility in Pend Oreille County Using the DRASTIC Method") were completed by Eastern Washington University's Department of Geology and can be found at the Planning Department
2. The **DRASTIC** method stands for the following: (D) **d**epth to water, (R) **n**et **r**echarge, (A) **a**quifer media, (S) **s**oil media, (T) **t**opography, (I) **i**mpact to the vadose zone, (C) **h**ydraulic conductivity. These factors are given points reflecting the vulnerability of ground water to contamination.

The following table outlines the groundwater protection scheme for Pend Oreille County:

<u>Drastic Index</u>	<u>Susceptibility</u>	<u>Susceptibility Index</u>
>200	>86%	Very High (least desirable)
161-200	61%-85%	High
113-160	31%-60%	Moderate
81-112	10%-30%	Low
<80	<10%	Very low(most desirable)

3. **AQ1** will refer to those areas ranging from 161 to greater than 200 on the DRASTIC index.

B. Regulations

1. The following uses within lands classified as AQ1 will require a conditional use permit.
 - a. The processing or production of toxic, hazardous and/or dangerous material as defined in WAC 173-303.
 - b. Automobile maintenance facilities and wrecking yards.

c. Mining of minerals and aggregate materials for commercial use.

Chapter 6: Definitions

Upon adoption of the updated Shoreline Master Program, the regulations implementing the updated Master Program will be integrated into Title XX of the Pend Oreille County Code. As a result, all of the County's Development Regulations will be administered in a uniform manner utilizing a common set of definitions and procedures. The following Chapter includes the proposed definitions that will be used to implement the updated Shoreline Regulations.

CHAPTER XX.10 DEFINITIONS

Sections:

xx.10.010 Introduction.

xx.10.020 Definitions.

xx.10.010 Introduction. For the purposes of this Title, words used in the present tense also include the future; words or phrases used in the singular also include the plural; and words in the plural also include the singular. The word "shall" is mandatory and not permissive; and "may" authorizes the exercise of discretion. The words "used" or "occupied" include within their meanings "intended," "arranged," or "designed to be used or occupied." The word "person" includes a corporation, partnership, or other entity.

xx.10.020 Definitions.

A. Any word not specifically defined in this Chapter shall have the meaning as defined by:

1. Webster's Dictionary, Eleventh Edition;
2. The Revised Code of Washington;
3. The Washington Administrative Code; and
4. North American Industrial Classification System (NAICS), 2002 Edition or as subsequently updated.

B. The following definitions shall apply to this Title:

1. "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;
2. "Agricultural building" is a structure or greenhouse designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and used in conjunction with a viable farming operation. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be used by the public. A viable farming operation are those parcels meeting the requirements of WAC 458-30-210(4) Farm and Agricultural Land or RCW 84.34.020(2).
3. "Accessory use or building or dwelling" means a building, part of a building or structure, or use which is subordinate to, and the use of which is incidental to, that of the main building, structure, or use of the same lot. This may include a mother-in-law apartment, guest house, or recreational park trailer.
4. "Appurtenant structures" means garages, sheds, and other legally established accessory structures. For purposes of this Title, appurtenant structures do not include bulkheads and other shoreline modifications or over-water structures.
5. "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.
6. "Bank Stabilization Measure" means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

7. "Binding site plan" means a subdivision of land through the optional binding site plan process provided for in RCW 58.17.035, or its successor.
8. "Boating facilities" shall include, but is not limited to: docks serving five or more single family residences, commercial docks, and marinas.
9. "Boundary line adjustment" means a division made for the purposes of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements of this Title, the building codes, and other applicable ordinances.
10. "Building Height" shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the rectangle, provided that the measured elevations do not include berms or backfills extending less than 10' horizontally from the building.
11. "Bulkhead" means retaining wall structures erected to stabilize shorelines against erosion. Bulkheads may be constructed of concrete, timber, steel or nonmetallic sheet pile or other materials. Bulkheads are a type of revetment.
12. "Camp: Non-profit" means camping and recreation facilities or retreat centers owned or operated by non-profit organizations including churches, social service agencies, and youth organizations such as the Boy Scouts of America.
13. "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.
14. "Clean Clear Aliquot Legal Description" means to describe a piece of property in fractions of a section of land, i.e. 'The East half of the Northeast quarter of the Southwest quarter of the Southeast quarter of section 12.' Five (5) acres is the smallest fraction of a section that can be described with a clean clear aliquot legal description.

15. "Clearing" the use of bulldozers, excavators, vegetation grinders, or other equipment as determined by the County as well as the use of chemicals to remove vegetation or the non-commercial removal of timber.
16. "Concurrency" means that adequate public facilities are available when the impacts of development occur, or that a financial commitment is in place to provide the required facilities or services within a specified time.
17. "Danger tree" means a tree with a high probability of falling due to debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by an arborist or forester.
18. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials located within the area of special flood hazard.
19. "Dock" means commercial, community, and public docks, as well as docks designed to serve single family residences.
20. "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.
21. "Elevated building" means for insurance purposes, a non-basement building which has its lowest floor elevated above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
22. "Elevation certificate" means the official form (FEMA Form 81-31) used to track development provide elevation information necessary to insure compliance with

- community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by the County.
23. “Essential Public Facilities” means public facilities of a county-wide or state-wide nature which are typically difficult to site. Essential public facilities include, but are not limited to, the following:
- a. Airports;
 - b. State education facilities;
 - c. State or regional transportation facilities;
 - d. Solid waste handling facilities;
 - e. In-patient facilities including, but not limited to: substance abuse facilities, mental health facilities, secure community transition facilities and, group homes; and
 - f. Uses identified on the Washington State list of essential public facilities maintained by the Office of Financial Management.
26. "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.
27. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from any source.
28. “Flood Insurance Rate Map” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
29. “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

30. "Floodway" means the channel of a river or other watercourse and the adjacent land areas (a portion of the 100-year floodplain) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
31. "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
32. "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.
31. "Home business", "home occupation", "cottage industry", or related terms means the accessory use of the residence (home) for a business conducted only by residents of the dwelling. This does not include storefronts or businesses that invite the public in for sales or services.
32. "Inflatable Water Toys-Large" means large inflatable toys and devices designed to be used on the water such as trampolines or water slides.
33. "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream.
34. "Legal Lot" means a parcel of land divided by the County, a City, or the State through a legally acceptable process as determined by the County.
35. "Level of Service (LOS)" means established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.
36. "Limited public road" means a road that may be approved by the County which may be built to a lower construction standard than public road and utilized for limited public use by adjacent property owners and emergency vehicles.

37. "Local access" is a route with a primary function of land access. Most dead end or loop subdivision roads will be classified as local access roads.
38. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a buildings lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of this ordinance found at Section 5.2-1 (2), (i.e. provided there are adequate flood elevation openings).
39. "Major Collector" means a route which links towns and communities to state highways and serves as an intra-county route.
40. "Master Planned Resort" is a self-contained and fully integrated planned unit development, in a setting of natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed onsite indoor or outdoor recreation facilities.
41. "Minor Collector" is a route which links major collectors with local access routes.
42. "Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).
43. "Mitigation" for the purposes of implementing the Shoreline Master Program means to take measures to compensate for or replace damaged or destroyed shoreline and shoreland ecological function and attributes resulting from authorized development and uses, or to take measures to compensate for, or replace damaged or destroyed shoreline and shoreland ecological function and attributes resulting from violations of the goals, policies use regulations, or administrative procedures of this SMP.

Mitigation shall be implemented as a sequence of steps or actions in order to compensate for impacts to shorelines, shorelands and their associated wetlands. Mitigation sequencing refers to the prescribed order of the different mitigation steps. Compensatory mitigation is the stage of the mitigation sequence, where impacts to shoreline and shoreland ecological functions are offset (i.e., compensated) through

restoration (re-establishment, rehabilitation), enhancement, or preservation of other ecologically intact shorelines of the state.

The term “mitigation” is used interchangeably with the term “compensation” unless referring to the entire mitigation sequence (i.e., “mitigation site,” “compensatory mitigation site,” or “compensation site” refers to the site that is being used for compensation).

44. “Mobile home” means a factory-built dwelling built before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.
45. “Multi-family dwelling unit” means a building designed to provide complete, independent living facilities for more than two families in individual, primary dwelling units. This includes apartments and duplexes which are rented or leased as well as condominiums.
46. “Non-conformity” means an existing use or structure that is not in compliance with current regulations.
47. “Off-premise sign” means a sign relating through its message, copy or contents to an activity, use, product, event or service which is not available on the premises upon which the sign is placed or erected.
48. “Ordinary High Water Mark” (OHWM) means the mark on all lakes, streams, which will be found by examining the bed and banks and ascertaining where the presence and action waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character, distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this Chapter, or as it may naturally change thereafter. Provided that:
 - a. Where the ordinary high water mark of a lake cannot be found, it shall be the line of mean high water; and
 - b. Where the ordinary high water mark of a stream cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

49. "Out-building: a detached building subordinate to a main building.
50. "Park unit", "park trailer", "park model trailer", or "recreational park trailer" means a travel trailer designed to be used with connections to utilities necessary for operation of installed fixtures and appliances and certified by the manufacturer as complying with Standard No. A119.5 of the American National Standards Institute. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home and recreational vehicles.
51. "Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this ordinance. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
52. "Public road" means a road owned by the County or other public agency.
53. "Private road" means a road owned by a private party (ies).
54. "Qualified Professional" means a firm or individual with educational degrees, professional knowledge, and proven professional experience relevant to the implementation of regulations to protect shorelines and environmentally sensitive areas as determined by the County. Qualified professionals may include biologists, wetland biologists, geologists, and/or individuals who have received certified training or professional accreditation, such as a wetland certification.
55. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed and includes any of the following:
- a. "Travel trailer" means a vehicular portable structure built on chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses. It shall have a body width not exceeding eight feet.
 - b. "Pick-up camper" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

- c. “Motor home” means a portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - d. “Tent trailer” means a canvas folding structure, mounted on wheels and designed for travel, recreation and vacation.
 - e. “Dependent vehicle” means a vehicle which is dependent upon a service building for toilet and lavatory facilities.
 - f. “Self-contained vehicle” means a vehicle which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink all of which are connected to water storage and sewage holding tanks located within the vehicle.
56. “Recreational vehicle park” means a parcel of land in which three (3) or more spaces are occupied or intended for occupancy by recreational vehicles for transient purposes.
57. “Resource Lands” or “Natural Resource Lands” means designated agricultural, mineral and forest land of long-term commercial significance.
58. “Riparian area” means areas adjacent to flowing or standing freshwater aquatic systems. Riparian habitat encompasses the area beginning at the ordinary high water mark and extends to that portion of the terrestrial landscape that is influenced by, or that directly influences, the aquatic ecosystem. In riparian systems, the vegetation, water tables, soils, microclimate, and wildlife inhabitants of terrestrial ecosystems are often influenced by perennial or intermittent water. Simultaneously, adjacent vegetation, nutrient and sediment loading, terrestrial wildlife, as well as organic and inorganic debris influence the biological and physical properties of the aquatic system. Riparian habitat includes the entire extent of the floodplain and riparian areas of wetlands that are directly connected to stream courses or other freshwater.
59. “Shorelines of the State” means those streams, rivers, lakes, and associated shorelands and wetlands designated by the State of Washington as being under the jurisdiction of the Washington State Shorelines Management Act and associated regulations.

60. "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.
61. "Single-family residence or dwelling unit" means a single unit providing complete, independent living facilities for not more than one family and permitted roomers, boarders, and guests including permanent provisions for living, sleeping, eating, cooking, and sanitation. In addition to traditional stick built homes, single family dwelling units may include modular homes, mobile homes, and park model trailers.
62. A "stream" is a naturally occurring body of periodic or continuously flowing water where:
- a. The mean annual flow is greater than twenty cubic feet per second; and
 - b. The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stock watering channels.
63. "Subdivision" for the purpose of this document shall be both long and short plat subdivisions and the subdivision of any lands with lots less than ten (10) acres in size.
- a. "Long plat subdivision" is the 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.
 - b. "Short plat subdivision" is the division or re-division of land into four or less lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
64. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
65. "Substantial improvement" means any repair, reconstruction, or improvement of a

structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damages occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

- a. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by local enforcement officials and which are the minimum necessary to assure safe living conditions, or
 - b. Any alteration listed on the National or State Register of Historic Places.
64. “Vacation Rental” means a dwelling unit or Accessory Dwelling Units which may be rented for short term and vacation use which is less than 30 days in duration, Vacation Rentals must be permitted with a Vacation Rental Permit.
65. "Wetland" or "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 created to mitigate conversion of wetlands.

Chapter 7: Non-Conforming Uses and Structures

Upon adoption of the updated Shoreline Master Program, the regulations implementing the updated Master Program will be integrated into Title XX of the Pend Oreille County Code. As a result, all of the County's Development Regulations will be administered in a uniform manner utilizing a common set of definitions and procedures. The following Chapter includes the regulations governing non-conforming uses and structures that will be used to implement the updated Shoreline Regulations.

CHAPTER XX.76 NON-CONFORMING USES AND STRUCTURES

Sections:

- | | |
|------------------|--------------------------------|
| xx.76.010 | Applicability. |
| xx.76.020 | Continuation. |
| xx.76.030 | Expansion. |
| xx.76.040 | Repair and Maintenance. |

xx.76.010 Applicability. Uses, structures, or lots that were legally constructed or established in accordance with regulations and laws in effect at that time, but that do not conform to the provisions of this Title, shall be considered legal non-conforming structures, uses, or lots. Uses or structures that were illegally constructed or established in accordance with regulations and laws in effect at that time, and that do not conform to the provisions of this Title, shall be considered illegal non-conforming structures.

- A. All new lots, structures and uses must comply with the provisions of this Title. No new non-conforming lots, structures, or uses may be permitted.
- B. Existing non-conforming lots, structures, or uses included in a development proposal or application covered by the provisions of this Title, must be brought into compliance unless otherwise provided.
- C. Non-conforming shoreline uses and structures are subject to the provisions of XX.34.070 Non-conforming Uses and Structures.

xx.76.020 Continuation. A legal non-conforming use of a structure or land may continue, provided that if such non-conforming use is discontinued for one year or longer, it may not be reestablished:

- A. Structures, or the use of a structure or lot, that were not legally established or are otherwise not legally conforming may not be continued and shall be discontinued upon notice; and
- B. Uses of similar impact may replace a legally non-conforming use provided that the new use occupies the same space within a structure, or in the case of an outdoor use, occupies the same amount of land, as the previous use. Similarity of impact shall be determined by the County based on the listing of permitted uses. The replacement use shall continue to be subject to the limitations on non-conforming uses specified in this Chapter. Any non-conforming use which has been discontinued for a year or more shall only be replaced only by a use which conforms to the regulations of the zone in which it is located.

xx.76.030 Expansion. An existing legal non-conforming structure cannot be enlarged or expanded in a manner which would increase the degree of nonconformance. If only a limited aspect of a use or structure is non-conforming, the use or structure may be expanded provided that the aspect of non-conforming is not increased.

- A. Illegal non-conforming uses or structures may not be expanded.

xx.76.040 Repair and Maintenance. Legal non-conforming structures may be repaired and maintained in accordance with the provisions of this Title, provided that the degree of nonconformity is not increased.

- A. Any non-conforming structure or non-conforming use damaged by fire, explosion, accident, act of God or act of a public enemy, may be restored to its status prior to the act of damage provided such efforts are commenced within two years. If restored under these circumstances, the structure or use shall occupy no more floor area than existed prior to the act of damage and the use and building shall remain non-conforming. If reconstruction of a non-conforming structure is not commenced within two years of the act of damage, the land and any development on it shall thereafter conform to the regulations of the zone in which it is located; provided, that a conditional use permit may be issued to reestablish a non-conforming structure, the restoration of which is not commenced within two years if circumstances such as lengthy litigation or disputed

insurance settlements delay the Applicant from commencing reconstruction within the specified two-year time frame.

Chapter 8: Violations and Enforcement

Upon adoption of the updated Shoreline Master Program, the regulations implementing the updated Master Program will be integrated into Title XX of the Pend Oreille County Code. As a result, all of the County's Development Regulations will be administered in a uniform manner utilizing a common set of definitions and procedures. The following Chapter contains the procedures that the County utilizes to address code violations and conduct enforcement actions.

