

FERRY COUNTY SHORELINES

MASTER PROGRAM

ORDINANCE #2002-09

URBAN PLANNING ASSISTANCE PROGRAM

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NARRATIVE

I. PROJECT DESCRIPTION AND PLANNING AREA

It is the intent of this shorelines master program to set out a policy that is consistent with R.C.W. 90.58, and that it also meets the needs and desires of the people of Ferry County as nearly as it is possible.

Ferry County is somewhat unique in that it is very sparsely populated, being some 80% government owned or controlled. Any guideline promulgated to regulate the remaining 17% will have a considerable effect on the exempted Federally controlled property.

At this time the situation is complicated by the void that exists with respect to the Colville Indian Reservation. Some of the land is deeded through sales that were made pursuant to P.L. 772. Some of the land is in the hands of the original allottee, being held in trust for him. Some of the allotments have been purchased by the Tribe and held in trust status, through the P.L. 772. The bulk of the Reservation is held by the Tribe.

There are some complicated agreements between the Tribe and the Bureau of Reclamation and also the National Park Service.

At this time some of these old accords are in dispute. It is the intent of the master program to stay out of these areas and to deal with land, water and people in so far as policy is concerned.

It is the desire of this committee to have maximum input from all of the citizens of the County.

In the spirit and intent of the Shorelines Management Act certain water bodies are recognized as being of significance on the statewide level.

Accordingly, those designated water bodies in Ferry County are considered as deserving of consideration beyond that ascribed to other bodies.

FERRY COUNTY SHORELINES MANAGEMENT MASTER PROGRAM

II. OVERALL GOALS OF SHORELINES MASTER PROGRAM

TO:

Develop a continuing program in concert with Washington State Shorelines Management Act of 1971 which will reflect the aspirations of the citizens of Ferry County according to:

1. Economic Development Goal - To assure that what growth occurs within the shorelines of Ferry County will be healthy, orderly, and economical.
2. Public Access Goal - To provide for public access to the shorelines of Ferry County by upgrading existing public access and by providing additional access consistent with the natural features; to assure that this access is safe as possible, will not have a detrimental effect on other shoreline users or the waters thereof, or infringe upon private property.
3. Circulation Goal - To see that when it becomes necessary to locate public facilities within the shorelines of Ferry County, that these facilities are introduced with a minimum effect on the ecology and aesthetics of the shorelines.
4. Recreational Goal - To assure diverse, convenient and adequate recreational opportunities for the citizens of Ferry County.
5. Shorelines Use - To assure that shoreline use and development in Ferry County is such that all uses are in harmony with the land and water. To establish criteria for safe, orderly residential growth in suitable areas of the shorelines. To promote the best possible use of the shorelines without disrupting environmental quality.
6. Conservation Goal - Preserve and protect those fragile natural resources and culturally significant features along the shorelines of Ferry County.
7. Historical/Cultural Goal - To identify, preserve and protect sites which are or may be determined to be of historical, cultural, educational or scientific value and open these sites only when they can be adequately protected.

FERRY COUNTY

SECTION 1.00 STATEMENT OF PURPOSE

The Shorelines Management Act of 1971 states that "it is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." Also "this policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wild- life, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

For these reasons regulations have been prepared to implement the Shoreline Master Program for Ferry County. The regulations are designed to control the type and manner of activity and development along the shorelines, to protect this resource from environmental degradation. It is further the purpose of the Master Program to improve existing conditions along the shorelines by encouraging uses that are compatible with the fragile shoreline environment.

SECTION 2.00 ENVIRONMENTAL DESIGNATIONS

Four (4) environmental shorelines designations have been established by the state and are defined by the Washington State Department of Ecology in the Final Guidelines Shoreline Management Act of 1971 WAC 173-16. Environmental designations are equivalent to "zoning" in that specific areas are delineated geographically and regulations are promulgated for activities and development within each area. These environments are:

Natural - The natural environment is intended to preserve and restore those natural resources systems existing relatively free of human influence. Local policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics which made these areas unique and valuable.

The main emphasis of regulation in these areas should be on natural systems and resources which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore activities which may degrade the actual or potential value of the environment should be strictly regulated. Any activity which would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition which are relatively intolerant of intensive human use. Such features should be defined, identified and quantified in the shoreline inventory. The relative value of the resources is to be based on local citizen opinion and the needs and desires of other people in the rest of the state.

Conservancy Environment - The objective in designating a conservancy environment is to protect, conserve and manage existing natural resources and

valuable historic and cultural benefits to the public and to achieve sustained resource utilization.

The conservancy environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are nonconsumptive of the physical and biological resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a conservancy environment. Examples of uses that might be predominant in a conservancy environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agriculture uses such as pasture and range lands, and other related uses and activities.

The designation of conservancy environments should seek to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentration of population either existing or projected. For example, a conservancy environment designation can be used to complement city, county or state plans to legally acquire access to the water.

The conservancy environment would also be the most suitable designation for those areas which present too severe biophysical limitations to be designated as rural or urban environments. Such limitations would include areas of steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate uses compatible with agricultural activities.

Rural Environment - The rural environment is intended to protect agriculture land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer strip between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The rural environment is intended for those acres characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential should be maintained for present and future agricultural needs. Designations of rural environments should also seek to alleviate pressures of urban expansion on prime farming land.

New developments in rural environments are to reflect the character of the surrounding areas by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from water to prevent shoreline resources from being destroyed for other rural type of uses.

