ORDINANCE NO. O-02-2023

AN ORDINANCE ADOPTING AMENDMENTS TO THE SHORELINE MASTER PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Washington enacted the Shoreline Management Act (SMA) (RCW 90.58) by a vote of the people in 1972; and

WHEREAS, the SMA requires Adams County to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, Adams County first approved a Shorelines Management Master Program in 1977; and

WHEREAS, to complete the statutorily required comprehensive update, Adams County adopted Ordinance O-01-2015 repealing the Shorelines Management Master Program and adopting the replacement Shoreline Master Program, and subsequently adopted Ordinance O-02-2015 adding a Shoreline Master Program into the Comprehensive Plan while additionally adopting development regulations which were codified as Adams County Code Chapter 18.08 "Shoreline Master Program" in Title 18, Environment; and

WHEREAS, RCW 90.58.080(4) requires Adams County to periodically review and, if necessary, revise the master program on or before June 30, 2023; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, the County received a grant from the Washington State Department of Ecology ("Department of Ecology") to defray the costs of the periodic review process; and

WHEREAS, the County developed a public participation program for this periodic review in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the County has followed its adopted public participation program, including maintaining a project website; and

WHEREAS, the County used the Department of Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the County considered whether to incorporate: any amendments needed to reflect the changed circumstances; new information or improved data in accordance with WAC 173-26-090(3)(b)(iii); and

WHEREAS, there are no proposed amendments to the shoreline goals and policies as contained within the County's comprehensive plan and the proposed amendments to Adams County Code Chapter 18.08 will make the SMP more consistent with the SMA; and

WHEREAS, the SMP and proposed amendments ensures no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of November 2014 (the final shoreline analysis report); and

WHEREAS, the County's Planning Commission completed a review of staff recommendations and initial amendments as proposed by staff; and

WHEREAS, the County consulted with the Department of Ecology early and often during the drafting of the amendments; the County worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

WHEREAS, the County provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5) on February 16, 2023; and

WHEREAS, the County conducted a formal joint public comment period in compliance with requirements of WAC 173-26-104 which ran between February 23, 2023 through March 27, 2023; and

WHEREAS, the County published a legal notice in the Columbia Basin Herald on February 23, 2023 and in the Ritzville Adams County Journal between February 22, 2023 and March 1, 2023 for a joint public hearing before the Planning Commission, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the County's SEPA responsible official issued a Determination of Non-Significance (DNS) on February 23, 2023 and there were no appeals; and

WHEREAS, the Planning Commission held a joint public hearing on March 23, 2023, to take public testimony and review written comments on the proposed SMP revisions, reviewed the suggested

revisions to the proposed amendments and adopted findings of fact, and subsequently recommended approval of the proposed amendments and forwarded it to the Board of County Commissioners for review and adoption; and

WHEREAS, the County utilized the joint review process pursuant to WAC 173-26-104 and received an initial determination of consistency from the Department of Ecology which included a list of required and recommended changes; and

WHEREAS, the proposed amendment incorporates all four required and 12 recommended changes from the Department of Ecology's initial determination; and

WHEREAS, after considering all public comments and evidence, the Board of County Commissioners hereby determine that the proposed amendments comply with all applicable laws and rules and adopts the findings of fact as provided by the Planning Commission; and

WHEREAS, this completes the County's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26);

NOW, THEREFORE, BE IT ORDAINED by the Board of Adams County Commissioners as follows:

SECTION I

The Board of County Commissioners hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described in the recitals above.

SECTION II

That the SMP, codified at Adams County Code Chapter 18.08, is hereby amended to read as set forth in **Exhibit A** attached to this ordinance and incorporated herein by this reference.

SECTION III

The Board of County Commissioners hereby adopts the above referenced SMP revisions and finds the amended SMP consistent with the requirements of RCW 90.58 and WAC 173-26, as they apply to these amendments.

SECTION IV

The County's consultant AHBL is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval. If/Once approved by the Department of Ecology, no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review.

SECTION V

The amendments to the SMP adopted through this ordinance shall be effective 14 days after Department of Ecology's final action as provided by RCW 90.58.090(7).

SECTION VI

The Clerk of the Board and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

SECTION VII

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this 20th day of June, 2023.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON

SEAL OF BOARD OF COUNTY COMMISSIONERS ADAMS COUNTY WASHINGTON

Jay R. Weise, Chairman

Dan C. Blankenship, Vice-Chairman

– absent –
Miguel A. Garza, Commissioner

ATTEST:

Patricia J. Phillips, CMC
Clerk of the Board

Approved as to form:

Randy J. Flyckt
Adams County Prosecuting Attorney
WSBA #29302

ORDINANCE O-02-2023 EXHIBIT A

Chapter 18.08

SHORELINE MASTER PROGRAM

Sections:

Article I. Authority and Purpose

18.08.010 Authority.

This Shoreline Master Program (SMP) for Adams County is enacted and administered according to the following state law and rules:

A. The Shoreline Management Act (SMA) of 1971, RCW Chapter 90.58;

B. State master program approval/amendment procedures and master program guidelines, WAC Chapter 173-26; and

C. Shoreline management permit and enforcement procedures, WAC Chapter 173-27.

18.08.020 Purpose.

The purposes of this SMP are:

A. To promote the public health, safety, and general welfare of the county by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and

B. To further assume and carry out the local government responsibilities established by RCW 90.58.050 including planning and administering the regulatory program; and

C. To assure no net loss of ecological functions associated with the shoreline; and

D. To carry out the policies and use preferences in RCW 90.58.020, described in Sections 18.08.320 and 18.08.330.

18.08.030 Applicability.

A. Except as described in subsection B of this section, all proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of the laws and rules cited in Section 18.08.010 and this SMP.

B. Requirements to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Interior building improvements that do not change the use or occupancy;

2. Exterior structure maintenance activities, including painting and roofing, as long as they do not expand the existing footprint of the structure;

3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding;

4. Consistent with Article II (Definitions), WAC 173-26-020 (Definitions), and WAC 173-26-241(3)(a), as amended, agricultural activities on agricultural lands as of the date of adoption of the SMP; and

5. As of the effective date of the SMP, legal pre-existing residential uses and structures where no change or new activity is proposed.

6. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

7. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

8. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline letter of exemption, or other local review.

9. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

10. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

C. Activities that are exempt from the permit system in Section 18.08.925 shall comply with this SMP whether or not a permit or other form of authorization is required.

D. The shoreline permit procedures, policies and regulations established in this SMP shall apply countywide to all nonfederal uses, activities, and development.

E. Federal Lands.

1. This SMP applies to lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.

2. Applicability of this master program to activities on federal lands and undertaken by federal agencies shall be consistent with WAC 173-27-060(3).

3. In Adams County, aquatic systems within the developed portion of the Columbia Basin Irrigation Project that are managed and regulated exclusively by the United States Bureau of Reclamation or other federal entity, and provide no beneficial uses other than those specifically laid out in legal agreements or authorizations, are not subject to this SMP. The burden is on applicants to provide documentation of exclusive federal authority and the absence of other beneficial uses.

18.08.040 Findings.

This SMP was developed based on community participation, local shoreline conditions, and the Shoreline Management Act provisions per ordinance O-01-15 codified in this chapter dated July 20, 2015, together with subsequent ordinances amending the codes. Key findings are highlighted below:

A. The Adams County SMP public participation plan was followed; public involvement and interaction was encouraged through use of multiple outreach methods, including newspaper notices, flyers, emails, website, and public forums, open houses and meetings.

B. The Adams County shoreline analysis report, inventory maps, cumulative impacts analysis, and voluntary restoration plan were utilized for the development of the Adams County SMP update and were prepared in conformance with RCW Chapter 90.58 (SMP guidelines) and WAC Chapter 173-26.

C. The SMP is appropriately tailored to accommodate Adams County's unique environmental conditions and community needs.

D. The policies, programs and regulations of the SMP address cumulative impacts of the reasonably foreseeable future development and use of the county's shoreline and further demonstrate through its cumulative impacts analysis that the SMP as prepared will not result in degradation of shoreline ecological functions over the next twenty-year planning horizon.

E. The SMP will help protect water quality for the county's rivers, streams, and lakes; maintain protection of lives and property from floods; protect fish and wildlife habitat; allow preferred uses along the shoreline meeting the needs of the Adams County community; and promote recreational opportunities for county residents consistent with RCW Chapter 90.58/WAC Chapter 173-26.

F. The SMP is in the best interest of the public, is consistent with the Adams County comprehensive plan, and furthers the intent of the Shoreline Management Act (RCW Chapter 90.58/WAC Chapter 173-26).

18.08.050 Relationship to other codes, ordinances and plans.

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.

B. Consistent with RCW 36.70A.480, the goals and policies of this SMP approved under RCW Chapter 90.58 shall be considered an element of Adams County's comprehensive plan. All regulatory elements of this SMP, including, but not limited to, definitions and use regulations, shall be considered a part of Adams County's development regulations.

C. All local development regulations including, but not limited to, zoning and subdivision rules shall apply in addition to this SMP. This SMP includes critical areas regulations applicable only in shoreline jurisdiction, and shall control within shoreline jurisdiction superseding other county critical area regulations adopted pursuant to the Growth Management Act.

D. In the event provisions of this SMP conflict with provisions of federal, state, county or city regulations, the provision that is most protective of shoreline resources shall prevail, when consistent with policies set out in the SMA.

E. A proposed project or plan shall become vested on the date a determination of completeness is made on a shoreline permit or shoreline letter of exemption application. Thereafter, the application shall be reviewed under the shoreline regulations in effect on the date of vesting; provided, in the event an applicant substantially changes the proposal after a determination of completeness, as determined by the SMP administrator, the application shall not be considered vested until a new determination of completeness on the changes is made.

F. Compliance with the provisions of the Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process stablished in this Chapter.

18.08.060 Liberal construction.

As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction; the SMA and this SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which they were enacted.

18.08.070 Effective date.

This SMP adopted under Ordinance O-01-15 became effective on April 28, 2016 and all amendments thereto are effective fourteen days after approval by Washington Department of Ecology.

Article II. Definitions

18.08.200 Definitions.

Whenever the words and terms set forth in this section appear in this chapter, they shall be given the meaning attributed to them by this section. Definitions established by RCW 90.58.030 and WAC Title 173 have been incorporated herein and should these definitions in the RCW or WAC be amended, the most current RCW or WAC definition shall apply. Except where specifically defined in this section, the RCW, the WAC, or the Adams County Code, all words used in this SMP shall carry their customary meanings.

"Abutting" means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

"Accessory" means any use or development incidental to and subordinate to a primary use of a shoreline use or development. See also "Appurtenance, residential."

"Adjacent" means to be nearby and not necessarily abutting.

"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.

"Agricultural equipment" and "agricultural facilities" include, but are not limited to:

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

2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

3. Farm residences and associated equipment, lands, and facilities; and

4. Roadside stands and on-farm markets for marketing fruit or vegetables.

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

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

"Agricultural-related industries" means specifically:

1. "Packaging plants" may include but are not limited to the following activities: washing, sorting, crating, and other functional operations such as drying, field crushing, or other preparation in which the

chemical and physical composition of the agriculture product remains essentially unaltered. Does not include processing activities, or slaughterhouses, animal reduction yards, and tallow works.

2. "Processing plants" may include but are not limited to those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. Does not include slaughterhouses or rendering plants.

3. "Storage facilities" may include those activities which involve the warehousing of processed and/or packaged agricultural products.

"Agricultural tourism" or "agri-tourism" refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.

"Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

"Anadromous fish" as a fish that is born in fresh water, spends much of its life in the sea, and returns to fresh water to spawn.

"Appeal" means a request for a review of the interpretation of any provision of this chapter.

"Applicant" means a person, party, firm, corporation, or other legal entity that proposes a development, construction or use on a site.

"Approval" means an official action by an Adams County legislative body agreeing to submit a proposed SMP or amendments to the Department of Ecology for review and official action pursuant to this chapter; or an official action by the Department of Ecology to make the Adams County SMP effective, thereby incorporating the approved SMP or amendment into the state master program.

"Appurtenance, residential" includes a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

"Aquaculture" means the culture and/or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Commercial aquaculture is conducted to produce products for market with the objective of earning a profit. Noncommercial aquaculture is conducted for the benefit of native fish recovery, education and interpretation, or other public benefit or use.

"Aquifer recharge" means the process of infiltration and migration by which groundwater is replenished.

"Aquifers" refers to groundwater-bearing geologic formations that contain enough saturated permeable material to yield significant quantities of water to wells.

"Archaeologist, professional" means a person who meets qualification standards promulgated by DAHP and the National Park Service and published in 36 CFR Part 61, and which define minimum education and experience required to perform identification, evaluation, registration and treatment activities for archaeological sites. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved.

"Base flood" or "one-hundred-year flood" means the designation on the Federal Emergency Management Act (FEMA) flood insurance maps that denote areas subject to floods having a one percent chance of being equaled or exceeded in any given year. The base flood is determined for existing conditions, unless a basin plan including project flows under future developed conditions has been completed and adopted by Adams County; in these

cases, future flow projections shall be used. In areas where the flood insurance study includes detailed base flood calculations, those calculations may be used until projections of future flows are completed and approved by Adams County.

"Best management practices" or "BMPs" means physical, structural and/or managerial practices that, when used singly or in a combination, protect the functions and values of critical resources. BMPs are current and evolving conservation practices, systems of practices, management and operational measures, design and construction techniques, or normal and accepted industry standards that are applied to land uses and land use activity in a manner which:

1. Controls soil loss and reduces water surface and ground-water quality degradation caused by nutrients, animal wastes, toxins, and sediment; and,

2. Mitigates adverse impacts to the natural chemical, physical and biological environment of the county; and,

3. Facilitates the utilization of the county's natural resources on a long-term, sustainable yield basis.

"Board of adjustment" means the county board which hears applications for shoreline variances, shoreline conditional use permits and other quasi-judicial matters assigned to it by the legislative body. Appeals may be taken to the board by any person aggrieved, or by any officer, department, board or bureau of the county affected by appealable decisions of the director.

"Boating facilities" means developments and uses that support access to shoreline waters for purposes of boating, including marinas, community docks serving more than four single-family residences or multifamily units, public piers, and community or public boat launch facilities.

"Bog" means a low nutrient, acidic wetland with organic soils and characteristic bog plants, as described in Washington State Wetland Rating System for Eastern Washington: 2014 Update (Washington State Department of Ecology Publication #14-06-030, Olympia, WA, October 2014).

"Breakwater" means a fixed or floating off-shore structure that protects the shore from wave action or currents.

"Buffer" means a designated area adjacent to and surrounding a site or location, used to separate incompatible uses or protect resources or development. Buffers are generally undeveloped areas.

"Buffer management" means actions and practices conducted for the purpose of protection and enhancement of critical areas by moderating or eliminating adverse impacts from adjacent land(s) or areas to create a buffer from encroachment by urban growth areas.

"Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

"Candidate" means any species officially designated as a "candidate" by the appropriate agency of the federal government or by the Washington State Department of Fish and Wildlife.

"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.

"Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical, or any other means.

"Commercial" means those activities engaged in commerce and trade and involving the exchange of money, including, but not limited to, retail, services, wholesale, or business trade activities. Examples include, but are not

limited to, hotels, motels, or other commercial accommodations, grocery stores, restaurants, concessions, shops, commercial recreation facilities such as marinas, boat repair, boat, canoe, or kayak rentals, and offices.

"Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the Department of Ecology's SMP Guidelines effective January 17, 2004, as now or hereafter amended.

"Comprehensive plan" means the Adams County comprehensive plan and any amendments, addenda, or supplemental plans that are duly adopted under RCW Chapter 36.70 (as amended), for Adams County or any portion thereof.

"Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

"Critical aquifer recharge areas" are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

"Critical areas" or "environmentally critical areas" means those specific resources which are subject to protection by regulation under Article VI of this chapter. This includes the following areas and ecosystems: frequently flooded areas, areas with critical recharging effect on aquifers used for potable water, geologically hazardous areas, fish and wildlife habitat conservation areas, and wetlands).

"Critical recharging areas" are areas which have the capacity to replenish the storage of underground water due to favorable hydrological and topographical conditions.

"Cumulative impact" means the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

"Department" means the Adams County planning department.

"Development" means the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to RCW 90.58 at any stage of water level (RCW 90.58.030(3)(a)). See also "Substantial development." Development does not include the following activities:

1. Interior building improvements that do not change the use or occupancy;

2. Exterior structure maintenance activities, including painting and roofing as long as it does not expand the existing footprint of the structure;

3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and

4. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; and individual utility service connections; and

5. Dismantling or removing structures if there is no other associated development or re-development.

"Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a SMP other than goals and policies

approved or adopted under RCW Chapter 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

"Development site" means the legal boundaries of the parcel or parcels of land for which an applicant has applied for authority from Adams County to carry out a development proposal.

"Dock" means a structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses. A dock typically consists of the combination of one or more of the following elements: pier, ramp, and/or float.

"Dredging" means removal of earth from the bed of a stream, lake, or pond for the purpose of flood control; navigation; utility installation (excluding on-site utility features serving a primary use, which are "accessory utilities" and shall be considered a part of the primary use); the construction or modification of essential public facilities and regional transportation facilities; restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose); and/or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this chapter or under a local zoning ordinance, or a mining operation in existence before zoning, shorelines, or critical areas permits were required for such operations. Dredging, as regulated in this SMP, is not intended to cover other excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement).

"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

"Ecologically intact" means shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

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

"Erosion" means the process in which soil particles are mobilized and transported by natural agents such as wind, rain, splash, frost action or stream flow.

"Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515, as hereafter amended, which are not required to obtain a shoreline substantial development permit, but which must otherwise comply with applicable provisions of the SMA and this master program.

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

“Feasible” means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

2. The action provides a reasonable likelihood of achieving its intended purpose; and

3. The action does not physically preclude achieving the project’s primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the county may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

Federal or State Endangered, Threatened, Candidate Species.

1. “Endangered species” means a native species that is seriously threatened with extinction throughout all or a significant portion of its range.

2. “Threatened species” means a native species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range without cooperative management or removal of threats.

3. “Candidate species” means a native species under review for possible listing as endangered, threatened, or sensitive. A species will be considered for candidate designation if sufficient scientific evidence suggests that its status may meet criteria defined for endangered, threatened or sensitive. Currently listed state threatened or state sensitive species may also be designated as state candidate species if their status is in question.

“Fill” means either 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 or refers to the material itself.

“Fish and wildlife” mean any member of the animal kingdom, including without limitation, any vertebrate, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body parts thereof.

“Fish and wildlife habitat conservation areas” means any of the following:

1. "Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habit elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.

2. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important by counties and cities.

3. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

“Float” means an anchored (not directly to the shore) floating platform that is free to rise and fall with water levels and is used for water-dependent recreational activities such as boat mooring, swimming or diving. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

“Floating home” means a dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary and floodway map (FBFM), and the water surface elevation of the base flood.

“Floodplain” is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA.

“Floodway” means the area, as identified in this master program, that has been established in Federal Emergency Management Agency flood insurance rate maps (FIRMs) or floodway maps.

“Frequently flooded areas” include lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, wetlands and other natural water sources.

“Functions and values,” for purposes of wetland regulation under Article VI, means the beneficial roles served by wetlands, including but not limited to: water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge, erosion control, historical, archaeological and aesthetic value protection and recreation.

“Geologically hazardous area” means an area not suited to commercial, residential or industrial development because of its susceptibility to erosion, sliding, earthquakes or other geological events hazardous to public health and safety.

“Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

“Grade” means the vertical location of the ground surface. “Natural grade” is the grade as it exists or may have existed in its original undisturbed condition. “Existing grade” is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification. “Rough grade” is a stage where grade conforms approximately to an approved plan. “Finish grade” is the final grade of the site which conforms to an approved plan. “Average grade level” is the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

“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.

“Groin” means a barrier type of structure that extends from the stream bank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Groins may serve a variety of functions, including bank protection, pool formation, and increased roughness, and may include rock structures, debris jams, or pilings that collect wood debris. See also “Weir.”

“Groundwater” means the supply of fresh water under the surface of the ground in an aquifer that forms a natural reservoir of potable water.

“Groundwater management program” means a comprehensive program designed to protect groundwater quality, to assure groundwater quantity, and to provide for efficient management of water resources while recognizing existing groundwater rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated groundwater management area or subarea developed pursuant to WAC Chapter 173-100.