CHAPTER XX.92 VIOLATIONS AND ENFORCEMENT

Sections:

xx.92.010	Violations Declared Unlawful.
xx.92.020	Civil Penalty.
xx.92.030	Remedies and Penalties for Continuing Violation.
xx.92.040	Persons Liable.
xx.92.050	Enforcement Duty and Authority.
xx.92.060	Right of Entry.
xx.92.070	Corrective Actions.
xx.92.080	Title Notice.

xx.92.010 Violations Declared Unlawful. Violations of, or failure to comply with the provisions of this Title are declared to be unlawful.

xx.92.020 Civil Penalty. In addition to any other penalty or remedy provided by this Chapter or by law, civil penalties in accordance with the County fee schedule and ordinances may be imposed upon any person, firm or corporation who violates the provisions of this Title. The civil penalty shall occur from the date set for correction until violation is corrected. The civil penalty is a personal obligation of the person or persons to whom the Notice of Violation is directed. The County Attorney, on behalf of the County, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or grant of which shall neither stay nor terminate the accrual of additional civil penalties, as long as the violation continues.

xx.92.030 Remedies and Penalties for Continuing Violations. An imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm or corporation shall be required to correct such violation or defects.

- A. In addition to the civil proceedings authorized to enforce this Title and in addition to any fine or penalty provided, continuing violations of this Title may be enjoined or ordered abated in civil proceedings for injunction, abatement or other relief. For those actions, violation of this Title is declared to be a public nuisance.
- B. Any person, firm or corporation violating any of the provisions of this Title shall be liable in any private or public action brought to enforce the provisions of this Title for all costs of proceedings, expenses of abatement and for reasonable attorney fees. These expenses are cumulative and in addition to any penalties or other remedies available.

xx.92.040 Persons Liable. The owner, lessee or tenant of any building, structure, premises or part thereof, and the architect, builder, contractor, employee agent or other person who commits, authorizes, participates in, assists in, or who maintains after notice, a violation of this Title may be held jointly liable in any civil action brought to enforce the provisions of this Title.

xx.92.050 Enforcement Duty and Authority. The Community Development Director and/or his/her designee is authorized and directed to enforce the provisions of this Title. The County shall, either upon complaint or initiative, investigate potential violations of this Title. It shall be the duty of all the County officers to assist in the performance of this duty. It shall be the duty on the County Sheriff and all officers charged with the enforcement of the law to assist in the enforcement of this Title and its provisions. Contractors found working without a permit shall be fined an amount equal to the owner's fine.

xx.92.060 Right of Entry. Whenever necessary to make an inspection, to enforce any of the provisions of this Title, or whenever the County has reasonable cause to believe that a violation of this Title exists or is occurring on any property or within any building, authorized County personnel may enter onto such property or within any building at any time, to inspect the same or to perform any duty imposed by this Title; provided, that before entering into any dwelling or any area of the building not otherwise open to the public, proper credentials shall be presented to the owner or person in possession or occupation of said property and request entry. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry.

xx.92.070 Corrective Actions. Whenever necessary to implement corrective actions the following procedure is to be followed:

- A. Letter of Inquiry. If the County determines that any activity, condition, structure or use exists that does not conform to the provisions of this Title, a Letter of Inquiry may be issued. A Letter of Inquiry will be sent to the party requesting information relating to the applicable required permits for the action. The letter will specify the date required for response to the Letter of Inquiry. Failure to respond to the Letter of Inquiry within 15 days may result in additional corrective actions.
- B. Notice of Violation/ Order to Correct. If the County determines that any activity, condition, structure or use exists that does not conform to the provisions of this Title, a Notice of Violation or Order to Correct will be issued. The notice shall be directed to the owner of the property and/or to such other persons as are causing or contributing to such violation and must be responded to with 15 days. The Notice of Violation or Order to Correct shall be served upon the person or persons to whom it is directed either personally in the manner provided for by personal service to summons and complaint or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person(s) at his/her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person making service, declaring the time, date, and manner by which the service was made. For good cause shown, the County may extend the date set for correction of the Notice of Violation or Order to Correct. This action is subject to possible fees and/or fines.
- C. Stop Work Orders. The Community Development Director or his/her designee(s) may issue an order to stop work and collect fines for any activity being conducted or any improvement being erected or altered which does not conform to this Title.
 1. The Stop Work Order shall be prominently placed on the subject property and reasonable attempts to forward a copy of the order to the owner of the property, the person in charge of the property or occupant thereof, or the person causing the activity to be established or conducted will be made.
 2. When any order to Stop Work has been posted on the subject property, it is unlawful for any person with active or constructive knowledge of the order to conduct the activity or do the work covered by the order until the County has removed the posted copy of the order and issued a written authorization for the activity or work to be

continued. The County will mail notice of the Stop Work order to the owner of record and will require response within 15 days.

3. If work continues under a Stop Work Order or the party fails to take appropriate steps as required and within the time frames specified by the Stop Work Order then the case will be turned over to the County Prosecuting Attorney for prosecution.
4. The issuance of an order to stop activity may be appealed to the Board of County Commissioners but such order shall remain in full force and effect during the appeal process unless the County issues an interim or final order staying or lifting the Stop Work Order. When considering the appeal the duty of the Commissioners is to determine whether the County Staff correctly interpreted and applied the ordinance when issuing the stop work order.

Xx.92.080 Title Notice. Whenever directed by the Board of County Commissioners, a Title Notice shall be placed upon the violator's property where the violation took place and shall be recorded in the County Auditor's office. Upon correction of the violation and payment of the applicable fines and fees, the Community Development Department will issue a notice extinguishing the Title Notice.

Appendices

Appendix A: Maps

Appendix B: Inventory and Analysis

Appendix C: Restoration Plan

Appendix D: Public Access

Appendix E: Cumulative Impact Analysis

Appendix F: Inter-local Planning Agreements

Appendix G: 1974 Pend Oreille County Shoreline Master Program

Appendix H: Box Canyon Hydroelectric Project FERC Relicensing Agreement

Appendix I: Boundary Canyon Hydroelectric Project FERC Relicensing Agreement

Appendix J: Approved Total Maximum Daily Loads (TMDL)

Note: The documents in the Appendix are subject to periodic review and updating. With the exception of Appendix A which may include maps that are subject to County and DOE review and approval all other documents will be replaced when new versions of the document have been approved.

Appendix A: Maps

Appendix B: Inventory and Analysis

Appendix C: Restoration Plan

1. Introduction and Overview

The Washington State Shoreline Management Act requires that the updated Pend Oreille County Shoreline Master Program include goals and policies that provide for restoration of shorelines with impaired ecological functions. The updated Shoreline Master Program must identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. The updated Master Program should make real and meaningful use of established or funded non-regulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or non-regulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

In general terms it is important to note that the most effective restoration strategy is to avoid activities that impair ecological functions. Taking actions to protect shoreline environments that are relatively free of human influence is definitely preferable to developing strategies to restore shorelines after they have been impaired. In other words, an ounce of prevention is worth a pound of cure. In this instance, the actions taken by Pend Oreille County to substantially increase the amount of jurisdictional shorelines in which no development activities will be permitted in the future is significant and will serve to minimize the order of magnitude of future restoration plans.

It is also important to note that there are numerous public, private, and non-profit organizations involved in the restoration of shorelines throughout Pend Oreille County and that these restoration activities in many instances preceded the initiation of the process to update the County Shoreline Master Program. In an effort to promote the coordination of efforts and to maximize the positive impacts that can be achieved through limited public resources, priority consideration has been given to these existing restoration activities. In addition, new restoration priorities have been identified based on the findings of the reach by reach analysis.

Shoreline restoration priorities in Pend Oreille County can be categorized in terms of programmatic and project specific activities. Programmatic priorities include activities that have general applicability and benefit and are not site-specific. Project specific activities, are just that, specific projects that have been identified to respond to a specific set of circumstances at a specific site. In addition, it is not uncommon for project specific activities to emerge out of what was initially a programmatic activity.

2. Restoration Opportunity Sites

In preparing the report characterizing ecosystem wide functions and the Reach by Reach Analysis several potential opportunities or sites for restoration activities were identified. The following is a summary listing of those sites and opportunities.

	Waterbody/Location	Impairment	Restoration Opportunity	Source
1	Bead Lake Reach 1-2	Water Quality	Reduction of 2, 3, 7, 8-TCDD and PCB's.	SMP Reach Scale Analysis
2	Calispell Lake/Creek Reach 1	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement
3	Calispell Lake/Creek Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen, pH, and temperature.	SMP Reach Scale Analysis
4	Calispell Creek Middle Fork Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
5	Calispell Creek North Fork Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
6	Calispell Creek North Fork Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
7	Calispell Creek North Fork Reach 3	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
8	Cee Cee Ah Creek Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	Remove and replace three fish passage barrier culverts in the Cee Cee Ah Sub-basin. This will restore fish passage to approximately .4 miles of bull trout habitat and 3.6 miles of westslope cutthroat habitat.	Pend Oreille Salmonid Recovery Team
9	Chain Lake Reach ?	Water Quality	Identification and removal of mercury. Increasing evidence of invasive species may require management.	SMP Reach Scale Analysis
10	Cooks Lake Reach 1	Water Quality	Design and construction of stormwater improvements at boat launch to divert runoff.	Staff field assessment June 2010.
11	Davis Lake Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis
12	Davis Lake Reach 2	Water Quality	Shoreline stabilization in the vicinity of the boat launch.	Staff field assessment June 2010.
13	Diamond Lake Reach 1-2	Hydrology/Habitat	Conduct a study to assess the feasibility of removing debris from Diamond Lake to reduce biological oxygen demand and to address relevant contaminant issues. The Boy Scouts of America in partnership with the Natural Resource Conservation Service have been planting native vegetation to restore habitat.	West Branch Little Spokane River Implementation Plan
14	Diamond Lake Reach 1	Hydrology/ Water Quality/ Habitat	Restoration of natural hydrology. Invasive exotic species management. Preservation, enhancement, and restoration of habitat.	SMP Reach Scale Analysis
15	Diamond Lake Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Invasive exotic species management.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
16	Fan Lake Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Invasive exotic species management.	SMP Reach Scale Analysis
17	Granite Creek-North Fork	Habitat	The Salmonid Recovery Team has been investigating potential projects to restore fish habitat.	Pend Oreille Salmonid Recovery Team
18	Granite Creek-South Fork	Habitat	The Salmonid Recovery Team has been investigating potential projects to restore fish habitat.	Pend Oreille Salmonid Recovery Team
19	Harvey Creek Reach 1-2	Habitat	Conduct a detailed study of Harvey Creek to determine why the creek goes subsurface part of the year and develop strategies to maintain year round connectivity with Sullivan Lake for fall and winter spawning fish.	Pend Oreille Salmonid Recovery Team
20	Harvey Creek Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
21	Harvey Creek Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
22	Heather/ Big Meadow Lake Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis
23	Horseshoe Lake Reach 1-2	Hydrology	Prepare and implement an integrated aquatic plant management plan for Horseshoe Lake.	West Branch Little Spokane River Implementation Plan

Waterbody/Location		Impairment	Restoration Opportunity	Source
24	Horseshoe Lake Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature. Investigate opportunities for sediment control on Buck and Heel Creeks to reduce sediment loading in Horseshoe Lake.	SMP Reach Scale Analysis
25	Horseshoe Lake Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature. Investigate opportunities for sediment control on Buck and Heel Creeks to reduce sediment loading in Horseshoe Lake.	SMP Reach Scale Analysis
26				
27	Ione Mill Pond Reach 1	Hydrology/ Water Quality/ Habitat	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature. Preservation, enhancement, and restoration of habitat. Explore feasibility in conjunction with redevelopment of saw mill.	SMP Reach Scale Analysis
28	Lead King Lake Reach 1	Hydrology/ Habitat	Restoration of natural hydrology. Preservation, enhancement, and restoration of habitat.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
29	Lead King Lake Reach 2	Hydrology/ Habitat	Restoration of natural hydrology. Preservation, enhancement, and restoration of habitat.	SMP Reach Scale Analysis
30	LeClerc Creek Reach 1	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement
31	LeClerc Creek Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
32	LeClerc Creek East Branch Reach 1	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement
33	LeClerc Creek East Branch Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
34	LeClerc Creek East Branch Reach 2	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement
35	LeClerc Creek East Branch Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
36	West Branch LeClerc Creek Reach 1	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement
37	LeClerc Creek West Branch Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen, pH, and temperature.	SMP Reach Scale Analysis
38	LeClerc Creek West Branch Reach 2	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement

Waterbody/Location		Impairment	Restoration Opportunity	Source
39	LeClerc Creek West Branch Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen, pH, and temperature.	SMP Reach Scale Analysis
40	LeClerc Creek West Branch Reach 3	Habitat	Restoration of tributary trout habitat.	Box Canyon Dam FERC Relicensing Agreement
41	LeClerc Creek West Branch Reach 3	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen, pH, and temperature.	SMP Reach Scale Analysis
42				
43	Little Spokane River Reach 1	Hydrology/ Water Quality	Restoration of in-stream flows. Reduction of dissolved oxygen.	SMP Reach Scale Analysis
44	Little Spokane River Reach 2	Hydrology/ Water Quality	Restoration of in-stream flows. Reduction of dissolved oxygen.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
45	Little Spokane River-West Branch Reach ?	Hydrology	Prepare a comprehensive stream flow and lake level gauging strategy for the West Branch Little Spokane River Watershed. The gauging strategy should be designed to assess: unexplained flow surges in Eloika, Horseshoe, and Sacheen Lakes; the impact of Beaver Dams on inflow to and outflow from Sacheen and Diamond Lake; and, potential impacts of permitting the construction of exempt wells on stream flows.	West Branch Little Spokane River Implementation Plan
46	Little Spokane River-West Branch Reach ?	Hydrology	Creation and enforcement of no wake zones for all lakes and rivers in the Little Spokane River Watershed during high water periods.	West Branch Little Spokane River Implementation Plan
47	Little Spokane River-West Branch Reach ?	Hydrology	Conduct wetland delineation and restoration studies targeting the river segment between Sacheen and Trout Lakes.	West Branch Little Spokane River Implementation Plan
48	Little Spokane River-West Branch Reach ?	Hydrology	Conduct a study to assess if the removal of sediment and vegetation from the channel of the West Branch of the Little Spokane River between Fertile Valley Road and Harworth Road would be feasible and would increase flows downstream of Sacheen Lake.	West Branch Little Spokane River Implementation Plan

Waterbody/Location		Impairment	Restoration Opportunity	Source
49	Little Spokane River-West Branch Reach ?	Hydrology	Conduct a proper functioning condition stream inventory and assessment for the West Branch of the little Spokane River and provide information on high quality reaches and prioritized projects.	West Branch Little Spokane River Implementation Plan
50	Little Spokane River-West Branch Reach ?	Hydrology	Assess the impacts to the stream channel below Sacheen Lake associated with past beaver dam removal, beaver tube installations, and beaver dam maintenance. If the assessment indicates that clean-up is necessary, prepare a clean-up plan to remove debris from the stream channel.	West Branch Little Spokane River Implementation Plan
41	Little Spokane River-West Branch Reach ?	Hydrology	Conduct a barrier survey in the West Branch Little Spokane River Watershed and prioritize barrier removals and upgrades with a particular emphasis on the fish dam at the Harworth Road Bridge and the identification and removal of log barriers on Sacheen and Horseshoe Lakes.	West Branch Little Spokane River Implementation Plan
52	Little Spokane River-West Branch Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
53	Marshall Lake Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis
54	Marshall Lake Reach 2	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
55	Metcalf/Brownie Lakes Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis
56	Mill Creek Reach ?	Habitat	Removal and replacement of three fish passage barrier culverts in the Mill Creek sub-basin and the restoration of approximately 6.75 miles of bull trout and westslope cutthroat trout habitat.	Pend Oreille Salmonid Recovery Team
57	Mountain Meadows Lake Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis
58	Outlet/Harvey Creek Reach 1	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and temperature.	SMP Reach Scale Analysis
59	Nile Lake	Hydrology/ Water Quality/ Habitat	Invasive species management. May be opportunities for low impact road improvements to reduce sediment loading. Explore opportunities for voluntary measures to improve agricultural practices to reduce impacts on wetlands.	SMP Reach Scale Analysis
60	Parker Lake Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis
61	Pend Oreille River All Reaches	Water Quality	Reduction of Aldrin, PCB's, pH, and Temperature.	SMP Reach Scale Analysis

Waterbody/Location	Impairment	Restoration Opportunity	Source
62	Pend Oreille River Boundary Dam Project Area and associated tributaries	Habitat	Multiple restoration opportunities in the following resource areas: fish and aquatics, terrestrial (wildlife, botanical, geologic), water quality, recreation, land use, aesthetics, cultural. The measures to be implemented are extensive and will be designed to protect and enhance natural resources in the Project Area.
67	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	By 2015 the PUD shall design and construct in Box Canyon Dam downstream fish passage facilities to accommodate passage of bull trout, westslope cutthroat trout, and mountain whitefish.
68	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	By 2018 the PUD shall design and construct in Box Canyon Dam an upstream trap and haul-type fishway to accommodate passage of bull trout, westslope cutthroat trout, and mountain whitefish.
69	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	By 2017 the PUD shall design and construct at the Calispell Creek Pumping Plant downstream fish passage facilities to accommodate passage of bull trout, westslope cutthroat trout, and mountain whitefish.