Public recreation facilities for public use which can be located and designated to minimize conflicts with agricultural activities are recommended for the rural environment. Linear water access which will prevent overcrowding in any one area, trail system for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities should be conducted in a manner which will enhance the opportunities for shoreline recreation. Farm management practices which prevent erosion and subsequent siltation of water

bodies and minimize the flow of waste material into water courses are to be encouraged by the master program for rural environments.

Urban Environment - The objective of the urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for multiplicity of urban uses.

The urban environment is an area of high-intensity land-use including residential, commercial and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas planned to accommodate urban expansion. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban uses are limited resources, emphasis should be given to development with already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters.

In the Master Program, priority is also given to planning for public visual and physical access to water in the urban environment. Identifying needs and planning for the acquisition of urban environment should be accomplished in the Master Program. To enhance waterfront and ensure maximum public use, industrial and commercial facilities should be designed to permit pedestrian waterfront activities. Where practical, various access points ought to be linked to non-motorized transportation routes, such as bicycle and hiking paths.

SECTION 3.00 CONFLICTING REGULATIONS

Any other regulations that have been adopted by Ferry County or the city of Republic are not repealed and still apply in all of their requirements. In the event of conflicting regulations, the maximum requirement for protecting the natural environment must be met.

SECTION 4.00 VALIDITY

If any section, subsection, paragraph, clause, phrase or provision of these regulations be adjudged unconstitutional, the same shall not affect the validity of these regulations in whole or any part or provision thereof other than the part so decided to be involved or unconstitutional.

SECTION 5.00 DEFINITION OF TERMS

- 5.01 "Administrative Authority" shall in the context of these regulations mean the Ferry County Planning Department or the City Clerk of Republic.
- 5.02 "Responsible Official" shall mean the duly elected Mayor of the City of Republic or the duly elected County Commissioners of Ferry County.

- 5.03 "Official Map of Shorelines" shall be all maps adopted as part of the Master Program delineating the geographic boundaries of all designated water bodies of Ferry County coming under the jurisdiction of the Shoreline Management Act of 1971.
- 5.04 Local Government" means any county, incorporated city, or town which contains within its boundaries any land or waters subject to the Shorelines Management Act.
- 5.05 "Persons" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporations or agency of the state or local government unit however designated.
- 5.06 "Ordinary high-water mark" on all lakes and streams and tidal waters is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all years as to mark upon the soil a character distinct from that of the abutting land, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter; Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark along fresh water shall be the line of mean high water.
- 5.07 "Shorelines of the State" are the total of all "shorelines" and "shorelines of state-wide significance" within the state.
- 5.08 "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segment; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.
- 5.09 "Shorelines of state-wide significance" in Ferry County means those lakes, whether natural, artificial or a combination of both, with a surface acreage of one thousand acres or more, measured from the ordinary high-water mark also; those natural rivers or segments of thereof east of the crest of the Cascade range downstream of a point where the mean annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the Cascade range downstream from the first three hundred square miles of drainage area which ever is longer. In addition, those wetlands associated with such water bodies.
- 5.10 "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark, and all marshes, bogs, swamps, floodways, rivers, deltas and flood plains associated with streams and lakes which are subject to the provisions of chapter 90.58 R.C.W.
- 5.11 "Associated wetlands" means those wetlands which are strongly influenced by and in close proximity to any stream, river or lake, or combination thereof, subject to the provisions of chapter 90.58 R.C.W.

- 5.12 "Master Program" shall mean the comprehensive use plan for a described area, and the use regulation together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in R.C.W. 90.58.020.
- 5.13 "Development" means use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any project of a permanent nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.
- 5.14 "Substantial Development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state, except that those uses permitted outright by these regulations are not considered substantial developments. The dollar threshold established in this definition will be considered to be adjusted by any adjustment for inflation made by the Office of Financial Management as provided for in RCW 90.58.
- 5.15 "Shoreline permit" is a permission received through application to the administrative authority to conduct a substantial development along the shorelines of Ferry County, subject to the approval by the Department of Ecology and the Attorney General.
- 5.16 Other terms used in these regulations have the same meaning as those found in the Shoreline Management Act of 1971, R.C.W. 90.58 or WAC 173-16 Final Guidelines as amended.
- 5.17 Words used in the present tense shall include the future, the singular shall include the plural and the plural the singular; and the word "shall" is mandatory and not permissive.
- 5.18 Definitions for terms requiring definitions not found in R.C.W. 90.58 or WAC 173-16, as amended shall be determined from the following sources, and if a conflict should arise between sources, such definition shall be established in the following priority:
- A. Black's Law Dictionary, by Henery Cambell, 3rd Edition, Publisher's Editorial Staff, St. Paul, West Publishing Company, 1933, and subsequent amendments thereto.
 - B. Webster's Encyclopedia Dictionary, by Franklin J. Meine, Editor-in-Chief, Columbia Educational Books, Inc., Chicago 1941, and subsequent amendments thereto.

SECTION 6.00 DESIGNATION CRITERIA

- (I.) Lakes. The wetlands shall be measured on a horizontal plane two hundred feet in all directions from the line of vegetation. If there is no vegetation cover, the measurement will be, where ever possible, from a line connecting the lines of vegetation on either side of an area; otherwise the measurement will be from the mean high water.