“Guidelines” means those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of RCW Chapter 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

“Hard structural shoreline stabilization” means shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, and similar structures.

“Height” is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the SMP specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

“Impervious surface” means any material which reduces or prevents absorption of water into previously undeveloped land.

“Industry” means facilities for processing, manufacturing, and storage of finished or semi-finished goods, wholesale trade or storage, together with necessary accessory uses such as parking, loading, and waste storage and treatment.

“In-stream structures” are structures placed by humans within a stream or river waterward of the OHWM that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, recreation, or other purpose.

"Landslide" means episodic downslope movement of a mass of soil or rock.

"Landward" means toward dry land away from the ordinary high water mark.

"Landslide hazard area" refers to those areas of Adams County subject to a severe risk of landslide which include the following:

1. Any areas with a combination of:

   a. Slopes greater than fifteen percent;

   b. Impermeable soils (typically silt and clay) frequently inter-bedded with granular soils (predominately sand and gravel); or

   c. Springs or groundwater seepage;

2. Any area which has shown movement during the Holocene epoch (from ten thousand years ago to present) or which is underlain by mass wastage debris of that epoch;

3. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by water action, including stream channel migration zones, or surcharge by upslope irrigation district canals or waterworks;

4. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.

"Maintenance, normal" means those usual acts to prevent a decline, lapse, or cessation from a legally established condition. See "Repair, normal."

"Major development" (for purposes of applying regulations in Article VI of this chapter) includes proposed development projects that are subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and which may require a public hearing. The proposed development may or may not be subject to SEPA review; however, any project action not listed as categorically exempt from SEPA review shall be considered a major development for the purposes of this chapter. Included within this type of development are subdivisions, shoreline conditional use permits, planned residential developments, shoreline substantial development permits, and other similar applications.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

"May" means the action is acceptable, provided it conforms to the provisions of this chapter.

"Mining" means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc.

"Minor development" (for purposes of applying regulations in Article VI of this chapter) includes proposed development projects that are subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of development are single-family building permits, temporary use permits, boundary line adjustments, short subdivisions, home occupations, and accessory uses and/or structures.

“Mitigation (sequencing)” means the use of any or all of the following actions that are listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. 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;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environmentally sensitive area;

4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;

5. Compensating for the impact by replacing, enhancing or providing substitute environmentally sensitive areas and environments;

6. Monitoring the impact and taking appropriate corrective measures.

“Monitoring” means the ongoing evaluation of the impacts of a development proposal on the biological, hydrologic and geologic conditions of shorelines or critical areas. Monitoring includes the gathering of baseline data and the assessment of the performance of required mitigation measures through the collection and analysis of data for the purposes of understanding and documenting changes in natural ecosystems and features.

“Moorage facility” means a marina, pier, dock, mooring buoy, or any other similar fixed moorage site.

“Must” means a mandate; the action is required.

“Native vegetation” refers to plant species that occur naturally in Adams County and which were present before European colonization. Native vegetation does not include noxious weeds.

“Natural or existing topography” means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this chapter.

"Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

“Nonconforming development” or “nonconforming structure” means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

“Nonconforming lot” means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

“Non-water-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

“No net loss of ecological functions” means a public policy goal and requirement to maintain the aggregate total of the county’s shoreline ecological functions at its current level. For purposes of reviewing and approving this SMP, “current” is equivalent to the date of the final shoreline analysis report (October 2014). As a development standard, it means the result of the application of mitigation sequencing, in which impacts of a particular shoreline development and/or use, whether permitted or exempt, are identified and addressed, such that there are no

adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

"Ordinary high water mark" (OHWM) means that mark on lakes and streams which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"Passive recreation" means activities that refresh or restore one's strength, spirits or vitality through observation of an action without responding or acting in return.

"Permit," for the purposes of this SMP, means any shoreline substantial development, shoreline variance, shoreline conditional use permit, or revision to such as authorized under RCW Chapter 90.58.

"Pier" means a fixed platform above the water and supported by piles, usually perpendicular to the shoreline. See also "Dock."

"Preferred uses" are those uses which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the shoreline. "Preferred" uses include single-family residences, ports, shoreline recreational uses, water-dependent industrial and commercial developments, and other developments that provide public access opportunities.

"Primary association" means key habitat components that are critical to the life cycle of native wildlife species, i.e., nesting sites, wintering areas, and migration corridors. Loss of these values will result in fragmentation into subpopulations or extinction of populations from local areas.

"Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

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

1. The state Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status. State-proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive. Endangered species are legally designated in WAC 220-610-010.

2. Vulnerable Aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

“Provisions” means policies, regulations, standards, guideline criteria or environment designations.

“Public access” means 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.

“Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

“Public trust doctrine” is a common law principle generally holding that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses. While the doctrine protects public use of navigable water bodies below the ordinary high water mark, the doctrine does not allow the public to trespass over privately owned uplands to access the tidelands.

“Qualified professional” means an accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter under review, or someone who would qualify as an expert in their field. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least two years of related work experience.

1. A qualified professional for wetlands must be the holder of Society of Wetland Scientists certification or have the equivalent in academic qualifications and field experience to competently delineate wetlands using the federal manual and applicable supplements, prepare wetlands reports, conduct function assessments, and/or develop and implement mitigation plans meeting all criteria of Article VI of this chapter and this SMP;

2. A qualified professional for wildlife and habitat must have a degree in biology or a related degree and professional experience related to the subject species or habitat;

3. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington;

4. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

“Recharge area” refers to an area in which water is absorbed and added to the groundwater reservoir.

“Recreation” means an experience or activity in which an individual engages for personal enjoyment and satisfaction. Shore-based outdoor recreation includes but is not limited to fishing and duck hunting; various forms of boating, swimming, hiking, bicycling, horseback riding, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

“Recreational uses and recreational structures” refers to public, private, or commercial uses and related structures supporting such uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, public parks, viewpoints and view platforms, single tent platforms, duck blinds, trails, boardwalks, public access facilities, and other low-intensity use outdoor recreation areas. Recreational structures do not include residential or commercial development such as cabins, hunting lodges, resorts, tackle shops, etc., which do not require a shoreline location. Recreational uses that do not require a shoreline location, nor are related to the water, nor provide significant public access, are considered non-water-oriented. For example, a recreation use solely offering indoor activities would be considered non-water-oriented.

“Recreational vehicle” is a vehicle which is a travel trailer, motor home, truck camper, or camping trailer that is designed and used as temporary living quarters or overnight camping, is either self-propelled or mounted on or drawn by another vehicle, has a body length of no more that forty-five feet; or, any structure inspected, approved

and designated as a recreational vehicle by bearing the insignia of the state of Washington or any other state or federal agency having the authority to approve recreational vehicles.

"Regulated substance" means the toxic or natural substances and dangerous waste which have the potential to cause adverse impacts to ground and surface water quality and are controlled to ensure proper management and handling. Toxic and dangerous substances are listed in but not limited to WAC 173-201A-040 and 173-303-080.

"Repair, normal" means to restore a development or structure to a state comparable to its original, legally established condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource 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. See also "Maintenance, normal."

"Residential" means buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multifamily dwellings, manufactured homes, and other structures that serve to house people, as well as the creation of new residential lots through land division. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, accessory dwelling units, and home occupations.

"Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

"Riparian" means of, on or pertaining to the bank of a natural course of water.

"Salmonid" means a member of the fish family salmonidae. In Adams County, these include, but are not limited to, coho, Chinook, sockeye, resident rainbow, brown trout, steelhead, and whitefish.

"Setback." means a line which establishes a definite point beyond which a structure the foundation of a building shall not extend; this line is measured from the upland edge of the shoreline management buffer or critical area buffer.

"Shall" means a mandate; the action must be done.

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams and lakes which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

"Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

"Shoreline environment designations" are a classification of shorelines established by this SMP in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

"Shoreline management buffer" means a designated area, typically undeveloped, adjacent to the OHWM that separates and protects the area from adverse impacts associated with adjacent land uses. Buffer widths vary based on factors such as shoreline environment, the size of the environmental feature, and the development taking place. Buffers serve many functions including protecting environmentally sensitive resources.

"Shoreline stabilization" means structural or nonstructural modifications to the existing shoreline intended to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. They are generally located parallel to the shoreline at or near the OHWM.

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance; (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

"Shorelines Hearings Board," for the purposes of the local SMP administration by Adams County, means up to a six-member quasi-judicial body, created by the SMA which hears appeals by any aggrieved party on the issuance of a shoreline permit. See RCW 90.58.170 et seq. for the role of the Washington State Shorelines Hearings Board.

"Shorelines of statewide significance" means the following shorelines of the state:

1. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

2. Those natural rivers or segments east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer; and

3. Those shorelands associated with subsections (1) and (2) of this definition.

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

"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.

"Slide" refers to the downward mass movement of soil, rock, or snow resulting from failure of that material under stress.

"Slope" refers to the inclination of the surface of the land from the horizontal.

"SMA" means the Washington State Shoreline Management Act, RCW Chapter 90.58.

"Soft structural shoreline stabilization" means shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a nonlinear, generally sloping arrangement. Linear, vertical faces are an indicator of hard structural shoreline stabilization (see above definition).

"Special flood hazard area," means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"State master program" is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial development" shall mean any development of which the total cost or fair market value exceeds eight thousand, five-hundred and four dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be adjusted for inflation by the Office of Financial Management every five years, beginning September 15, 2012, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. See WAC 173-27-040 for a list of developments that are not considered substantial.

"Substantially degrade" means to cause significant ecological impact.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose 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 does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Transportation" means roads and railways, related bridges and culverts, fills, embankments, causeways, parking areas, and trails.

"Use" means the activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition

includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

"Utility" means a primary or accessory service or facility that produces, transmits, stores, processes, or disposes of electrical power, gas, water, sewage, communications, oil, and the like.

"Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in this master program and not a means to vary a use of a shoreline.

"Vegetation" means any and all organic plant life growing at, below, or above the soil surface.

"Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

"Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

"Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

"Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

"Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

"Weir" means a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

"Wetland" or "wetlands" means that area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However,

wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands if permitted by the county or a city.

"Wetlands, artificial" are those wetlands intentionally created on nonwetland (upland) sites. Artificial wetlands are not the result of an accident or an unexpected byproduct of some other intentional act. Artificial wetlands within the developed portion of the Columbia Basin Project shall not include:

1. Areas identified as wetland areas on the Columbia Basin Project topography and retracement maps dated between 1939 and 1960; and

2. Areas identified as existing springs within the project area by the United States Department of the Interior's Geological Survey dated January 1944, "Factual Data Pertaining to Wells and Springs in the Columbia Basin Project Area, Washington."

3. Wetland areas that were inadvertently not included in the map products described above, but that were present prior to the Columbia Basin Project. These wetlands would have well-developed wetland characteristics, such as deep (greater than six-inch) organic soils, a strongly hydric soil series depicted on NRCS county soil survey maps, and/or other indicators of persistent hydrology dating from before the project. Qualified professionals are required to identify this wetland category.

"Wetland edge" means the line delineating the outer edge of a wetland established by using the procedures in the currently approved Federal Wetland Delineation Manual.

"Wetland functions" refer to the natural processes performed by wetlands and include functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting site for aquatic, terrestrial or avian species, maintaining the availability and quality of water such as purifying water, acting as recharge and discharge areas for groundwater aquifers and moderating surface water and stormwater flows as well as performing other functions including but not limited to those set out in U.S. Army Corps of Engineers regulations at 33 C.R.R. Section 320.4(b)(2)(1988).

Article III. Shoreline Jurisdiction and Use Preferences

18.08.310 Definition.

A. As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." The water bodies designated as shorelines of the state are streams whose mean annual flow is twenty cubic feet per second (cfs) or greater and lakes whose area is greater than twenty acres. In Adams County, the following water bodies have been determined to meet the minimum requirements for designation as shorelines:

Alkali Lake/Pines Lake	Palm Lake
Black Lake	Para South Lake
Campbell Lake	Para North Lake
Cow Lake	Pit Lakes
Finnell Lake	Royal Lake
Fourth of July Lake	South Teal Lake
Green Lake	Sprague Lake
Hallin Lake	Thread Lake
Herman Lake	Cow Creek
Hutchinson Lake	Lower Crab Creek
Linda Lake	Palouse River
Morgan Lake	Rock Creek
Owl Lake	

B. Shorelands, as adopted by Adams County and indicated on the official shoreline maps available for review in the planning department, are defined as:

> *"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter…." (RCW 90.58.030)*

Shoreline jurisdiction does not include the entire one-hundred-year floodplain or critical area buffers that extend outside of the minimum shoreline jurisdiction.

C. The extent of shoreline jurisdiction is indicated on the official shoreline maps available for review in the planning department. The purpose of the official shoreline maps is to identify environment designations (Article IV of this chapter). The maps only approximately identify or depict the lateral extent of shoreline jurisdiction. The actual lateral extent of the shoreline jurisdiction shall be determined on a site-specific basis based on the location of the ordinary high water mark (OHWM), floodway, floodplain that extends a maximum of two hundred feet upland of any floodways, and presence of associated wetlands.

D. In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity or development proposed within shoreline jurisdiction on that portion of the parcel is subject to this shoreline master program.

18.08.320 General shoreline use preferences.

A. This SMP adopts the following policy provided in RCW 90.58.020, and fully implements it to the extent of its authority under this SMP:

> *It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto…*
>
> *In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the [D]epartment [of Ecology]. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.*
>
> *Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.*

B. When determining allowable uses and resolving use conflicts on shorelines within jurisdiction consistent with the above policy, the following preferences and priorities as listed in WAC 173-26-201(2)(d) shall be applied in the order listed as follows:

1. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health. In reserving areas, local governments should consider areas that are ecologically intact from the uplands through the aquatic zone of the area, aquatic areas that adjoin permanently protected uplands, and tidelands in public ownership. Local governments should ensure that these areas are reserved consistent with constitutional limits.

2. Reserve shoreline areas for water-dependent and associated water-related uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

3. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

4. 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.

5. 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.

18.08.330 Shorelines of statewide significance.

A. Designation Criteria. Certain shoreline water bodies and their associated shorelands have elevated status under the SMA if:

1. They are streams and rivers in Eastern Washington that are "…downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer" (RCW 90.58.030(2)(f)(v)(B)).

2. They are "…lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark" (RCW 90.58.030(2)(f)(iv)).

These water bodies are considered to be "shorelines of statewide significance," and have unique supplemental provisions outlined in subsections B and C of this section. In Adams County, Sprague Lake, the Palouse River, Rock Creek, and Cow Creek from the mouth of Lugenbeal Creek to the confluence with the Palouse River meet the criteria to be designated shorelines of statewide significance.

B. Use Preferences.

1. In accordance with RCW 90.58.020, the following management and administrative policies are hereby adopted for all shorelines of statewide significance in the county and UGAs, as defined in RCW 90.58.030(2)(e). Consistent with the policy contained in RCW 90.58.020, preference shall be given to the uses in the following order that are consistent with the statewide interest in Adams County's shorelines. These are uses that:

a. Recognize and protect the statewide interest over local interest;

b. Preserve the natural character of the shoreline;

c. Result in long-term over short-term benefit;

d. Protect the resources and ecology of the shoreline;

e. Increase public access to publicly owned areas of the shorelines;

f. Increase recreational opportunities for the public in the shoreline;

g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

2. Uses that are not consistent with these preferences should not be permitted on shorelines of statewide significance.

C. Policies. Consistent with the use preferences for shorelines of statewide significance contained in RCW 90.58.020 and identified in subsection B of this section, the county will base decisions administering this SMP on the following policies in order of decreasing priority:

1. Recognize and protect the state-wide interest over local interest.

   a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating amendments to the master program, and any proposed amendments affecting shorelines of statewide significance, to state agencies, affected tribes, adjacent local governments, local officials, and state-wide interest groups.

   b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering regulations and in approving shoreline permits.

2. Preserve the natural character of the shoreline.

   a. Designate and administer shoreline environment designations and shoreline regulations to protect and restore the ecology and environment of the shoreline.

   b. Restore, enhance, and/or redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth, rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.

   c. Protect and restore existing diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.

   d. Protect and restore habitats for state-listed "priority species."

3. Support actions that result in long-term benefits over short-term benefits.

   a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

   b. Preserve resources and values of shorelines of statewide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.

   c. Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats and unique environments.

4. Protect the resources and ecology of the shoreline.

   a. All shoreline development should be located, designed, constructed and managed consistent with mitigation sequencing provisions outlined in Section 18.08.520(D) to minimize adverse impacts to regionally important wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes, and result in no net loss of shoreline ecological functions and ecosystem-wide processes.

   b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.

5. Increase public access to publicly owned areas of the shoreline.

a. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines, especially those trail corridors that would be a regional recreational and transportation resource.

b. Increase public access opportunities for those with disabilities.

c. Provide incentives to landowners that provide shoreline public access, such as development incentives, tax reductions, or other measures.

6. Increase recreational opportunities for the public on the shoreline.

a. Plan for and encourage development of facilities for recreational use of the shoreline, including facilities for boating, swimming, fishing, and other water-oriented activities.

b. Reserve areas for lodging and related facilities on uplands with provisions for appropriate public access to the shoreline.

Article IV. Shoreline Environment Designations

18.08.400 Environmental designations.

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

1. High intensity recreation

2. Rural Conservancy

3. Natural

4. Aquatic.

18.08.410 High intensity recreation.

A. Purpose. The purpose of the high intensity recreation environment designation is to provide for water-oriented recreational uses while protecting existing ecological functions.

B. Designation Criteria. Assign a high intensity recreation environment designation to private or public shoreline areas that support high-intensity recreational uses, or are suitable and planned for water-oriented high-intensity recreation.

C. Management Policies.

1. In regulating uses in the high intensity recreation environment designation, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed use developments. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses. Public benefits such as ecological restoration or public access may be required in association with non-water-oriented development.

2. Full utilization of existing high intensity recreation areas should be achieved before further expansion of intensive development is allowed.

3. New development shall assure no net loss of shoreline ecological functions. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

4. Where feasible, visual and physical public access should be required as part of development in the high intensity recreation designation unless it already exists to serve the development or other safety, security, or fragile environmental conditions apply.

18.08.420 Rural conservancy.

A. Purpose. The purpose of the rural conservancy environment designation is to promote agricultural use and activities, conserve existing natural resources, accommodate low-density rural home sites, and maintain an open space character that provides opportunities for low-intensity recreational uses compatible with agricultural activities.

B. Designation Criteria. Assign a rural conservancy environment designation if any of the following characteristics apply:

1. The shoreline is currently supporting or is suitable for agriculture of long-term commercial significance, or lesser-intensity resource-based uses, such as recreational uses;

2. The shoreline has commercial agriculture potential;

3. The shoreline is currently accommodating low-density rural home sites;

4. The shoreline contains parallel roads, railroads, canals, or other alterations that limit shoreline ecological function;

5. The shoreline is supporting human uses, but is subject to environmental limitations, such as properties that include or are adjacent to steep banks or flood-prone areas;

6. The shoreline is of high recreational value or with unique historic or cultural resources; or

7. The shoreline has low-intensity water-dependent uses.

C. Management Policies.

1. Promote agricultural activities on agricultural lands.

2. Allow new agricultural activities and expansion of current agricultural activities on previously unfarmed land consistent with this SMP.

3. Nonagricultural uses should be limited to those compatible with agriculture. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed. Shoreline development within or adjacent to designated agricultural resource lands should incorporate measures to reduce compatibility impacts, such as open space landscaped separations or other measures to address impacts to agricultural operations.

4. Allow for water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time.

5. Development standards should seek to conserve soils and water resources suitable for agricultural purposes.

6. Activities and uses should be designed for compatibility with the rural character, including the overall density pattern.

7. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

18.08.430 Natural.

A. Purpose. The purpose of the natural environment designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions 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.

B. Designation Criteria. A natural environment designation should be assigned to shoreline areas if any of the following characteristics apply:

1. The shoreline is considered to represent ecosystems and geologic types that perform important, irreplaceable functions that if disturbed or altered would impair ecology or human safety and welfare;

2. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that should be preserved in the public interests without alteration; or

3. The shoreline is within the boundaries of the Columbia National Wildlife Refuge.

C. Management Policies.

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

2. The following new uses should not be allowed in the natural environment:

a. Commercial uses.

b. Industrial uses.

c. Non-water-oriented recreation with no relationship to the shoreline and water body.

d. Roads, utility corridors, and parking areas that can be located outside of the natural designation.