Waterbody/Location		Impairment	Restoration Opportunity	Source
70	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	By 2018 the PUD shall design and construct at the Calispell Creek Pumping Plant an upstream trap and haul-type fishway to accommodate passage of bull trout, westslope cutthroat trout, and mountain whitefish.	Box Canyon Dam FERC Relicensing Agreement
71	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	By 2011 the PUD must rehabilitate the disturbed area between County Road 9325 and the reservoir while leaving parking for 5 vehicles at the old Ruby Landing area. (T35N, R44E, Section 19).	Box Canyon Dam FERC Relicensing Agreement
72	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	By 2011 the PUD must rehabilitate the disturbed area north and adjacent to the Panhandle campground. (T35N, R44E, Sections 20 and 29).	Box Canyon Dam FERC Relicensing Agreement
73	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Habitat	Restoration of 164 miles of tributary trout habitat in the Calispell, Cee Cee Ah, Cedar, LeClerc, Indian, Mill, Ruby, and Tacoma Creek Watersheds.	Box Canyon Dam FERC Relicensing Agreement
74	Pend Oreille River Box Canyon Dam Reservoir Reach ?	Public Access	The public access site at Keo's Korner on the Pend Oreille River (PR 59) in Usk could be substantially improved by the removal of aquatic weeds.	Staff field assessment June 2010.
80	Power Lake Reach 1	Hydrology	Restoration of natural hydrology.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
81	Priest River Upper West Branch Reach 1	Hydrology/ Habitat	Remove between three and five miles of riparian road which is contributing sediment to Consalus Creek; the removal and replacement of four fish passage barriers; removal of three miles of failing non-riparian road segments which are contributing sediments to streams; and the development of an alternate route to the Consalus Basin.	SMP Reach Scale Analysis/Pend Oreille Salmonid Recovery Team
82	Priest River Upper West Branch Reach 2	Hydrology/ Habitat	Remove between three and five miles of riparian road which is contributing sediment to Consalus Creek; the removal and replacement of four fish passage barriers; removal of three miles of failing non-riparian road segments which are contributing sediments to streams; and the development of an alternate route to the Consalus Basin.	SMP Reach Scale Analysis/Pend Oreille Salmonid Recovery Team
83	Sacheen Lake Reach 1	Hydrology	Research options for flood control at Sacheen Lake in addition to the Beaver Tubes.	West Branch Little Spokane River Implementation Plan
84	Sacheen Lake Reach 1	Hydrology	Conduct a study to assess the feasibility of removing debris from Sacheen Lake to reduce biological oxygen demand and to address relevant contaminant issues.	West Branch Little Spokane River Implementation Plan
85	Sacheen Lake Reach 1	Hydrology/ Water Quality/ Habitat	Restoration of natural hydrology. Invasive exotic species management. Preservation, enhancement, and restoration of habitat.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
86	Sacheen Lake Reach 1	Water Quality	Installation of a privately owned and operated sanitary sewer system.	Sacheen Lake Water and Sewer District
87	Skookum Creek Reach 1	Hydrology/ Water Quality/ Habitat	Restoration of natural hydrology. Reduction of fecal coliform. Preservation, enhancement, and restoration of habitat. Explore feasibility of working with farmers to reduce livestock access to creek.	SMP Reach Scale Analysis
88	Slate Creek Reach ?	Water Quality	Reduction of dissolved oxygen.	SMP Reach Scale Analysis
92	Sullivan Creek Reach 3	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of water temperature.	SMP Reach Scale Analysis
93	Sullivan Creek Reach 4	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of water temperature.	SMP Reach Scale Analysis
94	Sullivan Mill Pond Reach 1	Hydrology/ Water Quality	Removal of dam and restoration of natural flows. Reduction of water temperature.	SMP Reach Scale Analysis/Pend Oreille PUD FERC license
98	Tacoma Creek Reach 1	Hydrology/Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and pH.	SMP Reach Scale Analysis
101	Tacoma Creek Reach 2	Hydrology/ Water Quality	Restoration of natural hydrology. Reduction of dissolved oxygen and pH.	SMP Reach Scale Analysis
102	Unnamed Lake Reach 1	Hydrology/ Habitat	Restoration of natural hydrology. Preservation, enhancement, and restoration of habitat.	SMP Reach Scale Analysis

Waterbody/Location		Impairment	Restoration Opportunity	Source
103	WRIA 62	Habitat	Conduct an assessment of watershed processes limiting native salmonid recovery and to develop long term Restoration Plan for bodies of water in WRIA 62.	Pend Oreille Salmonid Recovery Team
104	Yocum Lake Reach 1 and 2	Hydrology	County Road improvements have been initiated that includes grading road to slope away from lake and resurfacing with gravel to minimize sediment loading from roadway. Possible opportunities for County in partnership with USFS to relocate camp sites away from lake and to install restrooms.	SMP Reach Scale Analysis

3. Programmatic Restoration Activities

In reviewing the reach by reach analysis several programmatic opportunities were identified that would result in the avoidance of future impairments or the restoration of ecological functions that were previously impaired. The priority programmatic restoration opportunities include:

- a. Public Education. There is clearly a need to provide educational materials and opportunities for homeowners on how to avoid adverse impacts on shorelines, particularly in conjunction with bank stabilization activities, vegetation removal, management of aquatic weeds, and the construction of docks. Information on low impact upland activities such as yard maintenance and the repair and replacement of septic systems would also be beneficial. Priority consideration should also be given to the development of educational materials and resources for use by property owners and homeowners associations interested in enhancing their shoreline areas.
- b. Low impact timber harvest. With over 84% of the land in the County dedicated to the commercial harvest of timber, logging is and will remain an essential component of the Pend Oreille County economy. While there are federal, state, and local policies to limit logging activities in jurisdictional shoreline areas, upland logging activities and associated activities such as road construction can serve to impair the ecological

functions of shorelines. Once again, avoidance is the best approach and the County is exploring with the Washington Department of Natural Resources strategies to minimize the adverse impacts of future commercial timber harvests and to ensure that reforestation measures are implemented in accordance with approved plans in a timely manner. While in some instances, there may be a public benefit to maintaining roads for recreational or fire fighting uses, consideration should be given to removing old logging roads and facilities such as splash dams in the vicinity of shoreline areas.

- c. Intensification of recreational activities. With over 65% of the land in the County in public ownership, there are a tremendous number of public recreation sites and opportunities available throughout Pend Oreille County, many of which are located in or near jurisdictional shorelines. There is evidence in the reach by reach analysis to suggest that there may be an over intensification of activities in some shoreline areas or perhaps a need for new standards governing the immediate proximity of activities to fragile shoreline environments. In addition, there is at least one area where there appears to be a concentration of unauthorized and inappropriate use of off road recreational vehicles. Priority consideration should be given to updating public agency management plans, especially those of the US Forest Service to avoid the overuse and inappropriate use of shoreline areas.

The interest in establishing a local water trail to promote non-motorized boating is an excellent example of preferred low impact recreational activities that might also provide an opportunity to develop new design standards for lower impact support facilities such as restrooms, campsites, and parking areas. In addition, it is anticipated that the new FERC license for Boundary Dam will include provisions for the maintenance and limited expansion of low-intensity dispersed recreation sites along the Boundary Reach of the Pend Oreille River.

- d. Low impact farming and agricultural activities. Farming and agricultural activities in Pend Oreille County consist primarily of growing hay and grazing cattle. The reach by reach analysis identified a few instances where the concentration of agricultural activities in or near shorelines may be impairing ecological functions. Priority consideration should be given to working with property owners to identify opportunities to reduce or avoid these adverse impacts and to potentially restore damaged shoreline areas.
- e. Remove fish barriers. In addition to the federally licensed dams on the Pend Oreille River there are numerous barriers to fish passage throughout the County. Many of these are old or undersized culverts or improvements associated with previous logging activities.

Priority consideration should be given to the annual removal of a number of these barriers based on criteria developed by the County in consultation with resource agencies.

- f. **Dissolved Oxygen Water Quality Impairment.** The water quality in several creeks, lakes, and rivers is impaired as a result of high levels of dissolved oxygen. Water bodies with a Category 5 water quality listing include: Horseshoe Lake, Little Spokane River, Brown's Lake (Middle County), Calispel Creek, East Branch LeClerc Creek, Harvey Creek, Ione Mill Pond, LeClerc Creek, North Fork Calispel Creek, Outlet Harvey Creek, Parker Lake, Slate Creek, Sullivan Creek, Tacoma Creek, and the West Branch of LeClerc Creek. Additional research should be conducted to determine if there is a common source for these impairments and whether there are programmatic actions that can be taken to improve water quality. Additional project specific actions may also be identified.
- g. **Private road standards.** It is extremely unlikely that the County will be constructing new roads in the future and there are policies in this Shoreline Master Program to direct these roads away from jurisdictional shoreline areas. There may be however, new private roads constructed or the need for improvements to be made to existing private roads. While there are also policies to direct these roads away from jurisdictional shoreline areas, priority consideration should be given to reviewing and revising private road standards to minimize adverse impacts in the future. In addition, new private development activities that involve existing private roads should include as a condition of approval requirements to bring these roads up to existing standards and include storm water management facilities.
- h. **Acquisition of Development Rights.** The need for restoration projects in the future may be reduced by efforts to acquire the development rights or otherwise extinguish the development potential of large tracts of undeveloped property with relatively intact shoreline environments. Consideration should be given to establishing a local land trust or perhaps a local program to acquire or transfer development rights of parcels that have been used for camps or held as natural areas. A particular emphasis should be placed on larger parcels of property that may be owned by non-profit organizations whose missions are consistent with the Goals and Policies of the Shoreline Management Act, such as the Boy Scouts of America, the YMCA, and church groups.

4. Project Specific Restoration Priorities

The following is a brief description of several priority project specific restoration projects that are in various stages of implementation. The timelines and benchmarks shall be periodically

reviewed and updated based on the availability of funds and the terms and conditions of approval.

- a. Sullivan Lake Mill Pond Restoration Project. In accordance with the provisions of a Settlement Agreement for the Surrender of Sullivan Creek Project License and Application for Special Use Authorization executed in April 2010, the Pend Oreille County PUD is relinquishing its license to operate a dam on Sullivan Creek and will remove the Mill Pond Dam and restore the Mill Pond/Sullivan Creek vicinity in accordance with the provisions of the Mill Pond Decommissioning Plan. This plan will remove a fish barrier and provide potential access to 16 miles of spawning, rearing, overwintering and foraging habitat. In addition, a facility will be developed that will release cold water from Sullivan Lake to Outlet Creek and Sullivan Creek to cool water temperatures and improve salmonid habitat in Sullivan Creek and to provide cooler water input to the Pend Oreille River. In combination with the Mill Pond Dam removal, the Sullivan Lake cold water release will improve habitat for bull trout and westslope cutthroat trout. In conjunction with these approved activities, there may also be a need and/or opportunity to further restore Sullivan Creek as it passes through the Town of Metaline Falls before it joins the Pend Oreille River.

Benchmarks and timelines: Project Permitting September 2014; Project Completion December 2016.

- b. Wetland Habitat Restoration in the Calispel-Cusick Valley. The Kalispel Tribe of Indians has initiated a project to develop a comprehensive plan for possible wetland restoration projects throughout the 20,000+ acre floodplain of the Calispel-Cusick Valley. The plan will prioritize potential restoration opportunities and techniques and may include the descriptions and evaluations of potential incentive programs for private property owner participation. Priority consideration shall be given to implementing projects that restore the highest priority sites.

Benchmarks and timelines: Project Completion October 2013.

- c. Box Canyon Dam Comprehensive Wildlife Management Plan. A new license for the Box Canyon Dam on the Pend Oreille River was issued by the Federal Energy Regulatory Commission on July 11, 2005. Article 407 requires that the Pend Oreille Public Utility District prepare and implement a Comprehensive Wildlife Management Plan: This plan shall include enhancement, monitoring, and evaluation provisions for the wildlife management areas acquired by the District on Everett Island in the Pend Oreille

River and along Tacoma Creek. The primary objective if these two wildlife management areas is to restore, protect, and enhance existing farmland and pasture to improve riparian and wet-meadow habitats. Over time these wildlife management areas will provide high-quality habitat for big game, muskrat and beaver, waterfowl, wading birds, bald eagle, osprey, native amphibians, and a variety of songbirds. In addition, this Plan must also address:

1. Cottonwood Enhancement including measures to increase cottonwood habitat, an investigation of the causes of impaired cottonwood recruitment, a schedule for cottonwood planting, and measures to assist private property owners who may wish to improve the cottonwood habitat on their property;
2. Grazing Management including provisions to eliminate livestock grazing on lands owned by the PUD;
3. Wetland Creation and Enhancement in designated wildlife management areas including detailed design drawings of wetland creation and enhancement sites;
4. Waterfowl Management including measures habitat protection and enhancement on lands owned by the PUD, provisions to support the efforts of local conservation groups and property owners to improve waterfowl nesting habitat, and measures to construct and install artificial nest structures;
5. Grizzly Bear Awareness including measures to improve public awareness and to prevent conflicts with grizzly bears;
6. Bald Eagle Management including the development of individual nest management plans for established nest stands, provisions for providing information about bald eagle protection, and provisions for silviculture treatments to improve bald eagle nesting habitat between river mile 47 and 90 on the Pend Oreille River; and
7. Fish-eating Bird Monitoring including provisions to monitor population trends of osprey and great blue heron and to set appropriate population thresholds.

Benchmarks and timelines: Project completion July 2055.

- d. Box Canyon Dam Erosion Control and Prevention. Article 408 of the Order issuing a New License for the Box Canyon Dam requires the Pend Oreille PUD to establish a plan

to monitor shoreline erosion at twenty-nine sites along the Pend Oreille River. This Plan shall include twice yearly monitoring, the assessment and categorization of low, moderate, and high erosion rates, a determination of the causes of erosion, and the preparation of a plan control, protect, and restore erosion sites. The Plan will also include provisions to investigate the use of prairie cordgrass for erosion control and an erosion education program for property owners on erosion prevention, control, and remediation measures.

Benchmarks and timelines: Project completion July 2055.

- e. Box Canyon Dam Shoreline Management Plan. Article 409 of the Order issuing a New License for the Box Canyon Dam requires the Pend Oreille PUD to establish prepare and implement a plan to manage shoreline uses along the Pend Oreille River including provisions to cooperate and coordinate management activities with other jurisdictional entities.

Benchmarks and timelines: Project completion July 2055.

- f. Box Canyon Dam Integrated Weed Management Plan. Article 410 of the Order issuing a New License for the Box Canyon Dam requires the Pend Oreille PUD to prepare and implement a plan to survey, monitor, and manage noxious weeds on all PUD managed properties, provide educational programs for private property owners, and coordinate with the Pend Oreille County Noxious Control Weed Board to eradicate purple loosestrife and leafy spurge.

Benchmarks and timelines: Project completion July 2055.

