

**LINCOLN COUNTY CODE**  
“TITLE 18 – ENVIRONMENT”  
LINCOLN COUNTY  
SHORELINE MASTER PROGRAM

CHAPTERS:

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(Currently under review for amendments/update)

## **Chapter 18.01**

### **GENERAL PROVISIONS**

Sections:

- 18.01.010 Introduction.
- 18.01.020 Purpose.
- 18.01.030 Organization.
- 18.01.040 Jurisdiction.
- 18.01.050 Exemptions from permit system.
- 18.01.60 Shorelines of statewide significance.

#### **18.01.010 Introduction.**

The Shoreline Management Act of 1971 (SMA) was passed by the State Legislature and ratified by the people of the State at the general election in November 1972. The Act was passed in recognition of the scarcity of shoreline resources and the increasing number of problems associated with the use and misuse of state shorelines. The basic policy or intent of the Act is to "provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses of state shorelines."

In response to this basic policy, the Act provided for the establishment of a cooperative program between state and local governments. This cooperative program includes the administration of a permit system and the development of a long-range shoreline management programs by which the policies of the Shoreline Management Act are implemented. These programs are intended to be developed by local government so that unique local circumstances and local interests are considered in the management of state shorelines.

#### **18.01.020 Purpose.**

This shoreline program has been developed to serve as a guide to those local officials charged with the duty of administering the shoreline management permit system. As a guide, it contains statements indicating the future shoreline conditions desired by the people of the State and County and it contains policies directing the way to achieve those desired future conditions. Hence, the permit system, operating as a tool for implementing these policies, must be administered in a manner consistent with the goals and policies of this master program.

### **18.01.030 Organization.**

This program is organized in a hierarchal fashion beginning with broad goal statements and ending with specific use-regulations. It is organized in this fashion to make the program flexible as well as applicable to the variety of situations, which may occur in the future. In order to express the future conditions desired for Lincoln County shorelines, this program contains a set of goals and policies in *Chapter 1* which apply broadly to all shorelines of the State within the County. A set of management area designations have been established and are described in *Chapter 2*. These management area designations differentiate the application of policies between distinctively different shoreline areas in the County.

In *Chapter 18.02*, the program contains policy statements for the specific shoreline use activities for each type of management area designated in the County. These policies are to be used as the primary vehicle for determining the permissibility of a use-activity in a shoreline area. These policies also provide the bridge for translating the broad goal statements in Section I into specific use regulations located in the last section of this program. *Chapter 4* contains use-activity regulations. The use-activity regulations are the most specific statements to which an activity must conform in order to be permissible within a shoreline area. The use-regulations define how a use-activity is to be designed, located or situated in the shore-line area in order to fulfill the intent of the policies. However, the use-regulations are not the sole criteria to be used in determining the permissibility of a use-activity in shoreline areas. This determination can only be made after it is determined that the proposed use-activity is reasonably consistent with the applicable goals and policies contained in this program. *Section IV* also contains provisions for variances and conditional uses. Variances and conditional uses are provided so that the requirements of the Shoreline Management Act (SMA) and this program can be carried out in a fair and equitable manner without creating hardship situations for those affected by the SMA and this program

### **18.01.040 Jurisdiction.**

The Shoreline Management Act, Chapter 90.58.RCW, applies to all streams with a mean annual flow greater than 20 cubic feet per second and lakes, impoundments and reservoirs larger than 20 acres. It applies to land extending landward 200 feet from the ordinary high-water mark on these waters and to all land underlying these waters. It also applies to the associated marshes, bogs, swamps, floodways, river deltas, and flood plains associated with said streams.

A Shoreline Management Substantial Development Permit is required for any development within the shoreline area as described above.

**18.01.050 Exemptions from permit system.**

A. The following shall not require permits for the purposes of the act:

1. Any development of which the total cost or fair market value does not exceed \$1000, if such development does not materially interfere with the normal public use of the water or shorelines of the state.
2. Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements.
3. Construction of the normal protective bulkhead common to single-family residences.
4. Emergency construction necessary to protect property from damage by the elements.
5. Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock, hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
6. Construction or modification of navigational aids such as channel markers and anchor buoys.
7. Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.
8. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family residence, the cost or fair market value, whichever is lower, does not exceed two thousand five hundred dollars.
9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.
10. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

11. Operation and maintenance of any system dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or dike system.

12. Any project with a certification from the governor pursuant to Chapter 80.50 RCW.

13. No permit shall be required under Chapter 90.58 RCW for the construction of up to 500 feet of one and only one road or segment of a road, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the shoreline management act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW.

#### **18.01.60 Shorelines of statewide significance.**

Shorelines of Statewide Significance are those shorelines in Eastern Washington associated with rivers downstream from a point where the mean annual flow is greater than 200 cubic feet per second, lakes, reservoirs, impoundments, of 1,000 acres, or more, and rivers and streams having a drainage area of 300 square miles or greater. The Shoreline Management Act has designated these shorelines to be of statewide interest and therefore to be managed with the interest of the citizens of the State having paramount importance. In doing this, the Act outlines six basic criteria which must be followed in developing a program for Shorelines of Statewide Significance. These criteria are: "programs...shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over shore term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public on the shorelines."

A set of goals and policies is contained within Section I of this Program specifically addressed to Shorelines of Statewide Significance. These policies are to be adhered to in all cases of permits for developments within Shorelines of Statewide Significance. In any case where there is an apparent conflict between the policies and use-regulations of this Program and the policies for

Shorelines of Stateside Significance, the policies for Shorelines of Statewide Significance shall apply. Whenever the circumstances of a permit application are so varied as to cause the policies for Shorelines of Statewide Significance to be of no value in the determination to deny or grant a permit, reference will be made to Chapter 90.58.020 RCW and applicable guidelines published by the Department pursuant to Chapter 90.58 RCW, in making such a determination.

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## **Chapter 18.02**

### **SHORELINE MANAGEMENT MASTER PROGRAM**

Sections:

- 18.02.010 - General goals and policies.
- 18.02.020 - Shorelines of statewide significance goals.
- 18.02.030 - Land and aquatic use elements.
- 18.02.040 - Land use activities and policies.

#### **18.02.010 General goals and policies.**

A. The shorelines of Lincoln County constitute one of its most valuable resources. These shorelines are also one of the most fragile resources and deserve special attention and consideration in their development and utilization. The intent of this program is to manage the shorelines in a manner which will allow diverse utilization of the shorelines without destroying the aesthetic or recreational qualities and preserving the natural environment which is dependent upon them.

The overall goals established to realize this intent may be stated as follows:

1. Promote reasonable and appropriate use of the public shorelines, which will promote and enhance public interest.
2. Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within Lincoln County.
3. Protect public rights of navigation on navigable water.
4. Recognize and protect private property rights consistent with public interest.
5. Maintain a high quality of environment along the shorelines of Lincoln County.
6. Preserve and protect fragile natural resources and culturally significance features.
7. Provide safe and reasonable access for the public, to public property on the shorelines of Lincoln County.

### **18.02.020 Shorelines of statewide significance goals.**

Certain bodies of water in Lincoln County have been recognized as being *Shorelines of Statewide Significance*. Since these shorelines are a resource, from which all people in the state derive benefit, a separate set of goals are established to insure that state-wide interests are protected. These goals may be stated as follows:

1. Recognize and protect statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Protect the resources and ecology of the shorelines.
4. Increase public access to publicly owned areas of the shorelines.
5. Increase recreational opportunities for the public on the shorelines.

### **18.02.030 Land and aquatic use elements.**

Considering the overall goals and goals for *shorelines of statewide significance*, seven land and water use elements were deemed appropriate for shoreline development in Lincoln County. The elements are defined and area-wide goals are also established for these elements. They are stated as follows:

#### A. Public Access.

Lincoln County has an abundance of beautiful shoreline, most of which is prime recreation land. In order to fully realize this potential, these areas must be made available to the public.

*Definition:* The public access element deals with the need for providing public access to public shorelines.

*Goal:* To develop a safe and reasonable system providing public access to public shore-lands, while protecting private interests and causing minimum disruption to the environment.

#### B. Economic Development.

Lincoln County's economy is heavily dependent upon agriculture with a lesser dependence on recreation. Both of these activities are closely tied in with Shorelines as some of the lakes and streams are a part of the irrigation system and the recreation is water oriented.

*Definition:* The economic element deals with the location and design of commercial and industrial activities, such as manufacturing, warehousing, port facilities, tourist facilities and all other various commercial activities.

*Goal:* Allow economic development along shorelines that will enhance the quality of life for the residents of Lincoln County with minimum disruption of the environment.

#### C. Circulation.

Being an agricultural and a recreational oriented county, the shorelines and the circulation system of Lincoln County are strongly interrelated. For this reason, the circulation element is of prime importance to shoreline development.

*Definition:* The circulation element deals with the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public facilities and correlating those facilities with the shorelines use elements.

*Goal:* To develop safe, convenient and diversified circulation system to assure efficient movement of people during their daily and other activities with minimum disruptions to the shoreline environment and minimum conflict between the different users.

#### D. Recreation.

Recreational activities can be found throughout Lincoln County. There is a great diversity in these activities and a high potential for many more. This aspect must be emphasized to insure its proper development.

*Definition:* The recreational element deals with the preservation and expansion of recreational opportunities through program of acquisition, development and various means of less than fee acquisition.

*Goal:* Assure diverse, convenient and adequate recreational opportunities along the shorelines of Lincoln County for the public.

#### E. Historical and Cultural.

Various points along Lincoln County's shorelines could be considered historically or culturally valuable sites and some areas could be potential for archeological data. These areas deserve consideration in this program.

*Definition:* The historical/cultural element is intended for the protection and restoration of buildings, cities and areas having historical, archeological, cultural, educational or scientific values.

*Goal:* Protect or restore areas having historical, archeological, cultural, educational or scientific values.

#### F. Conservation.

Many portions of Lincoln County's shorelines may be termed fragile and unique. These areas have high aesthetic and wildlife value in their natural state and cannot withstand unlimited use without destroying some or all of their natural character. Special attention must be given these and all other shoreline areas to preserve and enhance the natural resources dependent upon them.

*Definition:* The conservation element deals with the preservation of the natural shoreline resources, considering such characteristics as scenic and other valuable natural and aesthetic features.

*Goal:* Assure preservation of unique, fragile and scenic elements, and of non-renewable natural resources; assure continued utilization of renewable resources.

#### G. Residential.

Shorelines are one of the most desirable areas for residential developers. Well designed subdivisions can be an attractive feature within some areas of the shorelines and through the use of landscaping and open space can serve to enhance the shoreline appearance and provide an economic benefit.

*Definition:* The residential element is intended to assure appropriate development in suitable locations without diminishing the quality of the environment along the shorelines of Lincoln County.

*Goal:* Assure appropriate development in suitable locations without diminishing the quality of environment along the shorelines of Lincoln County, pursuant to land use requirements and regulations.

### **18.02.030 Land use activities and policies.**

To effectively provide for management of Lincoln County's shorelines, it is necessary to determine appropriate and anticipated use activities and to establish policies for these kinds of activities which will uphold the goals previously stated. The following are the use activities and policies concerning them which are appropriate for Lincoln County:

#### A. Agricultural practices.

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized.

#### *Policies:*

1. Identify the best crop producing lands and designate them for permanent agricultural use.
2. Reserve flood prone areas for permanent cover crops.
3. Encourage the use of erosion control measures to meet water quality control standards.

4. Establish standards for the use of herbicides and pesticides to prevent their entry into water bodies.
5. Feed lots should be located and designated in such a manner as to prevent waste runoff from entering water bodies or groundwater.

#### B. Commercial development

Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Commercial developments range from small businesses within residences, to high-rise office buildings. Commercial developments are intensive users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them.

##### *Policies:*

1. Commercial development along shorelines should favor general public interest.
2. Locate new commercial development in those areas where current commercial uses exist, or locate non-recreational commercial developments in areas with low potential for recreation or other public uses.
3. Limit commercial development along shorelines to shoreline dependent uses, or limit commercial development along shorelines to recreation oriented developments which are incidental to and benefit from shorelines locations.

#### C. Residential development.

The following guidelines should be recognized in the development of any subdivision on the shorelines of the state. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within the shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision.

##### *Policies:*

1. Permit new residential development along shorelines only when the regulations of the Lincoln County Health District pertaining to water and sewage disposal can be adhered to and development is in line with Title 17-Zoning Code and the County Comprehensive Plan.
2. Select new residential sites that are physically suitable and exclude from, or strictly regulate residential development in problem areas such as steep slopes, flood plains and ecologically fragile areas to assure minimum disruption of the environment designated by County soil surveys.
3. Design subdivisions to adequately protect the water and shoreline aesthetic characteristics.

4. Provide regulations to establish effective sanitation measures to assure continued protection for water quality.
5. Design plats with density, site coverage and occupancy compatible with the physical capabilities of the shorelines and water.

#### D. Solid waste disposal.

Generally, all solid waste is a possible source of much nuisance. Rapid, safe and nuisance-free storage, collection, transportation, and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota.

#### *Policy:*

All proposed sites must be approved by the Lincoln County Health Department. The location of solid waste disposal facilities must be in compliance with the Solid Waste Management Plan for Lincoln County.