3. Maintenance of existing and active roads or railroads may be allowed. New roads may be allowed only if they are necessary to provide new public access for passive recreational opportunities, consistent with the policies of this designation.

4. Single-family residential development may be allowed as a conditional use within the natural designation if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

5. Agricultural uses of a very low-intensity nature may be consistent with the natural designation when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

6. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed; provided, that no significant ecological impact on the area will result.

7. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

18.08.440 Aquatic.

A. Purpose. The purpose of the aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

B. Designation Criteria. Assign an aquatic environment designation to lands waterward of the ordinary high water mark.

C. Management Policies.

1. Allow new over-water structures only for water-dependent uses, including docks associated with single-family residences, public access, or ecological restoration.

2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

5. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions. Adverse impacts should not be allowed except where necessary to achieve the objectives of the Shoreline Management Act, and then only when mitigated as necessary to assure no net loss of ecological functions.

18.08.450 Environment designation interpretation.

A. If disagreement develops as to the exact location of an environment designation boundary line, the official shoreline maps shall prevail consistent with the following rules:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

2. In cases where boundary line adjustments or subdivisions occur, the designation applied to the parent parcel prior to the boundary line adjustment or subdivision shall not change as a result. The shoreline designation can be redesignated through an SMP amendment.

3. Boundaries indicated as approximately following roads and railroads shall be respectively construed to follow the nearest right-of-way edge.

4. Boundaries indicated as approximately parallel to or extensions of features indicated in subsection (A)(1), (2), or (3) of this section shall be so construed.

B. Environment Designation Mapping Errors.

1. In the event of an environment designation mapping error where the SMP update or amendment record, including the public hearing process, is clear in terms of the correct environment designation to apply to a property, the shoreline administrator shall apply the approved environment designation and correct the map through an SMP amendment.

2. Appeals of such interpretations may be filed pursuant to Section 18.08.915 and the county's appeal procedures referenced in Section 18.08.915.

3. If the environment designation criteria were misapplied, but the map does not show an unintentional error (e.g., the SMP hearing and adoption record does not indicate another designation was intended), a SMP amendment may be obtained consistent with WAC 173-26-100 and Section 18.08.970.

C. All shoreline areas waterward of the OHWM shall be designated aquatic.

D. All shoreline areas landward of the OHWM shall be designated high intensity recreation, rural conservancy or natural.

E. Only one environment designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature and the boundary shall be clearly noted on the map (for example: "boundary is 100 feet upland from the OHWM").

18.08.460 Official shoreline maps and unmapped or undesignated shorelines.

A. The official shoreline maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and environment designations in the county, are available for review in the planning department. The official map shall include the following language: "We hereby certify that this map constitutes the Official Shoreline Map as approved by ordinance of the Board of County Commissioners." The official shoreline maps may be updated administratively or through an SMP amendment as indicated in subsections B, C and D of this section. The Department of Ecology will be provided with electronic files of the official shoreline maps when any updates are made In the event of a mapping error, the County will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22, as amended, for determinations of jurisdictional shorelands rather than an incorrect or outdated map. When the SMP text and maps conflict, the County shall make corrections by amendment to reflect a new designation within three years of the discovery of the discrepancy.

B. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline water body related to site-specific surveys of OHWM, floodway, and/or floodplain are automatically assigned the category of the contiguous waterward shoreline environment designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall be assigned a rural conservancy designation. Correction of these minor mapping inaccuracies may be made and incorporated into the official shoreline maps without an SMP amendment.

C. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned a rural conservancy designation until the shoreline can be redesignated through an SMP amendment process conducted consistent with WAC 173-26-100 and Section 18.08.970.

D. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and OHWM determinations are valid for five years from the date the determination is made. Floodplain and floodway boundaries should be assessed using FEMA maps or the most current technical information available.

E. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than two hundred feet from the OHWM or floodway, is no longer in floodplain as documented by a letter of map revision from FEMA, does not contain associated wetlands, and may be under the jurisdiction of the federal government) shall not be subject to the requirements of this SMP. Revisions to the official shoreline maps may be made as outlined in this section without an SMP amendment.

F. Shoreline jurisdiction boundaries depicted in the official shoreline maps are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or modify the information shown on the maps. Shoreline jurisdiction will be more precisely determined at time of project review using the best available site-specific information.

18.08.470 Shoreline Use and modification.

A. Table 18.08.470-1 indicates which shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

1. Uses allowed by shoreline substantial development permit, or exemption, are indicated by an "S" in the table.

2. Uses allowed by shoreline conditional use permit are indicated by a "C" in the table.

3. Prohibited activities, uses, developments, and modifications are not allowed and are shown as an "X" in the table.

4. Uses or activities not applicable to the shoreline environment designation in question are shown as "N/A" in the table.

5. Activities, uses, developments or modifications not specifically identified in the table may be allowed by a shoreline conditional use permit.

Table 18.08.470-1. Shoreline Use and Modification Matrix for Adams County

Shoreline Use or Modification **Key:** **S = Shoreline Substantial Development Permit or Exemption** **C = Shoreline Conditional Use Permit** **X = Prohibited N/A = Not Applicable**	**Natural**	**Rural Conservancy**	**High Intensity Recreation**	**Aquatic**
Agriculture				
Agricultural activities, existing	Not regulated under this SMP			
Agricultural activities, new (e.g., irrigated, dryland or rangeland farming, refer to definition of agricultural activities in Article II)	C	S	S	N/A
Dairy farming, poultry raising, hog ranches, animal feedlots and stockyards	X	X	X	N/A
Agricultural stands	X	S	S	N/A
Ag-tourism activities	X	S	S	N/A
Aquaculture				
All aquaculture	X	C	C	See adjacent upland environment
Boating and Private Moorage Facilities				
Boat launches				
Public	C	S	S	See adjacent upland environment
Commercial				
Gravel	X	S	S	See adjacent upland environment
Concrete or other improved, hard surface	X	C	S	See adjacent upland environment
Other private	X	C	S	See adjacent upland environment
Pier-dock				
Public	C	C	S	See adjacent upland environment

Shoreline Use or Modification **Key:** **S = Shoreline Substantial Development Permit or Exemption** **C = Shoreline Conditional Use Permit** **X = Prohibited N/A = Not Applicable**	**Natural**	**Rural Conservancy**	**High Intensity Recreation**	**Aquatic**
Commercial/marinas	X	C	S	See adjacent upland environment
Private, residential	X	S	S	See adjacent upland environment
Breakwaters, Jetties, and Groins				
To protect or restore ecological functions	S	S	S	S
To maintain existing water-dependent uses	C	C	C	C
All other purposes	X	X	X	X
Commercial				
Recreation-related commercial fishing/hunting/ecotourism lodges/resorts/facilities, including related concessions				
Water-oriented	X	S	S	X
Non-water-oriented	X	C	S	X
Other retail, trade or service				
Water-oriented	X	S	S	X
Non-water-oriented	X	X	C	X
Dredging and Dredge Material Disposal				
Dredging for water-dependent use (including agriculture) and public access	C	S	S	See adjacent upland environment
Dredging for existing navigation uses or flood management	NA	NA	NA	S
Dredging or disposal of dredged material for habitat restoration[1]	S[1]	S[1]	S[1]	S[1]
Other dredging or dredged material disposal	X	S[1]	X	X
Fill				
Waterward of the OHWM—ecological restoration	N/A	N/A	N/A	S
Waterward of the OHWM—other	N/A	N/A	N/A	C
Upland of the OHWM	C	S	S	N/A
Flood Hazard Reduction Measures				
Modification of existing flood hazard facilities	C	S	S	N/A
New facilities	C	C	X	N/A
Industry				
Agricultural-related industries	X	C	X	X
Other industry	X	X	X	X

Shoreline Use or Modification Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	Natural	Rural Conservancy	High Intensity Recreation	Aquatic
In-Stream Structures				
To support agriculture, or to protect, restore, or monitor ecological functions or processes	N/A	N/A	N/A	S
Other purposes	N/A	N/A	N/A	C
Mining				
All mining	X	C	X	X
Recreational Development				
Water-oriented	S	S	S	S
Non-water-oriented				
General	X	C	C	X
Sites separated from shoreline	X	S	S	N/A
Residential Development				
Single-family dwelling	C	S	S	X
Other	X	X	X	X
Shoreline Habitat and Natural Systems Enhancement Projects				
Shoreline habitat and natural systems enhancement projects	S	S	S	S
Shoreline Stabilization				
New hard stabilization	X	C	S	See adjacent upland environment
New soft stabilization	C	S	S	See adjacent upland environment
Transportation and Parking				
Access roads serving permitted uses	C	S	S	S
Highways, freeways, arterials and collectors	C	C	C	C
Railways	C	C	S	S
Trails	S	S	S	S
Parking to support authorized use	S	S	S	X
Utilities				
Utility transmission facilities	C	S	S	C
Utility production and processing facilities	X	X	X	X
Redevelopment, Repair, and Maintenance				

Shoreline Use or Modification Key: S = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	Natural	Rural Conservancy	High Intensity Recreation	Aquatic
Redevelopment, repair, and maintenance projects	S	S	S	S

[1] If disposal of dredged material is proposed in a channel migration zone, it may be permitted only by shoreline conditional use permit, regardless of the environment designation.

18.08.480 Development standards.

A. Building height. The maximum building height for all structures shall be the lesser of thirty-five feet or the height specified in Title 17, Zoning, except that utility facilities and bridges are not required to meet this standard. To exceed thirty-five feet, an applicant must apply for a shoreline conditional use permit, and comply with the following criteria in addition to standard shoreline conditional use permit criteria:

1. Demonstrate overriding considerations of the public interest will be served; and

2. Demonstrate that the proposal will not obstruct the view of a substantial number of residences on areas adjoining such shorelines or impair views from public lands or impair scenic vistas.

B. Waterfront Lot Width. Minimum shoreline lot waterfront frontage shall be consistent with underlying zoning and be no less in width than the following by shoreline environment:

1. Natural: three hundred feet.

2. Rural conservancy: three hundred feet.

3. High intensity recreation: one hundred feet.

C. Shoreline management buffers: See Section 18.08.650(F)(3).

D. Setbacks.

1. Minimum structure setbacks from side property lines in shoreline jurisdiction shall be consistent with the underlying zoning but no less than ten feet.

2. Construction shall be set back fifteen feet upland of shoreline management buffers and critical area buffers.

Article V. General Regulations

18.08.510 Archaeological and historic resources.

A. The county shall require development applicants to consult with the Department of Archaeology and Historic Preservation (DAHP) to access data so that every proposal can be screened, and archaeological sites are not disturbed. Review of data and other consultation may occur directly with DAHP or through a professional archaeologist recognized by the state of Washington. Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist. Auger tests may be required before construction and representatives of the DAHP and affected tribes may be invited to observe any tests and construction work, or the county may send results of the test to affected tribes. If auger or historical data indicate probable presence of cultural resources which may be disturbed by excavation, the county shall inform the shoreline permit applicant and may impose conditions on any shoreline permit to assure that such resources are protected, preserved or collected.

B. Developers and property owners shall immediately stop work and notify the county, DAHP, and affected tribes if archaeological resources are uncovered during excavation. Following such notification, the county shall require a developer or property owner to follow the provisions of subsection C of this section.

C. Where a professional archaeologist or historian, recognized by the state of Washington, has identified an area or site as having significant value, or where an area or site is listed in, or determined eligible for listing in, national, state or local historical registers, or where through the development application state data has identified the potential for cultural resources, the county shall, with additional DAHP consultation, require a development application to provide an evaluation of the resource, and appropriate conditions, which may include preservation and/or retrieval of data, proposal modifications to reduce impacts, or other mitigation authorized through the State Environmental Policy Act, or other local, state, or federal laws.

D. Applicants shall be required to follow applicable provisions of federal and state laws, including but not limited to RCW Chapter 27.44, Indian Graves and Records, and RCW Chapter 27.53, Archaeological Sites and Resources.

18.08.520 Environmental protection.

A. Ecological Functions. Uses and developments on Adams County shorelines must be designed, located, sized, constructed, and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. New uses and developments must not have an unmitigated adverse impact on other shoreline functions.

B. Protection of Critical Areas and Buffers. Critical areas, critical area buffers, and shoreline management buffers must be protected in accordance with the provisions of Article VI, Critical Areas Regulations in Shoreline Jurisdiction.

C. Mitigation Requirement. If a proposed shoreline use or development is entirely addressed by specific, objective standards (such as setback distances, pier dimensions, or materials requirements) contained in this SMP, then the mitigation sequencing analysis described in subsection D of this section is not required. In the following circumstances, the applicant must provide a mitigation sequencing analysis as described in subsection D of this section:

1. If a proposed shoreline use or development is addressed in any part by discretionary standards (such as standards requiring a particular action “if feasible” or requiring the minimization of development size) contained in this chapter, then the mitigation sequencing analysis is required for the discretionary standard(s); or

2. When an action requires a shoreline conditional use permit or shoreline variance permit; or

3. When specifically required by regulations contained in Article V, VI, VII, or VIII of this chapter.

D. Mitigation Sequence. In order to ensure that development activities contribute to meeting the no net loss provisions by avoiding, minimizing, and mitigating for adverse impacts to ecological functions or ecosystem-wide processes, an applicant required to complete a mitigation analysis pursuant to subsection C of this section must describe how the proposal will follow the sequence of mitigation as defined below, listed in descending order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action;

2. Minimize adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectify the adverse impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;

4. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the action;

5. Compensate for the adverse impact by replacing, enhancing, or providing substitute resources or environments; and

6. Monitor the adverse impact and the compensation projects and take appropriate corrective measures.

E. Adverse Impacts. Examples of common actions that may result in adverse ecological impacts include, but are not limited to, the following:

1. Removal of native plant communities in shoreline jurisdiction;

2. Removal of native or nonnative trees that overhang the water;

3. Removal of native or nonnative vegetation on slopes if that vegetation supports maintenance of slope stability and prevents surface erosion;

4. Removal or alteration of priority habitats or habitat for priority species;

5. Construction of new or expanded in- and over-water structures;

6. Construction of new or expanded shoreline stabilization;

7. New discharges of water into shorelines that may introduce pollutants; or

8. Grading or fill that reduces the storage capacity of a floodplain.

F. Mitigation Plan. All proposed alterations to shoreline jurisdiction that may have adverse effects on ecological functions require mitigation sufficient to provide for and maintain the functions and values of the shoreline area or to prevent risk from a critical areas hazard. The applicant must develop and implement a mitigation plan prepared by a qualified professional. Mitigation in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required by Adams County, but may be voluntarily performed by an applicant. In addition to any applicable mitigation requirements found in Article VI of this chapter, a mitigation plan must include:

1. An inventory and assessment of the existing shoreline environment including relevant physical, chemical and biological elements;

2. A discussion of any federal, state, or local management recommendations which have been developed for critical areas or other species or habitats located on the site;

3. A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;

4. A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed;

5. Scaled drawings of existing and proposed conditions, materials specifications, and a minimum three-year maintenance and monitoring plan, including performance standards;

6. A contingency plan if mitigation fails to meet established success criteria; and

7. Any additional information necessary to determine the adverse impacts of a proposal and mitigation of the impacts.

G. Alternative Mitigation. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions on site and in kind. To provide for flexibility in the administration of the ecological protection provisions of this SMP, alternative mitigation approaches may be approved within shoreline jurisdiction where such approaches provide increased protection of shoreline ecological functions and processes over the standard provisions of this SMP and are scientifically supported, or are consistent with the shoreline restoration plan or watershed-level management plans. Potential alternative mitigation tools include advance mitigation and mitigation banking. Authorization of alternative compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions, and may require approval by other state or federal agencies.

18.08.530 Shoreline vegetation conservation.

A. Vegetation conservation standards do not apply retroactively to existing legally established uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction.

B. Vegetation within shoreline management buffers, other stream buffers, wetlands and wetland buffers, WDFW-mapped priority habitats and species areas, and other critical areas must be managed consistent with Article VI, Critical Areas Regulations in Shoreline Jurisdiction. Regulations specifying establishment and management of shoreline management buffers are located in Section 18.08.650, Fish and wildlife habitat conservation areas.

C. Other vegetation within shoreline jurisdiction, but outside of shoreline management buffers, other stream buffers, wetlands and wetland buffers, and other WDFW-mapped priority habitats and species areas must be managed according to this section; Section 18.08.520, Environmental protection; and any other regulations specific to vegetation management contained in this SMP and Adams County Code.

D. Vegetation clearing must be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP and Adams County Code. Mitigation sequencing per Section 18.08.520(D) must be applied unless specifically excluded by this SMP, so that the design and location of the structure or development, including septic drainfields, minimizes short- and long-term vegetation removal. The county may approve modifications or require minor site plan alterations to achieve maximum tree retention.

E. Where vegetation removal conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations are required to develop and implement a supplemental mitigation plan. Examples of actions that may result in adverse impacts include:

1. Removal of native trees, shrubs or groundcovers;

2. Removal of nonnative trees or shrubs that overhang aquatic areas or stabilize slopes; or

3. Removal of native or nonnative trees or shrubs that disrupt an existing vegetation corridor connecting the property to other critical areas or buffers.

Mitigation plans must be prepared by a qualified professional and must contain information required in Section 18.08.520(F). Performance standards shall require one hundred percent survival in year one, with one hundred percent tree survival and eighty percent shrub and groundcover survival at the end of the monitoring period. Mitigation measures must be maintained over the life of the use or development.

F. Native tree removal in shoreline jurisdiction must be mitigated by installation of a similar native tree at a 1:1 impact to mitigation ratio. Nonnative tree removal in shoreline management buffers must be mitigated by installation of a native or suitable nonnative tree at a 1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline management buffer, unless the trees provide connectivity to upland habitats or other critical areas, and shall be held to a one hundred percent survival standard at the end of three years.

G. Where a tree poses a safety hazard, it may be removed or converted to a wildlife snag if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. If a safety hazard cannot be easily determined by the county, a written report by a certified arborist or other qualified professional is required to evaluate potential safety hazards.

H. Selective pruning of trees for views is allowed. Selective pruning of trees for views does not include removal of understory vegetation, and must not compromise the health of the tree.

I. Hand removal or spot-spraying of invasive species (such as Russian olive) or noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is encouraged.

J. Mechanical removal or large-scale chemical treatment of invasive species.

1. Mechanical removal or large-scale chemical treatment of invasive species or noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is encouraged.

2. Coordination with Adams conservation district is encouraged prior to undertaking invasive or noxious weed removal projects to ensure that the control and disposal technique is appropriate.

3. Where noxious weeds and invasive species removal results in bare soils that may be subject to erosion or recolonization by invasive or noxious species, the area must be stabilized using best management practices and replanted with native plants (in or outside of shoreline or critical area buffers) or suitable nonnative plants (outside of shoreline or critical area buffers). The replanted vegetation must be similar in size and structure at maturity to the removed vegetation.

4. Invasive species removal efforts that exceed one-quarter acre should be phased if feasible to minimize potential erosion and sedimentation impacts.

K. Aquatic weed control is only allowed where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent recreational use. Aquatic weed control efforts must comply with all applicable laws and standards.

18.08.540 Water quality, stormwater, and nonpoint pollution.

A. Do Not Degrade Ecological Functions. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws, so that there is no net loss of ecological functions.

B. Do Not Degrade Views and Recreation Opportunities. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws, so that significant impacts to aesthetic qualities (e.g., water color) or recreational opportunities (e.g., safe swimming and fishing) do not occur.

C. Requirements for New Development.

1. New development and redevelopment shall manage short-term and long-term stormwater runoff to avoid and minimize potential adverse effects on shoreline ecological functions through compliance with the latest county-adopted edition of the Stormwater Management Manual for Eastern Washington (2004) or approved equivalent. If certain thresholds are not met by a development that trigger compliance with the Stormwater Management Manual or approved equivalent, best management practices (BMPs) must still be employed to avoid and minimize potential adverse effects.

2. When the Stormwater Management Manual applies, deviations from the standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

D. Sewage Management. New developments or failing septic systems shall connect to an existing municipal sewer service system if feasible, or install a system or make system corrections approved by Adams County health department.

E. Materials Requirements. All materials that may come in contact with water shall be untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals.

18.08.550 Public access.

A. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality.

B. Public access does not include the right to enter upon or cross private property, except on dedicated public rights-of-way or easements or where development is specifically designed to accommodate public access.

C. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.

D. The county shall not vacate any road, street, or alley abutting a body of water except as provided under RCW 36.87.130.