- g. Box Canyon Dam Rare Plant/Sensitive Species Management Plan. Article 411 of the Order issuing a New License for the Box Canyon Dam requires the Pend Oreille PUD to protect Forest Service sensitive and rare plants, including the rare plant *Hedeoma*, growing on property owned or managed by the PUD.

Benchmarks and timelines: Project completion July 2055.

- h. Screening Action Plan for Surface Water Diversions. In 2009 the Washington Department of Fish and Wildlife received a grant from Washington's Salmon Recovery Board to inventory and assess surface water diversions in eight sub-basins within Pend Oreille Resource Inventory Area 62. Approximately 84 miles of Pend Oreille river

shoreline and 74 miles of tributary streams were inventoried. A total of 207 features were assessed including culverts, bridges, dams, natural barriers, diversions, and other obstructions to fish or flow. Of these features 155 were surface water diversions. While most of these diversions were screened to prevent debris from entering the diversion only two were found to meet State screening requirements to meet fish. As a result, priority consideration should be given to measures to encourage property owners to take voluntary compliance measures.

Benchmarks and timelines: Project completion July 2032.

- i. Boundary Dam on the Pend Oreille River is owned and operated by Seattle City Light. The existing license for this facility expires in September, 2011 and a proposed comprehensive set of protection, management, and enhancement measures is currently under review by the Federal Energy Regulatory Commission (FERC). If approved by the FERC, an extensive package of measures will be implemented that will address restoration priorities on the Pend Oreille River and associated tributaries and wetlands. Plans that were developed during relicensing proceedings and that will be implemented during the FERC license term include: a Fish and Aquatics Management Plan; a Terrestrial Resources Management Plan; a Recreation Resources Management Plan; a Water Quality Management Plan; and, a Cultural Resources Management Plan. In addition to the FERC license conditions, an associated Settlement Agreement was entered into between multiple resource agencies, the Kalispel Tribe, and other entities that provides for the implementation of other protection, management and enhancement measures to address natural resources in the Project area. Upon issuance of a license order by FERC, all required restoration projects and related Settlement Agreement measures will be included in this Restoration Plan.

Benchmarks and timelines: Issuance of a new FERC license is anticipated by the end of 2011. The term of the license will be determined by FERC and is unknown at this time, however, it could extend through 2061. The provisions of the Settlement Agreement will be implemented in the same timeframe.

- j. Sacheen Lake Sanitary Sewers. The Sacheen Lake Water and Sewer District is initiating a project that if approved and funding is secured would result in the construction of sanitary sewers to serve residents near the lake.

Benchmarks and timelines: LID approval September 2016.

- k. West Branch Little Spokane River Wildlife Area Restoration. The Pend Oreille County Weed Board, in partnership with the Backcountry Horseman Association, the Pend Oreille Valley Sportsman Association, the Pend Oreille Conservation District, the WRIA 55/57 Watershed Group, Washington State Department of Fish and Wildlife, and Pend Oreille County are seeking funding from the US Department of Fish and Wildlife and other agencies to control noxious and aquatic weeds, limit inappropriate uses, develop trails, install educational signage, and prepare a management plan to preserve this area and promote public use.

Benchmarks and timelines: Project Planning Completed October 2011.

- l. Little Spokane River Water Quality. The Little Spokane River has a Category 5 water quality listing for dissolved oxygen, a 4C listing for invasive exotic species, and a Category 2 listing for mercury. To address these water quality issues the Department of Ecology and the Spokane Conservation District are working together on a TMDL for the river. Upon adoption of the TMDL project specific restoration activities such as shade providing riparian vegetation may be identified.

Benchmarks and timelines: TMDL Approval October 2011.

- m. Bead Lake Water Quality. According to the 2008 Washington State Water Quality Assessment , Bead Lake is identified as an impaired water body with a Category 5 water quality listing for 2,3,7,8-TCDD and PCB's. These pollutants may be attributable to the runoff of industrial chemicals, but the source is not known. Further research is required to determine the source of these pollutants and whether anything can be done to restore the water quality.

Benchmarks and timelines: Secure Project Planning Funds December 2016.

- n. Chain Lake Water Quality. According to the 2008 Washington State Water Quality Assessment, Chain Lake has a Category 2 water quality listing for mercury. Although the lake is not classified as impaired, it is being monitored and it is a water of concern. Further research is required to determine the source of this pollutant and to determine what, if anything can be done to restore the water quality.

Benchmarks and timelines: Secure Project Planning Funds December 2016.

- o. Ione Mill Pond. Historically there was a mill at the confluence of Big Muddy Creek and the Pend Oreille River. The mill closed in the late 1980's or early 1990's most of the buildings have been removed, but the pond associated with the Mill remains. There may be opportunities to restore the shorelines in conjunction with plans to reuse the site.

Benchmarks and timelines: Secure Project Planning Funds December 2021.

- p. Cusick River Road. River Road in Cusick was built upon an old levee along the Pend Oreille River. Piecemeal efforts to protect segments of the riverbank with gabion walls have proved to be unsuccessful. As the riverbank continues to erode portions of the roadway are now at increasing risk of failure as are utility mains and communication lines. A comprehensive bank stabilization project prepared by an engineering firm that specializes in these types of projects is required. Because of its high visibility, this project could serve as demonstration project highlighting preferred techniques for bank stabilization and shoreline restoration.

Benchmarks and timelines: Secure Project Planning Funds December 2013.

- q. Cusick Waterfront Park. Through a grant from the Department of Natural Resources the Town of Cusick was able to initiate some restoration activities on City-owned property along the Pend Oreille River north of the City Boat Launch. Depending on the availability of funding, there are additional restoration opportunities at this site.

Benchmarks and timelines: Secure Project Planning Funds December 2013.

- r. Tiger Inlet. The Tiger Inlet League Coordinating Committee is concerned about the effects of flotsam that accumulates in the inlet during high water periods including interference with weed control programs, sedimentation, navigational hazards, and disruption of usage at the public boat launch. The restoration opportunity could include the construction of barrier at the mouth of the inlet to deflect unwanted material.

Benchmarks and timelines: Secure Project Feasibility and Planning Funds December 2015.

Appendix D: Public Access

1. Introduction and Overview

For purposes of implementing the Washington State Shoreline Management Act public access is defined as the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. The Shoreline Management Act requires that the Pend Oreille County Shoreline Master Program must:

- a. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
- b. Protect the rights of navigation and space necessary for water-dependent uses.
- c. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
- d. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

2. Inventory and Assessment of Existing Conditions

In preparing this updated Shoreline Master Program, Pend Oreille County has compiled for the first time a comprehensive list of established public access facilities. These facilities have been included as a separate layer in the County GIS data base and a map highlighting their location is included in Appendix A.

As noted in the following Table, 161 sites providing public access to jurisdictional shorelines in Pend Oreille County have been identified to date. 70 of these sites or 43% are currently available for public use and 91 of the sites are owned by Pend Oreille County but require improvements before they are ready for public use. 71 of the sites provide access to lakes throughout the county, with over half of these sites improved and currently available for use. There are potentially 86 public access points on the Pend Oreille River, but nearly two-thirds of these are tracts that were dedicated to the County through previously approved residential subdivisions and have not been improved for public use.

Table x
Public Access Summary

	Available for use	Undeveloped	Totals
Access to Lakes	37	34	71
Access to Rivers	29	57	86
Access to Creeks	4	0	4
Totals	70	91	161

Local volunteers and/or County Staff have visited most of these facilities and using a standardized inventory form conducted an assessment of the existing conditions. A summary listing of these public access facilities follows.

Table Y Public Access Assessment Summary

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Cunningham Homestead Addition - Public Access	BE 01	POC	Bead Lake	N	N	N	N	N	N	Could not locate site.
Cunningham Homestead Addition - Public Access	BE 02	POC	Bead Lake	N	N	N	N	N	N	Creek nearby, steep slope, riparian area, few tall evergreens.
Diamond Match Co.'s Bead Lake Subdivision - Public Access	BE 03	POC	Bead Lake	N	N	N	N	N	N	No trail visible, old growth tamarack and cedar.
Diamond Match Co.'s Bead Lake Subdivision - Public Access	BE 04	POC	Bead Lake	N	N	N	N	N	N	Mix of old growth and riparian, no trail.
Diamond Match Co.'s Bead Lake Subdivision - Public Access	BE 05	POC	Bead Lake	N	N	N	N	N	N	Possible trail leading to lake. Pine and riparian vegetation.
Diamond Match Co.'s Bead Lake Subdivision - Public Access	BE 06	POC	Bead Lake	N	N	N	N	N	N	Riparian vegetation, power line running through.
Diamond Match Co.'s Bead Lake Subdivision - Public Access	BE 07	POC	Bead Lake	N	N	N	N	N	N	Cannot access shoreline due to thick vegetation.

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Bead Lake Boat Launch - Mineral Bay	BE 08	USFS	Bead Lake	Y	N	Y	Y	Y	Y	Windy boat launch, no erosion, mostly forested w/some clearings, rip-rap along corner of road, slight stormwater erosion along road.
Big Meadow Lake Campground	BM 01	USFS	Heather/Big Meadow Lake	N	Y	Y	Y	N	Y	Wildlife viewing dock, paved trail system, cedar, pine, fir, riparian, wetland.
Browns Lake Campground	BR 01	USFS	Brown's Lake - Middle County	Y	Y	Y	Y	Y	Y	Old growth, aquatic vegetation, cedar, fir, ninebark, mountain ash, syringa, riparian area around the lake.
Caldwell Lake Tracts- Public Access	CA 01	WDFW	Caldwell Lake	Y	N	N	N	N	Y	Steep rocky washed out access road not accessible for passenger cars, steep rocky access trail to lake, cedar, fir, and thick timber.
Caldwell Lake Tracts - Public Access	CA 02	POC	Caldwell Lake	N	N	N	N	N	N	Could not access, roads were gated.
Chain Lake Public Access	CH 01	POC	Chain Lake	N	N	N	N	N	N	Residential area, no sign of access.
Chain Lake	CH 02	WDFW	Chain Lake	N	N	N	N	N	Y	Nice creek, thick riparian, evergreens, grass, yellow-flag iris, very muddy access area.

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Cooks Lake	CO 01	USFS	Cooks Lake	Y	Y	Y	N	Y	Y	Stormwater sediment, riparian, vehicles have driven through wetland area, female Common Goldeneye with young and Spotted Sandpipers.
Cooks Lake - Unimproved Camping	CO 02	USFS	Cooks Lake	N	Y	N	N	N	N	Minimal erosion.
Crescent Lake Campground	CR 01	USFS	Crescent Lake	Y	Y	N	N	Y	Y	Unique colored lake, short steep bank, riparian area, highway borders one side, pine, cedar, willow, cottonwood, grasses, mullan, daisy, fir, knapweed.
Davis Lake Lots - Public Access	DA 01	POC	Davis Lake	N	N	N	N	N	Y	Narrow access surrounded by residential, end of road access, grasses, pine, fir wild rose, clover.
Davis Lake Lots - Public Access	DA 02	POC	Davis Lake	N	N	N	N	N	N	Minimal understory, maple, fir, pines, dandelions, wild rose, t-posts along edge, and slope has been modified.
Davis Lake Lots Public Access	DA 03	POC	Davis Lake	N	N	N	N	N	Y	Storm water erosion, deposited sand, residential, modified slope to lake, fir, cedar, tamarack, wild rose, and ninebark.

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Davis Lake Lots - Public Access	DA 04	POC	Davis Lake	Y	N	N	N	N	N	Residential, property owner's access through it, mowed.
Davis Lake Access	DA 05	WDFW	Davis Lake	Y	N	Y	Y	Y	Y	Small bay near access, riparian, pine, and fir, wild rose, willows, maple, some erosion on sides of access, two waxwings.
Diamond Lake Access	DI 01	WDFW	Diamond Lake	Y	N	Y	Y	Y	Y	Shoreline mainly gravel, willow, lodgepole, Douglas-fir, ponderosa, access is mostly asphalt, gravel parking across the road.
Tarbets Beach Public Access	DI 02	POC	Diamond Lake	N	N	N	N	N	N	Small narrow access, tamarack, cottonwood, ninebark.
Elu Beach Public Access	DI 03	POC	Diamond Lake	N	N	N	N	N	N	Residential, spruce, fir, thick riparian area, grassy, deciduous vegetation. at lake.
Tony A. Stanhope 1st Addition	DI 04	POC	Diamond Lake	N	N	N	N	N	Y	Cedar, thimbleberry, fir, grass, bluegill nest, erosion due to trail through wetland.
Fan Lake Access	FN 01	WDFW	Fan Lake	Y	N	Y	Y	Y	Y	No swimming, pileated woodpecker, wild rose, ninebark, service berry, maple, grand fir ponderosa.

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Fan Lake - YMCA Public Access	FN 02	YMCA	Fan Lake	N	N	N	N	N	Y	Marsh, no trees, exposed soil from foot traffic and erosion, wetland, yellow-flag iris, Camp Reed YMCA.
Frater Lake	FR 01	USFS	Frater Lake	Y	N	Y	Y	Y	Y	Lots of tadpoles, pond habitat, X-country ski trails, wetland, roses, Oregon Grape, conifers, boat launch should be closed but has been forced open and used with trailers, beaver lodge.
Half Moon Lake	HM 01	USFS	Half Moon Lake	Y	N	N	N	Y	Y	Very steep launch, 2 small streams near access that flow underground to lake, cedar, bog wetlands, downed trees in water, maple, tall grasses, and slight stormwater erosion.
Horseshoe Lake Access	HO 01	WDFW	Horseshoe Lake	Y	N	Y	Y	Y	Y	Parking with gravel launch lake view, cleared, power pole, cedar, shrubbery, shale cliff, wild rose, yellow-flag iris.

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Deerhaven Subdivision. Public Access	HO 02	POC	Horseshoe Lake	N	N	N	N	N	N	View of lake and waterfall.
Browns Lake - North (Little Browns Lake)	LB 01	USFS	Browns Lake - North	Y	Y	N	N	N	Y	Waxwing, mountain lake, sparrows, rough road in not suitable for trailers, rutted launch, riparian areas, pine, fir, cranberry, ninebark, aquatic vegetation, alder, birch, grasses, knapweed, hen w/ducklings, large beaver lodge.
Leo Lake Campground	LE 01	USFS	Lake Leo	Y	Y	Y	Y	Y	Y	Two beaver lodges, riparian areas.
Magart's Lake Hill Addition- Public Access	MA 01	POC	Marshall Lake	N	N	N	N	N	Y	Very steep and long to lake, thick natural vegetation.
Marshall Lake Access	MA 02	WDFW	Marshall Lake	N	Y	N	N	N	N	Western Wood Pewee, forested, steep banks, wide gravel launch, lupine, wild roses, cottonwood, Engelmann Spruce, ponderosa pine, lodgepole pine, grand fir.
Marshall Lake Resort	MA 03	Private	Marshall Lake	Y	Y	Y	Y	Y	Y	Not surveyed.
Shadow Bay Resort	MA 4	Private	Marshall Lake	N	Y	Y	Y	N	Y	Not surveyed.

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Sullivan Mill Pond Campground	MP 01	USFS	Mill Pond	Y	N	N	N	Y	Y	Excellent riparian area, erosion at bank.
Sullivan Mill Pond Historical Site	MP 02	USFS	Mill Pond	Y	N	Y	N	N	Y	Historical dam removal, evergreens, knapweed.
Mystic Lake Campground	MY 01	USFS	Mystic Lake	N	Y	Y	N	N	Y	Steep banks, old growth forest, cedar, some riparian around lake, wave action erodes high up onto access.
Stagger Inn Campground	NG 01	USFS	North Fork Granite Creek							Not surveyed.
Nile Lake	NI 01	USFS	Nile Lake	Y	Y	Y	N	Y	Y	Heavy erosion and sediment, unimproved muddy launch, old home site foundation visible, large wetland area surrounded by riparian area and coniferous forest.
No Name Lake	NN 01	USFS	No Name Lake	N	N	N	N	N	Y	Old growth cedar.
North Skookum Boat Ramp	NS 01	DNR	North Skookum Lake							
North Skookum Resort	NS 02	Private	North Skookum Lake	Y	Y	Y	N	Y	Y	Cedar, fir, alder, moderate erosion on boat ramp.