#### E. Shoreline protection:

Flood protection and stream-way modifications are those activities occurring within the stream-way and wetland areas which are designed to reduce over-bank flow of high waters and stabilize eroding stream-banks. Reduction of flood damage, bank stabilization to reduce sedimentation, and protection of property from erosion are normally achieved through watershed and flood plain management and by structural works. Such measures are often complementary to one another and several measures together may be necessary to achieve the desired end.

#### *Policies:*

1. Rip-rap, flood protection measures and bank stabilizing measures should be located, designed and implemented so as to avoid the need for channelization and to protect the natural character of the stream-way.
2. Flood protection measures such as dikes should be placed landward of the stream-way, including associated swamps and marshes and other wetland directly interrelated and interdependent with the stream proper.
3. Flood protection measures which result in channelization should be avoided.

#### F. Recreation.

Recreation is the refreshment of the body and mind through forms of play, amusement or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be an activity involving boating, swimming, fishing or hunting or the experience may be passive such as wildlife viewing or enjoying the natural beauty of a lake or river.

*Policies:*

1. Allow balanced recreational opportunities to meet the needs of local residents and others.
2. Provide facilities for intensive recreational activities where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering.
3. Provide a variety of recreational opportunities to satisfy the diversity of demands from groups in nearby population centers.
4. Develop areas based on attractiveness of an area and circulation pattern.

G. Archeological areas and historic sites.

Archeological areas, ancient villages, military forts, old home sites, ghost towns and trails were often located on shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are non-renewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved.

*Policies:*

1. Identify areas of archeological or historical value for exploration by qualified agencies and/or educational institutions.
2. Preserve sites, where possible, for scientific study and public observation.
3. Shoreline permits should contain special provisions requiring developers to notify local government of any possible archaeological data discovered during development to enable compliance with the National Historic Preservation Act of 1966 and Chapter 43.51.R.C.W.

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H. Road and railroad design and construction.

A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters.

*Policies:*

1. The construction of roads which will allow the public use publicly owned shorelines is encouraged as long as they are located in suitable areas where there will be minimum adverse effects to the environment.
2. Wherever feasible, major transportation routes should be located away from shorelines except in a port and heavy industrial areas.
3. All road construction in shoreline areas must be done in such a manner as to minimize alteration of natural conditions. Waste material should be disposed

of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.

4. Provisions should be made for other means of public access, view points, rest areas and picnic areas.

#### I. Outdoor advertising, signs and billboards.

Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs may be pleasing or distracting, dependent upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas when signs are not desirable, but generally it is the design that is undesirable, not the sign itself.

##### *Policies:*

1. Signs should be constructed on shorelines only when they are of an informational or directional nature. Signs for advertising purposes are allowed, however, on the premises of a shoreline enterprise.
2. Size, height, density and lighting limitations for signs should be established by the master program.
3. Outdoor advertising signs should be located in areas where they will not impact vistas or viewpoints and should be located on the upland side of a transportation route.
4. Highway signing should meet county, state, and federal regulations where applicable.

#### J. Marinas.

Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: the open type construction (floating breakwater and/or open pile work) and solid type construction (bulkhead and/or landfill). Depending upon the type of construction, marinas affect fish and shellfish habitats.

##### *Policies:*

1. Location and design of marinas should consider effects on fish and wildlife resources during construction and operation and at the same time be aesthetically compatible with adjacent areas.
2. Fuel handling and storage should be given special attention in design to minimize spillage and provide means for handling such spillage.
3. Marina construction and development shall comply with the Washington State Department of Fish and Wildlife guidelines and applicable local standards.

#### K. Mining.

Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shore line areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes.

*Policies:*

1. Locate mining operations in those areas reserved for agriculture, industrial or commercial uses.
2. Restrict mining operations to surface mining which must be done in compliance with the Washington State Surface Mining Act.
3. Removal of sand and gravel from lake beaches should be controlled by local government.
4. In surface mining operations, adequate protection against sediment and silt production should be provided by the operator.

L. Utilities.

Utilities are services which produce and carry electric power gas, sewage, communications and oil. At this time the most feasible methods of transmission are the lineal ones of pipes and wires. The installation of this apparatus necessarily disturbs the landscape but can usually be planned to have minimal visual and physical effect on the environment.

*Policies:*

1. After maintenance/installation operations, shorelines should be restored to pre-project configuration and replanted with native species when desirable.
2. Whenever these facilities must be placed in a shoreline area, the location should be chosen so not to obstruct nor destroy scenic views. Whenever feasible, these utilities should be placed underground.

M. Breakwaters.

Breakwaters are another protective structure usually built offshore to protect beaches, bluffs, dunes or harbor areas from wave action. However, because offshore breakwaters are costly to build, they are seldom constructed to protect the natural features alone, but are generally constructed for navigational purposes also. Breakwaters can be either rigid in construction or floating. The rigid breakwaters which are usually constructed of riprap or rock have both beneficial and detrimental effects on the shore. All breakwaters eliminate wave action and thus protect the shore immediately behind them. They also obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters do not have the negative effect on sand movement, but cannot withstand extensive wave action and thus are impractical with present situations.

*Policies:*

1. Breakwaters should not be constructed which will unduly restrict the public use of the water surface.
2. Breakwaters should be constructed only where design can eliminate potentially detrimental effects on the movement of sand, circulation of water and the habitat of fish and wildlife resources.

N. Landfill.

Landfill is the creation of dry upland area by the filling or depositing of sand, soil or gravel into a wetland area. Landfills also occur to replace shoreland areas removed by wave action or the normal erosion processes of nature. However, most landfills destroy the natural character of land, create unnatural heavy erosion and silting problems and diminish the existing water surface.

*Policies:*

1. Shoreline fills or cuts should be designed and located so that significant damage to ecological values or natural resources, or alteration of local will not occur, creating hazards to adjacent life, property and natural resource systems.
2. Priority should be given to landfills for water dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.
3. Fill material should be of such quality that it will not cause problems of water quality and all fills should be provided with vegetation, retaining walls or other mechanisms for erosion prevention where appropriate.

O. Piers.

A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. On lakes, a proliferation of piers along the shore can have the effect of substantially reducing the usable water surface.

*Policies:*

1. Encourage the use of floating docks rather than piers in areas where scenic values are high and where conflicts with recreational uses will not be created.
2. Priority should be given to the use of community piers and docks where applicable.
3. Capacity of shorelines sites to absorb impact of waste discharge from boats and gas and oil spillage should be considered in location of boat docking facilities.

#### P. Dredging.

Dredging is the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredged materials are deposited either in the water or immediately adjacent to it often resulting in water quality problems.

##### *Policies:*

1. Dredging should be controlled to minimize damage to existing ecological values and natural resources of both to be dredged and the area for the deposit of the dredged material.
2. Depositing of dredge material in water areas should be allowed only for habitat improvement or to correct problems of material distribution affecting adversely fish or wildlife resources.
3. Discourage dredging for the single purpose of obtaining fill material.

#### Q. Ports and water-related industry.

Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available.

##### *Policies:*

1. Water dependent industries which require frontage on shorelines should be given priority over other industrial uses.
2. Sewage treatment, water reclamation and power plants should be located where they create minimum interference with and/or are compatible with recreational, residential or other public uses of water and shorelands. Water-related industries and industrial plants should occupy as little shoreline as possible.
3. Master program planning should be based on a recognition of the regional nature of port services.

#### U. Bulkheads:

Bulkheads or seawalls are structures erected parallel to and near the high-water mark for the purpose of protecting adjacent uplands from the action of waves or currents. Bulkheads are constructed of steel, timber or concrete piling and may be either of solid or open piling construction. For ocean exposed locations, bulkheads do not provide a long-lived permanent solution, because eventually a more substantial wall is required as the beach continues to recede and larger waves reach the structure.

##### *Policies:*

1. Bulkheads should be located and constructed in such a manner as not to result in adverse effects on nearby beaches, minimize damage to fish and wildlife resources and be aesthetically compatible with surrounding shorelines.
2. Bulkheads should not reduce public access to public shorelands.
3. Bulkheads should be constructed only where they provide protection to upland areas or facilities.

#### R. Aquaculture:

Aquaculture (popularly know as fish farming) is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, and, in marine waters, salinity. The technology associated with present-day aquaculture is still in its formative stages and experimental. Guidelines for aquaculture should therefore recognize the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems.

#### *Policies:*

1. Aquacultural enterprises should be located in areas where the navigational access of upland owners and commercial traffic is not significantly restricted.
2. Visual access and aesthetic quality of the shoreline should be considered before the construction of an aquacultural enterprise.

#### S. Forest management.

Forest management practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade, which insulate the waters from detrimental temperature change and dissolved oxygen release.

#### *Policies:*

1. Special attention should be directed in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.
2. Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints in shoreline areas of the state are not degraded.
3. Proper road and bridge design, location and construction and maintenance practices should be used to prevent development of roads and structures which would adversely affect shoreline resources. Timber harvesting practices within shorelines of the state should be conducted to maintain the state board of health standards for public water supplies.

4. Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.
5. Local governments should ensure that timber harvesting on shorelines of state-wide significance does not exceed the limitations established in RCW 90.58.150, except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.
6. Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

## **Chapter 18.03**

### SHORELINE MANAGEMENT AREAS

- 18.03.010 Shoreline designations and intent.
- 18.03.020 Natural area designation.
- 18.03.030 Pastoral area designation.
- 18.03.040 Conservancy area designation.
- 18.03.050 Rural area designation.
- 18.03.060 Urban area designation.
- 18.03.070 Policies for shoreline use activities.

#### **18.03.010 Shoreline designations and intent.**

In order to plan and effectively manage shoreline resources, a system has been used categorizing shoreline areas in the preparation of this program. The system is designed to provide a uniform basis for applying policies and use-regulations within distinctively different shoreline areas. To accomplish this, the management designation given specific areas is based on the existing development pattern, the biophysical capabilities and limitations of the shoreline area to be considered for development and the goals and aspirations of local residents of Lincoln County.

The shoreline classifications system classified shorelines into five distinct management areas (Natural, Pastoral, Conservancy, Rural, and Urban), which provide the framework for implementing shoreline policies and regulatory measures.

This system is designed to encourage uses in each management area, which will enhance the character of that environment. At the same time, local government may place reasonable standards, restrictions, and prohibitions on development so that such development does not disrupt or destroy the character of the area.

The basic intent of this system is to utilize performance standards, which regulate use-activities in accordance with goals and objectives defined locally. Thus, the particular uses or types of developments placed in each area must be designed and located so that there are no effects detrimental to achieving the objectives of the management area and local development criteria.

The management objectives and features, which characterize each of the environments are given below to provide a basis for shoreline management designations with Lincoln County.

The area designations are intended to serve as broad management areas and not to be administered as zoning districts along the County's shorelines. The management areas are as follows:

**18.03.020 Natural area designation.**

The natural area is intended to preserve, maintain, or restore those natural resource systems existing relatively free from human activities, and those shoreline areas possessing natural characteristics intolerant of human use or of historical and cultural significance. Uses which will contribute to the preservation of such areas or enjoyment of such areas by the public are to be encouraged, while those use-activities which degrade the natural or cultural aspects of the area or are inappropriate would be discouraged, severely restricted, or prohibited.

Those areas most appropriate for designation in the Natural Area possess: 1) natural features which are not suitable for substantial developments due to the natural hazards or physical inaccessibility, 2) natural features which are culturally unique or interesting, 3) biological systems which are intolerant of intensive use and critical to the continuing function and maintenance of larger ecological systems, and 4) those areas which should be restored because of any of the above criteria.

**18.03.030 Pastoral area designation.**

The pastoral area is intended to protect and maintain those shorelines which have historically been subject to limited human interference and have preserved their natural quality as wildlife habitat and places of scenic beauty. These areas are appropriate for passive agricultural and recreational uses. Areas most appropriate are: 1) Open spaces used for livestock grazing and harvesting of non-cultivated crops, 2) Shorelines which have physical limitations which would preclude permanent structures, such as floodplains, meandering stream-ways, cliffs, and steep slope areas subject to landslides; and 3) Wildlife habitats and areas of beauty whose ecological systems will only tolerate limited human interference. Because the areas are not suited for cultivation or permanent structures, they are valued wildlife areas, which, while providing for grazing and "wild hay", provide open space for dispersed use outdoor recreation. Management of the area should be designed to prevent the loss or reduction of the wetland area and to restrict development from hazardous areas.

**18.03.040 Conservancy area designation.**

The Conservancy Area is designated in Lincoln County for the purpose of maintaining the existing character of shoreline resources while providing for non-intensive uses. Those uses that are preferred in the Conservancy Area are those, which may utilize the natural resources on a sustained yield basis.

These uses include passive agricultural activities, timber harvesting on a sustained yield basis, and diffuse outdoor recreation. The Conservancy Area is designated to protect agricultural land from encroachment by urban uses while providing for recreation wherever recreation will not interfere with agricultural practices. Nonpermanent kinds of structures and uses, which will not reduce the quantity or quality of the physical and biological resources of the area are to be given priority in the Conservancy Area.

The Conservancy Area is intended to prohibit intensive use of areas having physical hazards, severe biophysical limitations which would not be appropriate for rural or urban uses, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal for intensive activities.