E. Shoreline public access shall be required for the following shoreline uses and activities, unless excepted by subsection F of this section:

1. Shoreline recreation pursuant to Section 18.08.760;

2. New structural public flood hazard reduction measures, such as dikes and levees;

3. Shoreline development proposed or financed by public entities;

4. New marinas when water-enjoyment uses are associated with the marina;

5. Where commercial use is proposed on land in public ownership;

6. Where the nature of the proposed use, activity or development will likely generate a public demand for one or more forms of physical or visual access to the shoreline;

7. When the proposed use, activity or development is not a water-oriented or other preferred shoreline use, activity or development under the SMA, such as a non-water-oriented commercial or industrial use; or

8. When the proposed use, activity or development will interfere with the public use, activity and enjoyment of shoreline areas or water bodies subject to the public trust doctrine (see definition in Article II of this chapter).

F. Notwithstanding the applicability of subsection E of this section, an applicant shall not be required to provide public access where the county determines that one or more of the following conditions apply:

1. Reasonable, safe and convenient public access to the shoreline is accessible within one-quarter mile (one thousand three hundred twenty feet) of the site;

2. The site is within or part of an overall development which has previously provided public access through other application processes;

3. The economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity or development;

4. The proposed use, activity or development only involves the construction of four or fewer single-family or multifamily dwellings;

5. The proposed use, activity or development only involves agricultural activities;

6. The proposal consists of a new or expanded road or utility crossing through shoreline jurisdiction serving development located outside of shoreline jurisdiction;

7. The nature of the use, activity or development or the characteristics of the site make public access requirements inappropriate due to health, safety or environmental hazards based on evidence provided in the proposed application;

8. The proposed use, activity or development has security requirements that are not feasible to address through the application of alternative design features or other measures;

9. Significant and unmitigable harm to the shoreline environment would be likely to result from an increase, expansion or extension of public access upon the site; or

10. Public access is deemed detrimental to threatened and/or endangered species under the Endangered Species Act.

G. Public Access Standards. When public access is required, the following standards shall apply.

1. Physical public access is preferred to solely visual access. Where physical public access is not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view

corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.

2. Physical public access shall be designed to connect to existing or future public access features on adjacent or abutting properties, or shall connect to existing public rights-of-way or access easements, consistent with design and safety standards.

3. Public access proposals shall be designed consistent with parks and recreation standards or plans contained in applicable county, state, or federal codes or approved plans.

H. Shared community access may be allowed if there is no existing or planned public access along the shoreline as determined by a review of adopted parks and recreation plans. Where provided, community access is subject to all applicable development standards of this section. Preference shall be given for consolidated community access over individual lot by lot access in new multi-lot or multi-unit development.

I. Where public access is required pursuant to subsection E of this section and not exempt through subsection F of this section, an applicant may request that the public access requirement be fulfilled through developing public access on another site. Off-site public access, either physical or visual, may be permitted by the county where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, or feasibility are present. Off-site public access may include, but is not limited to, enhancing a nearby public property in accordance with county standards; providing, improving or enhancing public access on another property under the control of the applicant/proponent; or implementing another equivalent measure.

J. The county may condition public access proposals to ensure compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, and/or address compatibility with adjacent properties. Public access facilities shall be made compatible with adjacent private properties through the use of techniques to define the separation between public and private space, including but not limited to, fencing, vegetation, and elevation separations.

18.08.560 Flood hazard reduction.

A. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, including Section 18.08.620, as well as Adams County Code Chapter 15.16, Flood Damage and Prevention, and applicable guidelines of the Federal Emergency Management Agency.

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

C. The following uses and activities may be authorized within the CMZ or floodway, provided they are also consistent with Section 18.08.620:

1. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

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

3. Existing and ongoing agricultural activities; provided, that no new restrictions to channel movement are proposed.

4. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures, including trails, where no other feasible (see definition in Article II of this chapter) alternative exists or the alternative would result in unreasonable and disproportionate costs[1]. Where such structures are allowed, mitigation shall address adversely impacted functions and processes in the affected shoreline.

5. New or redeveloped measures to reduce shoreline erosion; provided, that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.

6. Water-dependent installations which by their very nature must be in the floodway.

7. Modifications or additions to an existing nonagricultural legal use; provided, that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.

8. Repair and maintenance of existing legally established use and developments; provided, that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.

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

E. New development in shoreline jurisdiction, including the subdivision of land, shall not be permitted if it is reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

F. New public and private structural flood hazard reduction measures:

1. Shall not be approved, unless a scientific and engineering analysis demonstrates the following:

a. That they are necessary to protect existing development;

b. That nonstructural measures, such as buffers and setbacks, land use controls, wetland restoration, dike removal, use or structure removal or relocation, biotechnical measures, and stormwater management programs are not feasible;

[1] For the purposes of this section, "unreasonable and disproportionate" means that locations outside of the floodway or CMZ would add more than twenty percent to the total project cost. Other methods to determine unreasonable and disproportionate cost may be used on a case-by-case basis with approval of the shoreline administrator. (Twenty percent has been used as a threshold by WSDOT and the Federal Department of Justice for ADA standards.)

c. That adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;

d. That the ability of natural drainage ways to adequately drain floodwaters after a flooding event is not impaired;

e. That the proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented; and

f. That adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.

2. Shall be consistent with an approved comprehensive flood hazard management plan.

3. Shall be placed landward of associated wetlands and designated shoreline management buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the shoreline administrator.

G. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant adverse ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

H. The removal of gravel or other riverbed material for flood management purposes shall be consistent with Section 18.08.735, Dredging and dredge material disposal, and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

Article VI. Critical Areas Regulations in Shoreline Jurisdiction

18.08.610 General provisions.

A. Purpose. The purpose of this article is to promote the general health, safety, and welfare of county residents by conserving and protecting critical areas in shoreline jurisdiction to assure no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. The Adams County board of commissioners finds that the impact of development in critical areas poses a threat to the public's health, safety, and welfare; to clean water, and to fish and wildlife habitat. This article is enacted to protect critical areas by regulating development within or adjacent to such areas/lands, while providing property owners with reasonable economic use of their land.

B. General Provisions.

1. Multiple Designations of Critical Areas.

a. Critical area designations overlay other land uses including designated natural resource lands. If two or more land use designations apply to a given parcel, or a portion of a parcel, both or all designations and their corresponding regulations shall be applicable.

b. The application of these provisions shall be considered in the application of other permits and development activities authorized by adopted Adams County codes including, without limitation, the zoning code, subdivision code, etc.

2. Reference Maps and Inventories. The distribution of critical areas within Adams County is described and displayed on reference materials and on maps available online and/or maintained by the SMP administrator. These reference materials are intended for general information only and do not depict site-specific designations. These reference materials shall include, but are not limited to, the following:

a. Maps.

i. Any maps created through a critical areas review process;

ii. Any maps created through the Adams County shoreline master program update process;

iii. WDFW priority habitats and species maps, as amended (publicly viewable at https://wdfw.wa.gov/species-habitats/at-risk/phs/maps);

iv. USGS quadrangle maps;

v. Flood insurance rate maps (FEMA), as amended (publicly viewable at http://msc.fema.gov/portal);

vi. Flood boundary and floodway maps (FEMA), as amended (publicly viewable at http://msc.fema.gov/portal);

vii. Aerial photographs (publicly viewable at http://adamswa.mapsifter.com/);

viii. USFWS National Wetland Inventory maps (publicly viewable at http://www.fws.gov/wetlands/Data/Mapper.html);

ix. Columbia Basin Ground Water Management Area maps;

x. Columbia Basin Irrigation Project topography and retracement maps from 1939 to 1943 and from 1960, as well as other preconstruction and construction maps developed for the project;

xi. Previously completed maps in the vicinity of a permit application.

b. Documents.

i. Flood insurance study for Adams County, as amended;

ii. Adams County shoreline master program, as amended, and supporting documents;

iii. Adams County comprehensive plan, as amended;

iv. Natural Resources Conservation Service soil survey for Adams County;

v. U.S. Army Corps of Engineers Wetlands Delineation Manual (1987) and all applicable guidance that is not superseded by the new regional supplements, as amended;

vi. Washington State Wetlands Rating System for Eastern Washington (WDOE Publication No. 14-06-030), as amended;

vii. Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2, Pub. No.21-06-003), as amended;

viii. Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Pub No. 06-06-11b), as amended;

ix. Management Recommendations for Washington's Priority Habitats and Species (WDFW), as amended;

x. Management Recommendations for Washington's Priority Habitats—Wetlands (WDFW), as amended;

xi. Previously completed special reports conducted in the vicinity of a permit application;

xii. Columbia Basin Ground Water Management Area Plan, as amended.

3. Applicability of Reference Maps. The reference maps identified herein display general locations and approximate boundaries of potential critical areas and are not intended to determine regulatory boundaries. Further field determination and analysis will be necessary for specific development proposals to establish exact location, extent, and nature of critical areas.

4. Signs. The SMP administrator may require that the outer perimeter of the critical 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. The SMP administrator may require permanent signs with specific and appropriate wording be installed along the boundary of a critical area or buffer as a condition of any permit or approval.

5. Fencing.

a. The SMP administrator shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the SMP administrator shall condition any permit or authorization issued pursuant to this section to require the applicant to install a permanent fence at the edge of the critical area or buffer, when fencing will prevent future impacts to the critical area.

b. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, and shall be constructed in a manner that minimizes habitat impacts.

C. Permitting.

1. All applications for shoreline permits or shoreline exemption to conduct activities having possible impact(s) to critical areas must:

a. Establish if critical areas are present;

b. Identify if impact(s) could occur;

c. Make an estimate of the probable impact(s); and

d. Refer to the provisions herein to guide development decisions, which strive to mitigate impact(s).

2. Shoreline permits, shoreline exemption, and other development permits may be granted for proposals which include mitigation measures for probable impact(s) if the mitigation measures adequately protect the people and critical area(s) involved.

3. Unless mitigation measures are included, requests for shoreline permits, shoreline exemption, and other development permits shall be denied which would result in activities that would:

a. Significantly degrade a wetland or fish and wildlife habitat conservation area;

b. Put people or property in a position of unacceptable risk with respect to floods or geological hazards;

c. Tend to aggravate geological hazards; or

d. Harm critical recharging areas for aquifers.

D. Allowed Activities. The following activities in critical areas or their buffers do not require review or documentation under this article. These activities will be encouraged to prevent, minimize and/or compensate for impacts to critical areas to the maximum extent possible using best management practices. These activities may still be subject to the remainder of the SMP consistent with Section 18.08.030, may require a shoreline permit or shoreline exemption consistent with Article V of this chapter, and may require compliance with other laws or permit requirements.

1. Activities in response to emergencies that threaten public health, property, safety or welfare, as verified by the SMP administrator to be the minimum necessary to alleviate the emergency.

2. Legally constructed structures, in existence on the date this SMP becomes effective, that do not meet requirements of this article may be remodeled or reconstructed; provided, that the new construction or related activity does not further encroach into the critical area(s) and/or natural resource land(s). Remodeling or reconstruction shall be subject to all other requirements of the zoning code.

3. Normal and routine activities conducted by public agencies to control mosquitoes throughout the county.

4. Operation and maintenance of existing Columbia Basin Project related facilities by the U.S. Bureau of Reclamation, and maintenance activities of the East, South and Quincy-Columbia Basin Irrigation Districts, including all water contract activities related to the use, reuse or lack of use of water subject to the federal water right. The Bureau and irrigation districts each operate in some degree within Adams County.

5. Normal and routine maintenance of legally constructed irrigation and drainage ditches (when located within an already approved easement, right-of-way, etc.).

6. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds; provided, that such activities do not involve conversion of any wetland or stream not used for such purpose on the effective date of this SMP.

7. Artificial structures intentionally constructed from upland areas for purposes of stormwater drainage or water quality control, or ornamental landscape ponds, which are not part of a mitigation plan as described and detailed herein.

8. Normal and routine maintenance of public streets, state highways, public utilities and public park facilities. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or dumping of maintenance debris. (Note: meaning no expansion into new unused areas.)

9. The following electric, natural gas, cable communications and telephone utility-related activities, when undertaken pursuant to best management practices to avoid impacts to critical areas (water quality, floodplain and other permits may be required if applicable):

a. Normal and routine maintenance or repair of existing utility structures or right-of-way when located within already approved easements, rights-of-way, etc.;

b. Relocation of electric facilities, lines, equipment or appurtenances, not including substations with an associated voltage of fifty-five thousand volts or less, when required and/or approved by the SMP administrator (when located within an already approved easement, right-of-way, etc.);

c. Relocation of natural gas, cable communications, telephone facilities, lines, pipes, mains, equipment or appurtenances when required and/or approved by the SMP administrator (when located within already approved easements or right-of-way, etc.);

d. Installation or construction in approved street rights-of-way and replacement, operation or alteration of all facilities listed in subsections (D)(9)(b) and (c) of this section.

10. Buffer management when approved by the SMP administrator and all agencies with jurisdiction. Management may be limited to actions necessary to reduce risk to adjacent properties from falling trees, wildfire, etc., provided the management is the minimum necessary to protect both the critical area and property.

11. Existing and ongoing agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, particularly as advocated by the Natural Resources Conservation Service, including the raising of crops or the grazing of livestock.

E. Enforcement. Enforcement of provisions of this article shall generally be pursuant to the provisions of Article IX of this chapter. In addition to the procedures referenced in Article IX, the following enforcement provisions shall apply:

1. It shall be unlawful for any person, firm, corporation or association, or agent thereof, to violate any provision of this article.

2. Upon a determination by the SMP administrator that a violation has occurred, he/she shall issue a notice in writing either by certified mail with return receipt requested or by personal service to the person incurring the same. The notice of violation and order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity. In appropriate cases, corrective action shall be identified in the notice, which corrective action shall be taken within a specific and reasonable time. When corrective action is taken and completed or if a corrective timeline and plan have been approved by the SMP administrator and completed, the SMP administrator may waive the fines imposed.

3. A person receiving a written notice of violation may appeal said notice to the board of county commissioners using the procedures as provided for in Chapter 17.84, specifically as that chapter relates to appeals of decisions made by an administrative official to the board of adjustment.

4. The prosecuting attorney may enforce compliance with this article by such injunctive, declaratory or other actions as deemed necessary to ensure that violations are prevented, ceased, or abated.

18.08.620 Frequently flooded areas.

A. Purpose and Objectives. It is the intent of Adams County to recognize and diminish potential hazards that may be caused by inappropriate development in areas where severe and costly flooding is

anticipated to occur within shoreline jurisdiction. Based on historical observation and information collected by the Federal Emergency Management Agency, this county endorses a cautious posture that limits construction in areas located within zones designated to be flood prone. This decision stems from local, as well as state and federal, understanding that development limitation in these areas helps to serve the health, safety and public welfare of the people of Adams County.

All development within frequently flooded areas shall comply with the protection measures designed to minimize hazards in frequently flooded areas as detailed in Adams County Code Chapter 15.16, Flood Damage and Prevention, as well as Section 18.08.560, Flood hazard reduction, and other applicable provisions of this shoreline master program.

B. Classification. Classification of frequently flooded areas, according to the minimum guidelines, should include, at a minimum, the one-hundred-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. The following categories of frequently flooded areas established for the purpose of classification are:

1. Floodways. The channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order that the base flood be carried without substantial increases in flood heights.

2. Floodplains. The floodway and special flood hazard areas.

3. Special Flood Hazard Areas. The area adjoining the floodway which is subject to a one percent or greater chance of flooding in any given year, as identified in the Adams County Flood Insurance Study (July 26, 1977, or as amended), and determined by the Federal Insurance Administration.

C. Designation. All Adams County lands, shorelines, and waters within shoreline jurisdiction, which are currently identified within the one-hundred-year floodplain in the Federal Emergency Management Agency document entitled, "The Flood Insurance Rate Map for Adams County, Washington, and Incorporated Areas," dated January 16, 2009, with accompanying flood insurance rate and boundary maps are designated as frequently flooded areas. If and when this study becomes updated to reflect new conditions, designation of frequently flooded areas will include the changes.

18.08.630 Critical aquifer recharge areas.

A. Purpose. It is the intent of Adams County to promote public health and safety by acknowledging the importance of preserving critical aquifer recharge areas that may exist in shoreline jurisdiction. These areas serve the vital function of replenishing groundwater resources which, in Eastern Washington, account for a major share of the water for irrigation, municipal, industrial, and domestic uses. Potable water is an essential life-sustaining element. Much of Washington's water comes from groundwater supplies. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.

B. Classification and Designation. As of 2001, Adams County has adopted the Columbia Basin Ground Water Management Area Plan. Although the primary focus of this plan is to reduce nitrate in groundwater of the groundwater management area (GWMA), significant scientific data has been developed that identifies, among other things, where there are groundwater areas in Adams County that may be susceptible to contaminant loading. For the purposes of this code, those areas identified by the GWMA as being exposures above-ground of the top of the highest recognized basalt complex basalt flows are "critical aquifer recharge areas." Any activities in shoreline jurisdiction, particularly municipal, industrial, commercial and agricultural activities, that involve the collection and storage of substances that, in sufficient quantity during an accidental or intentional release, would result in the impairment of the aquifer water to be used as potable drinking water liquids shall be regulated by this section.

C. Management Recommendations and Standards. The following management recommendations and standards will apply to development proposals determined to be located within critical aquifer recharge areas in shoreline jurisdiction, as defined and described herein:

1. The appropriate agency(ies) within Adams County will develop educational information to assist with informing people with shallow wells how best to manage and protect their potable water source.

2. Adams County will support the GWMA and local conservation districts in their efforts to educate agricultural producers about the best management practices for protecting Adams County's groundwater quality.

3. Adams County will encourage the Washington State Department of Ecology to better enforce the well-casing requirements.

4. Development activities within a critical aquifer recharge area that have a high potential for contamination shall be required to do a hydrological study, based on information available from the GWMA, and shall develop and implement protection measures to prevent contamination.

5. Any changes in land use or type of new facilities where substances of moderate risk are used, stored, treated or handled, or which produce moderate risk waste, shall be designed to prevent the release of any such materials into the groundwater.

6. Surface impoundments, defined by WAC Chapter 173-303, shall be designed by a professional engineer and constructed with an impermeable liner and other components as appropriate to prevent discharge of any material on the ground surface and/or into the groundwater system. Surface impoundments shall be designed and constructed in accordance with applicable governing law, and have a minimum excess capacity equal to one hundred twenty percent of the projected volume of liquid to be contained including intentional and unintentional stormwater capture. Surface impoundment means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

7. All minor developments, as defined and described in Article II of this chapter, authorized within an aquifer recharge area shall comply with the following standards:

a. Connection to a public sanitary sewer system or an approved community sewer system shall be required. If connection to sanitary sewer is not feasible, on-site septic systems proposed on legal lots of record are permitted provided:

i. The type of on-site system is approved by Adams County health upon finding that the design of the system will not be detrimental to the community water supply;

ii. The property owner shall enter a no protest agreement with a sanitary sewer provider as appropriate to the property location, agreeing to not protest the formation of a local improvement district for the extension of sanitary sewer. This agreement shall be recorded with the Adams County auditor.

b. The connection to an approved public water source shall be required.

8. All major developments, as defined and described in Article II of this chapter, authorized within an aquifer recharge area shall comply with the following minimum standards:

a. Connection to a public sanitary sewer system or an approved community sewer system shall be required;

b. Connection to an approved public water system shall be required;

c. All existing wells located on the subject property shall either be properly abandoned in accordance with the requirements of Adams County health and the Department of Ecology or designated for irrigation purposes only. If an existing well is designated for irrigation purposes, then the following shall apply:

i. Evidence of a water right issued by the state of Washington for the use of the well shall be presented to the review authority. An application for a water right is not acceptable evidence of an actual right to appropriate water.

ii. Certification from the public health officer stating that the well is properly constructed and sealed to prevent any contaminants from entering the wellhead shall be submitted to the review authority.

d. Stormwater detention and retention facilities shall be designed with the most current, accurate, and complete scientific and technical information and management practices to separate chemical and biological pollutants from the water prior to infiltration.

e. An analysis shall be conducted to assess the impact to groundwater quality from the potential of nitrate loading to the groundwater.

f. Areas highly susceptible of transporting contaminants to the groundwater (i.e., natural drainages, springs, wetlands, etc.), as determined by the review authority, shall be designated as open space. All impervious surfaces shall maintain a fifteen-foot setback from areas identified as being highly susceptible and no amount of stormwater runoff shall be directed towards the susceptible area(s).