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Parker Lake	PK 01	USFS	Parker Lake	N	Y	N	N	N	Y	Rope swing, old beaver dam, nice wetlands, cedar, fir, clover, thimbleberry, daisy, ninebark, snowberry, ferns, cattails, aquatic plants.
Dewitt Rd.	PR 01	POC	Pend Oreille River	N	N	N	N	N	N	Possible issue building on access site, residential area, vetch, cottonwood, aspen, birch, mtn. ash, pine, mowed grass.
Lorne Reed River Lots-Public Access	PR 02	POC	Pend Oreille River	N	N	N	N	N	N	Road is gated, cannot get to access.
Sunvale Lane	PR 03	POC	Pend Oreille River	N	N	N	N	N	N	Extremely steep bank, forested, cedar, lodgepole pine, tamarack, Oregon Grape, grand fir, summer tanager.
Brathovde Lane	PR 04	POC	Pend Oreille River	Y	N	N	N	Y	Y	Spotted Sandpiper, residential, bay makes for easy launch, lawn right up to water's edge, bald eagle.

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Joyner Dr. E. - 2	PR 05	POC	Pend Oreille River	N	N	N	N	N	N	Too steep for access, pine, maple.
River Bend Estates 1st	PR 06	POC	Pend Oreille River	Y	N	N	N	Y	Y	Song Sparrow, heavy riparian, thick understory, cottonwood, lupine, grasses, willow in the water, birch, deep ruts close to river and in turn-around, erosion north of launch, spotted sandpiper, recent fallen cottonwood from beaver activity.
Phinney's Riverview Homes	PR 07	POC	Pend Oreille River	Y	Y	N	N	N	Y	Pileated woodpecker, heard kingfisher, riparian areas, hawthorn, cottonwood, wild rose, pine, storm erosion down trail, needs trash cleanup.
Patriel Dr. - Brigham's Subdivision	PR 08	POC	Pend Oreille River	N	N	N	N	N	N	Mowed grass, pine, cottonwood, thimbleberry, residential area.

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Yergens Rd. - 1	PR 09	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, birch, pine, thimbleberry, mowed grass, Western Wood Pewee, driveway across access, homeowners made access into lawn.
Yergens Rd. - 2	PR 10	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, cottonwood, pine, Oregon Grape, knapweed.
Yergens Rd. - 3	PR 11	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, cottonwood, aspen, tall grasses, knapweed, Song Sparrow.
Sunrise Beach	PR 12	POC	Pend Oreille River	N	N	N	N	N	Y	Public access, survey marker, shore launch, heavy riparian area, hawthorn, cottonwood, fireweed, daisy, snowberry, aspen, pine, grasses, osprey nest on pilings, thick mud at shore launch.
Green Ridge Estates	PR 13	POC	Pend Oreille River	N	N	N	N	N	N	Bank erosion, bald eagle.
Dilling Dr.	PR 14	POC	Pend Oreille River	N	N	N	N	N	N	Bald Eagle, woodpecker, w/nest, pine, birch, unique location at end of road, bordered by USFS, thick understory, hawthorn, fir, willow,

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										knapweed, daisy, slight erosion.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Arthur's Tranquil Acres Public Access	PR 15	POC	Pend Oreille River	N	N	N	N	N	N	Old growth cedar, fir, downed trees, minimal understory, some erosion due to clearing and boat launch upstream from access.
Alaska Lane N. - Brown's Cold Spring Landing	PR 16	POC	Pend Oreille River	Y	N	N	N	Y	Y	Short concrete ramp could be an issue in low water, public access sign and milfoil sign at water, mowed grass, cedar, cottonwood, birch, milfoil, and launch is deteriorating and has homemade patches.
Davis Rd. - 2	PR 17	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, pine, fir, cottonwood, serviceberry, wild rose, grasses, driveway access for two houses.
Davis Rd. - 1	PR 18	POC	Pend Oreille River	Y	N	N	N	Y	Y	Nice slough west of launch, heavy riparian area, lupine, daisy, yarrow, willow, hawthorn, cottonwood, grasses, heavy erosion along bank, spotted sandpiper, heron, bull

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										frogs.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
River Shores Public Access	PR 19	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, heavy vegetation, hawthorn, pine, fir, snowberry, grasses.
Johnson Rd. - 2	PR 20	POC	Pend Oreille River	Y	N	N	N	N	Y	Giant tadpole, nice wetland/marsh, riparian area, grass is dominant, deep ruts in mud circling the access causing damage to the wetland.
Lazy River Farmettes - Secondary Access	PR 21	POC	Pend Oreille River							
Pend Oreille Homes Water Addition	PR 22	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, fir, larch, cedar, maple.
Sandy Shores	PR 23	POC	Pend Oreille River	Y	N	N	N	Y	Y	Small Mouth Bass, slight erosion, knapweed, lodgepole pine, rose, hawthorn, mustard, pea species, thick low vegetation, two Spotted Sandpipers, Song Sparrows.
Char Springs	PR 24	POC	Pend Oreille River	N	N	N	N	N	N	Narrow shoreline between road and river, heavy pine, steep.

SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Schwab Division	PR 25	POC	Pend Oreille River	N	N	N	N	N	N	Osprey nest close by, high erosion on steep bank, riparian areas, knapweed, yarrow, lupine, pine, hawthorn, willows in the water, chickadees, ducklings in the willows in the water.
Pondoray Shores Road	PR 26	POC	Pend Oreille River	Y	N	N	N	Y	Y	Waxwing, kingfisher, trout.
O'Leary's Addition to Pend Oreille Paradise Public Access	PR 27	POC	Pend Oreille River	Y	N	N	N	N	N	Driveway cuts across access parcel, fir, pine, riparian vegetation, grasses.
Grear's Riverside Public Access	PR 28	POC	Pend Oreille River							Has not been surveyed.
Birchwood Homes	PR 29	POC	Pend Oreille River	N	N	N	N	N	N	Riparian area, thick vegetation, birch, pine, cottonwood.
Hazel Street-2	PR 30	POC	Pend Oreille River	N	N	N	N	N	N	Neighbors have cleared the area and mowed the grass, minimal shoreline erosion, milfoil, knapweed, possibility for a launch.
Hazel Street-1	PR 31	POC	Pend Oreille River	N	N	N	N	N	N	Residential area, cedar, mountain ash, riparian, grass lawn, possible driveway and brown and white trim shed on left side, possibly located in the access.

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Pioneer Acres 1st	PR 32	POC	Pend Oreille River	N	N	N	N	N	N	Fir, honeysuckle, forested, nice habitat, excellent bank, some riparian, Oregon Grape, willow.
Wagon Wheel Avenue	PR 33	POC	Pend Oreille River	N	N	N	N	N	N	Natural area, fir, cedar, pine, siskin, thick understory.
Lazy River Farmettes	PR 34	POC	Pend Oreille River	Y	N	N	N	Y	Y	Grassy, lodgepole pine, knapweed, mowed grass, Chipping Sparrow, Song Sparrow.
Center Street-1	PR 35	POC	Pend Oreille River	N	N	N	N	N	N	Thick vegetation, pine, fir, overgrown roadbed.
Center Street-2	PR 36	POC	Pend Oreille River	Y	N	N	N	Y	Y	Thick riparian at shoreline, evergreen along road, mowed grass in parking area.
Joyner Drive S.-1	PR 37	POC	Pend Oreille River	N	N	N	N	N	N	Power line through the middle (brush has been cleared), ferns, grasses, fir, pine, birch.
Joyner Dr. S.-2	PR 38	POC	Pend Oreille River	N	N	N	N	N	N	Thick vegetation, aspen, birch, fir, daisy, thimbleberry, possible trailer on access.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS

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Dury Rd.	PR 39	POC	Pend Oreille River	N	N	N	N	N	Y	Natural drainage at road, natural bank erosion, spruce, heavily riparian, cottonwood, hawthorn, thimbleberry
Inlet Ave.	PR 40	POC	Pend Oreille River	Y	N	N	N	N	Y	Small landing at shoreline, some erosion by the landing, thimbleberry, riparian habitat, pines, fir, ferns, lupine.
Johnson Road-1	PR 41	POC	Pend Oreille River	N	N	N	N	N	N	Beaver's den, blackbirds, very steep bank, buck brush (ceanothus), pine, fir, Oregon Grape, pine, siskin.
Loren Street	PR 42	POC	Pend Oreille River	N	N	N	N	N	N	Stormwater erosion, steep bank, riparian area, lodgepole pine, Oregon Grape, alder, grass, daisy, lupine, thimbleberry.
Pine Street	PR 43	POC	Pend Oreille River	N	N	N	N	N	N	Thick vegetation, fern, rose, pine, fir, daisy.
Alberta Road	PR 44	POC	Pend Oreille River	N	N	N	N	N	N	Thick riparian, firs, pines, grass, Oregon Grape, steep bank.
Joyner Drive E. - 1	PR 45	POC	Pend Oreille River	N	N	N	N	N	N	Residential, maintained lawn.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS

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Fristad Road	PR 46	POC	Pend Oreille River	N	N	N	N	N	N	Sparrow, thick vegetation, lodgepole pine, fir, tamarack, grasses, deciduous trees, Chipping Sparrow.
Aspen Reflections Landing Public Access	PR 47	POC	Pend Oreille River	N	N	N	N	N	N	Eroding bank, grassy to steep bank, hawthorn, cedar, cottonwood.
Chantry Road.	PR 48	POC	Pend Oreille River	N	N	N	N	N	N	Undeveloped path, fir, pine, grass, hawthorn, willow.
Riverbend Estates 2nd Addition - 1	PR 49	POC	Pend Oreille River	N	N	N	N	N	N	Residential, manicured landscape.
Riverbend Estates 2nd Addition - 2	PR 50	POC	Pend Oreille River	N	N	N	N	N	N	Quail heard, thick riparian, cottonwood, lodgepole pine, ponderosa.
Gregg's Addition	PR 51	POC	Pend Oreille River	N	N	N	N	N	N	Eagle heard nearby, fir, pine, low understory, knapweed, lupine, chokecherry, salsify, vetch.
Green Water Estates	PR 52	POC	Pend Oreille River	Y	Y	N	N	N	N	Juniper, Fir, Oregon Grape, cranberry, cedar, knick knick, cedar, snowberry, daisy, huckleberry, steep cliff.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS

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Green Water Estates	PR 53	POC	Pend Oreille River	Y	N	N	N	Y	Y	Potential for parking, riparian area, cottonwood, hawthorn, daisy, lupine, wild rose, fir, pine, willow, alder, minimal erosion at upstream end of parcel, potential for parking area
Greggs Road	PR 54	POC	Pend Oreille River	Y	N	Y	Y	Y	Y	Erosion visible at low water, thick mature Hawthorn, grasses, few tall pines, vetch, knapweed, thistle, parking area across road, Savannah Sparrow.
Spring Haven	PR 55	POC	Pend Oreille River	N	N	N	N	N	N	Residential, thick vegetation, fir, pine, rose, grebe, nine bark.
Green Ridge Estates 1 st Addition	PR 56	POC	Pend Oreille River	N	N	N	N	N	N	Forested, riparian, large cottonwood.
Edgewater Estates Replat Public Access	PR 57	POC	Pend Oreille River	Y	Y	N	N	Y	Y	Song Sparrow, lots of erosion, fast current, area near river cleared of most vegetation, fir, pine, cottonwood, birch, willow, wild rose, daisy, lupine, Oregon Grape, hawthorn, knapweed, spotted sandpiper.
				BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	
SITE NAME	SITE NO.	SITE MGR	WATER-BODY							COMMENTS
Ione City	PR	Ione	Pend	Y	N	Y	Y	Y	Y	Small erosion areas.

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Park	58	Parks & Rec. Dept.	Oreille River							
Keo's Korner (Usk General Store)	PR 59	Private	Pend Oreille River	Y	N	Y	N	Y	Y	Was not surveyed
Boundary Dam Boat Launch	PR 60	Seattle City Light	Pend Oreille River	Y	Y	Y	Y	Y	Y	Forested, Boundary Dam historic cabin, developed site with campground, forested, grassy areas, and daisy.
Campbell Park and Box Canyon Boat Launch	PR 61	PUD	Pend Oreille River	Y	Y	Y	Y	Y	Y	Rip-rap stabilized banks, good access, highly modified due to dam.
Edgewater Campground	PR 62	USFS	Pend Oreille River	Y	Y	Y	N	Y	Y	Widgeon, small mouth bass, forested marshy, grassy areas, riparian areas, cottonwood, wild rose, pine, cedar, fir, steep bank at campground, milfoil, high erosion upstream of bank, spotted sandpiper, geese, grebe.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS

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Metaline Waterfront Park	PR 63	City of Metaline	Pend Oreille River	Y	N	Y	Y	Y	Y	Developed city park, mowed grass, covered picnic/gathering area, picnic tables, erosion around launch, urban, riparian area.
Blueslide Resort	PR 64	Private	Pend Oreille River							Has not been surveyed.
Kalispel Riverside Park	PR 65	Kalispel Tribe	Pend Oreille River							Has not been surveyed.
Old Ruby Ferry East	PR 66	POC	Pend Oreille River							Has not been surveyed, possibly closed.
Ruby Ferry	PR 67	WDFW	Pend Oreille River	Y	N	Y	N	Y	Y	Fir, cedar, pine, cottonwood, willow, vetch, small-mouth bass, perch, salsify, sandpiper w/babies, birch, heavy bank erosion on both sides of launch.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Cusick Town Park	PR 68	Town of Cusick	Pend Oreille River	Y	N	Y	Y	Y	Y	City park with trails along river, heavily riparian, urban setting, hawthorn, willow grasses.
Old America Kampground	PR 69	Private	Pend Oreille	Y	N	N	Y	N	N	Membership only campground.

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			River							Concrete boat launch, picnic area.
Pioneer Park	PR 70	USFS	Pend Oreille River	Y	Y	Y	Y	Y	Y	Concrete launch, developed USFS campground, cedar, older growth forest.
Panhandle Campground	PR 71	USFS	Pend Oreille River	Y	Y	Y	Y	N	Y	Cement boat launch, developed campground.
River Crest Ranch Supplemental Access	PR 72	PUD	Pend Oreille River	Y	N	Y	Y	Y	Y	
Taylor's Riverside Lots - Public Access	PR 73	POC	Pend Oreille River							Has not been surveyed.
Box Canyon Viewpoint	PR 74	PUD	Pend Oreille River	N	N	Y	Y	N	Y	Viewpoint only, access at Campbell Park. Has not been surveyed
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Manresa Grotto Beach	PR 75	Kalispel Tribe	Pend Oreille River							Has not been surveyed
LeClerc Wildlife Area	PR 76	WDFW	Pend Oreille River	N	N	N	N	N	N	Consists of sites on and off of the river, one site on the West Branch LeClerc Creek.
Pend Oreille Village - Larsen Blvd.	PR 77	County	Pend Oreille River	Y	N	N	N	N	N	Fir, rose, ninebark, asparagus, very steep cliffs, knapweed.
Ione Motel and RV Park	PR 78	Private	Pend Oreille River							Has not been surveyed.
Out Post	PR	Private	Pend							Has not been

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Resort	79		Oreille River							surveyed.
Ledbetter Cove	PR 80	BLM	Pend Oreille River	Y	N	N	N	N	N	Some erosion, bald eagle, fir, Oregon Grape, wild rose, maple, cedar, alder, huckleberry, daisy, thimbleberry, cedar.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
BLM Recreation Site - Boundary Reservoir	PR 81	BLM	Pend Oreille River	Y	Y	N	N	N	N	Cedar, thimbleberry, alder, pine, homemade toilet, possible old landing for logging, cedar, thimbleberry, alder, pine, daisy, fireweed, knapweed, minor bank erosion, road access.
Rat Island	PR 82		Pend Oreille	Y	N	N	N	N	N	Huckleberry, Fir, Oregon Grape,

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			River							juniper, Spotted Sandpiper, wild rose, small mouth bass, daisy.
Lime Creek	PR 83	USFS	Pend Oreille River	Y	N	N	N	N	N	Some erosion, homemade bathroom, juniper, tamarack, birch, ninebark, Oregon Grape.
Ashenfelter Bay	PR 84	WDFW	Pend Oreille River	Y	N	N	N	Y	Y	Bull frog heard, pines, fir, hawthorn, riparian area, cottonwood, Oregon Grape, stormwater erosion, needs trash cleanup.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Old Town Boat Launch (Idaho)	PR 85		Pend Oreille River	Y	N	Y	Y	Y	Y	Very nice developed site, lots of parking for cars, and vehicles with trailers, bathroom, dock, strong current, some erosion, large Highway 2 bridge borders site.
Flume Creek	PR 86	USFS	Pend Oreille River	N	N	N	N	N	N	Old Generator - water powered with water from flume, cedar, cottonwood, daisy, ninebark, fir, birch, bald eagle, cranberry, Oregon Grape, minor erosion.
	PR 87	State	Pend Oreille River	N	N	N	N	N	N	Natural undeveloped shoreline.