#### **18.03.050 Rural area designation.**

The rural area is presently used for agricultural, recreational and low density suburban types of development, and/or has the potential of becoming prime farm land. The purpose of designating the rural area in Lincoln County is to protect agricultural land from urban expansion, and to provide for extensive and intensive recreational uses where these recreational uses do not conflict with agricultural practices. This environment is designated to preserve shorelines most suitable for agricultural uses and recreational pursuits. Urban and low density suburban expansion in the future is not intended for the Rural Area even though some areas presently containing characteristically suburban developments may be contained within areas designated as rural Areas.

#### **18.03.060 Urban area designation.**

The urban area designation is intended to accommodate compatible water-dependent and water-oriented uses in shoreline areas. The Urban Area is to be managed so that shoreline developments will enhance and maintain the shoreline for a multiplicity of uses. The urban area is designated in Lincoln County to encourage the redevelopment of existing urban areas and to control the expansion of urban uses in characteristically rural areas of the County. Those urban uses which are water-dependent and can provide visual and/or safe access to the waterfront are to be given priority for shoreline locations.

A map generally defining the boundaries of the area designations is included in this program. Detailed maps with specifically defined boundaries will be prepared after the review and completion of the program and will be available at Lincoln County planning office.

### **18.03.070 Policies for shoreline use activities.**

This section contains policies for the local regulation of use-activities on Lincoln County Shorelines. Each use-activity, representing a specific use or group uses, is broadly defined, along with an explanation of the impact of the use on the shorelines area, and is followed by several policies. The definitions are not intended as all-encompassing legal definitions, but rather to indicate the general scope of policies. These policies represent the criteria upon which judgments of proposed shoreline developments will be based. They are intended to provide the basis for the regulation of such uses in *Section Four*. They were developed with careful consideration of existing local plans and programs and are consistent with state guidelines.

There are several policies for activities which do not require substantial development permits; for example, the suggestion that a buffer or permanent vegetation be maintained along water bodies in agricultural areas. While such activities generally cannot be regulated through the permit system, it is intended that they be dealt with in this program in a manner consistent with the policy and intent of the SMA. Finally, these policies were developed with careful consideration of existing local plans and programs and are consistent with State Guidelines.

#### A. Agriculture

Agriculture includes the tilling of soil to produce crops, practices required to eliminate weeds and insect pests, fertilization, soil conservation and the raising of animals for food, which involves grazing, feeding, storage, and elimination of wastes. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing degradation of water quality and significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized.

##### 1. The natural area.

*Policy:* Agricultural activities are not to be permitted in the Natural Area.

##### 2. The pastoral area.

*Policy 1:* Same as natural area. In addition, grazing and the harvesting of agricultural products not requiring cultivation and fertilization will be acceptable.

*Policy 2:* Feedlots are and the storage of animal wastes are prohibited.

3. The conservancy area.

*Policy 1:* Agricultural activities which will maintain and conserve the natural characteristics in a Conservancy Area are acceptable.

*Policy 2:* Adequate buffer areas of permanent vegetation are to be maintained between the normal high water mark and areas of cultivation to protect against shoreline erosion, and to reduce the amount of silt, soil, nutrients, and pollutants entering the water from agricultural runoff.

*Policy 3:* Feedlots and the storage of animal wastes are prohibited.

4. The rural area.

*Policy 1:* Agriculture is to be encouraged and protected as a priority use of prime agricultural shoreline areas.

*Policy 2:* Erosion control measures such as maintenance of buffer areas, crop rotation, mulching, strip cropping, or contour cultivation, so as to conform with local Conservation District specifications, are to be used to protect streams and water bodies from siltation and shoreline areas from erosion.

*Policy 3:* Feedlots and the storage of animal wastes are prohibited.

5. The urban area.

*Policy:* The urban area is intended to accommodate existing and future urban growth. Agriculture activities may be permitted on an interim basis as long as the activities are compatible with permitted urban uses in the shoreline area, and they conform to the policies applicable to the rural area.

B. Aquaculture.

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants or animals. Potential locations for aqua-cultural enterprises in Lincoln County are limited, due to their specific requirements for water quality, temperature, etc.

1. The natural and pastoral area.

*Policy:* Aquaculture shall be prohibited.

2. The conservancy, rural and urban areas.

*Policy:* Aquaculture may be permitted, but only where it will not:

- a. Substantially interfere with navigation.
- b. Adversely affect water quality or water rights for others.
- c. Adversely affect the visual quality of the shoreline or water areas.
- d. Adversely affect soils, vegetation and other natural features of the area.

### C. Forest management practices.

Forest management practices are those methods used in protecting, producing, and harvesting timber. Trees are needed along water bodies to provide shade which regulates water temperature, prevents oxygen loss and protects marine life as well as providing aesthetic qualities.

#### 1. The natural and pastoral area.

*Policy:* Developments associated with logging operations shall be prohibited.

#### 2. The conservancy, rural and urban areas.

*Policy 1:* Roads should be located on stable soils and constructed to ensure no impacts to adjacent water-ways; and during construction, all possible measures should be taken to prevent erosion and damage to the shoreline; also, roads should be adequately maintained to prevent water quality degradation.

*Policy 2:* Timber harvesting shall be conducted in such a manner as to maintain forest productivity, water quality, and fish and wildlife habitat.

a. During harvesting, the operator must provide for soil stabilization and water quality maintenance by selective cutting, protecting of brush and ground cover, the use of buffer strips, measures recommended by the local Soil Conservation District, or other measures aimed at maintaining adequate vegetation along the shoreline to prevent erosion and degradation of water quality.

b. After harvesting, the operator will remove all waste resulting from his operations (e.g., oil, filter, containers, machine parts, tires, etc.)

c. After harvesting, measures shall be taken by the operator to stabilize areas susceptible to erosion as a result of logging and that conform with soil conservation specifications.

d. All slash debris must be disposed of and shall not be permitted to enter into waterways and interfere with the regeneration of forest vegetation.

*Policy 3:* That portion of a shoreline management area not left as a buffer strip shall be reforested in compliance with the Washington State Forest Practices Standard and any future amendments to the Forestry Practices Act, and U.S. Environmental Protection Agency regulations for silviculture.

*Policy 4:* Clear-cutting shall be prohibited.

### D. Commercial development.

Commercial development includes wholesale and retail trade or businesses or professions and accessory activities such as services, storage, and parking.

They may occupy open land, or stores, or office buildings, or any combination

of these. As a general policy, commercial development in the Rural Area must demonstrate that a location in an Urban Area is not a feasible alternative.

1. The natural and pastoral areas.

*Policy:* Commercial development shall be prohibited.

2. The conservancy area.

*Policy:* Commercial development may be permitted in the Conservancy Area only as a conditional use and when associated with a water-dependent public or private recreational development. Conditions shall require:

- a. Only that portion of the commercial activity which requires direct access to water be permitted within 50 feet of the high-water mark.
- b. Protection of scenic quality and water quality.
- c. Public access to publicly-owned waterfront areas.
- d. Height limitations to protect the scenic views of the water and from the water.
- e. Parking areas should be located upland of the structures they serve.

3. The rural area.

Policy 1: Same as that for conservancy area.

Policy 2: Commercial development which serves other purposes than recreation may be permitted in a rural area as a conditional use, if it can be demonstrated that location in an urban area is not a feasible alternative and provided that the development is at least 50 feet from the high-water mark.

4. The urban area.

*Policy 1:* Commercial development which is dependent on water access or serves water-dependent uses or recreational uses will be given priority for shoreline locations where other commercial development already exists.

*Policy 2:* Non-water-related commercial development may be permitted provided it is located in or adjacent to established commercial development.

E. Marinas.

Marinas are facilities for moorage, launching, and storage of pleasure boats with backup parking, fuel and other services. Marinas must be located and designed to protect fish and other resources and be aesthetically compatible with the surrounding areas. An overall study of the need for marinas should be made and plans for marina locations on each water body prepared.

1. The natural, pastoral and conservancy areas.

*Policy:* Marinas are prohibited.

2. The rural area.

*Policy:* Marinas may be permitted as a conditional use where they can conform to requirements which protect water quality and aquatic life, navigation, scenic quality, and the natural features of the area.

### 3. The urban area.

*Policy:* Marinas may be permitted as a conditional use which meets the same conditions as in the rural area, but only where located in proximity to other water-related or water-dependent commercial or industrial activities.

## F. Mining.

Mining is the extraction and removal of sand, gravel, minerals, or other naturally occurring material from the earth for economic use. Mining in the shoreline areas can cause erosion and siltation which destroys marine life.

### 1. The natural, pastoral and conservancy areas.

*Policy:* Mining is prohibited.

### 2. The rural and urban areas.

*Policy 1:* Mining may be permitted as a conditional use provided the following conditions are met:

- a. Provisions are made to maintain unique natural fragile shoreline areas or areas of historical, cultural, or educational significance adjacent to mining sites.
- b. Plans for restorations and enhancement of land areas are available prior to commencing operations and established limitations are set.
- c. Surface runoff and siltation will not be allowed to enter surface waters.
- d. Cleaning, sorting, separating, loading, and storage operations are conducted as far from the high water mark as necessary to comply with the above provisions.

*Policy 2:* Gravel removal from stream beds will not be permitted.

## F. Signs and outdoor advertising.

Signs are public displays whose purpose is to provide information, direction, or advertising. Outdoor advertising (billboards) are large standardized signs whose message is changed according to periodic leases. Off-premise signs are commercial signs located on property other than the property upon which the advertised business is located. Signs are usually placed in visually conspicuous settings and may obstruct scenic views.

### 1. The natural and pastoral area.

*Policy 1:* Outdoor advertising signs shall be prohibited.

*Policy 2:* Other off-premises signs shall be limited to those required to protect the health, safety, and general welfare.

*Policy 3:* On-premises business identification signs shall be regulated so as to protect the visual quality of the area.

2. The conservancy and rural areas.

*Policy 1:* Off-premises signs shall be limited to directional sign.

*Policy 2:* An existing or permitted business may have an on-premise business identification sign no larger than 20 square feet, facing away from the shoreline and within the perimeter of the face of the building.

*Policy 3:* Other off-premises signs shall be limited to those required to protect the health, safety, and general welfare.

*Policy 4:* On-premises business identification signs shall be regulated so as to protect the visual quality of the area.

3. The urban area.

*Policy 1:* Off-premises commercial advertising signs and billboards shall only be permitted in "freeway commercial", "commercial" and "manufacturing" zones and along designated major thoroughfares pursuant to Title - Zoning.

*Policy 2:* All advertising and commercial directional signs and billboards shall be located on the upland side of roads, thoroughfares and freeways.

*Policy 3:* Off-premises business signs shall be regulated to protect the scenic views of the area.

*Policy 4:* On-premises business signs not required to be seen by water-borne traffic shall not be visible from the water.

G. Residential development.

Residential development includes any building for residential purposes, including single-family, multifamily, "cluster" development or "planned unit development", and any subdivision of the land for sale or lease (as defined in the Lincoln County Subdivision Ordinance or applicable State regulations).

These policies apply to residential development to include the prevention of erosion, protection of visual quality, development of associated uses, and maintenance of water quality. Single-family residences on individual lots exempted from the requirements of a substantial development permit by Sec 2.8, are required to meet the policies and regulations of this program.

1. The natural, pastoral and conservancy areas.

*Policy 1:* Except for a single-family residence constructed by an owner, purchaser or lessee of land, for his own use, residential development shall be prohibited.

*Policy 2:* Residential development subdivisions may be permitted provided that the portion of the subdivision within the shoreline area is dedicated to its existing state or recreational uses.

*Policy 3:* Residential subdivisions shall contain provisions to assure that residential structures are not placed in the shoreline area.

2. The rural and urban areas.

*Policy 1:* Residential developments should maintain the rural open space character.

*Policy 2:* Residential structures should be kept as far as possible from the water's edge.

*Policy 3:* Residential density, site coverage, and occupancy shall be compatible with the biophysical capabilities of the shoreline area.

*Policy 4:* Consideration should be given planned unit developments which cluster development and leave the waterfront area free of structures.

*Policy 5:* Residential developments should be serviced with community or municipal sewer and water facilities instead of individual wells and septic drainfields.

*Policy 6:* Developers shall provide adequate provisions to protect water quality during and after construction by providing for the protection of vegetation and ground cover and an adequate storm water drainage system.

*Policy 7:* Residential developments shall be designed to protect the aesthetic character of the shoreline area and cause as little disruption as possible to vegetation, ground cover, and wildlife.

H. Utilities.

Utilities are services which produce or carry electric power, gas, storm or sanitary sewage, water, communications, or petroleum products, most often in pipes or wires. These are needed for almost any kind of development. The potential exists for combining at least some of these utilities within public access rights of way and for improving the aesthetic quality of any area by underground installation of electric and communication utilities. In the construction of utilities, conditions shall be imposed to prevent surface and ground water pollution.

1. The natural, pastoral and conservancy areas.

*Policy 1:* Utilities may be permitted to serve public requirements within these areas, provided they are installed underground.

*Policy 2:* Subsurface drainage of sanitary sewage, whether treated or not, shall be prohibited in the shoreline area.

*Policy 3:* Transmission lines may be permitted only for required crossing streams.

2. The rural and urban areas.

*Policy 1:* Utilities may be provided in connection with approved developments within the Urban Area.