9. Parks, Schools and Recreation Facilities. Fertilizer and pesticide management practices of schools, parks, other recreation facilities and similar uses shall use best management practices as prescribed by the Washington State University Cooperative Extension Services.

10. All major and minor developments shall have an informational note placed on the face of the plat stating "this subdivision is located within an aquifer recharge area." Best management practices shall be used for the containment of stormwater and the application of pesticides and fertilizers.

18.08.640 Geologically hazardous areas.

A. Purpose. It is the intent of Adams County to reduce the threat posed to the health and safety of its citizens from development within shoreline jurisdiction that may be sited in areas of significant geologic hazard. In some cases, it is recognized that risks from geologic hazards can be reduced or mitigated to acceptable levels through engineering design or modified construction practices. In other cases where technological efforts are not sufficient to reduce associated risks, building is best avoided.

B. Identification. According to WAC 365-190-030, geologically hazardous areas are:

areas that because of their susceptibility to erosion, sliding, earthquake or other geological event, are not suited to siting commercial, residential and/or industrial development consistent with public health or safety concerns.

Hazards of concern that exist in Adams County include any land containing soils, geology or slopes that meet any of the following criteria:

1. Areas with slopes in excess of forty-five percent;

2. Areas with all three of the following characteristics:

a. Soil types with the properties of the Ringold formation (clay);

b. Areas with the potential for water loading; and

c. Slopes in excess of fifteen percent;

3. Soils within Adams County are subject to wind erosion. All developments subject to the provisions of this code that involve any land clearing activities shall have a dust control and wind erosion mitigation plan reviewed and approved by the county;

4. Slopes having gradients steeper than eighty percent subject to rock fall during seismic shaking;

5. Areas highly susceptible to liquefaction from seismic activity.

C. Classification and Designation.

1. All geologically hazardous areas within shoreline jurisdiction shall be classified and designated by Adams County according to the level of risk associated with the hazardous area as established through an approved geologic hazard risk assessment and/or a geotechnical report submitted by the applicant in accordance with this chapter. Adams County may use on-site inspections and the information sources identified in this article as guidance in identifying the presence of potential geologically hazardous areas.

2. Geologically hazardous areas in Adams County shall be classified according to the following system:

a. Level 1—Critical Hazard Area. Shall be those areas with a known risk.

b. Level 2—Awareness Hazard Areas. Shall be those areas that have a suspected risk.

D. Determination Process. Adams County will review each shoreline permit, shoreline exemption, or other county development application to determine if the provisions of this section will be applied to the project. In making the determination, the county may use any of the reference maps and/or inventories identified in Section 18.08.610, General provisions.

1. Step One. County staff will determine if there are any possible geologically hazardous areas on site as defined herein. This determination will be made following a review of information available and a site inspection if appropriate. If no hazard area is determined to be present, this section shall not apply to the review of the proposed development.

2. Step Two. If it is determined that a geologically hazardous area may be present, the applicant shall submit a geologic hazard area risk assessment prepared by a licensed engineer or a licensed geologist. The risk assessment will include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. The assessment will be signed by and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby. The county may waive the requirement for the geologic hazard area risk assessment where the only hazard present is wind erosion and where the dust control and wind erosion mitigation plan required in subsection (B)(3) of this section has been reviewed and approved by the county.

3. Step Three. If the professional preparing the risk assessment in step two concludes that further analysis is necessary, the applicant shall submit a geotechnical report as provided for herein.

4. A proposed development or creation of new lots cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

E. Geotechnical Report.

1. All geotechnical reports shall be prepared by a civil engineer licensed to practice in the state of Washington.

2. A geotechnical report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. The report shall evaluate the actual presence of geologic conditions giving rise to the geologic hazard, and an evaluation of the safety of the proposed project, and identification of construction practices, monitoring programs and other mitigation measures necessary. A bibliography of scientific citations shall be included as necessary.

3. The geotechnical report shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

a. The risk of damage from the project, both on and off site, is minimal;

b. The project will not materially increase the risk of occurrence of the hazard;

c. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard; and

d. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.

4. All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

18.08.650 Fish and wildlife habitat conservation areas.

A. Purpose and Objectives. It is the intent of Adams County to recognize the importance of protecting fish and wildlife habitat conservation areas in shoreline jurisdiction, while at the same time encouraging continued economic development of the county, including the continuation of agriculture. Implementation of this section is directed toward preserving resources by steering incompatible development away from these areas and/or by providing adequate and appropriate mitigation measures to development that alleviate negative impacts.

Various federal, state and private agencies and individuals currently manage established fish and wildlife habitat conservation areas within this county. In recognition of their expertise and experience in local habitat management, Adams County supports their efforts to preserve and protect those critical fish and wildlife habitat conservation areas by acknowledging that cooperation and communication are essential to achieve common habitat conservation goals. The following objectives are the guiding factors in the application of this section to future development in Adams County:

1. Identify and map categories of fish and wildlife habitat conservation areas in Adams County, based in part on information supplied by the Washington Department of Fish and Wildlife's Priority Habitat and Species Program, and other sources.

2. Cooperate with federal, state and private agencies, and individuals who have primary authority to manage specific fish and wildlife habitat conservation areas within certain parts of the county.

3. Encourage preservation of adequate size blocks of land necessary for species survival and corridor areas that allow for migratory travel.

4. Adams County recognizes that species of wildlife in this locality are in a state of continuing flux, and a prudent understanding of this phenomenon is vital in guiding decision makers to balance conservation of wildlife species with promotion of wise, desirable growth.

5. Development decisions will serve to protect local wildlife values and reflect the needs and desires of the public.

6. The county recognizes the need for a degree of flexibility in weighing the significance of different areas of fish and wildlife habitat conservation. Specifically, the magnitude of protection for priority habitat areas is anticipated to be more pronounced than that which addresses important habitat areas.

B. Designation. According to WAC 365-190-130, "fish and wildlife habitat conservation" means:

> land management for maintaining populations of species in suitable habitat within their natural geographical distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term. Counties and cities should engage in cooperative planning and coordination to help assure long term population viability.

RCW 36.70A.030 specifies that:

"Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

1. All areas within Adams County meeting one or more of the following criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this section and shall be managed consistent with the most current, accurate, and complete scientific and technical information available, such as the Washington Department of Fish and Wildlife's Management Recommendations for Priority Habitat and Species. Fish and wildlife habitat conservation areas shall include:

   a. Areas with which federal or state endangered, threatened, and sensitive species of fish, wildlife or plants have a primary association;

   b. State priority habitats and areas associated with state priority species;

   c. Habitats and species of local importance (candidate species and other vulnerable and unique species and habitats) areas designated because of unusual or unique habitat warranting protection due to their population status or sensitivity to habitat manipulation which could include areas with state listed monitor or candidate species, or federally listed candidate species, or species with high recreational value (game, etc.) that have primary association;

d. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

e. Waters of the state (lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030);

f. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity (these include water bodies planted under auspices of a federal, state or local program, or which support important fish species as identified by Washington Department of Fish and Wildlife); or

g. Federal, state and private natural area preserves, natural resource conservation areas, and wildlife areas.

2. The following species may occur in, but may not be limited to, different areas of Adams County within shoreline jurisdiction, and are currently listed as threatened or endangered under the Federal Endangered Species Act or the State per WAC Chapter 232-12:

a. Greater sage-grouse;

b. Ferruginous hawk;

c. Sandhill crane;

d. American white pelican;

e. Upland sandpiper;

f. Yellow-billed cuckoo;

g. Steelhead trout;

h. Ute ladies' tresses;

i. Columbian Sharp-tailed Grouse;

3. It is recognized that the list of federal and state threatened and endangered species changes from time to time. The above list of species shall be continuously updated to reflect the federal and/or state listed threatened or endangered species, to the degree that Adams County is made aware of the updates by the applicable federal or state agency.

4. The following federal and/or state candidate species and species of local importance occur in different areas of Adams County, and may be subject to the provisions of this article where significant negative impacts from a project would occur to the habitat associated with and utilized by these species:

a. Clark's grebe;

b. Western grebe;

c. Bald eagle;

d. Golden eagle;

e. Peregrine falcon;

f. Burrowing owl;

g. Loggerhead shrike;

h. Sagebrush sparrow;

i. Sage thrasher;

j. Merriam's shrew;

k. Preble's shrew;

l. Townsend's big-eared bat;

m. Black-tailed jackrabbit;

n. White-tailed jackrabbit;

o. Washington ground squirrel;

p. Columbia spotted frog; and

q. Sagebrush lizard.

5. Adams County allows for the nomination of species/habitats of local importance, which process shall be included in the amendment process identified in Section 18.08.970, Amendments to SMP. In order to nominate species/habitats of local importance as candidates for designation within the category of important habitat areas, an individual or organization must:

a. Demonstrate a need for special consideration;

b. Propose relevant management strategies considered effective and within the scope of this section;

c. Provide species habitat location(s) on a map (scale 1:24,000).

6. In order to accommodate the needs and desires of the people of Adams County, public input shall be required to include species and/or habitats in the important habitat area classification identified in this section. Where the habitats and species classified as priority habitat areas are responsive, concurrently, with official changes in federal and/or state threatened or endangered listings/delistings, to include or not include species and/or habitats in the important habitat areas classification, these regulations must be amended through a formal process for nomination as described in this regulation.

C. Determination Process. Adams County will review each shoreline permit, shoreline exemption, or other county development application to determine if the provisions of this section will be applied to the project. In making the determination, the county will utilize the information submitted by the applicant and may use any of the readily available reference maps and/or inventories identified in Section 18.08.610(B)(2). The following progressive steps will occur upon a determination by the county that a fish and/or wildlife habitat conservation area may exist on a site proposed for a development permit:

1. Step One. Adams County staff will determine if there are any possible fish and/or wildlife habitat conservation areas on site. This determination shall be made following a review of information provided by the applicant, as well as a site inspection and/or a consultation with a qualified fish and/or wildlife biologist, if deemed necessary by the county. If no fish and/or wildlife habitat conservation area is determined to be present, this section shall not apply to the review of the proposed development.

(Note: except in very limited circumstances, all proposed developments in shoreline jurisdiction will be in or near a fish and wildlife habitat conservation area.)

2. Step Two. If it is determined by county staff that a fish and/or wildlife habitat conservation area may be present, the SMP administrator may request that the applicant conduct a site inspection and/or consultation with federal and/or state wildlife agency personnel to more definitively determine if a fish and/or wildlife habitat conservation area exists on the site. If no fish and/or wildlife habitat conservation area is determined to be present, this section shall not apply to the review of the proposed development. If yes, the applicant shall submit a habitat boundary survey and a habitat management and mitigation plan, as provided for in subsections D and E of this section.

D. Fish/Wildlife Habitat Boundary Survey.

1. If it is determined through the process identified herein that a designated fish or wildlife habitat conservation area exists on a site that is the subject of a development permit application, a fish/wildlife habitat boundary survey and evaluation shall be conducted by a fish or wildlife biologist, as appropriate, who is knowledgeable of fish/wildlife habitat within Adams County. The fish/wildlife habitat boundary shall be field staked by the biologist and surveyed by a land surveyor for disclosure on all final plats, maps, etc.

2. If it is determined through the process identified herein that a fish or wildlife habitat or species of local importance exists on a site that is the subject of a shoreline permit or exemption application, a fish/wildlife habitat boundary survey and evaluation may be required if the proposal meets the definition of "major development" as described in Article II of this chapter, and if the proposal is determined to have a probable adverse impact on the species or habitat of local importance. When required, all provisions of the habitat boundary survey and evaluation described in this section shall be followed.

3. The SMP administrator may waive the requirement for the survey for minor development if:

a. The proposed development is not within the extended proximity of the associated habitat;

b. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and

c. The applicant provides voluntary deed restrictions that are approved by the county.

4. The fish/wildlife habitat boundary and any associated buffer shall be identified on all plats, maps, plans and specifications submitted for the project.

E. Fish/Wildlife Habitat Management and Mitigation Plan. For those proposed developments determined to be within a fish or wildlife habitat conservation area, a fish/wildlife habitat management and mitigation plan may be required if it is determined by the county that the proposal will have probable adverse impacts on the habitat area.

1. When required, a fish/wildlife habitat management and mitigation plan shall be prepared by a biologist who is knowledgeable of wildlife habitat within Adams County.

2. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, that there will be no net loss of ecological function of habitat.

3. Based on the most current, accurate, and complete scientific and technical information available, the fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed

project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.

4. The fish/wildlife habitat management and mitigation plan shall include maps and narrative descriptions that address at least the following items:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

d. Compensating for the impact by replacing, enhancing or providing substitute resources or environments.

5. A plan by the applicant that explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:

a. Use of any federal, state or local management recommendations which have been developed for the species or habitats in the area;

b. Establishment of appropriate and adequate buffer zones. 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. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and, except where specifically prescribed in Table 18.08.650-1, shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife;

c. Preservation of critically important plants and trees;

d. Limitation of access to the habitat conservation area;

e. Seasonal restriction of construction activities;

f. Establishment of a timetable for periodic review of the plan.

6. A detailed discussion of ongoing management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs.

7. The SMP administrator may waive the requirement for the habitat management and mitigation plan for minor development if:

a. The proposed development is not within the extended proximity of the associated habitat;

b. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and

c. The applicant provides voluntary deed restrictions that are approved by the county.

F. Specific Habitat Performance Standards.

1. Endangered, Threatened and Sensitive Species.

a. No development shall be allowed within a 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.

b. Whenever activities are proposed adjacent to a 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 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.

2. Anadromous Fish.

a. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

i. 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;

ii. An alternative alignment or location for the activity is not feasible;

iii. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;

iv. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report; and

v. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.

b. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

c. Fills, when authorized by this SMP, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

3. Streams and Lakes.

a. Classification. Streams and lakes are classified using the Permanent Water Typing System described in WAC 222-16-030, and as follows:

i. Type S. Type S waters are shorelines of the state.

ii. Type F. Type F waters are perennial or seasonal, fish-bearing waters.

iii. Type Np. Type Np waters are non-fish-bearing perennial waters.

iv. Type Ns. Type Ns waters are non-fish-bearing seasonal waters.

b. Standard Buffer Widths. The buffers for development located in the vicinity of streams and lakes are as follows. A stream or lake shall have the width recommended, unless a greater width is required pursuant to subsection (F)(3)(c) of this section, or a lesser width is allowed pursuant to subsection(F)(3)(d) of this section. 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.

Table 18.08.650-1. Shoreline Management Buffers

Environment Designation	**Shoreline Waters[1] (Type S)**	**Other Waters in Shoreline Jursidiction[2]**
All Designations	For water-oriented public access and recreation facilities, see Table 18.08.650-2. For water-dependent developments there is no minimum shoreline management buffer. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting.	
Natural	200 feet	200 feet
Rural Conservancy	150 feet	150 feet
High Intensity Recreation	Water-related: 50 feet Other: 150 feet	Water-related: 50 feet Other: 150 feet

[1] Shoreline (Type S) lake and stream management buffers are based on existing conditions in each environment designation.
[2] Nonshoreline waters are subject to the buffers and other critical area protections herein only when passing through shoreline jurisdiction.

c. Increased Buffer Width. Stream or lake buffer widths shall be increased as follows:

i. When the SMP administrator determines that the width is insufficient to prevent habitat degradation and to protect the structure and function of the habitat area; or

ii. When the SMP administrator determines that the width is insufficient to protect human life and development from frequently flooded areas, geologically hazardous areas, or channel migration zones.

d. Buffer Width Averaging. The SMP administrator may allow the buffer width of a lake or stream to be reduced in accordance with a critical area report only if:

i. The width reduction will not reduce stream or lake habitat functions, including those of nonfish habitat;

ii. The width reduction will not degrade the habitat, including habitat for anadromous fish;

iii. The proposal will provide additional habitat protection;

iv. The total buffer area of each stream and lake on the development proposal site is not decreased;

v. The buffer width is not reduced by more than twenty-five percent in any one location;

vi. The buffer width reduction will not be located within another critical area or associated buffer; and

vii. The reduced buffer width is supported by the most current, accurate, and complete scientific and technical information available.

e. Mitigation. Mitigation of adverse impacts to stream and lake 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.

f. Alternative Mitigation. The performance standards set forth herein for stream and lake habitat areas 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.

g. Uses and Modifications Allowed in Shoreline Management Buffers and Other Critical Area Buffers. The following uses are allowed in buffers; provided, that mitigation sequencing (see Section 18.08.520(D)) is demonstrated, and any adverse impacts to ecological functions are mitigated.

i. Water-Dependent Uses. Consistent with the use allowances for each environment designation, water-dependent uses, modifications and activities may be located in shoreline management buffers at the water's edge.

ii. Accessories to Water-Dependent Uses. Uses, developments and activities accessory to water-dependent uses should be located outside any applicable standard or reduced shoreline management buffer unless at least one of the following is met:

(A) Proximity of the proposed accessory to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility, facilities that support aquaculture);

(B) The proposed accessory would be located in a park or on other public lands where high-intensity, water-oriented recreational development is already legally established, and the accessory would not conflict with or limit opportunities for other water-oriented uses; or

(C) The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

In these circumstances, uses and modifications accessory to water-dependent uses must be designed and located to minimize intrusion into the buffer. All other accessory uses, developments and activities proposed to be located in a shoreline management buffer must obtain a shoreline variance unless otherwise allowed by other regulations in this section or in this SMP.

iii. Water-Oriented Public Access and Recreation Facilities.

(A) The standards listed in Table 18.08-650-2 shall guide new development and redevelopment of water-oriented public and commercial access and recreation structures (see definitions in Article II) in all environment

designations in lieu of shoreline management buffers. Applicants shall submit a management plan that addresses compliance with each of the following applicable standards and principles, and contains additional information listed in subsection (F)(3)(g)(iii)(B) of this section. The county may review and condition the project to more fully implement the principles below.

Table 18.08.650–2. Water-Oriented Public Access and Recreation Structures: Design and Management Standards in Lieu of Shoreline Management Buffers

Design Element	Design and Management Standards
Category of Use	The following use preferences apply in priority order: • Water-dependent uses may be located waterward, at or immediately upland of the OHWM. • Water-related and/or water-enjoyment uses located upland of water-dependent uses. Water-related and water-enjoyment uses shall not displace existing or planned water-dependent uses. If water-dependent uses are not feasible, then water-related or water-enjoyment uses are allowed consistent with applicable performance standards. • Non-water-oriented recreation uses located upland of water-oriented recreation uses. • Accessory, non-water-oriented uses located upland of water-oriented uses. However, parking for those with disabilities, when no other location is feasible, may be located per "Parking" below. Existing primary non-water-oriented uses may only expand if they are located upland of water-oriented uses and if the expansion does not displace water-oriented uses. Water-enjoyment and water-dependent recreational uses may be expanded. Existing water-oriented uses may not be converted to a non-water-oriented use except when the existing water-oriented use is separated from the OHWM by another property.
Impervious Surface and Stormwater Management	New and expanded pollution-generating impervious surfaces (e.g., surfaces used predominantly by vehicles, such as parking areas, roads) must provide water quality treatment before discharging stormwater through use of oil-water separators, bioswales, or other approved technique. This provision does not apply to boat launches. Treated runoff from pollution-generating impervious surfaces and runoff from non-pollution-generating impervious surfaces shall be infiltrated if feasible. New or expanded pollution-generating impervious surfaces within 50 feet of the OHWM or within already disturbed areas shall be limited to those necessary to provide vehicle access to boat launches, to improve existing informal parking areas, to expand existing parking, or to provide ADA parking as outlined below under "Parking." New or expanded trail systems shall avoid existing riparian areas and comply with vegetation management requirements below. Existing trail systems may only be expanded in response to increased demand, and shall be expanded landward of existing trail where feasible. Parallel trails shall be placed at least 50 feet upland of the OHWM in the rural conservancy and natural environment designations, unless the trail is located on or upland of previously disturbed rights-of-way, access and/or utility easements, and legally altered sites. Viewing platforms and crossings are allowed in buffers, provided they are also located to avoid significant vegetation removal.
Parking	New parking accessory to shoreline access and recreation activities shall be at least one hundred feet upland of the OHWM, except where a minimum number of parking spaces are provided closer than one hundred feet to accommodate those with disabilities or where parking is provided on existing impervious surfaces. Existing parking closer than one hundred feet upland of the OHWM may only be expanded in response to increased demand. Expanded parking shall be expanded in the following order of preference, with 1) being the most preferred: 1) landward of existing parking and 2) laterally of the existing parking, if it is serving a previously existing authorized use and is located on existing impervious surface. Parking shall not be located closer than 50 feet upland of the OHWM unless the proposed expansion area is already an impervious surface or is necessary to accommodate those with disabilities.
Vegetation Management	New and expanded uses in shoreline jurisdiction shall comply with Section 18.08.530, Shoreline vegetation conservation. Landscape designs for new and modified recreation facilities in shoreline jurisdiction shall incorporate the following: • Select species that are suitable to the local climate, having minimal demands for water, minimal vulnerability to pests, and minimal demands for fertilizers. • Preserve existing soil and vegetation (especially trees) where possible. • Place vegetation to maximize the following benefits: o development or supplementation of a native vegetated wildlife corridor, o development or supplementation of riparian vegetation adjacent to the water's edge, o screening parking areas from views from the water or the park, and/or o discouragement of wildlife that may directly or indirectly interfere with park use or human health. While a specified buffer is not required for certain water-oriented recreational uses and developments in public or commercial access and recreation areas, recreational improvement projects shall place an emphasis on shoreline restoration/enhancement within 50 feet of the OHWM.