- (2) River Deltas and Flood Plains.
 - (a) On river deltas and flood plains where no dikes exist, the wetland area shall be from toe to toe of the valley floor or two hundred feet from the ordinary high-water mark, whichever is greater, except those limited instances where the designation of such area would be contrary to the policy of chapter 90.58 R.C.W.
 - (b) On river deltas and flood plains where dikes have been placed by governmental agencies for public benefit and reasonably protected against floods, the wetlands will be designated as follows:
 - (i) Where the dike is located within two hundred feet of the ordinary high water mark, the wetlands shall be that area within two hundred feet (200') of the ordinary high water mark.
 - (ii) Where the dike is located more than two hundred (200') feet beyond the ordinary high water mark, the wetlands shall be that area lying between the apex of the dike and the ordinary high water mark.
- (3) Marshes, bogs and swamps. If marshes, bogs and swamps which constitute associated wetlands extend more than two hundred feet (200') beyond the high water mark of the body of water with which they are associated, their perimeters shall be the outer limits of the wetland designation. Such marshes, bogs and swamps shall be defined and designated according, but not limited to, the following definitions, contained in Peat Resources of Washington, Bulletin No.44, Department of Conservation (1958);
 - (a) Marsh - A low flat area on which the vegetation consists mainly on herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage and other aquatic or semi-aquatic plants. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck and no peat is present.
 - (b) Bog - A depression or other undrained or poorly drained area containing or covered with peat (usually more than one layer) on which characteristic kinds of sedges, reeds, mosses, and other similar plants grow. In the early stages of development the vegetation is herbaceous and the peat is very wet. In middle stages the dominant vegetation is brush. In mature stages trees are usually the dominant vegetation and the peat, at least near the surface, may be comparatively dry.
 - (c) Swamp - A swamp is similar to a marsh except that reeds and shrubs comprise the characteristic vegetation. Marshes and swamps merge into each other and both tend to merge into bogs.

SECTION 7.00 STATE GUIDELINES

Final Guidelines Shorelines Management Act of 1971, W.A.C. 173-16 are an integral part of these regulations and this master program, to be utilized in

fulfilling the intent of state policy when evaluating proposals for shorelines development.

SECTION 8.00 SHORELINES AND SHORELINES OF STATE-WIDE SIGNIFICANCE

These regulations shall apply to both "SHORELINES" and "SHORELINES OF STATE-WIDE SIGNIFICANCE".

Generally, WAC 173.18.040 and WAC 173.20.030 defines "Shorelines" as streams with a mean annual flow of 20 cubic feet/second and lakes over twenty acres but less than 1,000 acres in size. "Shorelines of State-Wide Significance" are rivers with a mean annual flow of 200 cubic feet/second and lakes with a surface acreage of 1,000 acres or more.

The Kettle River is the only river in Ferry County considered to be of state-wide significance. That portion of the Kettle River from the Midway border crossing downstream to the Danville border crossing is wholly under the jurisdiction of Ferry County. Only the river's west bank is under the county's jurisdiction from the border crossing at Laurier downstream to its mouth at the Columbia River.

The Columbia River (Lake Roosevelt) is designated to be of state-wide significance, in accordance with WAC 173-18-140.

SECTION 9.00 GENERAL REGULATIONS FOR ALL SHORELINES USES

- 9.01 Nothing in these regulations shall constitute authority of any person to trespass or in any way infringe upon private property or upon the rights of private ownership.
- 9.02 All shoreline uses not expressly permitted by these regulations are not allowed.
- 9.03 Bonding of a project may be required as a condition of the shoreline permit to ensure the restoration of a shoreline area to pre-project quality and to assure compliance with the conditions of the shoreline permit.
- 9.04 Any development or use activity which occurs within the shorelines areas of Ferry County or incorporated municipalities coming under the jurisdiction of the Act, whether it requires a permit or not, must be consistent with the Act, current zoning, subdivision regulations, and building codes.
- 9.05 All types of non-commercial recreational activities may be permitted which do not degrade the quality of the shoreline environment in which it is to be conducted.
- 9.06 All developments must conform to all current county, state, or municipal regulations in regard to construction, sanitation or health requirements.
- 9.07 Any development or use activity must be consistent with the requirements of existing current flood plain ordinances.

9.08 Emergency construction designed for shoreline protection is permitted when life and/or property is in danger.

III. POLICIES AND USE REGULATIONS

SECTION 10.00 AGRICULTURE

Agriculture practices are those methods used in vegetation and soil management, such as tilling of soil, control of plant diseases, control of weeds 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 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.

POLICIES

- A. Utilization of the land should be in a manner that will not degrade the environment, but will contribute to the pastoral nature of the shoreline.
- B. Agricultural land that requires cultivation should have a buffer strip of natural vegetation, established and maintained along the shoreline to assure the integrity of the bank and to protect the associated water bodies from sedimentation.
- C. Chemicals and pesticides should be handled in compliance with R.C.W. 17.2 and the Washington State Pesticide Act (R.C.W. 15.57) in order to prevent any damage to wildlife or vegetation.
- D. Animal feed lots should not be permitted to locate on shorelines unless they can demonstrate no adverse environmental effects.
- E. Cultivation and farming practices should conform to Natural Resource Conservation Service standards.

REGULATIONS

10.10 Natural Environment

10.10.01 - Agriculture in the Natural Environment shall be restricted to the grazing of animals with no land clearing or construction, nor concentration of pastures or irrigation or cultivation to be permitted.