*Policy 2:* Electric and communication utilities shall be installed in public rights of way or in common corridors, or else shall be installed underground.

*Policy 3:* In the installation of utilities, conditions shall be imposed to protect scenic quality and water quality and to prevent petroleum spills.

*Policy 4:* Subsurface drainage of sanitary sewage and industrial or other liquid wastes, whether treated or not shall be prohibited in the shoreline area.

*Policy 5:* Transmission lines may be permitted only for required crossings of streams.

#### I. Water-related industry.

Water-related industries are those requiring water transportation or those which seek the advantage of water transportation as an alternative to other modes, and those which use or recycle large quantities of water.

##### 1. The natural, pastoral and conservancy areas.

*Policy:* Industrial development is prohibited.

##### 2. The rural area.

*Policy:* Water-dependent or water-related industrial development may be permitted as a conditional use. The following conditions are required:

- a. Large distances from urban centers are required for safety.
- b. There is a need to disperse industrial sites to achieve established water quality standards.
- c. Alternative locations in an urban area are not available.
- d. The open space, rural character of the Rural Area can be maintained.

##### 3. The urban area.

*Policy:* Water-dependent or water-related industrial uses will be given priority for location in urban shoreline areas provided:

- a. The industrial use is located where other industrial development has previously occurred or presently exists.
- b. The water-dependent portion of its development is clustered along the shoreline and all facilities not requiring a water's edge location are placed inland as far as possible.
- c. The industry locates with other compatible uses or activities.
- d. Vegetation is established and maintained along the shoreline to prevent erosion and to improve the visual appearance of the shoreline.
- e. The shoreline is not devoted to wastewater treatment ponds or lagoons.

#### J. Solid waste disposal.

Generally, solid waste disposal of waste materials, including garbage, rubbish, ashes and industrial waste is inappropriate in shoreline areas.

The disposal of garbage, trash, or other materials is subject to state approval of a Solid Waste Management Program. The program for Lincoln County indicates a problem with widespread unauthorized and illegal dumping of solid wastes. This program plan does not allow solid waste disposal in shoreline areas, with the exception of a transfer station in the urban area.

All shoreline areas.

*Policy 1:* Solid waste disposal shall be prohibited.

*Policy 2:* No solid waste facilities or activities shall be located in a shoreline area, except in accordance with an approved and adopted comprehensive solid waste management program for Lincoln County which meets State minimum standards.

#### K. Road and railroad design and construction.

A road is a linear passageway for motor vehicles. A railroad is a linear passageway with tracks for train traffic. Their existence or construction can limit access to shorelines, impair the visual quality of water-oriented vistas, expose soils to erosion, and retard flood waters or create water runoff problems.

##### 1. The natural, pastoral and conservancy areas

*Policy 1:* New roads and railroads which follow along shoreline are prohibited.

*Policy 2:* Bridge crossings and related approach roads, and the widening of existing roads from two to more than two traffic lanes, are prohibited in the Natural Area, but may be permitted in the Pastoral and Conservancy areas where they are parts of approved County and State road master plans.

*Policy 3:* Roads for access to permitted activities may be permitted.

*Policy 4:* Within the Conservancy Area scenic roads with State and County parks, and those elsewhere which are designed for slow-moving travel and are set back 100 feet from the ordinary high-water mark, may be permitted.

*Policy 5:* Landfills and end abutments related to a bridge shall be landward from the high-water mark.

##### 2. The rural and urban areas.

*Policy 1:* Road and railroads may be permitted provided:

- a. Alternative routes outside the shoreline area are not available.
- b. Debris, overburden, and waste materials are properly handled and do not affect water bodies.
- c. Visual quality of the area is protected or enhanced.
- d. Access to and use of the water's edge is not eliminated.
- e. Roads and railroads are designed to fit the topography and minimize the alteration of natural conditions.
- f. Provision is made for pedestrian and nonmotorized travel.

g. The quality of the water, natural vegetation, and land features are not degraded.

*Policy 2:* All roads and railroads must be related to a general thoroughfare plan and to the land uses they serve.

*Policy 3:* Roads within 100 feet of shorelines shall provide for viewpoints and must not impede access to the waterfront.

L. Archaeological areas and historical sites.

Because of man's early need for water sites for domestic water supply and transportation, archeological areas, such as ancient villages, old settler's homes, towns, and trails, are often located on or along shorelines. Since they are a nonrenewable resource and a critical educational link with the past, such sites should be preserved.

1. All shoreline areas.

*Policy 1:* In accordance with the goals and policies of the historical and cultural element of the Lincoln County Shoreline Management Program, the highest priority will be given to the identification, designation, acquisition, preservation, and improvement (for public use and education) of archeological and cultural sites and historic sites or buildings.

*Policy 2:* Where archeological, cultural, or historic sites, buildings, or phenomena are identified, development will be limited to preserve the historical value of the site or artifacts.

*Policy 3:* All shoreline development permits will contain provisions for developers to notify the County and the State Parks and Recreation Department when historic phenomena or artifacts are uncovered during any excavation.

*Policy 4:* Development and improvement of archeological, cultural, or historic sites or buildings will preserve the natural environment and visual quality of its surroundings.

M. Recreation.

Recreation is the pursuit of play, amusement, or relaxation for the refreshment of body and mind, in either passive or active forms.

1. The natural, pastoral and conservancy areas.

*Policy 1:* Only passive recreational uses are permitted.

*Policy 2:* The design and development of recreational areas, whether public or private, shall protect and preserve the natural features of the land and its vegetation and the quality of the water for recreational use and natural habitat.

*Policy 3:* The scenic quality of the area, both views of the water and from the water, must be preserved or enhanced to the maximum possible extent.

2. The rural and urban areas.

*Policy 1:* Priority should be given to those use activities which incorporate or provide public recreation and public access along shorelines and within shoreline areas.

*Policy 2:* Scenic views shall be preserved or enhanced.

*Policy 3:* Parking and auto traffic must be located outside or minimized in the shoreline area.

*Policy 4:* Recreational facilities shall be planned to meet future needs but shall be development so as not to damage natural land areas, vegetation, water quality, or visual amenities of the area and shall be compatible with surrounding land uses.

#### N. Landfill.

Landfill is the extension of dry land into the shoreline area or the water by the deposit of sand, soil, gravel, rock, or other materials. As illustrated in the Lake Chelan case (Wilbur vs Gallagher), landfill diminishes the public waters which belong to all citizens. Where it occurs in shallow areas of rooted vegetation, it also reduces the habitat of fish and wildlife for shelter and breeding. Landfill also alters or constricts the flow of the stream which influences shorelines above and below the landfill. For these reasons, landfill must be limited to purposes of great public necessity and to those areas where environmental impacts will be negligible.

1. The natural and pastoral areas.

*Policy:* Landfill is prohibited except for necessary bridge approaches or to save or protect unusual or outstanding natural or cultural features.

2. The conservancy, rural and urban areas.

*Policy 1:* Landfill may be permitted only for water-dependent or water related uses where the public interest will be served, such as landfill for beach improvement, public recreation areas, and where adverse effects are minimal.

#### IN ADDITION:

a. The fill must be compatible with adjacent land uses and activities.

b. Landfill shall not adversely affect water quality.

c. Every effort shall be made to reduce possible impacts on fish and other aquatic life and their habitats.

d. Every effort shall be made to protect or restore aquatic life by stabilizing fill with natural vegetation, approved protective structures and other management efforts.

*Policy 2:* Land fill for residential or other purposes shall not be placed in an area prone to flooding or in areas which have a history of flooding.

*Policy 3:* Except for landfills permitted in *Policy 1* above, landfill shall not be placed so as to extend below the high-water mark of any water body.

O. Dredging.

Dredging is the removal of sediment, earth, or gravel from the bottom of a body of water, either for the deepening of navigational channels, to mine the sediment materials, to restore water bodies or for flood control. Dredging can cause the loss of aquatic plants or animals by removing them or their habitat, changing the nutrient or oxygen content of the water or causing the suspension of toxic (poisoning) materials from the sediment.

1. The natural, pastoral, rural and urban areas.

*Policy 1:* Dredging may be conditionally permitted where necessary for the preservation, maintenance, or restoration of the natural qualities inherent to a waterway.

*Policy 2:* Dumping of dredge spoils in shoreline areas is prohibited.

2. The conservancy, rural and urban areas.

*Policy 1:* Dredging shall be limited to public purposes such as navigation or public recreation.

*Policy 2:* Dredging to obtain fill or construction materials is prohibited.

*Policy 3:* Dumping of dredge spoils in shoreline areas is prohibited.

P. Bulkheads.

Bulkheads are structures erected parallel to and landward to the high water mark to stabilize land at the water's edge and prevent erosion. Where permitted, bulkheads must be constructed so as not to increase the scouring or erosion of other nearby shorelines. Normal protection bulkheads common to single-family structures, or which do not materially interfere with the public use of the water are exempt from the shoreline permit system.

The following policies apply to the construction of bulkheads. Proposals for landfill must also comply with the policies and regulations for that specific activity.

1. The natural, pastoral and conservancy areas.

*Policy:* Bulkheads are not permitted, except as otherwise provided for by shoreline protection policies, and no bulkhead shall extend beyond the ordinary high-water mark.

2. The rural and urban areas.

*Policy 1:* Bulkheads are not permitted in natural bogs, swamps, or marshes.

*Policy 2:* In other areas, bulkheads will be permitted for the following purposes, if constructed to avoid environmental and visual damage to the shoreline and more natural means of protection (i.e., land sloping and vegetation) are not feasible.

- a. To protect water quality or aquatic life.
- b. To provide for public recreation areas.
- c. To provide public access to shoreline areas if no other means is available.

*Policy 3:* Bulkheads may be permitted for erosion control as a protective measure in areas which do not have a history of flooding.

*Policy 4:* The construction of bulkheads to protect lowlands with a history of flooding shall be prohibited.

*Policy 5:* Bulkheads shall not extend beyond the ordinary high-water mark.

Q. Piers and docks.

A pier or dock is a structure built over or floating upon the water, used a landing place for water transport or for recreational purposes. While floating docks generally create less of a visual impact than those on piling, they constitute an impediment to boat traffic and shoreline trolling. Floating docks can also alter beach sand patterns in areas where current drift are significant. On lakes, a proliferation to piers along the shore can have the effect of substantially reducing the usable water surface.

The Shoreline Management Act exempts docks from the shoreline permit system if the cost of the pier or dock is less than \$2,500 and is designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single-family residence.

1. The natural and pastoral areas.

*Policy:* Piers and docks are not permitted. Where moorage is needed for recreational or educational activities, floating buoys should be used for moorage to minimize impact.

2. The conservancy area.

*Policy:* Piers and docks are to be limited to those needed for recreational or educational activities or other public purposes. The adverse effect of piers on aquatic life, navigation and usable water surface must be considered.

3. The rural area.

*Policy 1:* Piers and docks may be permitted for recreational purposes, for public access to pleasure boats, and for private boat moorage.

R. Shoreline protection.

Shoreline protections are those activities occurring within stream-way areas which are designed to reduce over-bank flow of high-waters and stabilize eroding lake and stream banks.

1. All shoreline areas.

*Policy:* Shoreline protection structures may be permitted only when natural vegetation systems are not feasible or sufficient.

## **Chapter 18.04**

### SHORELINE MANAGEMENT USE REGULATIONS

- 18.04.010 Authority.
- 18.04.020 Purpose.
- 18.04.030 Applications and exemptions.
- 18.04.040 Criteria and objectives for shoreline areas.
- 18.04.050 General regulations.
- 18.04.060 Variances and conditional uses.
- 18.04.070 Administration.
- 18.04.080 Definitions.
- 18.04.090 Program specific information and terms.

#### **18.04.010 Authority.**

The regulations are promulgated under the authority of and pursuant to the requirements of Chapter 90.58 RCW, the Shoreline Management Act of 1971.

#### **18.04.020 Purpose.**

The purpose of these regulations are:

- A. Provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses of the shorelines.
- B. To insure the development of the shorelines in a manner which, while allowing for the limited reduction of the rights of the public in the navigable waters, will promote and enhance the public interests.
- C. Provide protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting, generally, public rights of navigation and corollary rights incidental thereto.

It is the further purpose of these regulations to preserve, to the greatest extent feasible, consistent with the overall best interest of the state and its people, the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the state.

#### **18.04.030 Applications and exemptions.**

These regulations shall apply to any proposed development and to any extension or enlargement of any existing building or use of land in shoreline areas, and to any subdivision of land any portion of which includes land in a shoreline area. No development shall under taken on shorelines of the State, except those that are consistent with the policy of RCW 90.58, the Lincoln County Shoreline Management Program, and these regulations. Further, no substantial development shall be undertaken on the designated shorelines of the County without first obtaining a permit.