Design Element	Design and Management Standards
Chemical Applications	A lawn and landscape management strategy for any allowed uses in shoreline jurisdiction shall be developed that incorporates the following: • A site-specific plan for use of integrated pest management technique, if applicable. • A detailed plan identifying anticipated use of fertilizers, herbicides and pesticides, to include method of application that ensures these materials will not enter the water. Phosphorus-containing fertilizer treatments shall not be applied to turf or landscaping within 50 feet of the OHWM. Natural applications and hand removal are preferred over synthetic applications.
Lighting	Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. Outdoor lighting fixtures and accent lighting shall not directly illuminate the shoreline water body, unless it is a navigational light subject to state or federal regulations.
Campgrounds	Proposed new campgrounds and their associated parking areas shall be a minimum of 50 feet from the OHWM.

(B) Application Requirements.

(1) Drawings of existing and proposed access and recreation facilities, including a narrative that identifies area (square feet) and description of trails, parking, restrooms, campsites, recreational facilities, riparian vegetation, upland vegetation and lawn areas.

(2) Any increases in impervious surfaces shall be accompanied by a needs analysis that addresses the requirement for increased access and recreation facilities, what size facilities are needed by existing and projected users, and the nearest locations of similar facilities.

(3) Expansion of access and recreation facilities shall be accompanied by a mitigation plan that addresses the design elements and the design and management standards above, addresses any critical area impacts, addresses mitigation sequencing, and demonstrates no net loss of shoreline ecological functions.

iv. Temporary agricultural equipment and facilities. New agricultural equipment and facilities, excluding buildings, may be placed in a buffer if the following conditions are satisfied:

(A) Placement of the equipment and facilities must support an existing agricultural use.

(B) The equipment and facilities may only be in the buffer on a temporary or seasonal basis, a maximum of eight months in a running twelve-month period.

(C) Placement outside of a buffer is not feasible because it would be located on a property owned by another landowner or it would interfere with another agricultural or authorized use.

(D) The location of the proposed equipment and facilities is on an already altered site, and would not result in harm to or removal of native vegetation.

(E) Best management practices are utilized to prevent adverse impacts to water quality or other ecological functions.

v. Shoreline residential access. A private access pathway constructed of pervious materials may be installed, a maximum of four feet wide, through the shoreline management buffer to the OHWM. Impervious materials may be used as needed to construct a safe, tiered pathway down a slope. Raised boardwalks may also be constructed through wetland areas to reach the shoreline water body consistent with regulations in this article. A railing may be installed on one edge of the pathway, a maximum of thirty-six inches tall and of open construction. Pathways to the

shoreline should take the most direct route feasible consistent with appropriate safety standards.

18.08.660 Wetlands.

A. Purpose. It is the intent of Adams County to promote public health and welfare by instituting local measures to preserve naturally occurring wetlands that exist in shoreline jurisdiction for their associated value. These areas may serve a variety of vital functions, including, but not limited to: flood storage and conveyance, water quality protection, recharge and discharge areas for groundwater, erosion control, sediment control, fish and wildlife habitat, recreation, education and scientific research.

Protection measures should strive to spare wetlands that may be in jeopardy from new shoreline development proposals. However, these regulations shall not prohibit preexisting legal uses on any parcel prior to their adoption.

Adams County recognizes that various legal means and levels of government already address protection of wetlands. Effort will be made to avoid unnecessary duplication and to promote cooperation and coordination whenever possible.

B. Determination Process. Adams County will review each shoreline permit, shoreline exemption, or other development application under Section 18.08.610(C) to determine if the provisions of this article will be applied to the project. In making the determination, the county will utilize the information submitted by the applicant and may use any of the readily available reference maps and/or inventories identified in Section 18.08.610(B)(2). The following progressive steps will occur upon a determination by the county that a wetland area may exist on a site proposed for a development permit:

1. Step One. Adams County staff will determine if there are any possible wetland or wetland buffer areas on site. This determination shall be made following a review of information provided by the applicant, as well as a staff review of available aerial photos, consultation with state or federal regulatory agency staff, site inspection and/or a consultation with a qualified professional, if deemed necessary by the county. If no wetland area is determined to be present, this section shall not apply to the review of the proposed development, unless other wetlands are discovered to be present during project development.

2. Step Two. If it is determined by county staff that regulated wetland areas may be present, the SMP administrator may request that the applicant conduct a site inspection and consult with a qualified professional to more definitively determine if a wetland area or buffer exists on the site and if that area is subject to the regulations of this section. If no wetland area or wetland buffer exists on the site, this section shall not apply to the review of the proposed development. If yes, the applicant shall conduct a wetland delineation and rating in accordance with subsection C of this section, and shall submit a wetland critical areas report in accordance with subsection G of this section. If impacts are proposed, a wetland mitigation plan shall be submitted in accordance with subsection H of this section.

C. Identification and Rating.

1. Identification of wetlands and delineation of their boundaries pursuant to this section shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within shoreline jurisdiction meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this section. Wetland delineations are valid for five years; after such date the county, in consultation with Ecology, shall determine whether a revision or additional assessment is necessary.

2. Rating. 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 No. 14-06-030, or as revised and approved by Ecology), which contains the definitions and methods for determining whether the following criteria are met.

a. Category I wetlands are those that (i) represent a unique or rare wetland type; or (ii) are more sensitive to disturbance than most wetlands; or (iii) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (iv) provide a high level of functions. Risk of any degradation to these wetlands must be avoided because their functions and values are too difficult to replace. Generally, these wetlands are not common and make up a small percentage of the wetlands in the region.

b. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.

c. Category III wetlands are wetlands with a moderate level of functions and can often be adequately replaced with a well-planned mitigation project. These wetlands generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

d. Category IV wetlands have the lowest level of functions and are often heavily disturbed. These are wetlands that should be able to be replaced and, in some cases, improved. 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.

3. Illegal Modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

D. Regulated Activities.

1. For any regulated activity, a critical areas report (see subsection G of this section) may be required to support the requested activity.

2. The following activities are regulated if they occur in a regulated wetland or its buffer within shoreline jurisdiction:

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

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

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

d. Pile driving.

e. The placing of obstructions.

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

g. 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.

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. Activities that result in:

i. A significant change of water temperature.

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

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

iv. The introduction of pollutants.

3. Subdivisions. The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:

a. Land that is located wholly within a wetland or its buffer may not be subdivided.

b. Land that is located partially within a wetland or its buffer may be subdivided; provided, that an accessible and contiguous portion of each new lot:

i. Is located outside of the wetland and its buffer; and

ii. Meets the minimum lot size requirements of Title 17, Zoning.

E. Exceptions and Allowed Uses in Wetlands.

1. The following wetlands do not require buffers and are not required to comply with the normal mitigation sequencing process in Section 18.08.520(D). They may be filled if impacts are fully mitigated based on provisions in subsection H of this section. If available, impacts should be mitigated through the purchase of credits from a mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in subsection G of this section must be submitted.

a. Artificial wetlands within the developed portion of the Columbia Basin Irrigation Project. (This is a federally managed irrigation system that intentionally created by design, engineering and land use contracts artificial wetlands. Conversion of ground and surface water conditions within the developed project boundary was anticipated and intended.)

b. Areas that may meet the definition of “artificial wetlands” either intentionally or unintentionally as described herein that are managed and regulated by the United States Bureau of Reclamation.

c. Wetland areas identified on the National Wetland Inventory (NWI) maps with an artificial designation when it can be shown that the area(s) noted was (were) intentionally created from a nonwetland site.

2. Activities Allowed in Wetlands. The following listed activities are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

a. 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 Chapter 76.09 and WAC Chapter 222-12.

b. 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.

c. 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.

d. 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 groundwater 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 groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.

e. Enhancement of a wetland through the removal of nonnative 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. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

f. Educational and scientific research activities.

g. 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 expand the footprint or use of the facility or right-of-way.

F. Wetland Buffers.

1. Standard Buffers. A wetland buffer area of adequate width shall be maintained between wetlands and adjacent new development to protect the function and integrity of wetlands, based on the Table 18.08.660-1. The standard buffer must be applied unless an extension or reduction in width is allowed in accordance with subsections (F)(2) and (3) of this section.

Table 18.08.660-1. Standard Wetland Buffers

Wetland Category	Land Use Intensity	
	Minor	Major
I	125 ft	250 ft
II	100 ft	200 ft
III	75 ft	150 ft
IV	25 ft	50 ft

Table 18.08.660-2. Types of Proposed Land Use That Will Be Considered a Major and Minor Development

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Adams County Zoning Use Designations*
Major	• Commercial • Urban • Industrial • Institutional • Moderate-intensity open space (parks with biking, jogging, etc.) • Retail sales

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Adams County Zoning Use Designations*
	• Residential (subdivisions with less than one lot per five acres) • Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, and raising and maintaining animals in a confined area, etc.) • High-intensity recreation (golf courses, ball fields, etc.) • Paved trails (when SEPA is required)
Minor	• Conversion to moderate-intensity agriculture (orchards, hay fields, etc.) • Low-intensity open space (hiking, bird watching, preservation of natural resources, etc.) • Paved trails (when no SEPA is required) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

* Adams County will use its zoning code land use chart (Title 17) and shoreline master program (this chapter). All projects not exempt from SEPA may be considered a major development regardless of this chart.

2. Increased Wetland Buffer Width. Buffer widths shall be increased on a case-by-case basis as determined by the SMP administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or

c. The adjacent land has minimal vegetative cover or slopes greater than thirty percent.

3. Standard buffer widths may be modified by the county for a development proposal by averaging buffer widths based on a report submitted by the applicant and prepared by a qualified professional approved by the director (e.g., wetland biologist). Buffer averaging may be permitted only when all of the following conditions are met:

a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a well vegetated component adjacent to a degraded component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.

b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas study from a qualified professional.

c. The width averaging will not adversely impact the designated wetland’s functional value.

d. The total area of the buffer after averaging is equal to the area required without averaging.

e. The buffer at its narrowest point is never less than either three-quarters of the required width or seventy-five feet for Category I and II, fifty feet for Category III and twenty-five feet for Category IV, whichever is greater.

4. All other proposals to reduce a wetland buffer may only be approved through the shoreline variance process.

5. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

6. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

7. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this section, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive nonnative weeds is required for the duration of the monitoring period.

8. Impacts to Buffers. Requirements for the compensation of impacts to buffers are outlined in subsection (H)(10) of this section.

9. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

10. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this section, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

a. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

b. Passive Recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:

i. Walkways and trails; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing nontreated pilings may be acceptable.

ii. Wildlife-viewing structures.

c. Educational and scientific research activities.

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

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

f. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not interrupt the groundwater 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 groundwater connection to the wetland or percolation of surface water down through the soil column is disturbed.

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

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

i. No other location is feasible; and

ii. The location of such facilities will not degrade the functions or values of the wetland; and

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

i. Nonconforming Uses. Repair and maintenance of nonconforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

11. Signs and Fencing of Wetlands and Buffers.

a. Temporary Markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary “clearing limits” fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the administrator 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.

b. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.

i. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another nontreated material of equal durability. Signs must be posted at an interval of one per lot or every fifty feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the administrator:

Protected Wetland Area Do Not Disturb

Contact Adams County

Regarding Uses, Restrictions, and Opportunities for Stewardship

ii. The provisions of subsection (F)(11)(b)(i) of this section may be modified as necessary to assure protection of sensitive features or wildlife.

c. Fencing.

i. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

ii. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

G. Critical Areas Report.

1. If the administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland, a wetland report, prepared by a qualified professional, shall be required. The expense of preparing the wetland report shall be borne by the applicant.

2. Minimum Standards for Wetland Reports. The written report and the accompanying plan sheets shall contain the following information, at a minimum:

a. The written report shall include at a minimum:

i. The name and contact information of the applicant; the name and contact information for the primary author(s) of the wetland critical area report; documentation of the author's credentials as a qualified professional; 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.

ii. A statement specifying the accuracy of the report and all assumptions made and relied upon.

iii. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, etc.

iv. A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses including references.

v. 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.

vi. For each wetland identified on site and within three hundred feet of the project site provide the wetland rating (subsection (C)(2) of this section); required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from

the field delineation (acreages for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and, to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

vii. 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.

viii. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.

ix. A description of reasonable efforts made to apply mitigation sequencing pursuant to mitigation sequencing (Section 18.08.520(D)) to avoid, minimize, and mitigate impacts to critical areas.

x. 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.

xi. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

xii. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.

xiii. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

(A) Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);

(B) A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

H. Compensatory Mitigation.

1. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate how mitigation sequencing (Section 18.08.520(D)) will be implemented.

2. Requirements for Compensatory Mitigation.

a. 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 No. 06-06-011b, Olympia, WA, March 2006 or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication No. 10-06-07, November 2010).

b. Mitigation ratios shall be consistent with subsection (H)(7) of this section.

c. Mitigation requirements may also be determined using the credit/debit tool described in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report" (Ecology Publication No. 11-06-015, August 2012), consistent with subsection (H)(8) of this section.

3. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

a. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

b. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the county, such as replacement of historically diminished wetland types.

4. Preference of Mitigation Actions. Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

a. Restoration (Reestablishment and Rehabilitation) of Wetlands).

i. The goal of reestablishment is returning natural or historic functions to a former wetland. Reestablishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

ii. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

b. Creation (Establishment) of Wetlands on Disturbed Upland Sites Such as Those with Vegetative Cover Consisting Primarily of Nonnative Species. Establishment results in a gain in wetland acres. 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. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified professional that:

i. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;

ii. The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;

iii. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and

iv. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

c. Enhancement of Significantly Degraded Wetlands in Combination with Restoration or Creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

i. How the proposed enhancement will increase the wetland's/buffer's functions;

ii. How this increase in function will adequately compensate for the impacts; and

iii. How all other existing wetland functions at the mitigation site will be protected.

d. Preservation. 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 reestablishment or creation. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being altered and the quality of the wetlands being preserved.

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:

i. The area proposed for preservation is of high quality. The following features may be indicative of high-quality sites:

(A) Category I or II wetland rating (using the wetland rating system for Eastern Washington).

(B) Rare wetland type (for example, bogs, mature forested wetlands, estuarine wetlands).

(C) The presence of habitat for priority or locally important wildlife species.

(D) Priority sites in an adopted watershed plan.

ii. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species.

iii. There is no net loss of habitat functions within the watershed or basin.

iv. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.

v. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by a land trust.

vi. The impact area is small (generally less than one-half acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

5. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of subsections (H)(5)(a) through (d) of this section apply. In that case, mitigation may be allowed off site within the sub-watershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank or advanced mitigation.

a. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin 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 hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).

b. On-site mitigation would require elimination of high-quality upland habitat.

c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.

d. Off-site locations shall be in the same sub-drainage basin unless:

i. 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

ii. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument.

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.

6. Timing of Compensatory Mitigation.

a. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately

following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

b. The SMP administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the county.

7. Wetland Mitigation Ratios.

Table 18.08.660-3. Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category I: Bog, wetlands with high conservation value	Not considered possible	Case by case	Case by case
Category I: Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1b, Wetland Mitigation in Washington State—Part 1: Agency Policies and Guidance—Version 1 (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006 or as revised). See also subsection (H)(4)(d) of this section for more information on using preservation as compensation.

8. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006), the administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report" (Ecology Publication No. 11-06-015, August 2012, or as revised).

9. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional who is knowledgeable of wetland conditions within Adams County shall be required, meeting the following minimum standards:

a. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in subsection G of this section.

b. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in

Wetland Mitigation in Washington State—Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication No. 06-06-011b, Olympia, WA, March 2006 or as revised).

The written report must contain, at a minimum:

i. The name and contact information of the applicant; the name and contact information for the primary author(s) of the compensatory mitigation report; documentation of the author's credentials as a qualified professional; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project;

ii. Location maps, regional (1:24,000) and local (1:4,800);

iii. A map or maps indicating the boundary delineation of the wetland; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;

iv. A description of the proposed project, including the nature, density and intensity of the proposed development and the associated grading, structures, utilities, stormwater facilities, etc., in sufficient detail to allow analysis of the impacts of such land use change upon the identified wetland;

v. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within and surrounding the wetland;

vi. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within any compensation site;

vii. A detailed description of the proposed project's effect on the wetland, and a discussion of any federal, state or local management recommendations which have been developed for the area;

viii. A discussion of how the project meets the mitigation sequencing provisions (Section 18.08.520(D);

ix. A plan by the applicant which explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:

(A) Establishment of buffer zones;

(B) Preservation of critically important plants and trees;

(C) Limitation of access to the wetland area;

(D) Seasonal restriction of construction activities;

(E) Establishment of a monitoring program within the plan;

(F) Drainage and erosion control techniques;

x. A detailed discussion of ongoing management practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs;

xi. Proof of establishment of notice on title for the wetlands and buffers on the project site, including the compensatory mitigation areas;

xii. All reports will be provided in an electronic format (word processor) and all geographic entities (maps, etc.) will be provided in a geo-coded format for use in GIS systems (ArcView, MapInfo, AutoCad, etc.);

xiii. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:

(A) Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.

(B) Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.

(C) Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.

(D) Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

(E) Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this chapter.

(F) A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation.

(G) Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.

10. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

11. Protection of the Mitigation Site. The area where the mitigation occurred and any associated buffer shall be located in a critical area tract or a conservation easement.

12. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met. Generally plans shall include a five-year monitoring plan unless a longer timeline is required during the review process. Forested or scrub-shrub communities shall include a ten-year monitoring plan unless a longer time is established during the review process. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's

natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

13. Wetland Mitigation Banks.

a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

i. The bank is certified under state rules;

ii. The administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

iii. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.

c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

14. Advance Mitigation. Mitigation for projects with preidentified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation and state water quality regulations.

15. Alternative Mitigation Plans. The SMP administrator may approve alternative critical areas mitigation plans that are based on the most current, accurate, and complete scientific and technical information available, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this section.

The SMP administrator shall consider the following for approval of an alternative mitigation proposal:

a. The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington) (Publication No. 10-06-07, Olympia, WA, November 2010).

b. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.

c. Mitigation according to subsection (H)(5) of this section is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.

d. There is clear potential for success of the proposed mitigation at the proposed mitigation site.

e. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in subsection (H)(12) of this section.

f. The plan shall be reviewed and approved as part of overall approval of the proposed use.

g. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.

h. Qualified professionals in each of the critical areas addressed shall prepare the plan.

i. The county may consult with agencies with expertise and jurisdiction over the resources during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

I. Management Recommendations and Standards. The following management recommendations and standards will apply to development proposals determined to be located within wetland areas, as defined and described herein:

1. Wetlands shall be protected, based on their quality established from the rating system, and from alterations, which may create adverse impacts. The greatest protection shall be provided to Category I and II wetlands.

2. "Alteration" shall not mean best management practices for agriculture which by design could not be considered a change in land use, including, but not limited to, improved chemical application or practice, which are intended to improve crop production and enhance areas adjacent to wetlands.

3. Activities conducted by public agencies to control mosquitoes in compliance with state and federal laws shall be exempt from Adams County wetland regulations.

4. Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver. These activities should avoid impacts to the extent practicable, and mitigation for unavoidable wetland impacts shall be required upon remedy of the emergency.