10.20 - Conservancy Environment

10.20.01 - In the conservancy environment no land clearing is permitted nor any plowing or tillage.

10.20.02 - No construction or feed lots are permitted.

10.20.03 - Pasture with irrigation is permitted only on land that has already been cleared.

10.30 - Rural Environment

10.30.01 - Livestock feed lots or confinement lots - any such operation which concentrates livestock for feeding or confinement purposes shall be subject to; (i) These locations are a minimum of 100 feet from the ordinary high water mark, (ii) all drainage is prevented from flowing into the waters of the stream bed or body of water, (iii) all drainage from feed lots shall be approved by local and state health department regulations, following the guidelines established by the Cooperative Extension Service, College of Agriculture, Washington State University for the handling and disposal of animal waste.

10.30.02 - Barns must comply with section 10.30.01 (iii) of this program with regard to drainage.

10.30.03 - All pesticides (herbicides and insecticides) shall be handled in compliance with R.C.W. 17.21 and 15.57 in order to prevent chemicals, including fertilizers, from reaching any water body or aquifer. Special care must be observed using spray or fertilizers that leave a residue in the soil, where spring run-off or irrigation could carry residual chemicals into stream, lake or aquifer.

10.30.04 - A buffer strip of vegetation shall be maintained along the shoreline.

10.30.05 - All types of agriculture are permitted in the rural environment provided that they comply with section 10.30.01 through 10.30.04.

10.40 - Urban Environment

10.40.01 - All uses permitted in the Rural Environment are permitted in the Urban Environment except for animal feed lots which are not permitted.

SECTION 11.00 AQUACULTURE

Commercial fish farming in this county appears to have little possibilities at this time and is accordingly omitted from these regulations. If such ever becomes possible, additional regulations may be adopted by the governing body according to the standards set out by the Washington State Department of Ecology.

SECTION 12.00 FOREST MANAGEMENT PRACTICES

Forest management practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade which insulates the waters from detrimental temperature and dissolve oxygen release. A stable water temperature and dissolved oxygen level provides a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment loan and the turbidity of the water.

POLICIES

- A. Seeding and reforestation should be encouraged to reduce potential erosion hazard on logged areas. Introduced vegetation should be of similar species and density as native vegetation in the general vicinity.
- B. Special attention should be directed in logging, thinning and road construction, to prevent the accumulation of slash and other debris in contiguous waterways and their floodplains.
- C. Shoreline areas having well-known 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 along shorelines of state-wide significance in the region are not degraded.
- D. 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.
- E. Logging should be avoided on shorelines where significant sediment runoff would be precipitated unless adequate restoration and erosion control can be expeditiously accomplished.
- F. 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.
- G. Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of adequate vegetation where needed to prevent temperature increases adverse to fish populations and erosion of stream banks.
- H. Timber should be harvested in accordance with State and National Timber Laws.

REGULATIONS

12.10 - Natural Environment

12.10.01 - Harvesting timber in a Natural Environment shall be permitted only for the purpose of protecting the existing timber from undesirable regrowth or the clean-up and restoration following fires, storms and disease and insect infestation.

12.20 - Conservancy Environment

12.20.01 - Harvesting of timber in the Conservancy Environment shall be permitted only within the provisions of section 12.10.01.

12.30 - Rural Environment

12.30.01 - No more than 50% of the trees over a sixteen inch DBH shall be harvested in any ten year period.

12.30.02 - Logged slopes greater than 30% shall be replanted and ground cover restored with vegetation similar in nature in comparison with the original ground cover.

12.30.03 - Logging trails and roads shall be located along contours where possible.

12.30.04 - Buffer strips of natural vegetation will be maintained along the shoreline.

12.30.05 - Harvesting of timber in the Rural Environment shall be permitted and shall comply with sections 12.30.01 through 12.30.04.

12.40 - Urban Environment

12.40.01 - Harvesting of timber in the Urban Environment shall be permitted subject to the provisions of sections 12.30.01 through 12.30.04.

SECTION 13.00 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 uses of space because of extensive floor areas and because of facilities, such as parking, necessary to service them.

POLICIES

- A. Commercial developments of industry or service oriented industries should be encouraged to locate upland of the shorelines of Ferry County.
- B. Industries which must be the nature of their business, be located near the water, may be permitted to do so, provided they will cause a minimum of disturbance to the environment.
- C. The natural beauty of the shoreline must be preserved.
- D. Permitted activities shall comply with Waste Water Discharge Standards of the State of Washington.

REGULATIONS

13.10 - Natural Environment

13.10.01 - Commercial development is prohibited in the Natural Environment.

13.20 - Conservancy Environment

13.20.01 - Commercial development is prohibited in the Conservancy Environment.

13.30 - Rural Environment

13.30.01 - Any structure shall be set back a minimum of fifty (50) feet from the ordinary high water mark.

13.30.02 - No commercial structure shall be built higher than thirty-five (35) feet above the natural ground level.

13.30.03 - No parking of idle vehicles shall be permitted except vehicles loading or unloading cargo.

13.30.04 - Streams shall be protected from pollution by waste water both during construction and in the operations of the activity of compliance with the Waste Water Standards of the State of Washington.

13.30.05 - Streams shall be protected from erosion and sedimentation at all times.

13.30.06 - Commercial development in the Rural Environment shall be permitted, provided that it is dependent on its shoreline location and does not substantially alter the natural environment of the area and that it complies with sections 13.30.01 through 13.30.06.