A. Application - Shoreline Areas.

These regulations shall apply to all water areas, submerged land, associated marshes, bogs, swamps, floodways, river deltas and flood plains and all lands within 200 feet of the ordinary high-water mark of the following, as provided in Chapter 90.58.030 RCW:

Shorelines of statewide significance, including:

<u>LOCATION</u>	<u>NAME</u>	<u>ENVIRONMENT</u>
T22 N, R 37A	Crab Creek	Rural, except within city limits of Odessa which is urban.
T21 N, T21 N, R 36E T21 N, R 34E T21 N, R 35E T21 N, R 33E T21 N, R 32E T21 N, R 31E T22 N, R 32E T22 N, R 32E		
T20 N, R 37E	Sprague Lake	Conservancy
T27 N, R 39E	Long Lake	Conservancy

Shorelines of the State; including:

<u>LOCATION</u>	<u>NAME</u>	<u>ACRE AREA</u>	<u>ENVIRONMENT</u>
1. T21N-R33E 3-QR	Reisenauer Res.	22.0	Rural
2. T21N-R33E 12-SE1/4	Sylvan Lk.	550.0	"
3. T21N-R38E 36-F	4th of July Lk.	35.9	Lincoln Co. Rural
4. T21N-R39E 10-H/J	Unnamed Lake	28.9	Rural
5. T21N-R39E 12-N	Fishtrap Lk(Res)	172.8	"
6. T21N-R39A 22-L	Intermittent Lk.	93.0	"
7. T21N-R39E 25-Q	Downs Lk.	28.8	Lincoln Co. Rural
8. T21N-R39E 26-P	Unnamed Lake	99.0	Rural
9. T21N-R39E 34-N1/2	Intermittent Lk.	60.0	"
10. T22N-R31E 28B	Peterson Lk.	20.5	"
11. T22N-R32E 6-NE 1/4	Sullivan Lk.	72.4	"
12. T22N-R32E 6-SW1/4	Wooley Lk.	23.7	"
13. T22N-R32E 12-SW1/4	Pacific Lk.	129.7	"
14. T22N-R32E 26-SW1/4	Tule Lk.(Bobs)	126.7	"

15.	T22N-R33E	4-N1/2	Neves Lk.	25.1	"
16.	T22N-R39E	22-SE1/4	Ames Lk.	29.1	"
17.	T22N-R39E	32-N/P	Unnamed Lk.	24.8	"
18.	T23N-R32E	7-W1/2	Unnamed Lk.	42.2	"
19.	T23N-R32E	27-SW14	Goetz Lk.	36.2	"
20.	T23N-R33E	13-SE1/4	Coffee Pot Lk.	316.8	Conservancy
21.	T23N-R33E	23-E1/2	Deer Springs Lk.	60.3	Rural
22.	T23N-R33E	34-S1/2	Browns Lk.	42.2	"
23.	T23N-R33E	34-S1/2	Travers Lk.	42.2	Rural
24.	T23N-R34E	3-D	Twins Lks-Lower	44.9	"
25.	T23N-R34E	25-NE1/4	Unnamed Lk.	25.3	"
26.	T23N-R33E	19-NA	Cormana Lk.	48.3	"
27.	T24N-R32E	12-NW1/4	Drapers Lk.	34.2	"
28.	T24N-R33E	31-N1/2	Unnamed Lk.	48.3	"
29.	T24N-R34E	1-SW1/4	Florence Lk.	33.8	"
30.	T24N-R34E	15-W1/2	Willis Lk.	22.0	"
31.	T24N-R34E	16-NW1/4	Phillips Lk.	31.2	"
32.	T24N-R34E	16-S1/2	Unnamed Lk.	40.8	"
33.	T24N-R34E	22-NW1/4	Meadow Lk.	44.4	"
34.	T24N-R34E	35-NW1/4	Twin Lks.-Upper	39.2	"
35.	T24N-R35E	3-A/B	Whittaker Lk.	26.1	"
36.	T24N-R35E	4-SW1/4	Unnamed Lk.	20.0	"
37.	T24N-R35E	19	Wall Lk.	32.2	"
38.	T25N-R33E	8-L/M	"H" Lk.	26.0	"
39.	T25N-R33E	17-SW1/4	Wagner Lk.	92.7	"
40.	T25N-R33E	34-L	Bergeau Lk.	31.0	"
41.	T25N-R34E	27-SW1/4	Unnamed Lk.	54.3	"
42.	T25N-R34E	32	Swanson Lk.	63.3	"
43.	T25N-R34E	33-NW1/4	Swanson Lk.	38.6	"
44.	T25N-R35E	10-S1/2	Unnamed Lk.	28.8	"
45.	T25N-R39E	9-SE1/4	Unnamed Lk.	42.2	"
46.	T25N-R39E	10-S1/2	Unnamed Lk.	67.0	"
47.	T26N-R34E	27-SE1/4	Greenwood Lk.	20.0	"
48.	T26N-R38E	33-SE1/4	Unnamed Lk.	24.0	"
49.	T27N-R39E	20-B	Little Falls Res.	125.0	"
50.	T20N-R37E		Negroe Creek		Rural except within city limits of Sprague which is urban.
51.	T21N-R38E		Wilson Creek		Rural

#### **18.04.040 Criteria and objectives for the shoreline areas.**

##### A. The natural area.

###### 1. Criteria:

The natural area is distinguished by the presence of unique natural or cultural features which are valuable in their original or natural conditions and which are intolerant of intensive human uses or activities.

###### 2. Objectives:

- a. Preserve or restore natural resources including vegetation, wildlife habitat or marine life and other sensitive resource features which are intolerant of human activity.
- b. Severely restrict or prohibit development which would degrade or change the unique or natural character of the resource feature.
- c. Allow only those limited improvements which will contribute to the preservation of the character of this environment.

##### B. The pastoral area.

###### 1. Criteria:

The pastoral area is designated to provide for the preservation of open spaces and wildlife habitats which are tolerant of only very passive recreational and agricultural uses.

###### 2. Objectives:

- a. Preserve these areas in their current use as productive livestock grazing areas and as "hay meadows."
- b. Protect these areas for their value as open space areas for diffuse outdoor recreation and as valuable wetland, wildlife habitat areas.
- c. Prevent development in these areas which would result in flooding, slides and other natural disasters.

##### C. The conservancy area.

###### 1. Criteria:

The conservancy area is designated to protect areas possessing extensive recreational potential, forest or range resources, or areas with physical limitations which make them unsuitable for development, including areas subject to periodic flooding, flood plains, slide hazard areas, steep slopes or poor soils.

###### 2. Objectives:

- a. Protect, conserve and manage existing natural resources, historic and cultural areas.
- b. Protect agricultural land from urban development.
- c. Insure a continuous flow of recreational benefits to the public through conservation of wetlands, open spaces and wildlife habitat.

- d. Achieve sustained resource utilization by encouraging conservation practices.
- e. Prevent natural and man-made disasters by discouraging development in areas which are flood-prone, slide hazardous, or steep slopes or poor soils, or are not feasible to be served with water or sewage.

D. The rural area.

1. Criteria:

The rural area as designated in areas presently used for recreational and low density suburban types of development, and areas of existing or potential productive agricultural activity.

2. Objectives:

- a. To protect agricultural land from urban expansion.
- b. To restrict intensive development along undeveloped shorelines.
- c. To provide a buffer of agricultural and open space between urban areas.
- d. To provide for recreational and suburban development compatible with the rural character of shorelines.

E. The urban area.

1. Criteria:

The urban area is characterized by high intensity and diverse land uses, such as residential, commercial, industrial, streets, and community facilities.

Designated areas should include adjacent areas for which there are pressures or plans for expansion of urban development. Such areas should have a high biophysical suitability for urban development and not have a high priority for designation as an alternative environment.

2. Objectives:

- a. To insure optimum utilization of shorelines within urban areas by providing for intensive public use and by managing development to enhance and maintain a multiplicity of urban uses.
- b. To give priority to water-dependent and water-related industrial and commercial uses along shorelines, and to encourage clustering of development in existing developed shoreline areas.
- c. To provide for public physical and visual access to water and to provide for intensive, water-oriented recreational use of the shoreline.

#### **18.04.050 General regulations.**

- A. No development shall be undertaken within the shoreline areas of Lincoln County unless these regulations and policies and other applicable laws and regulations have been complied with and all required permits have been obtained.
- B. All discharges of effluent or drainage from developments in shoreline areas shall meet the requirements of federal, state, and local health laws and regulations on water quality and pollution prevention.
- C. No solid or liquid wastes shall be dumped, stored, transferred or otherwise disposed of in any shoreline area except in accordance with Chapter 70.95 RCW (Solid Waste Management Act) and Regulations WAC 173-301-100 (Minimum Functional Standards for Solid Waste Handling) to and including WAC 173-301-626, and also in accordance with the Lincoln County solid waste management plan and health district regulations.
- D. The aesthetic quality of the shoreline area shall be considered to be a public resource including both views of the water and from the water. Every consideration shall be given to protection and enhancement of such views in the planning, construction, and maintenance of any development.
- E. In areas of 5 percent or greater slope, ground cover shall be retained or replaced with similar vegetation to prevent erosion.
- F. Except for permitted marinas, piers, docks, and bridges, no over water structure shall be erected in shoreline areas, unless it is clearly in the public interest and consistent with the policies and intent of this program
- G. Motor vehicles parking lots in shoreline areas are not appropriate and shall not be permitted. Individual automobile parking incidental to designated camping and picnic sites is allowed.
- H. All development, particularly recreation and public access, shall be designed to protect property rights and privacy of owners or inhabitants of adjacent properties.
- I. No structure in the shoreline area shall exceed two stories or 35 feet in height above the average elevation, except where specifically authorized by this Program, and where no views will be impaired.
- J. No structure shall be erected within 50 feet of the ordinary high-water mark, except for bridge approaches and bridges, marinas, piers or docks, or buildings related to recreation developments or proved to be otherwise necessary in the public interest and authorized by and consistent with this program.
- K. When land is cleared for agricultural use or for building or development, the applicable provisions of the forestry practices use regulations shall apply.
- L. In the review of all permits for proposed developments, the policies and regulations of the Lincoln County Shoreline Program shall be considered and followed wherever applicable.
- M. All shoreline permits shall require that any developer shall notify Lincoln County planning department and the WA State Department Archeology

whenever any historic or archeological artifacts or phenomena are uncovered during excavation.

N. Animal feedlots are prohibited in the shoreline area.

O. Subsurface drainage of sanitary sewage and industrial or other liquid wastes, whether treated or not, shall be prohibited in shoreline areas.

#### **18.04.060 Regulations for use activities.**

##### **A. Agriculture.**

1. The natural and pastoral areas.

Those agricultural activities subject to the shoreline permit system are not allowed, except that in the Pastoral Area, grazing and the harvesting of agricultural products not requiring cultivation and fertilization are allowed.

2. The conservancy and rural areas.

No drainage ditches or other canals carrying untreated animal wastes or agricultural chemicals may be constructed to discharge into streams, water bodies or associated wetlands. Also, animal wastes shall not be stored or disposed of in shoreline areas.

3. The urban area.

a. The regulations of the conservancy and rural areas shall also apply in the urban Area.

b. Agricultural practices or activities which create noise or odor or wastes which are otherwise not compatible with nearby urban development shall not be permitted.

##### **B. Aquaculture.**

1. The natural and pastoral areas.

Aquaculture is prohibited.

2. The conservancy, rural and urban areas.

Aquaculture may be permitted pursuant to following conditions;

a. There is no interference with navigation.

b. There is no substantial adverse effect on water quality.

c. There is no adverse effect on the water rights of other property owners.

d. The visual quality of the shoreline area or the water is not adversely affected.

e. The soils, vegetation, and other natural features of the area are protected.

##### **C. Forest practices.**

1. The natural and pastoral areas.

Logging is prohibited except for the removal of timber or brush for the following purposes:

a. To remove timber or brush whose roots have been undermined by stream action and which are in danger of falling into the stream.

- b. To selectively remove timber affected by fire, windstorm, infestation, other calamity.
- c. To remove timber or brush that is causing alteration of the streambed.

2. The conservancy, rural and urban areas.

- a. Clear-cutting of timber in shoreline areas is prohibited. Only selective timber harvesting is permitted.
- b. Only 20 percent of the merchantable timber within 100 feet of the ordinary high-water mark, randomly distributed and only 40 percent of the merchantable timber in the upland 100 feet, randomly distributed may be harvested in any five-year period.
- c. When harvesting timber or when clearing land for agricultural use or for building construction, the following conditions shall be met:
  - i. The area shall be returned to productive use-reforestation measures shall be applied where practicable.
  - ii. The natural resources of the area shall be protected by proper design, location, construction and maintenance of roads.
  - iii. Water quality and fish and wildlife habitat shall be protected.
  - iv. Slash and debris and other waste products of logging or clearance activities shall be removed from the shoreline area.
  - v. All scarred areas shall be seeded, mulched, and matted to prevent erosion.
  - vi. The scenic quality of the area shall be maintained.
  - vii. A 50-foot buffer strip or greater of natural vegetation shall be maintained along the waterfront to prevent erosion and protect water quality and fish habitat.
  - viii. Logging roads shall be constructed in compliance with the Washington State forest practices management act.

D. Commercial development.

1. The natural and pastoral areas.

Commercial development is prohibited.

2. The conservancy and rural areas.

Commercial development may be permitted in the conservancy area as a conditional use only when associated with a water-dependent public or private recreational development, and when the following conditions are met:

- a. Only that portion of the commercial activity which requires direct access to water may be located within 50 feet of the ordinary high-water mark.
- b. The scenic quality and water quality of the shoreline area shall not be adversely affected.
- c. No building shall exceed two stories or 35 feet in height or whichever is less.