5. The county will coordinate wetland preservation strategy and effort with appropriate state and federal agencies, and private conservation organizations, to take advantage of both technical and financial assistance, and to avoid duplication of efforts.

Article VII. Shoreline use and Modification—Specific Regulations

18.08.710 Agriculture.

A. Article II (Definitions), WAC 173-26-020 (Definitions), and WAC 173-26-241(3)(a)(ii) (Agriculture) shall determine the need for shoreline review for agricultural activities.

B. The provisions of this SMP do not limit or require modification of agricultural activities on agricultural lands as of the date of adoption of the SMP. In determining whether lands meet the definition of agricultural activities, the shoreline administrator shall consider laws and rules included in subsection A of this section and information regarding typical agricultural practices for the subject agricultural use, current use taxation records, conservation easements, farm plans, and other relevant information.

C. SMP provisions shall apply in the following cases:

1. New agricultural activities on land not meeting the definition of agricultural land;

2. Expansion of agricultural activities on nonagricultural lands, or conversion of nonagricultural lands to agricultural activities;

3. Conversion of agricultural lands to other uses;

4. Other development on agricultural land that does not meet the definition of agricultural activities; and

5. Agricultural development and uses not specifically excluded by the SMA and WAC 173-26-020 (Definitions), and WAC 173-26-241(3)(a)(ii).

D. New agricultural activities and facilities subject to the SMP per subsection C of this section shall comply with water quality provisions of Section 18.08.540, shoreline vegetation conservation provisions in Section 18.08.530, and buffers of Article VI of this chapter.

E. Diversion of water for agricultural purposes shall be consistent with federal and state water rights laws and rules.

F. New development in support of agricultural uses shall be consistent with the environment designation purpose and management policies, located and designed to assure no net loss of ecological functions, and shall not have a significant adverse impact on other shoreline resources and values.

G. New fences supporting existing agriculture activities are allowed and shall be placed to avoid adverse effects to ecological function.

18.08.715 Aquaculture.

A. Aquacultural facilities must be designed and located to avoid:

1. The spreading of disease, especially to native aquatic life;

2. Introducing new nonnative species which cause significant ecological impacts;

3. Significantly conflicting with navigation and other water-dependent uses;

4. A net loss of ecological functions; or

5. Significantly impacting the aesthetic qualities of the shoreline.

B. Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Therefore, some latitude in the development of this use shall be given, while the potential impacts on existing uses and natural systems are recognized.

C. Aquaculture structures and activities that do not require a waterside location must be located landward of the shoreline management buffers required by this SMP.

18.08.720 Boating facilities and private moorage structures.

A. Applicability.

1. This section applies to all over- and in-water structures and uses that facilitate as their primary purpose the launching or mooring of vessels.

2. Uses and modifications covered in this section include private residential docks, docks for commercial, aquaculture, recreational or public access use; and boat launches.

B. General Regulations.

1. New docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use; provided, that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this SMP.

2. No single-use residential docks may be authorized unless the applicant can demonstrate that reasonable joint-use or community dock options have been investigated and found infeasible.

3. For all new residential development of two or more waterfront dwelling units or subdivisions or other divisions of land occurring after the effective date of this SMP, only community docks may be allowed.

4. No more than one private, noncommercial dock is permitted per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential or recreational purposes.

5. Floating homes, other over-water residential structures, and liveaboard vessels, are prohibited in shoreline jurisdiction.

6. Extended moorage on waters of the state without a lease or permission is prohibited except as allowed by applicable state regulations. When allowed per state regulations and this SMP, mitigation of any adverse impacts to navigation and public access is required.

7. Overwater structure design, construction, and use must:

   a. Minimize degradation of aquatic habitats and interference with native aquatic life.

   b. Be engineered or use proven methods to maximize human safety and minimize potential for flood-related detachment of the facility from shore.

8. Consistent with requirements for mitigation sequencing, all boating facilities and private moorage structures must be the minimum size necessary and designed to avoid and then minimize potential adverse impacts. All unavoidable adverse impacts must be mitigated, and a mitigation plan submitted.

9. No boat lifts or watercraft lifts of any type will be placed on, or in addition to, the overwater structure unless the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth.

10. No in-water fill material (including uncured concrete or its byproducts) will be allowed, with the exception of pilings and float anchors.

11. The amounts of overwater cover, including length and width; the number of in-water structures; and the extent of any necessary shoreline stabilization or modification must be minimized.

12. Accessory development may include, but is not limited to, parking, nonhazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use. Non-water-dependent accessory uses must be located outside of shoreline jurisdiction or outside of the shoreline management buffer whenever possible.

13. For public and commercial structures, garbage or litter receptacles must be provided and maintained by the operator at locations convenient to users.

C. General Location Regulations. New and expanded boating facilities and private moorage structures must be located to:

1. Minimize hazards and obstructions to public navigation rights.

2. Avoid blocking or obstructing lawfully existing or planned public shoreline access.

3. Minimize the need for new or maintenance dredging.

4. Eliminate the need for new shoreline stabilization, if feasible. Where the need for stabilization is unavoidable, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft may be allowed.

D. General Materials Regulations.

1. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term.

2. Materials and any chemicals treatments used for submerged portions, decking, and other components that may come into contact with water shall be approved by applicable state agencies for use in water.

3. Any treated wood located waterward of the OHWM shall be treated per American Wood Protection Association standards and the Western Wood Preservers Institute's latest edition of "Best Management Practices for the Use of Treated Wood in Aquatic Environments."

E. General Design and Operation Regulations.

1. Piers and Ramps.

a. To prevent damage to shallow-water habitat, piers and/or ramps shall extend perpendicular from the OHWM as far as needed to allow moorage of boats without grounding during low-water conditions.

b. Piers and ramps shall be the minimum width and length necessary to achieve their intended purpose.

c. The bottom of a pier and the landward edge of any ramp shall be elevated at least two feet above the plane of OHWM.

d. Grating shall cover the entire pier and ramp for structures that are wider than six feet. The open area of the grating shall be at least fifty percent, as rated by the manufacturer, unless determined to be infeasible due to specific site or project considerations.

2. Floats.

a. All flotation materials should be sink-proofed and use marine grade material which is completely contained and totally sealed within the float structure to prevent its breakup and release in water.

b. To protect shallow-water habitat, floats shall be designed or seasonally removed to prevent the float from resting on the lake or river bed during low-water periods.

c. Floats wider than six feet shall be grated, except where the float is underlain by float tubs or other material that provides buoyancy. The open area of the grating shall be a minimum of fifty percent, as rated by the manufacturer, unless determined to be infeasible due to specific site or project considerations.

3. Pilings.

a. Pilings shall be made of steel, untreated wood, or wood treated per American Wood Protection Association standards and the Western Wood Preservers Institute's latest edition of "Best Management Practices for the Use of Treated Wood in Aquatic Environments."

b. New piling shall be the smallest diameter necessary.

c. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.

4. No new skirting is allowed on any structure.

5. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.

6. Safety railings, if proposed, must meet International Building Code requirements and must be an open framework that does not unreasonably interfere with shoreline views.

7. Boating facilities and private moorage structures must be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night.

8. Exterior finish of all structures must be generally nonreflective, to reduce glare.

9. New covered moorage is prohibited.

10. Shoreline armoring (i.e. bulkheads, rip-rap, and retaining walls) shall not occur in association with installation of the overwater structure, if feasible.

F. General Construction Regulations.

1. Construction of overwater structures shall be completed during allowed in-water work windows.

2. Construction impacts shall be confined to the minimum area needed to complete the project.

3. The boundaries of clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of riparian vegetation, wetlands, and other sensitive sites. This action shall be completed before any significant alteration of the project area.

4. All temporary erosion controls shall be in place and appropriately installed downslope of project activities until site restoration is complete.

5. Any large wood, native vegetation, topsoil, and/or native lake or riverbed material displaced by construction shall be stockpiled for use during site restoration.

6. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.

7. If native vegetation is moved, damaged, or destroyed, it shall be replaced with a functionally equivalent native species during site restoration.

G. Boat Launch Ramps.

1. New public or commercial boat launch ramps may be approved only if they provide public access to waters that are not adequately served by existing access facilities, if use of existing facilities is documented to exceed the designed capacity, or the ramp is necessary to serve the water-oriented commercial use.

2. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available with consideration for site-specific conditions and the particular needs of that use.

3. Boat launch ramps must be located where there is adequate water mixing and flushing and where water depths are adequate to eliminate or minimize the need for dredging or filling. Boat launch ramps must be located to minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.

4. Boat launch ramps shall be made of the least impactful material practicable.

5. New public or commercial boat launch facilities must provide adequate restroom facilities.

H. Modification or Enlargement of Existing Boating Facilities and Private Moorage Structures.

1. Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.

2. Enlarged portions of existing boating facilities and private moorage structures must comply with applicable standards for new facilities.

I. Mitigation.

1. Consistent with mitigation sequencing, new or expanded boating facilities and private moorage structures shall be designed to avoid and then minimize impacts, prior to pursuing mitigation.

2. Mitigation proposals must provide impact mitigation at a minimum one-to-one ratio, by area, using one or more of the potential mitigation measures listed below. The ratio should be increased if the measure will take more than one year to provide equivalent function or if the measure does not have a high success rate.

3. For all new or expanded boating facilities and private moorage structures, appropriate mitigation may include one or more of the following measures, or others as required by state or federal agencies.

a. Removal of any legal existing over- or in-water structures that are not the subject of the application.

b. Replacement of areas of existing solid over-water cover with grated material or use of grating on altered structures.

c. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of a density and composition of trees and shrubs typically found in undisturbed areas adjacent to the subject water body.

d. Removal of manmade debris waterward of the OHWM.

e. Placement of large woody material if consistent with local, state and federal regulations.

J. Submittal Requirements.

1. For all new or expanded boating facilities and private moorage structures, applicants must provide:

a. An assessment of potential impacts to existing ecological processes, including but not limited to sediment transport, hydrologic patterns, and vegetation disturbance.

b. A mitigation plan for unavoidable adverse impacts to ecological functions or processes, if applicable.

2. For all new or expanded boating or private moorage facilities, applicants must additionally provide an assessment of need and demand. At a minimum, the assessment shall include the following:

a. Existing approved facilities, or pending applications, within the service range of the proposed new facility and relevant characteristics of those facilities, such as level of use and condition.

b. The expected service population and relevant characteristics of the population, including any characteristics that justify specific design elements of the proposed facility.

c. An assessment of existing water-dependent uses in the vicinity and potential impacts to those uses, and a description of proposed mitigation measures, if applicable.

18.08.725 Breakwaters, jetties, groins, and weirs.

A. New, expanded or replacement structures shall only be allowed if it can be demonstrated that they will not result in a net loss of shoreline ecological functions and that they support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

B. Breakwaters, jetties, and groins shall be limited to the minimum size necessary.

C. Breakwaters, jetties, and groins must be designed to protect critical areas, and shall implement mitigation sequencing to achieve no net loss of ecological functions.

D. Proposed new or expanded structures shall be designed by qualified professionals, including both an engineer and a biologist.

18.08.730 Commercial development.

A. Commercial development in shoreline areas shall be designed, located, and constructed to achieve no net loss of ecological functions.

B. Preference shall be given to water-dependent commercial uses over non-water-dependent commercial uses. Water-related uses and water-enjoyment uses shall be given priority over non-water-oriented uses.

C. Commercial development that is not water-dependent shall not be allowed over water except where it is located within the same building and is accessory to a water-dependent use.

D. Non-water-oriented commercial development shall not be allowed unless:

1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to provision of public access or ecological restoration; or

2. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access or ecological restoration.

E. In areas of the shoreline designated for commercial uses, non-water-oriented commercial uses may be allowed on sites physically separated from the shoreline by another property or public right-of-way.

F. New commercial developments shall provide public access to the shorelines, subject to Section 18.08.550, Public access.

18.08.735 Dredging and dredge material disposal.

A. As regulated in this SMP, dredging is the removal of bed material from below the OHWM or wetlands using tools other than unpowered, hand-held tools for one of the allowed dredging activities listed in

subsection D of this section. This section is not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g., shoreline crossings, bulkhead replacements). These in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of this SMP.

B. New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

C. Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be mitigated in a manner that assures no net loss of shoreline ecological functions.

D. Dredging may only be permitted for the following activities:

1. Development of essential public facilities when there are no feasible alternatives.

2. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.

3. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.

4. Trenching to allow the installation of necessary underground utilities if no alternative, including boring, is feasible; impacts to fish and wildlife habitat are avoided to the maximum extent possible; and the installation does not alter the natural rate, extent, or opportunity of channel migration.

5. Establishing, expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

E. Dredging for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. The site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

F. Dredge material disposal within shoreline jurisdiction is permitted under the following conditions:

1. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and ground water; and

2. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.

G. All applications for dredging or dredge material disposal shall include the following information, in addition to other application requirements:

1. A description of the purpose of the proposed dredging activities.

2. A site plan outlining the perimeter of the area proposed to be dredged and the dredge material disposal area, if applicable.

3. A description of proposed dredging operations, including, but not limited to:

a. The method of removal.

b. The length of time required.

c. The quantity of material to be initially removed.

d. The frequency and quantity of projected maintenance dredging.

4. A description of proposed dredge material disposal, including, but not limited to:

a. Size and capacity of disposal site.

b. Means of transportation to the disposal site.

c. Future use of the site and conformance with land use policies and regulations, if applicable.

5. Plans for the protection and restoration of the shoreline environment during and after dredging operations.

6. An assessment of potential impacts to ecological functions or processes from the proposal.

7. A mitigation plan to address identified impacts, if necessary.

18.08.740 Fill.

A. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Any adverse impacts to shoreline ecological functions must be mitigated.

B. Fills in wetlands, floodways, channel migration zones or waterward of the OHWM may be allowed only when necessary to support one or more of the following:

1. Water-dependent uses.

2. Public access.

3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

4. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers.

5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible.

6. Ecological restoration or enhancement when consistent with an approved restoration plan.

7. Maintenance or installation of flood hazard reduction measures consistent with a comprehensive flood hazard management plan and this SMP.

C. Upland fills not located within wetlands, floodways, or channel migration zones may be allowed provided they are:

1. Part of an allowed shoreline use or modification.

2. Located outside applicable buffers, unless specifically allowed in buffers.

D. All fills, except fills for the purpose of shoreline restoration, must be designed:

1. To be the minimum size necessary to implement the allowed use or modification.

2. To fit the topography so that minimum alterations of natural conditions will be necessary.

3. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.

E. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.

F. A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the latest county-adopted edition of the Stormwater Management Manual for Eastern Washington (2004) or approved equivalent, shall be provided for all proposed fill activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

18.08.745 Industry.

A. Agricultural-related industries are the only industrial uses allowed in shoreline jurisdiction.

B. Over-water construction associated with agricultural-related industrial development that is not water-dependent shall not be permitted.

C. Agricultural-related industrial development shall be located, designed, constructed, and operated in a manner that minimizes impacts to the shoreline, provides for no net loss of shoreline ecological function, and avoids unnecessary interference with shoreline use by adjacent property owners.

D. In the review of shoreline developments, the county shall give preference first to water-dependent uses, then to water-oriented industrial uses.

E. Non-water-related agricultural-related industrial development shall be prohibited in the shoreline environment, except when:

1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to public access or ecological restoration; or

2. Water navigability is severely limited, and the industrial use provides a significant public benefit with respect to public access or ecological restoration.

F. Non-water-oriented agricultural-related industrial uses may be allowed in shoreline jurisdiction on sites that are physically separated from the shoreline by another property or public right-of-way.

G. In the consideration of shoreline environment designation amendments, and in the review of shoreline permits, the county shall encourage industrial uses and redevelopment to locate where environmental cleanup and restoration can be accomplished.

18.08.750 In-stream structures.

A. In-stream structures must provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, priority habitats and species, other wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

B. New in-stream structures shall not interfere with existing water-dependent uses, including recreation.

C. In-stream structures shall not be a safety hazard or obstruct water navigation.

D. In-stream structures shall be designed by a qualified professional.

E. Natural in-stream features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages, or pose a hazard to navigation or human safety.

18.08.755 Mining.

A. All mining proposals in shoreline jurisdiction must demonstrate that the mining is dependent on a shoreline location by evaluating geologic factors such as the distribution and availability of mineral resources in the county, as well as evaluation of need for such mineral resources, and economic, transportation, and land use factors.

B. Mining proposals shall be consistent with the Washington Department of Natural Resources surface mine reclamation standards (WAC Chapter 332-18, RCW Chapter 78.44).

C. New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation and the provisions applicable to critical areas where relevant. Meeting the no net loss of ecological functions standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation.

D. Mining waterward of the OHWM is prohibited.

E. The proposed subsequent use of mined property must be consistent with the environment designation in which the property is located, and the reclamation of disturbed shoreline areas must provide appropriate ecological functions consistent with the setting.

18.08.760 Recreational development.

A. Recreational development shall demonstrate achievement of no net loss of ecological functions.

B. Recreational activities must be compatible with existing or proposed uses in the area and must be consistent with county development standards regarding parking, traffic, noise, building location and size, and others.

C. The location, design, and operation of recreational facilities shall be consistent with the purpose of the environment designation. Over-water recreational facilities, such as viewing platforms or boardwalks, should comply with applicable standards of Section 18.08.720.

D. Recreational uses and facilities located within shoreline jurisdiction shall include features that relate to access, enjoyment and use of the water and shorelines of the state.

E. Commercial components of the use that are not explicitly related to the recreational operation must also conform to the commercial use standards of Section 18.08.730, Commercial development.

18.08.765 Residential development.

A. Residential development shall be consistent with applicable environment designation policies and standards, and comply with all applicable subdivision, critical area, and zoning regulations.

B. Single-family are considered a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

C. Residential development shall be designed, configured and developed in a manner that assures that no net loss of ecological functions results from division of land at full build-out of all lots and throughout all phases of development.

D. Residential development shall include facilities for water supply, wastewater, stormwater, solid waste, access, utilities and other support facilities in conformance with county standards and which do not result in harmful effects on the shoreline or waters.

E. New residential developments of five or more units shall provide public access to the shorelines, subject to Section 18.08.550, Public access.

F. Parking areas shall be located upland of the uses they serve.

G. Residential development shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, such as shoreline stabilization and flood control structures, are not required to protect such structures and uses.

H. In the natural environment, subdivision of property is not allowed if it will require significant vegetation removal or shoreline modification that adversely impacts ecological functions.

I. New floating homes and other over-water residential structures are prohibited in shoreline jurisdiction.

18.08.770 Shoreline habitat and natural systems enhancement projects.

A. Applicability. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring or enhancing habitat for priority species in shorelines. Such projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling; provided, that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. This section does not apply to mitigation.

B. Shoreline restoration and enhancement projects must be designed using the best available scientific and technical information, and implemented using best management practices.

C. All shoreline restoration and enhancement projects must protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

D. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

E. Long-term maintenance and monitoring shall be included in restoration or enhancement proposals.

F.

18.08.775 Shoreline stabilization.

A. New development must be located and designed to avoid the need for future shoreline stabilization, if feasible.

1. Land subdivisions must be designed based on a geotechnical report to assure that future development of the created lots will not require shore stabilization for reasonable development to occur.

2. New development adjacent to steep slopes or bluffs must be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated in a geotechnical report.

3. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

B. All proposals for shoreline stabilization structures, both individually and cumulatively, must not result in a net loss of ecological functions, and must be the minimum size necessary. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

C. New or enlarged structural shoreline stabilization measures shall not be allowed, except as follows:

1. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.

2. In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:

a. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

b. Nonstructural measures, such as placing the development farther from the shoreline, reducing the size or scope of the proposal, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents or waves.

3. In support of water-dependent development when all of the conditions below apply:

a. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

b. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible over time or are not able to provide sufficient protection to the water-dependent development.

c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to RCW Chapter 70.105D when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient to adequately address erosion causes or impacts.

D. New hard structural shoreline stabilization measures shall not be authorized, except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

E. An existing shoreline stabilization structure, hard or soft, may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves. While replacement of shoreline stabilization structures may meet the criteria for exemption from

a shoreline substantial development permit, such activity is not exempt from the policies and regulations of this SMP.

1. For purposes of this section, "replacement" means the construction of new structure to perform a shoreline stabilization function of existing structure that can no longer adequately serve its purpose. Any additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

2. Replacement shall be regulated as a new shoreline stabilization measure, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by waves or other natural processes operating at or waterward of the OHWM.

3. Replacement hard structural shoreline stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure 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. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.