13.30.07 - Multi-family dwelling on a single lot, tract or parcel, excluding "Mother-in-law Dwellings" shall be considered commercial.

13.30.08 - Multi-family dwellings shall not be over thirty-five (35) feet in height above the natural ground level except where the topography is such that the structure will not block the view of persons on adjacent lots.

13.30.09 - Lots containing multi-family dwellings shall be of sufficient size to provide, but not limit to the following:

13.30.09.1 Sewage and water treatment as approved by the appropriate health agency.

13.30.09.2 Parking
a. minimum of two spaces per unit
b. run-off not allowed to run into lake or stream
c. RV parking not be part of the parking area as shown in 13.30.09.2a

13.30.09.3 Outdoor space for picnics, etc., to accommodate at least 10% of the residents.

13.30.09.4 Fenced to prevent pets from molesting farm animals and prevent farm animals from entering the commercial area.

13.40 - Urban Environment

13.40.01 - Commercial development shall be permitted in the Urban Environment, subject to sections 13.30.01 through 13.30.09.4.

SECTION 14.00 MARINAS

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

POLICIES

- A. Marinas should be designed, located and built in a manner that is aesthetically compatible with adjacent areas and will minimize damage to aquatic life.
- B. Encourage the public use of the waters and shorelines of Ferry County in a manner that is consistent with the intents and purposes of the Shoreline Act.
- C. Special consideration should be given to the development of procedures for fuel handling and storage to minimize accidental spillage and provide satisfactory means for handling spills that do occur.

REGULATIONS

14.10 - Natural Environment

14.10.01 - Marinas shall not be allowed in the Natural Environment.

14.20 - Conservancy Environment

14.20.01 - Marinas shall not be allowed in the Conservancy Environment.

14.30 - Rural Environment

14.30.01 - Marinas shall be permitted in the Rural Environment subject to sections 14.30.01 through 14.30.07.

14.30.02 - The only methods of handling oils and fuels shall be ones that will assure no spillage.

14.30.03 - Marinas shall provide dumping stations for sewage from boats.

14.30.04 - Solid waste containers shall be located in spillproof anchors.

14.30.05 - Rest rooms shall be provided within one hundred (100) feet of the marina.

14.30.06 - Fish cleaning facilities shall minimize pollution to the water.

14.30.07 - Marinas shall have sufficient supervision to prevent misuse.

14.40 - Urban Environment

14.40.01 - Marinas shall be permitted in the Urban Environment subject to sections 14.30.01 through 14.30.07.

SECTION 15.00 MINING AND DREDGING

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

Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals.

POLICIES

- A. When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.
- B. Spoil sites should be located so as to prevent the erosion of materials back into the water.
- C. Dredging should be done in such a way as to minimize the damage to the natural systems and should be done at a season of the year when the least flow of water occurs to minimize the sedimentation process.
- D. Excavations for the production of sand, gravel and minerals should be done in conformance with the Washington State Surface Mining Act.
- E. Removal of bottom materials for the purpose of obtaining fill material is to be discouraged.

REGULATIONS

15.10 - Natural Environment

15.10.01 - No mining is permitted in the Natural Environment.

15.10.02 - Dredging in the Natural Environment shall be prohibited except where necessary to protect or preserve the natural environment.

15.20 - Conservancy Environment

15.20.01 - No mining is permitted in the Conservancy Environment.

15.20.02 - Dredging in the Conservancy Environment shall be prohibited except where necessary to protect or preserve the natural characteristics of the area.

15.30 - Rural Environment

15.30.01 - Strip mining is prohibited in the Rural Environment.

15.30.02 - Removal of bottom materials for the purpose of obtaining fill material is prohibited.

15.30.03 - Mining shall be done in conformance with Washington State Surface Mining Act.

15.30.04 - Dredging is permitted in the Rural Environment provided the applicant for a permit complies with applicable state and federal permits which may be required for such operations.

15.40 - Urban Environment

15.40.01 - Mining and dredging are permitted in the Urban Environment subject to sections 15.30.01 through 15.30.04.

SECTION 16.00 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, depending 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 where signs are not desirable, but generally it is the design that is undesirable, not the sign itself.

POLICIES

- A. Signs should be constructed in a manner which minimizes obstruction of the shorelines of Ferry County.
- B. Off-premise outdoor advertising should be limited to areas of high intensity land use, such as commercial and industrial areas with directional signs permitted as needed.
- C. When otherwise permitted, outdoor advertising signs should be located on the upland side of public transportation routes which parallel and are adjacent to rivers and water bodies.

REGULATIONS

16.10 - Natural Environment

16.10.01 - All outdoor advertising, signs and billboards shall be prohibited in the Natural Environment except those necessary to protect the physical well being of the public, to protect the natural characteristics of the area, or signs of directional or informational nature erected by a governmental agency.

16.10.02 - Any such sign shall not exceed eight (8) square feet in area.

16.10.03 - Any such sign shall not exceed five (5) feet in height.

16.20 - Conservancy Environment

16.20.01 - All signs in the conservancy environment shall comply with the regulations of sections 16.10.01 through 16.10.03.

16.30 - Rural Environment

16.30.01 - All outdoor advertising, signs and billboards shall be allowed in the Rural Environment, subject to sections 16.10.01 and section 16.10.02.

16.30.02 - All commercial signs shall be erected on private property.