- d. The clearing of land for development shall meet the applicable requirements of Subsection 3.2.3 in Section VI.
- e. Adequate public access to and along the publicly-owned waterfront shall be provided, consistent with public safety considerations.
- f. Commercial development which serves other purposes than recreation may be permitted in a rural area as a conditional use, provided:
  - i. Location in an urban area is not feasible.
  - ii. The development is at least 100 feet from the high-water mark.

3. The urban area.

- a. Only water-dependent commercial development or commercial development serving other water-dependent uses may be located within 50 feet of the ordinary high-water mark. Water-related or other commercial development is permitted, provided it maintains a 50 foot setback from the ordinary high-water mark and meets the policies and regulations of this program.
- b. New commercial development shall be located in or adjacent to established commercial or industrial development.
- c. Commercial developments shall not prevent or impair existing public access to and along the publicly-owned waterfront.
- d. In the design, construction, and maintenance of any commercial development, consideration must be given to the visual quality of the shoreline area, the effect of such development on such visual quality, and scenic views of and from the water body.

E. Marinas.

1. The natural, pastoral and conservancy areas.

Marinas are prohibited.

2. The rural area.

Marinas may be permitted use if they conform to the following conditions:

- a. There shall be no interference with navigation.
- b. There must be no adverse effect on water quality, aquatic life, or the water rights of other property owners.
- c. The scenic quality of the shoreline area shall not be adversely affected.
- d. The soils, vegetation, and other natural features of the area must be protected or restored.
- e. The required permits shall be obtained from the U.S. army corps of engineers and the WA State department of fish and wildlife.

3. The urban area.

Marinas in the urban area may be permitted only when developed in conjunction or in association with water-dependent or water-related.

F. Mining.

1. The natural, pastoral and conservancy areas.

Mining of sand, gravel, soil, or minerals is prohibited.

2. The rural and urban areas.

- a. Except for excavation for scientific or archeological purposes, mining is prohibited in areas of unique or fragile natural conditions or areas of archeological, historic, cultural, or educational significance.
- b. Mining of sand, gravel, soil or minerals be permitted only as a conditional use, provided the following conditions are met:
  - i. The provisions of the surface mining act, Chapter 78.44 RCW and regulations WAC 334-18 shall be met for any surface mining, including that which effects less than two acres or produces less than 10,000 tons, in any 12 months.
  - ii. Plans and provisions for restoration and reclamation of mined areas and regrading and replanting must be prepared and approved by the County prior to commencement of mining operations.
  - iii. Surface drainage and wastes resulting from mining operations shall not be discharged into streams or water bodies without treatment to remove suspended solids and organic matter.
  - iv. Cleaning, sorting, separation, and storage operations shall not be conducted within 100 feet of the ordinary high-water mark.
  - v. Provision must be made to prevent or reduce any adverse effects on the scenic quality of the shoreline area.
  - vi. The removal of rock or gravel from the bed of any river or stream is specifically prohibited.

G. Signs and outdoor advertising.

1. The natural and pastoral areas.

- a. Outdoor advertising signs (billboards) are prohibited.
- b. Signs erected by government agencies to protect the public health, safety and general welfare are permitted.

2. The conservancy and rural areas.

- a. All outdoor advertising signs are prohibited.
- b. Signs shall not obscure any view of water or of the shoreline area from the surface of the water.
- c. Off-premises directional signs shall not exceed 12 square feet in area.
- d. On-premises business signs for an existing or permitted business shall be permitted only if the following standards are met:
  - i. Signs shall not exceed 20 square feet in size.
  - ii. Signs shall not move or rotate or have lights that blink or flash on and off intermittently.
  - iii. Only signs required for navigation shall be visible from the waterfront or the surface of the water.
  - iv. Signs shall not extend beyond the face of a building or above its roofline.

### 3. The urban area.

- a. Signs shall substantially obscure the view of water from any shoreline area or any view of the shoreline area from the surface of the water, except those needed for navigation.
- b. Outdoor advertising signs are permitted only along designated major thoroughfares in "freeway commercial", "commercial" and "manufacturing" zones in the Lincoln County zoning code and shall not otherwise be permitted in shoreline areas. All such permitted signs shall be located on the upland side of the thoroughfare.
- c. Public agencies may erect and maintain signs, not exceeding 20 square feet in area, to identify or provide direction to public facilities or recreational areas.
- d. Existing or permitted commercial or industrial businesses may be permitted to have on-premises identification signs which do not exceed 64 square feet in area and do not extend beyond the face of the building or above its lowest roofline.
- e. Signs shall not move or rotate or have lights which blink or flash on and off intermittently.
- f. Except for navigational aids, no light source of any sign shall be visible from the surface of the water from any other property or any public right of way.
- g. A permit may be granted for an off-premises directional sign for a business or residential development, if the following conditions are met:
  - i. The need for the directional sign is established.
  - ii. The size is limited to 32 square feet and the installed height to 15 feet.
  - iii. The message is limited to product or service and directions.
  - iv. No more than two such off-premises signs may be allowed in the shoreline area for any one business or development, one for each direction of traffic on the nearest major thoroughfare.

### H. Residential development.

Residential development includes any building for residential purposes including single family, multi-family, "cluster" development or "planned unit" development, mobile home parks, and any subdivision of the land for sale or lease (as defined in the Lincoln County Subdivision code or applicable state regulations). These regulations shall apply to residential development to include the prevention of erosion, protection of visual quality, development of associated uses, and maintenance of water quality. The construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which does not exceed a height of 35 feet above average grade level, is exempt from the permit provisions of the shoreline management act. Single family residences on individual lots, while themselves

exempted from the requirements of a substantial development permit shall conform to the policies and regulations of this program.

1. The natural, pastoral and conservancy areas.

Residential development shall not be permitted, except:

- a. Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the State agency or local government having jurisdiction.
- b. A residential development subdivision may be permitted provided that the portion of the subdivision within the shoreline area shall be dedicated to its existing state or to recreation purposes consistent with the other applicable regulations and policies of the management area.
- c. Residential structures in subdivisions, shall not be permitted within the shoreline area.
- d. Residential structures shall be set back at least 50 feet from the ordinary high-water mark.

2. The rural and urban areas.

- a. Density shall be based on the biophysical capabilities of the site, soil percolation rates and Lincoln health district regulations, Lincoln County zoning and subdivision regulations, and the comprehensive plan.
- b. Building shall not be constructed in areas of 20 percent or greater slope, flood hazardous areas, or slide prone areas.
- c. Adequate water supply, sewage disposal, and storm drainage facilities shall be provided.
- d. Septic tank or other sewage facility drain fields shall not be permitted within the shoreline management area.
- e. Ground disposal of sanitary sewage within the shoreline (wetland) area shall be prohibited.
- f. The aesthetics and natural characteristics of the area, including scenic views, soils, and vegetation, shall be preserved to the maximum extent possible. The clearing of land for development shall meet applicable requirements of this program.

I. Utilities.

1. The natural, pastoral and conservancy areas.

- a. Transmission lines, such as high-voltage electric circuits at or above 60,000 volts, and petroleum, natural gas, water and other pipelines, may be permitted only for required stream crossings. Electric transmission lines traversing shorelines of state wide significance shall have their conductors marked with daytime obstruction markers wherever spans exceed 200 feet.

b. Pipeline crossings shall be constructed on public roadway bridges designed to accommodate pipelines or shall be constructed below stream bottoms. An advance emergency plan for cleanup of leaks and spills shall be required to be submitted with each application for a petroleum pipeline crossing. Stream crossings shall not be permitted in the natural area.

c. Utilities, other than transmission circuits and pipelines described in above, may be permitted in the natural area only to serve permitted activities located therein. In the pastoral and conservancy Areas, these other utilities may be permitted (1) to serve permitted activities located therein, or (2) to route through these areas either to cross a stream when necessary to reach activities located elsewhere, or where constructed within existing public and private rights of way and easements. In all cases, electric and communication cables shall be installed underground except that (1) where electric and communication cables must cross streams, they may be constructed overhead, and (2) all utilities crossing streams may be constructed on public roadway bridges designed to accommodate utilities.

d. Wastewater handling, treatment or disposal facilities shall not be located within the natural area. Within the pastoral and conservancy areas, facilities may be permitted:

i. To collect waste water from permitted activities located within these areas, for conveyance to treatment and disposal facilities located elsewhere, or

ii. When the facilities are a part of an area-wide public sewerage system which shall be designed, constructed, owned, operated, and maintained by a government agency under a permit issued by the WA department of ecology (DOE) and the facilities conform to the requirements of this program.

iii. Wherever treated wastewater, storm drainage or other liquid is permitted by the DOE to be discharged, into a stream or lake, the outfall shall be below the water surface, and discharged liquids shall be diffused in the stream or lake bottom.

## 2. The rural and urban areas.

a. Transmission lines, such as high-voltage electric circuits at or above 60,000 volts, and petroleum, natural gas, water and other pipelines, may be permitted only for required stream crossings. Electric transmission lines traversing shorelines of statewide significance shall have their conductors marked with daytime obstruction markers wherever spans exceed 200 feet.

b. Pipeline crossings shall be constructed on public roadway bridges designed to accommodate pipelines, or shall be constructed below stream bottoms. An advance emergency plan for cleanup of leaks and spills shall

be required to be submitted with each application for a petroleum pipeline crossing.

c. Utilities, other than transmission circuits and pipelines described above, may be permitted (1) to serve permitted activities located in these areas or (2) to route through these areas either to cross a stream when necessary to reach activities located elsewhere or where constructed within public and private rights of way and easements. In all cases, electric and communication cables shall be installed underground except that (1) where electric and communication cables designed to accommodate utilities. (2) All utilities crossing streams may be constructed on public roadway.

d. Wastewater handling, treatment, and disposal facilities may be located within these areas provided:

i. Permanent structures are not located within the 100-year flood plain;

ii. Wastewater ponds or lagoons are sealed, and any flow from such ponds or lagoons is limited to treated wastewater conveyed to discharge through an outfall under a permit issued by the State Department of Ecology.

iii. Subsurface disposal facilities (such as drainfields and percolation ponds) are located outside the shoreline area;

iv. Permanent structures have a low profile with respect to the general topography of the site and nearby surrounding area, and do not exceed 15-feet in height;

v. Positive means, such as the inclusion of holding ponds and/or standby electric generator sets, are provided so that all overflows of untreated or partially treated wastewater, over land or into the water, are prevented;

vi. Odor prevention or abatement facilities are included for use as needed;

vii. Sounds of operating machinery are muffled to minimize being audible off the facility site; and

viii. Facilities are screened from view from the immediately adjacent land and water, by natural vegetation, by new plantings or by fencing, in harmony with the general area environment.

e. Wherever treated wastewater, storm drainage, or other liquid is permitted by the department of ecology to be discharged into a stream or lake, the outfall shall be placed below the water surface, and the discharged liquids shall be diffused in the stream or lake bottom.

#### J. Industrial development.

1. The natural, pastoral and conservancy areas.

Industry is prohibited.

2. The rural area.

- a. Only rural-campus types of water-dependent industrial development, which can justify a need for shoreline location in a rural area, may be permitted as a conditional use if the following conditions are met:
  - i. Smoke, dust, noise, glare, vibration, bad odors, of explosion are prevented.
  - ii. Buildings or structures shall not be located within 50 feet of the ordinary high-water mark, except that which requires access to water.
  - iii. Buildings shall not exceed 35 feet in height.
  - iv. Existing safe public access to and along the waterfront is not obstructed.
  - v. Building sites and parking areas are landscaped and screened from view from adjacent properties and public rights of way.
  - vi. Wherever feasible, buildings shall be oriented perpendicular to the shore of the adjacent water body to preserve as much as possible the public's visual access to the water.
  - vii. The open space character of the shoreline area shall be maintained through limiting coverage of land by buildings to 30 percent that portion of the industrial property which is within the shoreline area.

3. The urban area.

- a. Only water-dependent industrial plants which can justify a need for direct access to water may be permitted to erect buildings or other structures within 50 feet of the ordinary high-water mark; all other industrial development shall retain a 50-foot buffer of vegetation.
- b. Except where it may be unsafe or a health hazard, pedestrian access to and along the waterfront shall not be obstructed.
- c. The public's right to visual access to the water shall be preserved by:
  - i. Limiting the coverage of land by buildings to 40 percent of that portion of the property that is within the shoreline area, and,
  - ii. Orienting buildings perpendicular to the line of the high-water mark of the adjacent water body.
- e. Water treatment or settling ponds or lagoons shall not be located within 100 feet of the ordinary high-water mark and shall not occupy more than two acres within the shoreline area for any one industrial property.

K. Solid waste disposal.

1. The natural, pastoral, conservancy, and rural areas.

Solid waste shall not be disposed of in any area or into any stream or body of water.

2. The urban area.

- a. Solid waste shall not be disposed of in any area or into any stream or body of water.
- b. All solid waste collection, transfer, or other functions shall be designed, constructed, operated, and maintained in accordance with the Lincoln County solid waste management plan, and with applicable county health district, state and federal regulations and laws.
- c. Solid waste facilities shall not be located within 100 feet of the ordinary high-water mark.
- d. Where permitted to be located in this area, solid waste transfer stations shall be so designed, constructed, landscaped, operated and maintained, as to minimize deterioration of the visual quality of the general area.