4. Hard and soft shoreline stabilization measures may allow some fill waterward of the OHWM to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat and shoreline rearing habitat for salmonids.

F. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following standards. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a shoreline substantial development permit, such activity is not exempt from the policies and regulations of this SMP.

1. Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part.

2. Any additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

3. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure shall be considered a new structure, not maintenance or repair.

4. Areas of temporary disturbance within the shoreline management buffer shall be promptly restored to their pre-project condition or better.

G. Structural shoreline stabilization design and construction standards:

1. Structural shoreline stabilization measures shall not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.

2. All structural shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities. Techniques may include compliance with timing restrictions, use of best management practices, and stabilization of exposed soils following construction.

H. In addition to other submittal requirements, the applicant shall submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:

1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical report prepared by a qualified professional with a Washington State engineering license. The report shall include the following:

a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation.

b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM, and documentation of the OHWM field determination.

c. An assessment of alternative measures to shoreline stabilization.

d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

e. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need shall consist of the following:

a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.

b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization, and documentation of the OHWM field determination.

c. An assessment of alternative measures to shoreline stabilization.

d. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

e. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.

f. The demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.

3. For all structural shoreline stabilization measures, including soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following:

a. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.

b. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation.

18.08.780 Transportation and parking.

This section addresses all forms of transportation including systems for pedestrian, bicycle, and public transportation as well as roads, railroads, and parking.

A. Where other options are available and feasible, new roads, road expansions or railroads shall not be built within shoreline jurisdiction. If subdivisions are being proposed, new road placement shall be evaluated at the time of the plat application, or site development planning.

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

1. Mitigate possible adverse effects on unique or fragile shoreline features;

2. Maintain no net loss of shoreline ecological functions;

3. Avoid adverse impacts on existing or planned water-dependent uses;

4. Set back from the OHWM to the maximum feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses unless infeasible, standards for accessibility and functionality cannot be met, or the cost is disproportionate to the cost of the proposal; and

5. Be consistent with critical areas regulations in Article VI of this chapter.

C. Shoreline crossings and culverts shall be designed to mitigate impact to riparian and aquatic habitat and shall allow for fish passage. Crossings shall occur as near to perpendicular with the water body as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.

D. Crossings that are to be used solely for access to private property shall be designed, located, and constructed to provide access to more than one lot or parcel of property, where feasible, to minimize the number of crossings.

E. Public access standards shall be met as required in Section 18.08.550.

F. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use and when minimizing environmental and visual impacts. New or expanded parking areas shall:

1. Be sited outside of shoreline jurisdiction unless no feasible alternative location exists;

2. Be planted or landscaped to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas; and

3. Observe critical area and shoreline management buffers.

G. When a new or expanded roadway or new or expanded parking facility is proposed, the county may condition the proposal to provide a maintenance plan that promotes best management practices to achieve no net loss of shoreline ecological function. For example, maintenance standards may include restrictions on the use of herbicides, hazardous substances, sealants or other liquid oily substances, or de-icing practices adjacent to shoreline management buffers or critical areas and their buffers.

18.08.785 Utilities.

A. Allowed utility projects shall be located outside of shoreline jurisdiction where feasible, and when necessarily located within shoreline jurisdiction shall be designed and maintained to achieve no net loss of shoreline ecological function.

B. If an underwater location is necessary, the design, installation and operation of utilities shall minimize adverse ecological impacts.

C. Where utility corridors must cross shoreline jurisdiction, such crossings shall be designed to take the shortest, most direct route feasible, unless such a route would result in loss of ecological function, disrupt public access to the shoreline, or obstruct visual access to the shoreline.

D. Utility projects within shoreline jurisdiction shall be located within existing transportation or utility corridors or existing cleared areas to the greatest extent feasible.

E. Upon completion of utility system installation, and any maintenance project, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide appropriate vegetative cover.

F. The presence of existing utilities shall not justify more intense development. Rather, the development shall be consistent with the county comprehensive plan, zoning code, and this SMP, and shall be supported by adequate utilities.

Article VIII. Nonconforming Uses, Structures, and Lots

18.08.810 Intent and purpose.

Nonconforming uses or developments are shoreline uses or developments which were lawfully established or created prior to the effective date of this master program, or approved amendments to the master program, but which would be prohibited, regulated or restricted under the terms of this master program. The intent of this article is to allow these nonconformities to continue, but not to encourage their perpetuation or survival. Nonconformities are declared by this SMP to be incompatible with permitted uses, structures and lots in shoreline jurisdiction. It is further the intent of this SMP that nonconformities shall not be enlarged upon, expanded, or enjoy an increase in intensity of use, as well as to establish residences as preexisting legal uses, conforming to the master program as allowed by the SMA.

18.08.820 Nonconforming uses.

A. A legal nonconforming use in existence as of the effective date of this SMP may be continued, but shall not be enlarged upon, expanded, increased in intensity, or be extended, without first obtaining a shoreline conditional use permit. However, the extension or enlargement of the nonconforming use of a structure that was originally arranged or designed for such nonconforming use at the time of passage of this SMP or amendment thereto shall not be deemed the extension of a nonconforming use.

B. A nonconforming use shall not be changed to any other use unless changed to a conforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed to a nonconforming use.

C. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that part occupied by such use on the effective date of adoption or amendment of this SMP.

D. If a nonconforming use is discontinued or abandoned from active use for a period of one year, further use of the property shall conform to the provisions of this SMP.

18.08.830 Nonconforming structures.

A. A structure which is legally nonconforming as of the effective date of this SMP by reason of restrictions on area, lot coverage, height, required setbacks, or other requirements concerning structures may be continued so long as it remains otherwise lawful.

B. A structure, with one or more nonconformity, may be extended when said addition or extension would be no less conforming as to setback distance than the existing structure.

C. A nonconforming structure shall not be altered, extended, enlarged, or otherwise physically changed in any manner that would have the effect of increasing its amount or degree of nonconformity.

D. A nonconforming structure destroyed by any cause to an extent exceeding fifty percent of its cost of replacement using new materials shall only be replaced with a structure conforming to the provisions of this SMP.

E. Nothing in this SMP shall be deemed to prevent the normal maintenance and repair of a nonconforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety.

18.08.840 Nonconforming lots.

Lots which were lots of record on the date of adoption of this SMP, or amendment thereto, which contain less than the required width, depth, or area as required by this SMP, shall be considered building lots in all respects; provided, that any structures proposed to be built meet all of the dimensional requirements of the environment designation in which the lot is located. However, a lot which is nonconforming by virtue of the lack of its adequate access to a public street, shall not be considered a building lot.

18.08.850 Preexisting legal residential uses—Conforming legal residential structures.

Notwithstanding Sections 18.08.810 to 18.08.840, the following shall apply only to preexisting legal residential structures constructed prior to the effective date of this SMP:

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

B. The county shall allow redevelopment, expansion, or change with the class of occupancy of the residential structure if it is consistent with the SMP, including requirements for no net loss of shoreline ecological functions.

C. Preexisting legal residential structures that are damaged or destroyed may be replaced to their prior size and location subject to:

1. All other requirements of the Adams County Code and the Adams County Health Department are satisfied; and

2. To restore a damaged dwelling unit, a complete application for a building permit shall be submitted within one year of the act causing damage or destruction to the dwelling unit.

D. For purposes of this section, “appurtenant structures” means garages, sheds, and other legally established structures. “Appurtenant structures” does not include bulkheads and other shoreline modifications or over-water structures.

E. Nothing in this section shall:

1. Restrict the ability of this SMP to limit development, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or

2. Affect the application of other federal, state, or county requirements to residential structures.

Article IX. Administration, Permits, and Enforcement

18.08.910 Purpose.

A. RCW 90.58.140(3) requires local governments to establish a program, consistent with the rules adopted by the Washington Department of Ecology, for the administration and enforcement of shoreline

development. Also, in accordance with RCW 90.58.050, Adams County has the primary responsibility for administering the regulatory program and Ecology acts primarily in a supportive and review capacity.

B. Pursuant to the Shoreline Management Act at RCW 90.58.080 and the Growth Management Act at RCW 36.70A.130, local governments must periodically review, and where appropriate, amend their SMP. Consistent with state laws, Adams County has established a process to evaluate and consider amendments to this SMP.

C. The application of this SMP is intended to be consistent with constitutional and other legal limitations on the regulation of private property. The SMP administrator must give adequate consideration to mitigation measures, dimensional variances, and other possible methods to prevent undue or unreasonable hardships upon property owners.

18.08.915 Administrative responsibilities.

A. The county shall designate a SMP administrator. The SMP administrator in Adams County is the planning director, who shall have overall administrative responsibility of this SMP. The SMP administrator or his/her designee is hereby vested with the authority to:

1. Administer this SMP.

2. Grant or deny exemptions from shoreline substantial development permit requirements of this SMP.

3. To grant, grant with conditions, or deny shoreline substantial development permits and time extensions to shoreline permits and their revisions.

4. Make field inspections as needed, and prepare or require reports on shoreline permit applications.

5. Make written recommendations to the board of adjustment, planning commission and board of county commissioners as appropriate. The SMP administrator shall make recommendations to the board of adjustment regarding shoreline variances and shoreline conditional use permits. The SMP administrator shall recommend SMP amendments to the planning commission and board of county commissioners.

6. Advise interested persons and prospective applicants as to the administrative procedures and related components of this SMP.

7. Determine and collect fees for all necessary permits as provided in county ordinances or resolutions. The determination of which fees are required shall be established by resolution of the board of county commissioners.

8. Make administrative decisions and interpretations of the policies and regulations of this SMP and the SMA.

9. Permit Review. Review all shoreline permit applications to determine if the provisions of Article VI of this chapter are applicable to the proposal. If applicable, determine that the permit requirements of this section have been satisfied.

B. The responsible SEPA official or his/her designee is authorized to conduct environmental review of all use and development activities subject to this SMP, pursuant to WAC Chapter 197-11 and RCW Chapter 43.21C. The responsible official is designated in accordance with the Adams County Code.

C. The board of adjustment is authorized to:

1. Grant or deny shoreline variances and shoreline conditional use permits under this SMP.

2. Decide on appeals of administrative decisions issued by the SMP administrator.

D. The planning commission is authorized to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of each county's planning and regulatory program, and make recommendations for amendments thereof to the board of county commissioners.

E. The board of county commissioners is vested with authority to:

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

2. Adopt all amendments to this SMP, after consideration of the recommendation of the planning commission, where established. Amendments shall become effective 14 days from the date of the Washington Department of Ecology's written notice of final approval.

18.08.920 Noticing requirements.

A. Applicants shall follow the noticing requirements of the county. At a minimum, the county shall provide notice in accordance with WAC 173-27-110.

B. Per WAC 173-27-120, the county shall comply with special procedures (public notice timelines, appeal periods, etc.) for limited utility extensions and bulkheads.

18.08.925 Exemption from permit requirements.

A. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this SMP and the SMA.

B. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.

C. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a shoreline conditional use permit even though the development or use does not require a shoreline substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a shoreline variance.

D. The burden of proof that a development or use is exempt from the permit process is on the applicant.

E. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development project.

F. The county may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with the county's ability to require compliance with all other applicable laws and plans.

G. The county shall exempt the shoreline developments listed in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, as amended, or successor laws, from the shoreline substantial development permit requirement.

H. Letters of exemption shall be issued by the county when a development application is determined to meet the listed criteria for an exemption. When a letter of exemption is required by the provisions of WAC 173-27-050, as amended, the county will conduct those additional procedures.

18.08.930 Interpretations.

A. The SMP administrator shall provide administrative interpretations in accordance with the SMA and the SMP guidelines.

B. The application of this SMP is intended to be consistent with constitutional and other legal limitations on the regulation of private property. The SMP administrator shall give adequate consideration to mitigation measures, dimensional variances, and other possible methods to prevent undue or unreasonable hardships upon property owners.

C. The county shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of RCW Chapter 90.58 and WAC Chapter 173-26.

18.08.935 Permit applications.

A. Shoreline permit applications are classified as follows:

1. Shoreline substantial development permit.

2. Shoreline conditional use permit.

3. Shoreline variance.

4. Shoreline exemption.

B. Permits for shoreline substantial development, shoreline conditional use, or shoreline variance shall be in a form prescribed and used by the county. Such forms will be supplied by the county.

C. The contents of permit applications must be consistent with WAC 173-27-180 and Adams County Code.

D. As indicated in Section 18.08.610(C)(1), all applications must identify whether and what types of critical areas may be present on the site, whether there could be adverse impacts, and proposed mitigation, if applicable.

E. Where this SMP requires more information than the minimum required by WAC 173-27-180, the SMP administrator may vary or waive requirements beyond WAC 173-27-180 if the information is unnecessary to process the application.

F. The SMP administrator may require additional specific information if required by the nature of the proposal or the presence of sensitive ecological features, to ensure compliance with other local requirements or the provisions of this SMP.

G. At the time of application, the applicant must pay the application fee.

18.08.940 Procedures applicable to all shoreline permits.

A. All applications for a permit or a permit revision shall be mailed to the Department of Ecology regional office and the Office of the Attorney General using return receipt requested mail by the county upon a final decision by the county. Final decision by the county shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed. Filing shall occur consistent with WAC 173-27-130.

B. As set forth in WAC 173-27-190, each shoreline substantial development permit, shoreline conditional use permit, or shoreline variance issued by the county must contain a provision that construction pursuant to the permit may not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within

twenty-one days from the date of such filing have terminated; except as provided in RCW 90.58.140(5)(a) and (b).

C. A permit data sheet and transmittal letter shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

D. After the county's approval of a shoreline conditional use or shoreline variance permit, the county shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the county and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by the county pursuant to WAC 173-27-110.

E. Ecology shall review the complete file submitted by the county on shoreline conditional use or shoreline variance permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a shoreline conditional use or shoreline variance permit on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

F. The county shall provide appropriate notification of the Ecology's final decision to those interested persons having requested notification from the county pursuant to WAC 173-27-130.

G. All requests for review of any final permit decisions under RCW Chapter 90.58 and WAC Chapter 173-27 are governed by the procedures established in RCW 90.58.180 and WAC Chapter 461-08, the rules of practice and procedure of the State Shorelines Hearings Board.

H. Except as specified in Section 18.08.960, Revisions to permits, the applicant must comply with all aspects of an approval granted under this chapter, including conditions and restrictions.

I. Construction and activities authorized by a shoreline substantial development permit are subject to the time limitations of WAC 173-27-090.

18.08.945 Procedures applicable to substantial development permits.

A. A shoreline substantial development permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 18.08.925 or is not subject to the SMP per Section 18.08.030, Applicability.

B. Shoreline substantial development permit applications shall be processed consistent with this SMP and county code.

C. A shoreline substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the SMA;

2. The provisions of WAC Chapter 173-27; and

3. This SMP.

D. The county may attach conditions to the approval of permits as necessary to assure consistency of the project with the SMA and this SMP.

E. Nothing shall interfere with the county's ability to require compliance with all other applicable plans and laws.

18.08.950 Procedures applicable to shoreline conditional use permits.

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the county board of adjustment and by Ecology. Shoreline conditional use permit applications shall be processed consistent with this SMP and county code.

B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

D. Uses which are classified or set forth in this SMP as conditional uses may be authorized; provided, that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;

2. That the proposed use will not interfere with the normal public use of public shorelines;

3. That the proposed use of the site and design of the project are compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

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

E. In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline 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.

18.08.955 Procedures applicable to shoreline variances.

A. The purpose of a shoreline variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. Shoreline variance applications shall be processed consistent with this SMP and county code.

B. Shoreline variance permits should be granted in circumstances where denial of the permit would conflict with the goals of the SMA as listed in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

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

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

2. That the hardship described in subsection (C)(1) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

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

4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

5. That the variance requested is the minimum necessary to afford relief; and

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

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

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

2. That the proposal is consistent with the criteria established under subsection C of this section; and

3. That the public rights of navigation and use of the shorelines will not be adversely affected.

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

18.08.960 Revisions to permits.

A. When an applicant seeks to revise a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance, whether such permit or variance was granted under this SMP, or under the prior effective SMP, the SMP administrator shall request from the applicant detailed plans and text describing the proposed changes to the project. If the SMP administrator determines that the proposed changes are within the general scope and intent of the original shoreline substantial development permit, shoreline conditional use permit, or shoreline variance, as the case may be, the revision may be approved by the SMP administrator, without the need for the applicant to file a new application, provided the development is consistent with the SMA, WAC 173-27-100 (Revisions to Permits), and the SMP.

B. Within the “scope and intent” of the original permit as referenced in subsection A of this section means the following:

1. No additional over-water construction will be involved, except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.

2. Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit.

3. Additional or revised landscaping is consistent with the conditions attached to the original permit and with the SMP.

4. The use authorized pursuant to the original permit is not changed.

5. No adverse environmental impact will be caused by the project revision.

6. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of the SMP except as authorized under a variance granted as the original permit or a part thereof.

C. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the SMP administrator shall require the applicant to apply for a new shoreline substantial development permit, shoreline conditional use permit, or shoreline variance, as appropriate, in the manner provided for herein.

D. If proposed revisions to the original permit involve a shoreline conditional use permit or shoreline variance, the county shall submit the proposed revision to Ecology for review. Ecology shall respond with its final decision on the proposed revision request within fifteen days of the date of filing by Ecology per WAC 173-27-100(6).

18.08.965 Enforcement authority.

The county shall apply WAC Chapter 173-27, Part II, Shoreline Management Act Enforcement, to enforce the provisions of this SMP.

18.08.970 Amendments to SMP.

A. This SMP carries out the policies of the Shoreline Management Act for Adams County. It shall be reviewed and amended as appropriate in accordance with the review periods required in the SMA and in order to:

1. Assure that this SMP complies with applicable law and guidelines in effect at the time of the review; and

2. Assure consistency of this SMP with the county's comprehensive plan and development regulations adopted under RCW Chapter 36.70A, if applicable, and other local requirements.

B. This SMP and all amendments thereto shall become effective fourteen days from the date of the Washington Department of Ecology's written notice of final approval.

C. The SMP may be amended annually or more frequently as needed pursuant to the Growth Management Act, RCW 36.70A.130(2)(a)(iii).

D. Any owner of property in unincorporated Adams County, or any resident of unincorporated Adams County, may petition the planning commission to initiate an amendment to the SMP.

E. Applications for SMP amendments shall specify the changes requested, facts to justify the change, and any affects the change will have on conditions in shoreline jurisdiction. Applications shall be made on forms specified by the county.

F. The county shall accomplish the amendments in accordance with the procedures of the Shoreline Management Act, Growth Management Act, and implementing rules including, but not limited to, RCW 90.58.080, WAC 173-26-100, RCW 36.70A.106 and 36.70A.130, and Part Six, WAC Chapter 365-196.

G. Proposals for amendment of this SMP shall be heard by the planning commission in an open record hearing. Amendments to the Program (other than comprehensive updates) may alternatively be processed through a joint review process with Ecology that allows for a shared local/state public comment period and hearing for efficiency and in accordance with WAC 173-26-104. After conducting a hearing and evaluating testimony regarding the application, including a recommendation from the shoreline administrator, the planning commission shall submit its recommendation to the board of county commissioners, who shall approve or deny the proposed amendment.

H. Prior to approval, the county shall make a finding that the amendment would accomplish subsection (H)(1) or (2) of this section, and must accomplish subsection (H)(3) of this section:

1. The proposed amendment would make this program more consistent with the SMA and/or any applicable Department of Ecology SMP guidelines; or

2. The proposed amendment would make this program more equitable in its application to persons or property due to changed conditions in an area; and

3. This program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of November 2014 (the final shoreline analysis report).

I. After approval or disapproval of a SMP amendment by the Department of Ecology as provided in RCW 90.58.090, the county shall publish a notice that the SMP amendment has been approved or disapproved by Ecology pursuant to the notice publication requirements of RCW 36.70A.290.

18.08.975 Shoreline activity tracking.

A. The county will track all shoreline permits and exemption activities to evaluate whether the SMP is achieving no net loss of shoreline ecological functions. Activities and indicators of changing shoreline conditions to be tracked using the county's permit system include development, conservation, restoration and mitigation, such as:

1. New shoreline development.

2. Shoreline variances and the nature of the variance.

3. Compliance issues.

4. Net changes in impervious surface areas, including associated stormwater management.

5. Net changes in fill or armoring.

6. Net change in linear feet of flood hazard structures.

7. Net changes in vegetation (area, character).