16.30.03 - Any sign or billboard shall not exceed 32 square feet in area.

16.40 - Urban Environment

16.40.01 - All outdoor advertising signs and billboards shall be allowed in the Urban Environment subject to sections 16.30.01 through section 16.30.03.

SECTION 17.00 RESIDENTIAL DEVELOPMENT

The following policies should be recognized in the development of any subdivision on the shorelines of the state.

POLICIES

- A. All subdivisions should comply with either the Ferry County Short Subdivision or Long Subdivision Ordinance, whichever is applicable.
- B. Residential development should have adequate provisions for sanitary sewage, water supply and drainage.
- C. Residential developers should be encouraged to provide public pedestrian access to the water.
- D. Residential development over water should not be permitted.
- E. Utilities should be placed underground wherever possible.

REGULATIONS

17.10 - Natural Environment

17.10.01 - Residential subdivisions shall be prohibited in the Natural Environment.

17.20 - Conservancy Environment

17.20.01 - Residential subdivisions shall be prohibited in the Conservancy Environment.

17.30 - Rural Environment

17.30.01 - Residential subdivisions are permitted in the rural environment subject to the following regulations:

17.30.02 - Buildings shall not be constructed closer than fifty (50) feet from the ordinary high-water mark.

17.30.03 - No structure shall be over thirty-five (35) feet in height above the natural ground level.

17.30.04 - All drainage and sewage shall comply with current state and county health department regulations.

17.30.05 - Lots shall have a minimum of two hundred (200) feet of shoreline frontage.

17.30.06 - Residential development over water is prohibited.

17.40 - Urban Environment

17.40.01 - Residential subdivisions are permitted in the Urban Environment subject to the provisions of section 17.30.01 through 17.30.06.

SECTION 18.00 UTILITIES

Utilities are services which produce and carry 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

- A. Utilities should be placed underground and along existing roads and right-of-ways when ever possible. When it is not possible to place the utilities underground, they should be located where there will be the least damage to the aesthetic qualities of the shorelines.
- B. Areas damaged by the installation should be restored to their pre-project condition as nearly as possible.
- C. Utilities should be located outside the shorelines of Ferry County whenever possible.
- D. The location of electrical generating facilities is controlled and regulated by the Washington State Thermal Power Plant Siting Law (R.C.W. Chapter 80.50) preempted by the State of Washington.

REGULATIONS

18.10 - Natural Environment

18.10.01 - Utilities shall not be located in a Natural Environment except, where necessary to cross a body of water and subject to the following regulations:

18.10.02 - Utilities shall be placed underground where feasible.

18.10.03 - Clearing shall be kept to a minimum.

18.10.04 - Disturbed areas shall be restored as nearly as possible to pre-construction condition and reseeded and planted to native grass and vegetation.

18.20 - Conservancy Environment

18.20.01 - Utilities shall be permitted in the Conservancy Environment subject to sections 18.10.01 through 18.10.04.

18.30 - Rural Environment

18.30.01 - Utilities shall be permitted in the Rural Environment subject to sections 18.10.01 through 18.10.04.

18.40 - Urban Environment

18.40.01 - Utilities shall be permitted in the Urban Environment subject to Sections 18.10.01 through 18.10.04.

SECTION 19.00 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 water-front location, but is attracted to port areas because of transportation access that is available.

POLICIES

- A. Water dependent industries which require frontage on navigable water should be given priority over other industries.
- B. Sufficient land should be allocated for water related industries.
- C. Sewage treatment, water reclamation and power plants should be located where they cause the least interference with other uses of the Shorelines of Ferry County.
- D. Waste treatment ponds for water-related or other industries should be located elsewhere whenever possible.

REGULATIONS

19.10 - Natural Environment

19.10.01 - Water related industry shall not be permitted in the Natural Environment.

19.20 - Conservancy Environment

19.20.01 - Water related industries shall not be permitted to locate in the Conservancy Environment.

19.30 - Rural Environment

19.30.01 - Water related industry shall be permitted in the Rural Environment except where the area is zoned residential by the Comprehensive Plan for Ferry County.

19.40 - Urban Environment

19.40.01 - Water related industry shall be permitted in the Urban Environment.

SECTION 20.00 BULKHEADS, BREAKWATERS, JETTIES, GROINS, SHORELINE PROTECTION AND LANDFILL

The above serve different purposes, but it is felt that because they are similar in the effect that they have on the environment they can be adequately, at least for Ferry County, covered in the same policies and regulations.

POLICIES

- A. It shall be the policy of Ferry County to protect the shorelines and natural systems of the associated water bodies of this county.
- B. Stone should be used to prevent excessive damage to stream banks where the water may disrupt the cause channel changes. Only large stone without gravel and dirt should be used, due to the change of sedimentation occurring.
- C. Activities that change the channels should not be permitted except to return the stream to the original channel after damage by flood.

REGULATIONS

20.10 - Natural Environment

20.10.01 - No breakwaters, bulkheads, jetties, groins or landfills are permitted in the Natural Environment. Only activities that are specifically necessary to protect the shorelines are permitted.

20.20 - Conservancy Environment

20.20.01 - Bulkheads, breakwaters, jetties, groins or landfills are not permitted except where they are a necessary part of the project of approved nature that is dependent on its location by the shoreline and does not alter the characteristics of the area.

20.20.02 - Only materials which are compatible with the surrounding area shall be used.