L. Road and railroad design and construction.

1. The natural, pastoral, and conservancy areas.

- a. New roads and railroads which follow along shorelines are prohibited.
- b. Bridge crossings and related approach roads, and the widening of existing roads from two to more than two traffic lanes, are prohibited in the natural area, but may be permitted in the Pastoral and Conservancy areas where they are parts of approved County and State road master plans,
- c. Roads for access to permitted activities may be permitted.
- d. Within the conservancy area scenic roads within state and county parks and those elsewhere which are designed for slow-moving travel, and are set back 100 feet from the ordinary high-water mark, may be permitted.
- e. Landfills and end abutments related to a bridge shall be landward from the high-water mark.

2. The rural and urban areas.

- a. New roads or railroad lines shall be prohibited within 50 feet of the ordinary high-water mark.
- b. Bridges and bridge approaches shall be designed, constructed, and maintained so as to prevent erosion of land, prevent the constriction of stream flow, and to protect water channels.
- c. Permits for roads and railroad lines shall be conditional use permits requiring conformance to the following conditions:
  - i. Location, alignment, and construction shall be designed to fit the topography so as to minimize the alteration of natural conditions (such as cuts and fills) and vegetation shall be replaced and drainage improvements provided to minimize runoff and erosion.
  - ii. All debris, overburden, and waste materials of construction shall be removed or so disposed of as to protect water bodies from pollution and degradation.

- iii. The design and construction of roads and railroads shall, wherever feasible, incorporate provision for pedestrian and bicycle paths, scenic outlooks, rest areas, or other recreational uses of the right of way or the area between the right of way and the shoreline.
- iv. The visual quality of the area through which roads and railroads traverse shall be protected or enhanced.
- v. Landfill and abutments related to a bridge shall be landward from the ordinary high-water mark.

M. Archeological areas and historic sites.

1. All shoreline areas.

- a. Where significant archeological, cultural, or historic sites, buildings, artifacts or other phenomena are identified, no other development which destroys the scientific or educational uses of such sites shall be prohibited.
- b. Developments or improvements in archeological, cultural, or historic sites or buildings shall be designed to preserve the natural environment and visual quality of its surroundings.

N. Recreation.

1. All shoreline areas.

- a. The use of waterfront areas for recreation shall be limited to water-oriented recreational activities such as fishing, boating, and swimming, and recreational trails.
- b. The design and development of recreation areas must protect the natural features of the land, its vegetation, wildlife, water quality and aquatic life and habitat, and take into account the biophysical capabilities of the site.
- c. Access to and along the waterfront shall be provided for pedestrians and bicycles where appropriate and where the biophysical capabilities allow such uses.
- d. Scenic views and the scenic quality of the shoreline area must be preserved or enhanced.

O. Landfill.

1. The natural and pastoral areas.

- a. Except for landfill associated with permitted bulkheads and permitted bridges, landfill is prohibited.
- b. Landfill on property associated with a single-family dwelling and other residential structures in areas prone to flooding or with a history of flooding is prohibited.

2. The conservancy, rural and urban areas.

- a. Landfill may be permitted where justified by an overriding public interest, such as for beach improvements, public recreation areas , or

similar publicly-oriented activities and where the following conditions are met:

- i. The landfill shall not adversely affect water quality.
  - ii. Fill shall be stabilized by planting vegetation and other means to protect aquatic life and prevent erosion.
  - iii. The landfill shall be designed, constructed, and maintained so as to minimize total surface water reduction, restriction of navigation, or impediments to water flow and circulation.
- b. Landfill on property associated with any residential development in areas prone to flooding or with a history of flooding is prohibited.
  - c. Landfill should not extend beyond the ordinary high-water mark.
  - d. In the urban area, landfill may be permitted for water-related or water-dependent uses and for public and private access to the waterfront or to watercraft, where the conditions above are met.
- e. Any permitted landfill shall be compatible with adjacent land uses and activities.

P. Dredging.

1. The natural and pastoral areas.
  - a. Dredging for any purpose, except to preserve, maintain or restore the natural qualities of the waterways shall be prohibited.
  - b. The dumping of dredge spoils shall be prohibited.
2. The conservancy, rural and urban areas.
  - a. Dredging for the purpose of securing fill or construction materials is prohibited.
  - b. Dredging for purposes of improved navigation, recreation or improved water flow or other primarily public purposes may be permitted if the following conditions are met:
    - i. Spoils shall not be disposed of or dumped in shoreline areas or waters.
    - ii. Neither land nor over-water activities will degrade water quality or aquatic life or its habitat.
    - iii. All dredging equipment shall be removed from the shoreline area immediately after dredging is completed.

Q. Bulkheads

1. The natural and pastoral areas.
  - a. Bulkheads are prohibited in areas of natural swamps, bogs, or marshes.
  - b. Bulkheads may be permitted subject to the following conditions:
    - i. Bulkheading is needed to protect water quality and aquatic life from erosion or siltation.

- ii. Bulkheads shall be located at or above the ordinary high-water mark of lakes or streams.
- iii. The bulkhead shall not increase the scouring or erosion of adjacent lands, or impede stream flow.
- iv. Bulkheads shall not serve the purpose of extending landfill into the water body.

2. The rural, conservancy and urban areas.

- a. Bulkheads are prohibited in area of natural swamps, bogs or marshes.
- b. Bulkheads may be permitted for the following purpose and conditions:
  - i. To protect water quality or aquatic life from erosion or siltation.
  - ii. To provide public recreation areas, if necessary.
  - iii. To provide public access to the waterfront if no other means is available.
  - iv. To protect upland areas from erosion.
  - v. To provide private or public access to watercraft.
  - vi. To restore lands lost to erosion after June 30, 1972 provided this restoration is completed within two years of the occurrence.
- c. Bulkheads shall be located at or above the ordinary high-water mark.
- d. Bulkheads shall be riprap construction whenever feasible and when the riprap does not create hazards or health problems.
- e. Bulkheads shall not increase the scouring or erosion of adjacent lands or impedes stream flow.
- f. Bulkheads shall not serve the purpose of extending landfills into the water body.
- g. The existing natural and scenic quality of the shoreline area is protected or enhanced.

U. Piers and docks.

A. The construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family residence, the cost of which does not exceed \$2,500.00 is exempt from the permit system. (90.58.030 (3) (e) (vii) RCW)

1. The natural and pastoral areas.

- a. Except for those included in the above exemptions, piers and docks are prohibited.
- b. Floating buoys may be used for moorage to minimize the impact on the natural and aquatic environment.

2. The conservancy area.

- a. Piers are prohibited.
- b. Docks may be permitted for recreation, educational or other public purposes.

c. Approval of permits for docks shall be subject to the approval of federal and state agencies as they relate to navigation and effects on fish habitat.

3. The rural area.

a. The regulations of the conservancy area shall also apply to the rural Area.

b. Docks shared by adjoining property owners or community groups shall be encouraged instead of individual docks for the sole use of a single property owner.

c. Each resort development may be permitted one dock for boat sales and rentals, including construction on wood piling.

3. The urban area.

a. Floating docks for recreational purposes may be permitted subject to approval of federal and State agencies as they relate to navigation and effects on fish habitat.

b. Piers and docks of rock, masonry, or wood pile construction may be permitted if the following conditions are met:

i. Joint use of facilities shall be encouraged.

ii. The length, width, number, and types of the docks or piers shall be limited to that which is actually needed to fulfill its purposes.

iii. Interference with navigation shall be minimized.

iv. Water quality and aquatic life and habitat shall be protected.

v. The natural and visual quality of the shoreline area shall be protected or enhanced.

vi. Public access to the waterfront area shall be improved or not impaired to the extent feasible.

vii. Permit approval shall be subject to the approval of appropriate federal and state agencies for navigation and fish habitat.

W. Shoreline protection structures.

1. All shoreline areas.

a. Wherever feasible, natural vegetation systems for bank stabilization shall be used in place of protection structures.

b. Shoreline protective structures may be permitted only when:

c. Natural vegetation systems are not feasible or sufficient,

d. They are in the public's interest, and

e. Proposed structures are in conformance with overall area needs.

f. Shoreline protection plans shall incorporate, wherever feasible, pathways and other recreational uses of shoreline areas.

g. Shoreline protection programs and structures shall restore or enhance the natural and visual quality of the area.

h. Diking for flood protection shall be set back to the outer edge of the stream-way; dikes shall be located at the outer edge of the natural valley and parallel to the longest cord of the stream meander.

- i. Bank stabilization structures shall maintain the natural character of the stream, shall avoid increasing erosion of adjacent stream banks, and shall avoid creating or tending toward a need for stream channelization.
- j. Dumping on the banks of lakes or streams so as to create junk revetments is prohibited.

**18.04.060 Variances and conditional uses.**

- A. All permits involving variances or conditional uses shall be submitted to the department of ecology for approval or disapproval in accordance with Chapter 90.58.140 RCW.
- B. Permit applications involving variances or conditional uses shall be reviewed by the planning department. The recommendation thereof shall be submitted to the board of county commissioners of Lincoln County or city councils of Sprague and/or Odessa, depending upon jurisdiction.
- C. Prior to the granting of a variance, the board of county commissioners shall determine (such determination and findings to be noted in the official minutes of a public hearing) the following:
  - i. The application for a variance is specifically related to the property of the applicant and the hardship does, in fact, exist.
  - ii. The hardship results from the application of the shoreline management act and of these regulations and not from the applicant's own actions, deed restrictions or other laws or regulations.
  - iii. The variance granted is the minimum variance necessary to relieve the hardship.
  - iv. The granting of the variance will be in harmony with the general intent and purpose of the Master Program and the objectives of these regulations and not in conflict with them, and
  - v. The public interest and welfare will be served.
- D. No variance shall be granted to permit a use or activity which is otherwise prohibited by these regulations.
- E. The applicant for a conditional use permit shall bear the burden of proof that the following conditions have been met:
  - i. The specific conditions imposed for the conditional use in the particular environment have been met.
  - ii. The proposed use will not interfere with the public use of the public shorelines and waters.
  - iii. Design of the site is compatible with the surroundings, the master program, and the objectives of these regulations.
  - iv. The use will not cause an adverse effect on the environment of the shoreline area in which it is located or other uses.
  - v. The proposed use will not be contrary to the general intent of the Lincoln County shoreline management program.
  - vi. Prior to the granting of a conditional use permit, the board of county commissioners shall reach a finding, to be recorded in its official

minutes, that the applicant has fulfilled and proved to the satisfaction of the Board, each of the conditions listed above.

**18.04.070 Administration.**

A. Requirements for applications, administration, fees, notice, technical committee, responsibilities of the planning agency and board, notification, applicability, appeals, penalties and other procedural matters of administration of this program shall be enacted. Should any conflicts arise between this shoreline management program and any procedural or other enactments of Lincoln County, this program shall govern.

B. Severability: If any provision of this program or its application to any person or legal entity or circumstances is held invalid, the remainder of this Ordinance or the application of this provision to other persons or legal entities or circumstances, shall not be affected.

C. The attorney general or the attorney for the local government shall bring such injunctive, declaratory or other actions are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs pursuant to Chapter 90.58.210 RCW and to otherwise enforce the provisions of this chapter.

D. General penalty: In addition to incurring civil liability under RCW 90.58.210 any person found to have willfully engaged in activities on the shorelines of the State in violation of the provisions of this chapter or any of the Lincoln County Shoreline Program, rules, or regulations, adopted pursuant thereto shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$25.00 or more than \$1,000.00, or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment: Provided, that the fine for the third and all subsequent violations in any five-year period shall be not less than \$500.00 nor more than \$10,000.00

E. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provisions to assure that restoration will be accomplished within a reasonable time, at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

F. Technical review of permit application: There shall be established by the program administering agency, an administrative procedure wherein applications for permits under this program are routed to various departments

and agencies for technical review and comment. These departments and agencies shall include, but not necessarily limited to, the County planning department, the County building department, the Lincoln County health department, and the soil conservation service, also the Lincoln County highway department. Each permit application shall be reviewed in order to verify that all applicable technical considerations of each proposed permit have been examined and answered comprehensively by the responsible department or agency. This technical review shall precede the submission of a recommended permit application to the planning department or cities of Sprague or Odessa.

The review of an application by each department or agency, indicating concurrence or non-concurrence therewith, shall be in writing and shall accompany the application when it is submitted to the planning department. When there is non-concurrence by a department of agency with the issuance of a permit, the written particulars of that non-concurrence shall accompany the tentative permit, if issued by the planning department, when it is forwarded to the department of ecology for review.

G. Non-conforming structures and uses:

1. All structures in the process of being erected or already existing prior to the effective date of this program which do not conform to the goals, policies, or use regulations herein may continue to exist or be completed based upon the following conditions:

- a. Any expansion must be in conformity with this program.
- b. Repair of nonconforming structures damaged 50 percent or less of their value shall be completed within a period of two years from the date the damage occurred. The restoration should be designed so as to maximize conformity of the structure be less in conformance than the original.
- c. Nonconforming structures destroyed beyond 50 percent of their value shall not be restored, except through the issuance of a variance.
- d. No part of this program shall be construed to require shoreline permits, or to prohibit, those normal agricultural activities which are either exempted by the shoreline management act or are not specifically addressed in this program.