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Petit Lake Campground	PT 01	USFS	Petit Lake	Y	Y	N	N	Y	Y	Large storm water erosion problem, very small sign at lake entrance, riparian area, wetland.
Power Lake - 1	PW 01	PUD	Power Lake	N	Y	Y	N	N	Y	Site is on Calispel Creek as it runs into Power Lake, heavy riparian area, tall grasses, cedar, pine, fir, erosion from foot traffic to the creek, song sparrows.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Power Lake - 2	PW 02	PUD	Power Lake	N	Y	N	N	N	Y	Evergreen dominant, fir, pine, cedar, thimbleberry, willow, yarrow, lots of knapweed at the dam, PUD Dam Site, steep slopes, Western Skink.
Schaefer's Beach Addition - Public Access	SA 01	POC	Sacheen Lake	N	N	N	N	N	N	Fir, thimbleberry, maple, wild strawberry, alder, residential encroachment.
Schaefer's Beach Addition - Public Access	SA 02	POC	Sacheen Lake	N	N	N	N	N	N	Heavily forested, cedar, fir, alder, Oregon Grape, maple.

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Poirier's Development	SA 03	POC	Sacheen Lake	N	N	N	N	N	Y	Forest banks, fir, willow, alder, yellow flag iris, shallow marshy, wetland.
Reed's Shady Rest Addition - Public Access	SA 04	POC	Sacheen Lake	N	N	N	N	N	N	Residential encroachment from neighbor, tall grasses.
Sorenson's Beach - Public Access	SA 05	POC	Sacheen Lake	N	N	N	N	N	N	Heavily forested, thick understory, Oregon Grape, fir, pine.
Hatch's Beach - Public Access	SA 06	POC	Sacheen Lake	N	N	N	N	N	N	Cedar, thimbleberry, fir, access crossed by driveways.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Eastshore Subdivision- Public Access	SA 07	POC	Sacheen Lake	N	N	N	N	N	Y	Power pole, mountain ash, rose, Oregon Grape, large granite boulders to water.
Eastshore Subdivision - Public Access	SA 08	POC	Sacheen Lake	N	N	N	N	N	Y	Cement sidewalk, minimal understory.
Sacheen Shores Public Access	SA 09	POC	Sacheen Lake							Not surveyed, parcel is isolated with no access road to site. It is surrounded by private property.
Granite Shores Public Access	SA 10	POC	Sacheen Lake	N	N	N	N	N	N	Steep bank, cedar, fir, thimbleberry, lodgepole pine, possible clearing due to residential encroachment.

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Eisenbroth's Subdivision Public Access	SA 11	POC	Sacheen Lake	N	N	N	N	N	N	Shop built across access.
Kohles Beach Subdivision Public Access	SA 12	POC	Sacheen Lake	N	N	N	N	N	N	Pine, fir, maple, dock, clearing, gently slopes to lake.
Lakeshore Lots Public Access	SA 13	POC	Sacheen Lake	N	N	N	N	N	Y	Steep bank, fir, pine, lupine, rose, driveway across access.
				BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	
SITE NAME	SITE NO.	SITE MGR	WATER-BODY							COMMENTS
Sacheen Lake Access	SA 14	WDFW	Sacheen Lake	Y	Y	Y	Y	Y	Y	Heavy riparian, marsh, wetlands, fir, pine, alder, gentle slope to lake, chain link fence with gate at road, great blue heron, Red Winged Black Bird, Snipe, Siskin.
Sullivan Creek - Unimproved Campground	SC 01	USFS	Sullivan Creek	Y	Y	N	N	N	Y	Erosion on river bank, cedar, fir, primitive campground.
Bear Park Campground	SK 01	DNR	Skookum Creek	N	Y	Y	N	N	Y	Pileated woodpeckers, milfoil, heavily riparian, nice

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										wetland/slough, supposedly one of the largest disease-free white pine stands.
South Skookum Lake Campground	SS 01	USFS	South Skookum Lake	Y	Y	Y	Y	Y	Y	Alpine lake. With developed USFS campground, cedar, fir, snowberry, aquatic vegetation, minor bank erosion at boat launch and docks.
East Sullivan Lake Campground	SU 01	USFS	Sullivan Lake	Y	Y	Y	Y	Y	Y	Small erosion on steep bank, forested with cedar, fir, cottonwood, birch.
SITE NAME	SITE NO.	SITE MGR	WATER-BODY	BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	COMMENTS
Noisy Creek Campground	SU 02	USFS	Sullivan Lake	Y	Y	N	Y	Y	Y	Clear lake, gravel bottom, heavily forested, cedar, birch, nine bark, wild rose, blackberry, fir, maple, cottonwood, rock armoring at launch
Sullivan Lake Campground West	SU 03	USFS	Sullivan Lake	N	N	N	N	N	Y	Not much here but trail to water and parking, some erosion, steep bank.
Sullivan Lake Viewpoint	SU 05	USFS	Sullivan Lake	N	N	N	N	N	Y	Very steep and eroded bank, cedar, willow, birch, aspen, fir.
Sullivan Lake - Turn Out	SU 04	USFS	Sullivan Lake	N	N	N	N	N	Y	Benches for viewing, steep bank with moderate erosion, social paths.
Sweet Creek Falls Park	SW 01	POC	Sweet Creek	N	N	Y	Y	Y	Y	Beautiful scenery, small stream,

										waterfall, cedar, historical site, improvement project in the works.
West Branch Little Spokane Habitat Area	WB 01	WDFW, County	Horseshoe and Fan Lakes, W. Branch Little Spokane River	N	N	N	N	N	Y	Forested, pine, fir, rose, area is too large to have surveyed it in its entirety.
Yocum Lake - 1	YO 01	POC	Yocum Lake	Y	Y	N	N	Y	Y	Ninebark, bullfrog, thimble berry, chickadee, heavy erosion.
				BOAT RAMP	CAMPING	RESTROOMS	ADA ACCESSIBLE	TRAILER PARKING	CAR PARKING	
SITE NAME	SITE NO.	SITE MGR	WATER-BODY							COMMENTS
Yocum Lake - 2	YO 02	USFS	Yocum Lake	Y	Y	N	N	N	Y	Bullfrogs present, tamarack, very unsafe home-made dock, large logs used as dock, loons documented on lake, cedar, fir, forget-me-nots, ninebark, snowberry, heavy stormwater erosion down bank from road, moderate erosion at shore access.

3. Measures to Enhance Public Access

Increasing opportunities for the public to access bodies of water without adversely affecting ecological functions is an important principal upon which this updated Shoreline Master Program

3. Measures to Increase Public Access.

Increasing opportunities for the public to access bodies of water without adversely affecting ecological functions is an important principal upon which this updated Shoreline Master Program is based. In addition to several new policies that address increasing public access there are three important provisions in the implementing regulations that should be highlighted. The first is a provision in the County zoning standards (xx.26.....) which requires that:

“Water Access. All applications for development activities fronting, near, or proposing to access a river, lake, stream, or other body of water shall include, subject to County review and approval, a Water Access Management Plan. This plan shall be processed in accordance with the procedures for any associated permits, and shall include, but is not limited to:

- 1. Identification of the proposed water related uses;*
- 2. Proposed measures to stabilize the bank or shorelines and to preserve the natural environment;*
- 3. The location and type of proposed access;*
- 4. Proposed parking plans;*
- 5. Storm water management plans;*
- 6. Public health and safety facilities;*
- 7. Lighting, landscaping, and protective buffers;*
- 8. Proposed measures to comply with the requirements of this Title, the Comprehensive Plan, the Shoreline Master Program, and other applicable local, state, and federal permits and approvals; and*
- 9. Documentation that the proposed use will not exceed the natural capacity of the water body and that it will not adversely effect environmentally sensitive areas.”*

The second provision is contained in the updated Shoreline regulations (xx.34.070) which requires that:

“Any new lots that are created through a subdivision, exempt segregation, Master Planned Resort, RV Park, RV Resort, Binding Site Plan, or any other means legally permitted through this Title from a parcel that contains jurisdictional shorelines or required buffers shall meet the following standards:

- 1. All required shoreline buffers shall be included in a designated open space parcel(s) and shall be owned collectively by a homeowners association or public land stewardship entity as may be approved by the County.*
- 2. Designated open spaces shall be accessible by the public, subject to specific use restrictions that may be established by the County to protect ecological functions.”*

In addition, the County has also revised a previous practice of allowing unregulated use of County-owned land and now limits camping on County owned property to designated sites. This should serve to direct campers to appropriate locations and avoid inappropriate uses of public lands. Collectively these three requirements will serve to significantly enhance public access opportunities in a manner that does not adversely affect the ecological of shorelines.

It is also important to note that Pend Oreille PUD No. 1 is required as a condition of relicensing the Box Canyon Hydroelectric Project to prepare and implement a Recreation Plan which shall include provisions for monitoring recreation use in the project area to ensure that existing facilities are meeting public recreation needs. If there is a need for additional facilities, this plan must be revised to include a schedule of proposed projects to accommodate the recreation needs in the project area. It is the intent of the County to work closely with the PUD as it addresses this condition of approval to assure that it is coordinated with the overall efforts to implement this Shoreline Master Program. (See Appendix H for more details). It is anticipated that Seattle City Light’s new license for Boundary Dam will include a similar condition of approval related to recreation development.

4. Public Access Priorities

The following priorities have been established to guide the allocation of limited public resources to increase public access to bodies of water throughout the County:

- a. Maintenance of existing facilities. The residents and visitors to Pend Oreille County currently enjoy the use of numerous public facilities located throughout the County. In an effort to protect the substantial investment that has already been made, the highest public access priority is to maintain these existing facilities and to improve them as resources permit.
- b. Water Trail Development. In terms of new access opportunities, the highest priority is to support the efforts of the local coalition dedicated to the establishment of a water trail on the Pend Oreille River. This project has exciting potential not only to promote environmentally responsible outdoor recreation, but also has the potential to become a significant economic development activity.

- c. Pend Oreille River Marina. Another high public access priority is the development of a marina on the Pend Oreille River somewhere between Newport and the Box Canyon Dam. This facility should be located at a site away from the confluences of the river and its tributaries, that does not require dredging, and that does not adversely affect priority habitat or impair ecological functions. A properly designed fueling facility would be an important feature that could serve to reduce spills associated with manual refueling.
- d. More effective utilization of County owned property. As a result of previous subdivisions, the County owns numerous public access sites that have not been developed. Upon the establishment of low impact development standards some of these sites could be developed to provide additional opportunities for public access, particularly in conjunction with local initiatives such as the local water trails project or the Audubon Society Bird Trails project.

5. Public Access Resource Guide

In an effort to facilitate the public use and enjoyment of water bodies, Pend Oreille County is preparing a resource guide that highlights the facilities available at each public access site available for public use. These resource guides will be posted online and will include an interactive feature that will enable users to assess the facilities and provide the facility managers with feedback that can be used to improve the facilities over time.

Appendix E: Cumulative Impact Analysis and No Net Loss Report

1. Introduction and Overview.

The Washington State Shoreline Management Act requires that the adoption and implementation of local Shoreline Master Programs do not result in the net loss of shoreline ecological functions. As a result, Pend Oreille County is required to evaluate and consider the cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the Shoreline Management Act. This evaluation of cumulative impacts should consider:

- a. Current circumstances affecting the shorelines and relevant natural processes;
- b. Reasonably foreseeable future development and use of the shoreline; and
- c. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

In assessing the cumulative impacts associated with the adoption and implementation of this updated Shoreline Master Program consideration must be given to both programmatic and project related impacts. In addition, it is important to keep in mind the limited scope of the County's original Shoreline Master Program and the limited capacity that until recently the County had to implement its Shoreline Master Program. All factors considered, the adoption of this updated Shoreline Master Program will have an extremely positive impact on the ecological function of shorelines throughout the County. In addition, the planning capacity that has been developed through this update process will enable the County to more effectively ensure that subsequent project specific development activities will not contribute to a net loss of ecological functions.

2. Current circumstances affecting the shorelines and relevant natural processes.

In evaluating the current circumstances affecting shorelines and relevant natural processes it is important to keep in mind that the County's current Shoreline Master Program is extremely outdated and is of limited value in protecting the community's shorelines. Substantial areas of jurisdictional shorelines were not designated, and the shoreline maps were prepared at a scale that renders them useless. Furthermore, the limited scope of the shoreline regulations when combined with the limited scope of the County's Development Regulations that existed until recently, meant that controls on development activities in or near jurisdictional areas over the

past 30 plus years has been minimal at best. As a result, the most significant circumstance currently affecting shorelines in Pend Oreille County is the continued implementation of the existing Shoreline Master Program and the delays that have occurred in adopting an updated Master Program and implementing regulations.

Another significant current circumstance is the federal relicensing of the dams on the Pend Oreille River. There are numerous dams on the Pend Oreille River, including two in Pend Oreille County and as a result, the river's natural functions are highly controlled. The Box Canyon Dam, operated by the Pend Oreille PUD, has received a new federal license and Boundary Dam, operated by Seattle City Light, is expected to receive its license renewal late in 2011. The relicensing process includes an extensive analysis of natural systems within the shoreline environment and conditions of approval include mitigating measures, restoration activities, improvements to public access, and on-going monitoring activities.

Historically, much of the development activity in Pend Oreille County has occurred along the Pend Oreille River and several of the larger lakes that aren't on public lands, most notably Diamond, Davis, Sacheen, Marshall, Horseshoe, and Bead Lakes. By and large, most of the parcels in these areas that are readily accessible and serviceable by septic systems are largely built-out. Recent development activities are characterized by in-fill development, remodeling activities, and the conversion of summer cabins to more full time residences.

3. Reasonably foreseeable future development and use of shorelines.

As a rural county with a resource based economy, Pend Oreille has experienced an extended period of economic decline and stagnation that is not likely to change in the foreseeable future. When you add in the recent national economic recession and the unavailability of financing, it is difficult to foresee any significant levels of development activity for quite some time. If anything, there will be more economic downturn as evidenced by the closure of the mine in Metaline Falls and further economic displacement. In addition, there are significant topographic constraints to development along the Pend Oreille River, especially north of Box Canyon Dam that when combined with the fluctuations in water levels and the potential for seasonal flooding. In the south County, the completion of the north-south freeway in neighboring Spokane County may result in an increase interest in the development of single family residences, although this may be offset by higher gas prices and the cost of commuting to employment centers in the south. All factors considered, very little if any significant development activity within jurisdictional shoreline areas is anticipated. There will continue to be repairs and remodeling of single family residences and some residential in-fill development, but new residential

subdivisions, large scale resorts, and new higher intensity commercial and industrial uses are extremely unlikely.

An examination of Table D, which highlights the number of improved and unimproved parcels within each shoreline designation, further underscores the likelihood of little future development. There are currently just over 7,000 privately owned parcels with jurisdictional shorelines in the county and approximately 70 % of them are already improved. Over half of the unimproved lots are in Rural Conservancy areas which are primarily commercial timber lands with twenty or forty acre minimum lot sizes. The unimproved parcels in Rural Residential areas tend to have limited access and are characterized by five, ten, and twenty acre minimum lot sizes.

4. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

The following is a list of factors that are contributing to the beneficial impact on ecological functions of shorelines within the County and a brief discussion of the beneficial effects.

a. Establishment of a County-wide GIS mapping and data management system.