20.20.03 - Only materials which are of a permanent nature and not subject to the erosion or sedimentation effects of nature, shall be used.

20.20.04 - No stumps, debris, car bodies or appliances shall be used as riprap.

20.20.05 - Activities that are for the purpose of creating land shall not be permitted.

20.30 - Rural Environment

20.30.01 - Activities permitted in the Rural Environment shall be subject to the policies of sections 20.20.01 through 20.20.05.

20.40 - Urban Environment

20.40.01 - Activities permitted in the Urban Environment shall be subject to the policies of sections 20.20.01 through 20.20.05.

SECTION 21.00 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 the 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.

POLICIES

- A. There should be no litter, garbage dumps or landfills for the disposal of any type of waste on any land within the shorelines of Ferry County, except in roadside litter barrels at areas used by the public.

REGULATIONS

21.10 - Natural Environment

21.10.01 - Solid waste disposal in the Natural Environment shall be prohibited except for roadside litter barrels.

21.20 - Conservancy Environment

21.20.01 - Solid waste disposal in the Conservancy Environment shall be prohibited except for roadside litter barrels.

21.30 - Rural Environment

21.30.01 - Solid waste disposal in the Rural Environment shall be prohibited except for roadside litter barrels.

21.40 - Urban Environment

21.40.01 - Solid waste disposal in the Urban Environment shall be prohibited except for roadside litter barrels.

SECTION 22.00 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 soil to erosion and retard the runoff of waters.

POLICIES

- A. Roads and railroads should be located away from shorelines wherever possible.
- B. Roads and railroads located in the shoreline area should be designed to allow the natural flow of the ground water.
- C. Culverts should be placed so as to keep erosion to a minimum.
- D. Cuts and fills should be balanced to hold borrow pits to a minimum.
- E. Cut and fill embankments should be seeded and mulched to prevent erosion.
- F. Fills in streams or bodies of water should not be permitted except as stream crossing, where adequate headwalls and riprap prevent erosion.
- G. Old highways and scenic loops should be retained where they are aesthetically located.
- H. New springs tapped by cuts should be channeled to pleasant and useful areas with turn-outs and view points provided for public use and for drinking water where practical.

REGULATIONS

22.10 - Natural Environment

22.10.01 - Roads and railroads shall not be permitted in a Natural Environment except where necessary to serve private residences or to cross a body of water.

22.20 - Conservancy Environment

22.20.01 - Roads and railroads shall not be permitted in a Conservancy Environment except where necessary to serve private residences or to cross a body of water.

22.30 - Rural Environment

22.30.01 - Roads and railroads shall be permitted in the Rural Environment subject to the following regulations and to all state and federal regulations for such projects.

22.30.02 - Culverts shall be placed so as to keep erosion at a minimum.

22.30.03 - Cuts and fill embankments shall be seeded and mulched to prevent erosion.

22.30.04 - Fills in streams or bodies of water shall not be permitted except at stream crossings, where adequate headwalls and riprap prevent erosion.

22.40 - Urban Environment

Roads and railroads shall be permitted in the Urban Environment subject to the regulations of sections 22.30.01 through 22.30.04.

SECTION 23.00 PIERS AND DOCKS

In Ferry County in the foreseeable future, the only industrial piers and docks may be located on Lake Roosevelt, which is under the control of the U. S. Corp of Engineers. The lakes and streams that fall under the jurisdiction of the Ferry County Shorelines Master Program are mostly recreational in nature.

POLICIES

- A. Docks and piers should not be a navigational hazard.
- B. Docks and piers should not interfere with stream flow.
- C. Docks and piers should be constructed of permanent, durable materials.
- D. Only methods of handling oils and fuels that assure no spillage should be used.

REGULATIONS

23.10 - Natural Environment

23.10.01 - Piers and docks shall be prohibited in the Natural Environment, except where they are a necessary part of a project dependent upon its location and where they do not substantially alter the existing natural characteristics of the area.

23.20 - Conservancy Environment

23.20.01 - Piers and docks are permitted in the Conservancy Environment subject to the regulations of section 23.10.01.

23.30 - Rural Environment

23.30.01 - Piers and docks shall be permitted in the Rural Environment subject to the following regulations.

23.30.02 - Docks and piers shall not be a navigational hazard.

23.30.03 - Piers and docks shall not interfere with water flow.

23.30.04 - Docks and piers shall be constructed of permanent, durable materials.

23.30.05 - Only methods of handling oils and fuels that assure no spillage shall be used.

23.40 - Urban Environment

23.40.01 - Piers and docks are permitted in the Urban Environment subject to the regulations of sections 23.30.01 through 23.30.05.

SECTION 24.00 ARCHAEOLOGICAL AREAS AND HISTORIC SITES

Archaeological areas, ancient villages, military forts, old settlers homes, ghost towns and trails were often located on shorelines because water provided an important means of transportation. These sites are nonrenewable 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

- A. Sites of archaeological importance should be identified by competent archaeologists.
- B. Sites of local and historic interest should be identified by professional persons in consultation with the local Historical Society and residents who have knowledge of significant sites.
- C. Shoreline permits should contain clauses requiring permittees to notify local governments if any archaeological data is found.
- D. Maps showing locations of archaeological sites should be retained by local government and not circulated, to reduce damage done by amateur relic hunters.
- E. All developments should be checked by the planner to determine if any archaeological sites lie inside the development, and appropriate steps taken to protect the site or alternatives available should be considered.
- F. The national Historical Preservation Act of 1966 and Chapter 43.51 R.C.W. shall be affective as policies of the Master Program for Ferry County.