H. Program review and revision:

1. The shoreline program of Lincoln County shall be considered a continuing program and subject to periodic review and revision. Such review and revision shall involve open citizen participation, as required by the shoreline management act. The shoreline advisory committee will review the program and reports and recommendations of the planning department and recommend appropriate revisions of the program to the board of county commissioners. If changes in the shoreline program are recommended, and if the board agrees to such changes, a public hearing shall be held in accordance with the shoreline act and the changes shall be submitted to the department of ecology for

approval. If approved by the department of ecology, such changes shall be incorporated into the program.

2. At the end of the 1976 calendar year, and at the end of each succeeding year, the planning department shall prepare a summary of shoreline development permits and conditional permits requested, granted and denied, including the proposed use activities, the locations, and the effects of each, by type and classifications.

3. This statistical and geographical summary shall be accompanied by comments on the effect of the shoreline act in Lincoln County and recommendations with respect to changes in the shoreline program which would better achieve the objectives of the Act with respect to the conditions of Lincoln County. Such summary, comments, and recommendations shall be submitted in a report to the board of county commissioners no later than April 1 of the following year, and a copy thereof shall be provided to the shoreline citizen advisory committee.

#### **18.04.080 Definitions.**

As used in this program unless the context clearly requires otherwise, the following definitions of words, phrases, and concepts shall apply:

"Aquatic Life" shall mean all living organisms, whether flora or fauna in or on water.

"Board" or "Board of County Commissioners" shall mean the board of county commissioners of Lincoln County.

"Conditional Use" is a use or activity which can be permitted only after consideration by local government and by meeting specific conditions and standards of the conditional use permit as approved by the board and then forwarded to the department of ecology for approval.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling, logging, removal of any sand, gravel, soil or minerals; bulk-heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this ordinance at any water level as specified in Chapter 90.58 RCW.

"Ordinary High-Water Mark" means that mark on streams, lakes, or water bodies that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter.

"Person" means any individual, partnership, corporation, association, organization, cooperative or other legal entity, or any public or municipal corporation or agency of the federal, state, or local government.

"Planning Agency" shall mean the Lincoln County planning department and its staff, employees and consultants.

"Shorelines" means all the water bodies listed in Section Three, and all underlying land and associated wetlands in Lincoln County.

"Shoreline Areas" are the land areas, including all land from the ordinary high-water mark to a line 200 feet upland from the ordinary high-water mark and such land above the 200-foot line related to and affected by shoreline area development as specified in Chapter 90.58 RCW.

"Shorelines of the State" and "shorelines of statewide significance" are those listed and designated in the Chapter 90.58 RCW and in Section Three of this Program.

"Substantial development" means any development of which the total cost or fair market value exceeds \$1,000.00, or any development which materially interferes with the normal public use of the water or the shorelines of the State in Lincoln County; except for these listed exemptions:

- a. Developments which cost \$1,000 or less and which do not materially interfere with the normal public use of the water.
- b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
- c. Construction of the normal protective bulkhead structurally common to a single family residence.
- d. Emergency construction necessary to protect property from damage by the elements.
- e. Construction of a barn or similar agricultural structure not exceeding 35 feet in height.
- f. Construction or modification or navigational aids such as channel markers and anchor buoys.
- g. Construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the State agency or Lincoln County.
- h. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which dock does not exceed \$2,500.00.
- i. Any other exemptions pursuant to Chapter 90.58 RCW.

"Stream-Way" is the stream valley area within which a stream may follow and/or change its course.

"Variance" is the means by which an adjustment is made in the application of specific dimensional regulations of this ordinance to a particular parcel of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity, and which adjustment is the minimum necessary to remedy the disparity in privileges.

"Waterfront areas" means land areas immediately adjacent to and along the ordinary high-water mark.

"Wetlands" or "Wetland Areas" (which are also referred to as shoreline areas herein) shall mean all marshes, bogs, floodways, swamps, river deltas and flood plains associated with streams and lakes and all lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high-water mark which are subject to the provisions of this ordinance as delineated in Section 3 and as specified in Chapter 173-22 WAC.

**18.04.090 Program specific information and terms.**

A. WAC 173-14-070 notice required. Upon receipt of a proper application for a shoreline management substantial development permit, local government shall insure that notices thereof are published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. In addition, local government shall insure that additional notice of such application is given by at least one of the following methods:

- 1) Mailing to the latest recorded real property owners as shown by the county assessor within at least three hundred (300) feet of the boundary of the property upon which the substantial development is proposed;
- 2) Posting in a conspicuous manner on the property upon which the project is to be constructed or;
- 3) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public. Such additional notice shall be given or mailed at least thirty (30) days before the date of final local action. An affidavit of publication that the notice has been properly published and/or as applicable, posted or deposited in the U.S. mail pursuant to this section shall be affixed to the application. Within thirty days (30) of the final publication, posting or mailing of the notice, whichever comes last, any interested person may submit his written views upon the application to the appropriate local government or notify the local government of his desire to receive a copy of the action taken upon the application. All persons who so submit their views, and all others who so notify the appropriate local government, shall be notified in a timely manner of the action taken upon the application.

B. WAC 173-14-115 letter of exemption. Whenever a development falls within the exemptions stated in WAC 173-14-040 and the development is subject to a U.S Corps of Engineers section 10 permit under the River and Harbor Act of 1899 the local government shall prepare a letter addressed to the applicant and the department, exempting the development from the permit requirements of chapter 90.58 RCW. This exemption shall be in substantially the following form. Such forms will be supplied by local government.

C. Title and summary of proposed action. The proposed action, subject to approval and adoption by the department of ecology, is a management program

for the shorelines of Lincoln County as required by Chapter 90.58 RCW (The Shoreline Management Act of 1971.) The program consists of goals, policies and use regulations which will guide all present and future uses of designated shorelines within the county including the City of Odessa and Sprague. The program is devised to protect the environment and to promote proper development in suitable locations.

D. Summary of environmental impacts. The master program is designed to protect against adverse effects to the public health, the land and vegetation and wildlife, and the waters of the State and their aquatic life, and to protect the public right to navigation.

E. Summary of alternatives. The master program in the present form evolved through a lengthy process of evaluation by the citizen advisory committee and represents the desires of the people in Lincoln County.

The Lincoln County board of county commissioners recommends that the attached proposed Lincoln County shoreline management program be reviewed by the department of ecology staff and be subsequently approved and adopted as state regulations for shoreline management of Lincoln County.

F. Authority. This regulation is to be adopted and administered under the authority and procedures provided in Chapter 90.58 RCW, the Shoreline Management Act of 1971 and the subsequent WAC chapters:

- 173-16 WAC - Final guidelines shoreline management
- 173-18 WAC - Stream designations
- 173-20 WAC - Lake designations
- 173-22 WAC - Wetland designations

G. The shoreline management act directs local governments to complete a master program for the regulation of uses within the shorelines of their respective jurisdictions in accordance with the policies expressed by the Act and guidelines provided by department of ecology.

H. Purpose. The Lincoln County master program recognizes and treats the shorelines of Lincoln County as a valuable, fragile and limited resource, not to be wasted by unplanned piecemeal development. The purpose of the program is to promote reasonable and appropriate use of the shorelines and to protect against adverse effects to the public interest, including the public's navigation right, the land, its vegetation, and wildlife, and the waters and their aquatic life. The shorelines are to be enhanced and preserved as far as possible to provide opportunity for the people to enjoy the physical and aesthetic qualities of the shorelines while, at the same, recognizing and protecting private property rights consistent with public interest. The interest of all the people and long range benefits shall be paramount in the management of shorelines designated as state-wide significant, which include the following: (1) Crab Creek (2) Sprague Lake (3) Long Lake.

I. Historical background. The rapidly increasing demand for shoreline space prompted enactment of the shoreline management act, including the final

approval of the Act by the state's voters in November of 1972. Since June, 1971, when the Act became effective, Lincoln County has been administering permit applications for new substantial shoreline development within its jurisdiction. In the absence of local master program, approval or denial of a proposed development has been guided by the policies stated in the Act and by the department of ecology guidelines. The master program reflects the policies of the Act, plus the philosophy and aspirations expressed by the local citizens, and will serve now to guide shoreline use in an orderly and reasonable manner.

J. Public participation. A citizen advisory committee was formed to develop goals, policies, and regulations for the proper use of shorelines within Lincoln County. The committee members represented a wide range of interests and included the following:

- Commercial
- Administrative
- Private Property Owners

K. Relationship with existing laws, plans, and regulations

The master program includes evaluation and coordination with other state and federal requirements pursuant to shoreline development in Lincoln County.

1. Washington State department of fish and wildlife providing criteria for the design of bulkheads, landfills and marinas.
2. Chapter 248.148 WAC, marinas.
3. Chapter 78.44 RCW, surface mining act.
4. Chapter 47.42 RCW, highway advertising control act.
5. Chapter 70.95 RCW, solid waste management and Chapter 173-301 WAC, regulation relating to minimum functional standards.

Existing county, city and port authority plans and policies were also evaluated and considered in the preparation of the master program when appropriate.

- Lincoln County Solid Waste Plan
- Lincoln County Zoning Ordinance
- Lincoln County Subdivision Regulations.

L. Existing shoreline development

At the present time, the evaluation of shoreline substantial development permit applications is based upon policies of the Act and department of ecology guidelines which are applicable to all shorelines of the state and do not address the specific needs of Lincoln County.

M. Environmental impact of the proposed action.

The shoreline master program will have the following desirable environmental effects in Lincoln County:

1. Recognize and treat shorelines as a fragile and limited resource.
2. Promote proper development in suitable locations.
3. Prevent uncoordinated piecemeal development along the shorelines.
4. Protect against adverse effects to:

- (a) Public health and safety by promoting proper sanitary and water quality measures:
  - (b) Public property by limiting and regulating development in suitable areas, like floodplains, slide areas, slopes, swamps;
  - (c) Land, its vegetation and wildlife by regulating or excluding development from ecologically fragile areas such as marshes, dunes, steep slopes, wildlife habitation areas and by using protective measures in all shoreline areas.
  - (d) Water, aquatic life and plants by limiting and regulating shoreline activities such as construction of fills, bulkheads, rip-rap, seawalls, outfalls, boating facilities; sand and gravel removal, solid waste disposal; use of chemicals, dredging, and aquacultural projects.
5. Result in coordinated planning efforts between state and local levels.
  6. Promote a regional approach to shoreline problems.
  7. Promote development which will enhance public enjoyment of shorelines.
  8. Preserve the natural character of shorelines, especially along the shorelines of state-wide significance.
  9. Promote long-range over short-range benefits especially along the shorelines of state-wide significance.
  10. Enhance existing shoreline development and restore damaged shorelines.
  11. Protect public rights for navigation.
  12. Minimize damages to the ecology and environment.
  13. Increase recreational opportunities.
  14. Increase public access to publicly owned shorelines in areas where such access is not detrimental to the environment.
  15. Protect shoreline resources;
    - (a) preserve non-renewable resources such as shoreline space, groundwater, scenic values;
    - (b) insure continued supply of manageable resources such as timber, fish, game, gravel, sand, surface water.
  16. Promote aesthetic quality:
    - (a) preserve scenic areas;
    - (b) promote good design in shoreline development;
    - (c) discourage visually undesirable development;
    - (d) restore blighted shorelines.
  17. Preserve historic and archeological sites along the shorelines.
  18. Assure a better overall environment by requiring the best available pollution control devices in a new development.
  19. Improve long-range shoreline utilization by phasing out undesirable existing shoreline uses.

20. Reduce the potential for uses locating in areas where they would compete or conflict in their use of shoreline resources.

N. Unavoidable adverse effects.

In some instances, the master program regulations will result in reduced usability and consequently diminished value of some shoreline property due to such measures as restrictions on filling, dredging, over water structures, and building height and on preferences for certain uses over others.

O. Diminishing or mitigating measures.

Such property which will have reduced usability as a direct result from the provisions in the master programs and in accordance with Chapter 90.58.290 RCW, will be assessed and taxed according to its fair usable value. In other words, property tax assessments shall be made consistent with any use restrictions placed on property by this program. Because of the restrictions on shoreline property, the value of upland property may actually increase.

P. Alternatives to the proposed action.

If a local jurisdiction does not prepare a master program for its shorelines, the department of ecology has to do it. Lincoln County decided to prepare its own program.

Q. There is an infinite number of variations available to all parts within any program. However, all viable possibilities were considered and valued by the citizen advisory committee during the development process of this program. The master program, in its present form, represents the alternative which evolved as the most acceptable to everyone involved in its development and which represents best the intentions of the people in Lincoln County.

Adoption of the proposed master program will be environmentally protective, and, although immediate beneficial results may be impossible to quantify over the next few years, proper implementation and enforcement of the development standards along shorelines should provide continued benefits to the people of this country for many generations to come.

U. Any irreversible and/or irretrievable resource commitments with the proposed action.

The proposed action does not call for any resource commitments in the same sense as a project would, and the whole shoreline management program is aimed at conserving shoreline resources as much as possible. The action itself is not irreversible, and the master program, if adopted as proposed, can be modified and amended as necessary, if and when at any future date it is found that such action would best serve the interests of the people in Lincoln County.

Chapter 90.58.190 RCW states: "The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Each local government shall submit any proposed adjustments to the department as soon as they are

completed. No such adjustment shall become effective until it has been approved by the department."

THE END