Features of this new system include:

1. Parcel layers;
2. Geo-referenced aerial oblique photography;
3. Aerial photography;
4. Jurisdictional shorelines;
5. Shoreline designations;
6. Public access points;
7. Public and private roads and utilities;
8. Barriers to fish passages;
9. Zoning for all local governments;

10. Future Land Use Maps for all local governments; and

11. Environmentally sensitive areas.

In addition, it is very important to note that the County has now acquired high resolution imagery of shorelines throughout the County with 4” to 12” pixels taken in May of 2011 that will be an invaluable tool for permitting, monitoring, and enforcement.

Benefits: The County’s original Shoreline Master Program was based on three hand drawn maps and no supporting data. The scale on the maps was so small it was virtually impossible to read or interpret them. Now the County has an online database that is readily accessible by resource agencies and property owners with a wealth of information. This has substantially improved the quality of the Goals and Policies within the Shoreline Master Program and will be invaluable in processing shoreline permits in the future as well as in ongoing monitoring and enforcement activities.

- b. **Increase in the number of jurisdictional bodies of water.** During the update process it was determined that several bodies of water met the threshold criteria for designation as Shorelines of the State but were not included in the County’s original Shoreline Master Program. In addition, it appears that due to mapping limitations the jurisdictional boundaries for several creeks were stopped at section lines instead of continuing upstream to the point where flows drop below the jurisdictional thresholds. As a result of the improved mapping capacity of the County an additional 9,775 acres of shoreline have been included on jurisdictional shoreline maps.

Benefits: This has resulted in a 54% increase in the jurisdictional shoreline areas clearly being protected by the provisions of the Shoreline Management Act and the provisions of the updated Shoreline Master Program.

- c. **Establishment of a new shoreline classification system.** The original classification system consisted of four designations; Natural, Conservancy, Rural, and Urban. The new classification system consists of nine designations: Natural, Rural Conservancy, Rural Residential, Rural Higher Intensity, Urban Conservancy, Urban Residential, Urban Higher Intensity, Aquatics, and Tribal. The new classification system affords higher levels of protection to shoreline areas and enables the County to establish customized approaches that are more effectively integrated with land use planning tools and the provisions of the Growth Management Act.

Benefits: The establishment of the new shoreline designations has resulted in the following:

1. An increase in the shoreline area designated as Natural and afforded the highest level of protection from 247 acres which represents only 1.3 percent of the jurisdictional shorelines in the County, to over 6,684 acres, an increase of 2,606 percent!
 2. An increase in the shoreline area designated as Conservancy and afforded the second highest level of protection from 5,823 acres or 32 % of the jurisdictional shorelines to 18,932 acres a 225% increase!
 3. Separating rural and urban uses into different classifications in order to be more consistent with the provisions of the Growth Management Act and to enable the County to establish more customized protection measures;
 4. Establishing a new aquatic designation for areas water-ward of the Ordinary High Water Mark.
 5. Establishing a new Tribal designation applicable to lands under the jurisdiction of the Kalispel Tribe. While lands designated as Tribal are not under the jurisdiction of the Shoreline Management Act, this designation enables all shoreline areas to be accounted for, eliminates potential confusion, and promotes intergovernmental coordination in the protection of shoreline areas.
 6. Making a distinction between conservancy areas in an urban environment and the rural environment, which enables the County to establish more customized protection measures; and
 7. Establishing distinct residential designations for urban and rural areas separate from other higher intensity uses, which enable the County to establish more customized protection measures.
- d. **Stronger policy guidance.** The updated Shoreline Master Program includes stronger policy guidance regarding the no net loss of ecological function and the avoidance of potential adverse impacts.

Benefits: As a result of the update process, there is a much stronger appreciation of the ecological function of shorelines and the importance of protecting them. The revised Goals and Policies contained in the updated Shoreline Master Program will provide much clearer policy guidance to decision-makers and it is reasonable to expect that they will be used on an ongoing basis. The updated Shoreline Master Program has also been integrated into the County Comprehensive Plan which further reinforces the relevancy of the program as a decision-making tool.

- e. **Increased buffers.** The original Shoreline Master Program included shoreline buffers that typically ranged from 25' to 50'. The setbacks in the revised Shoreline Master Program range from 25' to 200' and afford a much higher level of protection.

Benefits: The areas designated as shoreline buffers which are no build areas have been significantly increased and afford a much higher level of protection. For instance, the buffer for shorelines designated as Natural has been increased from 50' to 200', a 300% increase.

- f. **Stronger planning context.** When the original Shoreline Master Program was updated the County did not have a Comprehensive Plan, or a Zoning Map, and virtually no development regulations. Now the County has a Comprehensive Plan prepared and implemented in accordance with the provisions of the Washington State Growth Management Act, as well as an Official Zoning Map, and County-wide Development Regulations.

Benefits: At the time the original Shoreline Master Program was adopted development activities were largely unregulated through-out the County and there was no meaningful context for the implementation of the adopted regulations to implement the Shoreline Master Program. Now the County has a professional planning staff, regulations to address all development activities within the County, new application forms, a permit processing system, and protocols with natural resource agencies to provide meaningful opportunities for their participation in the review and approval of applications. As a result, it is reasonable to expect that the updated shoreline regulations which are substantially stronger and more comprehensive will actually be implemented.

- g. **Inter-local planning agreements.** Through the Shoreline Master Program update process the County has executed new inter-local planning agreements with all cities and towns in the County and is processing permits on behalf of each local government including all shoreline permits.

Benefits: The local governments in the county now have access to professional planning services that they otherwise couldn't afford to implement their updated Shoreline Master Programs and implementing regulations.

- h. **Regional Partnerships established.** The Shoreline Master Program update process was sponsored by a Regional Partnership that included the active participation of the Pend Oreille Public Utility District (PUD) and the Kalispel Tribe and was supported by numerous natural resource agencies including the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources. The multi-state Clark Fork Water Quality Coalition was also a participant.

Benefits: The original Shoreline Master Program was developed and implemented with limited local support. The broad base of support that has now been established will result in more meaningful and effective implementation of the Shoreline Master Program, stronger protection of shoreline environments, and a coordinated approach to restoration efforts.

- i. **Stronger regulations.** The original regulations to implement the County Shoreline Master Program were limited in scope. The revised regulations include:
 - 1. More limitations on permitted uses in jurisdictional shorelines;
 - 2. Clearer restrictions on activities that can occur in shoreline buffers;
 - 3. A requirement that shoreline areas in new subdivisions remain in public ownership;
 - 4. Clearing and grading requirements;
 - 5. Stronger regulations on vegetation removal;
 - 6. Stronger regulations governing dredging;
 - 7. Stronger regulations governing bank stabilization and a clear preference for bio-engineered approaches;
 - 8. Clearer standards for the construction of docks; and

9. Dark sky requirements.

Benefits: The new regulations afford a much higher level of protection for jurisdictional shorelines and a much stronger emphasis on avoidance of potential adverse impacts.

10. **Restoration projects.** The updated Shoreline Master Program includes numerous restoration projects which will increase the ecological function of shoreline areas that have been impaired.

Benefits: This will result in a net increase to ecological function and will offset any unintended loss of ecological function that could occur as a result of project specific development activities.

11. **Early Implementation of updated Shoreline Master Program.** By law, Pend Oreille County is not required to adopt an updated Shoreline Master Program until December 1, 2014. The County elected to initiate the update process earlier than required by law and as a result it is expected that the updated Shoreline Master Program will be in effect two years earlier than required.

Benefits: Given the very limited nature of the existing Shoreline Master Program the two extra years under the updated Master Program will result in a significant positive impact on the ecological function of shorelines in the County.

5. No Net Loss Report.

This section highlights how the revised designations, policies, and regulations address the findings of the cumulative impact analysis.

- a. As previously noted, the cumulative impacts on the ecological functions of shorelines in Pend Oreille County reasonably expected as a result of the implementation of this amended Master Program are overwhelmingly positive. Any potential loss of ecological function that may occur as a result of previously development activities in shoreline areas will be substantially offset by improvements of ecological function to an order of magnitude that a no net loss of ecological function is a certainty. Never-the-less, the County is committed to monitoring changes in conditions and trends and will make any adjustments to the Master Program that may be necessary to ensure that the no net loss standard is in fact achieved over the 20 year planning horizon of this plan.

- b. The preceding cumulative impact analysis highlights the all of the programmatic measures contained in this updated Master Program that will contribute to the no net loss of ecological function. Once again, some of the highlights include:
 - 1. Increasing the shoreline areas under the jurisdiction of the provisions of this update Shoreline Master Program by 9,975 acres a 54% increase.
 - 2. Increasing the shoreline area designated as Natural which is afforded the highest level of protection from 247 acres which represents only 1.3 percent of the jurisdictional shorelines in the County, to over 6,684 acres, an increase of 2,606 percent!
 - 3. Increasing the shoreline area designated as Conservancy and afforded the second highest level of protection from 5,823 acres or 32 % of the jurisdictional shorelines to 18,932 acres a 225% increase!
 - 4. Collectively, the changes in Natural and Conservancy shoreline designations have resulted in over 92% of the shorelines in the County receiving the highest or second highest level of protection possible!
 - 5. Replacing the largely illegible hand drawn shoreline maps with a GIS mapping system that includes high resolution imagery of all shoreline areas which will tremendously enhance permitting, monitoring, and enforcement activities.
 - 6. In addition, it should be noted that the Shoreline Master Program that is being replaced by this updated Master Program was not amended since its adoption in 1974 and was developed before the County had a Comprehensive Plan, or a zoning code or any type of development regulations or regulations to protect environmentally sensitive areas.
- c. While the cumulative impact analysis identifies several more measures that are expected to have a positive impact on ecological functions, it is important to elaborate on the projected levels of development that are reasonably foreseen for Pend Oreille County over the next 20 years. In order to do so, the County recently examined the building permit records for the ten-year period from the year 2000 to 2009. This period included periods of positive economic growth as well as the current economic conditions of uncertainty and decline that are expected to continue well into the future. During this ten-year period the County issued approximately 617 building permits for new single family

residences, an average of only 62 new houses a year for the entire County! Using the year of 2004 as a representative year, the County examined the building permits issued that year and found that only x involved construction in or near a jurisdictional shoreline area. Since this low level of development occurred under the limited provisions contained in the 1972 Shoreline Master Program and prior to the adoption of County-wide Development Regulations, it is not expected that future levels of development under the more stringent standards contained in this updated Master Program will be higher. In other words, there is very strong evidence to support a conclusion that the County will be experiencing very little new construction in the future and as a result very little if any potential for any additional adverse impacts to ecological function.

Table A
Shoreline Area by New Designations

Designations	Area (acres)	Percent
Natural	6,684	24%
Rural Conservancy	18,746	67%
Rural High Intensity	82	0%
Rural Residential	1,682	6%
Urban Conservancy	186	1%
Urban Higher Intensity	42	0%
Urban Residential	441	2%
Total Jurisdictional Shorelines	27,862	100%
Aquatic	16,364	
Total Jurisdictional Area	44,226	
Tribal Jurisdiction	2,815	
Total Shoreline Area	47,040	

Table B
Comparative Shoreline Designations (acres)

	Original Designations		Updated Designations		Change
Natural	247	1%	6,684	24%	2606%
Urban	2,241	12%	483	2%	-78%
Urban Residential					
Urban Higher Intensity					
Rural	9,776	54%	1,764	6%	-82%
Rural Residential					
Rural Higher Intensity					
Conservancy	5,823	32%	18,932	68%	225%
Urban Conservancy					
Rural Conservancy					
Totals	18,087	100%	27,862	100%	54%

Table C
Jurisdictional Analysis

	Acres	Percent
County Jurisdiction (Rural)	27,194	98%
Natural	6,684	24%
Rural Conservancy	18,746	67%
Rural Residential	1,682	6%
Rural High Intensity	82	0%
City/Town Jurisdiction (Urban)	668	2%
Urban Conservancy	186	1%
Urban Residential	441	2%
Urban Higher Intensity	42	0%
Total Shorelands Under SMA Jurisdiction	27,862	63%
Aquatic Areas Under SMA Jurisdiction (>OHWM)	16,364	37%
Total Acreage under SMA Jurisdiction	44,226	
Total Acreage Under Tribal Jurisdiction	2,815	6%
Total Shorelines in Pend Oreille County	47,040	

Table D

Distribution of parcels with parcel numbers that contain jurisdictional shorelines

	<1 acre	1-5 acres	5-10 acres	10-20 acres	20-40 acres	40+acres	Totals
Rural Higher Intensity	0	0	0	3	6	9	18
With improvements	0	0	0	3	6	9	18
Without improvements	0	0	0	0	0	0	0
Rural Residential	1,956	588	90	56	67	72	2,829
With improvements	1,384	382	69	33	46	61	1,975
Without improvements	572	206	21	23	21	11	854
Rural Conservancy	682	439	401	373	381	769	3,045
With improvements	472	246	240	225	236	541	1,960
Without improvements	210	193	161	148	145	228	1,085
Urban Higher Intensity	8	13	2	2	2	2	29
With improvements	6	10	1	2	1	2	22
Without improvements	2	3	1	0	1	0	7
Urban Residential	299	59	11	9	5	17	400
With improvements	288	48	9	8	5	16	374
Without improvements	11	11	2	1	0	1	26
Urban Conservancy	50	29	11	5	8	16	119
With improvements	40	24	11	5	8	15	103
Without improvements	10	5	0	0	0	1	16
Natural	10	39	25	83	71	339	567
With improvements	8	28	17	62	56	311	482
Without improvements	2	11	8	21	15	28	85
Tribal	4	5	1	10	11	99	130

*Pend Oreille County Regional Partnership
Updated Shoreline Master Program
BOCC Locally Adopted Draft
October 30, 2012*

With improvements	2	5	1	9	10	92	119
Without improvements	2	0	0	1	1	7	11
Totals	3,009	1,172	541	541	551	1,323	7,137
With improvements	2,200	743	348	347	368	1,047	5,053
Without improvements	809	429	193	194	183	276	2,084

Appendix F: Inter-local Planning Agreements

1. Introduction and Overview

Pend Oreille County has executed inter-local planning agreements to implement this updated shoreline master program with the towns of Metaline, Metaline Falls, Ione, and Cusick. The County does not provide current planning services to the City of Newport and as a result an inter-local agreement has not been executed between the jurisdictions. In addition, there are only two parcels with jurisdictional shorelines within the City of Newport, the site of the City's Sewage Treatment Plant and an island owned by the City as a natural park. Newport has however, amended its Development Regulations to adopt the amended County Shoreline Master Program. Copies of the executed inter-local planning agreements follow.

Appendix G: 1974 Pend Oreille County Shoreline Master Program

1. Introduction and Overview

In 1974 Pend Oreille County adopted a Shoreline Master Program in accordance with the provisions of the recently adopted Shoreline Management Act of 1971. This original Shoreline Master Program has not been revised or updated and will continue to be in effect until this updated Shoreline Master Program has received all necessary state and local approvals.

Appendix H: Box Canyon Hydroelectric Project FERC Relicensing Agreement

1. Introduction and Overview

The Box Canyon Hydroelectric Project is one of two federally licensed projects on the Pend Oreille River within Pend Oreille County. The Box Canyon Project is owned and operated by Pend Oreille County Public Utility District No. 1 and it includes a 62-foot-high, 260-foot-long dam located approximately 34 miles upstream from the confluence of the Pend Oreille River with the Columbia River as well as pumping plant near the confluence of Calispell Creek with the Pend Oreille River. The dam impounds about 55 miles of the Pend Oreille River to create Box Canyon Reservoir which crosses into Idaho two miles below the Albeni Falls Dam. The pumping plant was originally built in the 1900's to prevent flooding of agricultural lands along the Pend Oreille River. The pumping plant pumps water from Pend Oreille Creek over a railroad dike into the reservoir behind the dam and enables the PUD to increase its power production. The dam was originally licensed in 1952 and was subsequently relicensed in 2005. As a part of the federal relicensing process extensive environmental analysis was conducted and an environmental impact statement prepared. These documents were made available to Pend Oreille County by the PUD during the Shoreline Master Program update process and proved to be an invaluable resource.

The Order Issuing a New License for the Box Canyon Hydroelectric Project contains numerous conditions that will have a significant effect on the Pend Oreille River and its tributaries. Some of the key conditions are highlighted below and a copy of the entire Order has been attached as a reference document.

2. Key Provisions of the Order Issuing a New License

The PUD operates the Box Canyon Dam in a run-of-the river mode so that the flows released from the project approximate the flows from the Albeni Dam. As a result, the backwater effect of the Box Canyon Dam is limited to a two-foot maximum at the base of the Albeni Falls Dam. When ramping flows to compensate for the reservoirs retention time, the drawdown rate is limited to a maximum of three inches per hour to protect fish and aquatic resources. Other key provisions include:

- a. The PUD has acquired two parcels of land totaling 700 acres which it manages for wildlife purposes. These wildlife management areas are located at Everett Island (RM 76) and Tacoma Creek (near RM 66). Under the provisions of the new license, the District will continue to manage these areas for wildlife, implementing measures for wetland construction and enhancement, plantings to improve riparian habitat, and fencing to control grazing.

- b. In order to protect Bull Trout in the Project Area the PUD is required to prepare and implement a Trout Assessment and Implementation plan (TARP) in consultation with the Department of Interior, the Kalispel Indian Tribe, the U.S. Forest Service, and the Washington Department of Fish and Wildlife (Article 406).
- c. The PUD is required to prepare and implement a Comprehensive Wildlife Management Plan which shall include the enhancement, monitoring, and evaluation of provisions contained in the wildlife management plans for the Tacoma Creek and Everett Island Management Areas as well as management plans for cottonwood enhancement, grazing management, wetland creation and enhancement, waterfowl management, grizzly bear awareness, bald eagle management, and fish-eating bird management (Article 407).
- d. The PUD is required to prepare and implement an Erosion Control and Monitoring Plan. The purpose of this plan is to determine the location and rate of shoreline erosion that is occurring at various points throughout the reservoir and the degree to which project operations contribute to such erosion. In areas where project operations are clearing contributing to erosion the PUD must also prepare and implement an erosion control, protection, and restoration plan. This shall include a plan and schedule for implementing measures necessary control, prevent, and repair identified erosion areas as well as measures to assist the Pend Oreille Conservation District in educating the public on the causes of erosion and on bank protection and stabilization techniques (Article 408).
- e. The PUD is required to prepare and implement a Shoreline Management Plan for use of the shoreline around the project reservoir. This plan, at a minimum, shall include a detailed description of proposed shoreline use and development requirements, guidelines, or permitted uses; a description of efforts to coordinate with jurisdictional entities in implementing the plan; and appropriate maps showing proposed shoreline developments and uses (Article 409).
- f. The PUD is required to prepare and implement an Integrated Weed Management Plan that includes measures to manage noxious weeds on managed project lands; provisions to increase public awareness of noxious weed issues; and efforts to coordinate with the Pend Oreille County Noxious Weed Control Board to eradicate purple loosestrife and leafy spurge (Article 410).
- g. The PUD is required to prepare and implement a Rare Plant/Sensitive Species Management Plan with measures to protect sensitive and rare plants identified by the U.

- S. Forest Service, including but not limited to *Hedeoma* growing on PUD-owned or managed property (Article 411).
- h. The PUD is required to prepare and implement a Recreation Plan which shall include provisions for monitoring recreation use in the project area to ensure that existing facilities are meeting public recreation needs. If there is a need for additional facilities, this plan must be revised to include a schedule of proposed projects to accommodate the recreation needs in the project area (Article 412).
 - i. The PUD is required to prepare and implement a Programmatic Agreement and Historic Management Plan with the Kalispel Tribe and the Washington and Idaho Historic Preservation Officers to protect historic properties in the project area (Article 413).
 - j. The PUD has also been granted the authority to grant permission for use of project lands and waters for certain types of activities including: landscape plantings; certain non-commercial piers, landings, boat docks or other structures designed to serve single family residences; embankments, bulkheads, retaining walls, or similar erosion control structures; and food plots or other wildlife enhancements (Article 414).

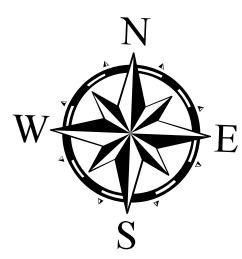
Appendix I: Boundary Hydroelectric Project FERC License and associated Settlement Agreements

1. Introduction and Overview

Appendix J: Approved Total Maximum Daily Loads (TMDL)

- 1. Pend Oreille River (Pending).**
- 2. Little Spokane River (Pending).**
- 3. Others (To be determined).**

Appendix K: Draft Revised Development Regulations (with SMA amendments).



Draft Designations

Natural

Rural Conservancy

Rural Higher Intensity

Rural Residential

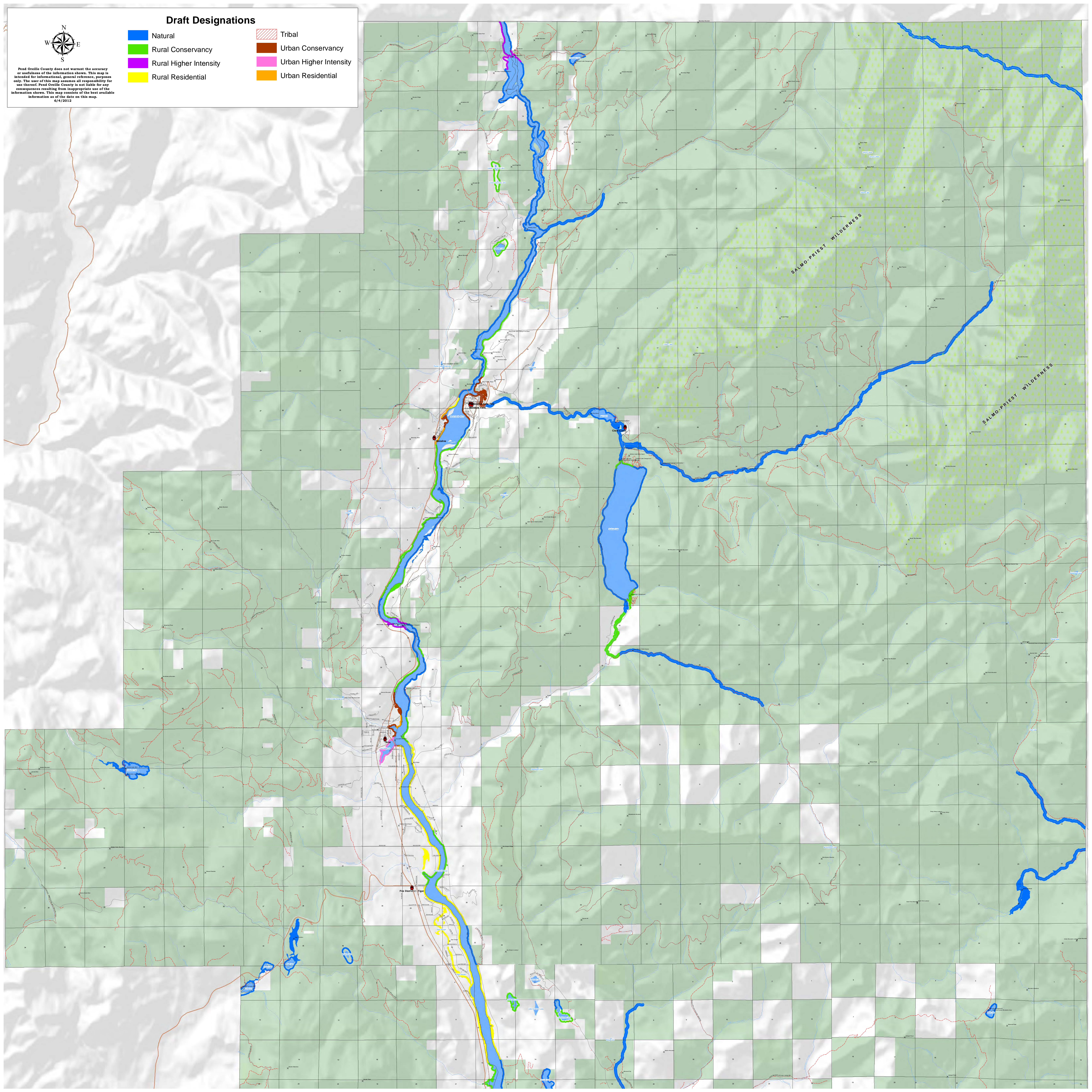
Tribal

Urban Conservancy

Urban Higher Intensity

Urban Residential

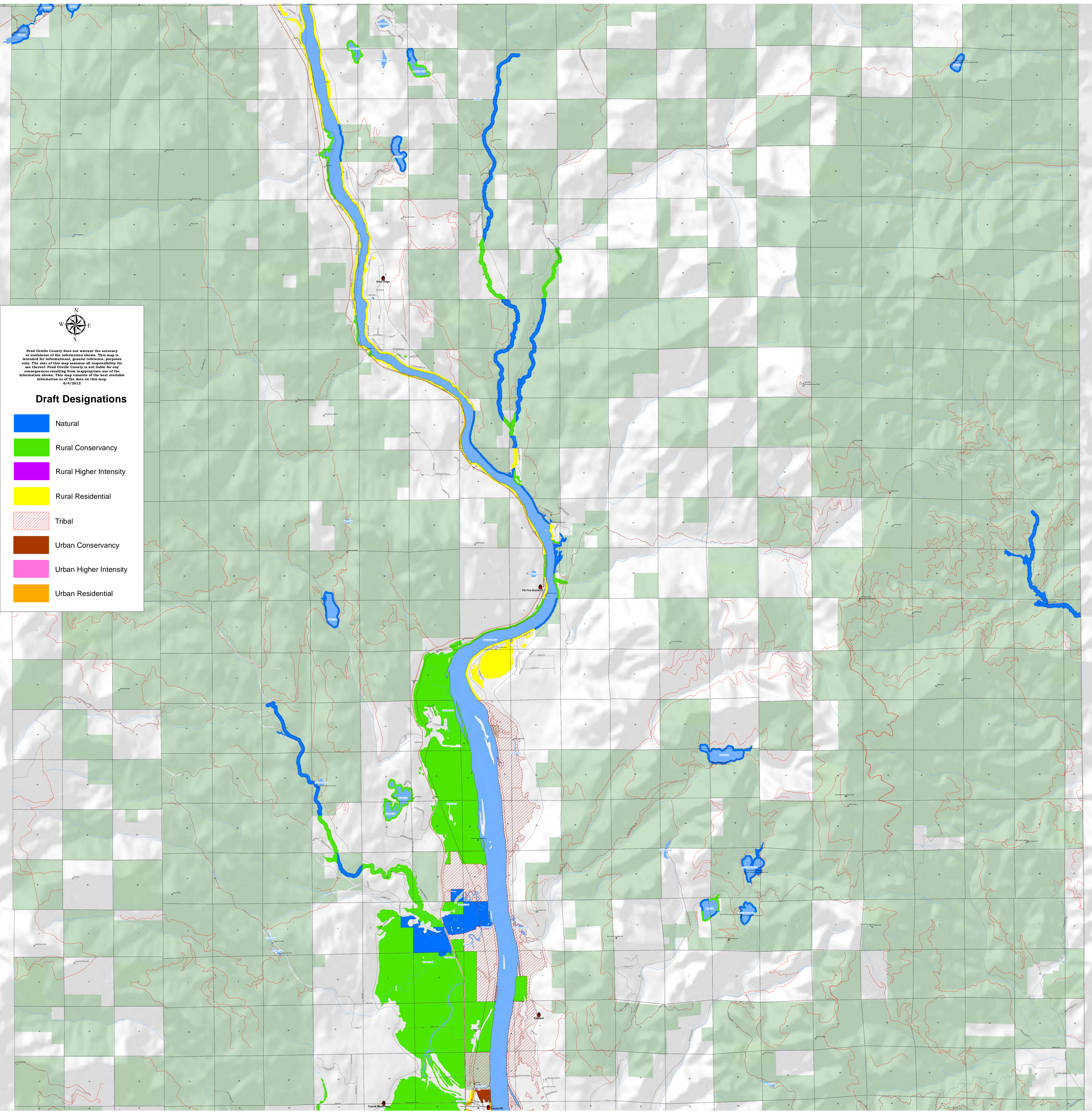
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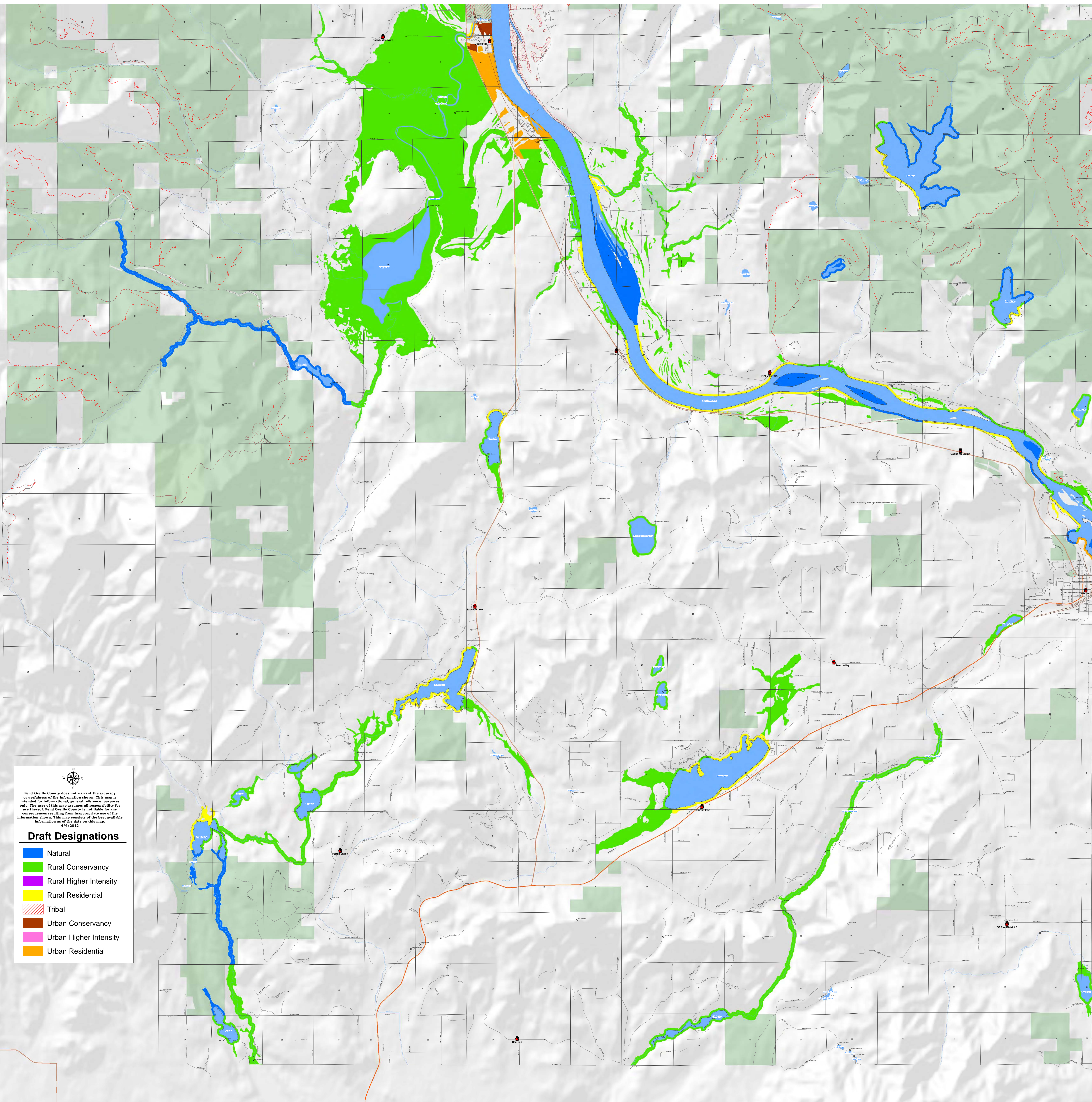



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Draft Designations

	Natural
	Rural Conservancy
	Rural Higher Intensity
	Rural Residential
	Tribal
	Urban Conservancy
	Urban Higher Intensity
	Urban Residential







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6/4/2012

Draft Designations

- Natural
- Rural Conservancy
- Rural Higher Intensity
- Rural Residential
- Tribal
- Urban Conservancy
- Urban Higher Intensity
- Urban Residential