REGULATIONS

24.10 - Natural Environment

24.10.01 - Archaeological and historical findings within the shorelines of Ferry County shall be reported to the County Planner.

24.10.02 - The County Planner shall check the sites of development within the shorelines of Ferry County for possible historical and archaeological sites.

24.20 - Conservancy Environment

24.20.01 - Sections 24.10.01 and 24.10.02 shall apply in the Conservancy Environment.

24.30 - Rural Environment

24.30.01 - Sections 24.10.01 and 24.10.02 shall apply in the Rural Environment.

24.40 - Urban Environment

24.40.01 - Sections 24.10.01 and 24.10.02 shall apply in the Urban Environment.

SECTION 25.00 RECREATION

Recreation is the refreshment of 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 either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a vista or lake, river or saltwater area.

POLICIES

- A. Recreational facilities and areas should be developed that are diverse, convenient and adequate recreational opportunities for the citizens of Ferry County and a reasonable number of transient tourist users without damaging the fragile ecological system.
- B. Those recreational pursuits which involve water bodies, the adjacent shorelines or the interface of land and water, should be permitted where natural features and ecological features will not present a hazard to life nor be debilitating to the ecosystem.
- C. Recreational uses should be encouraged as long as it is understood that nothing in the Shoreline Act of 1971 authorizes the infringement or trespass on the right of others or their property.
- D. Recreational access to fragile areas and features should be limited.
- E. Scenic views and vistas should be preserved and enhanced.
- F. Facilities that may receive heavy usage should be developed with sewage disposal and vector control to protect the public as well as the environment. All such facilities shall comply with local and state health department regulations.

REGULATIONS

25.10 - Natural Environment

25.10.01 - Only low intensity recreational activities which involve no construction and which does not alter the natural environmental characteristics, may be permitted in the Natural Environment.

25.10.02 - No camping or campgrounds are allowed in the Natural Environment.

25.20 - Conservancy Environment

25.20.01 - Recreation activities shall be allowed in the Conservancy Environment subject to the following regulations:

25.20.02 - There shall be no parking inside the shoreline area.

25.20.03 - Toilet facilities shall be a minimum of 150 feet from the shorelines, the waste disposal shall meet local and state health department standards.

25.20.04 - Permission for the use of the shoreline shall be obtained from the owner or operator at all times.

25.30 - Rural Environment

25.30.01 - In the Rural Environment all recreations shall be subject to the regulations of sections 25.20.01 through 25.20.04 and the following regulations:

25.30.02 - All structures shall be set back a minimum of fifty (50) feet from the waterfront as measured in a horizontal plane from the high water line.

25.40 - Urban Environment

25.40.01 - Recreational activities shall be permitted in the Urban Environment subject to the regulations of Sections 25.20.01 through 25.20.04 and sections 25.30.01 and 25.30.02.

SECTION 26.00 CONDITIONAL USE PERMITS

Conditional use permits are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A conditional use permit may be granted after careful review of the proposed use by the Shorelines Administrator. This permit spells out the terms or conditions under which the proposed use can be developed. Conditional use permits provide the opportunity for a shoreline use of a desirable development or activity to take place in any environment where it normally would not be permitted.

26.10.00 - Applications for a conditional use permit must provide information that will justify issuance based on need and desirability.

26.20.00 - Conditional use permits shall be granted only when all of the following are met:

26.20.01 - The use will not be contrary to the general intent of this master program.

26.20.02 - The use will cause no unreasonable adverse effect on the environment in which it is proposed.

26.20.03 - The development or activity could not be located elsewhere feasibly.

26.30.00 - The terms and conditions of each conditional use permit shall be determined at the time of issuance by the Shorelines Administrator and approved by the Planning Commission.

SECTION 27.00 VARIANCE

A permit for a variance provides the opportunity for a landowner to make reasonable use of his property when adherence to the requirements of these regulations discriminate against the individual.

27.10 - A variance may be granted an individual property owner (WAC 173-16-07) when all of the following are met: 01, 02, 03, 04, 05, and 06.

27.10.01 - The property owner can demonstrate that if he complies with the strict letter of these regulations he cannot make reasonable use of his property.

27.10.02 - The hardship is specifically to the property of the applicant.

27.10.03 - The hardship results from the application of the Shorelines Management Act of 1971 and the Master Program for Ferry County.

27.10.04 - Greater profit to the landowner is not considered as justification for the granting of a variance.

27.10.05 - The use will cause no adverse affect on the environment in which it is proposed.

27.10.06 - The use will not conflict with local or state health regulations.

SECTION 28.00 NON-CONFORMING USES

"Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

28.10.00 - Structures that were legally established and are used for a conforming use but which are non-conforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

28.20.00 - Uses and developments that were legally established and are non-conforming with regard to the use regulations of the master program may continue as legal non-conforming uses. Such uses shall not be enlarged or expanded, except that non-conforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

28.30.00 - A structure for which a variance has been issued shall be considered a legal non-conforming structure and the requirements of this section shall apply as they apply to preexisting non-conformities.

28.40.00 - A structure which is being or has been used for a non-conforming use may be used for a different non-conforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(a) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

28.50.00 - A non-conforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

28.60.00 - If a non-conforming development is damaged to an extent not exceeding seventy-five percent of the current replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within one year of the date the damage occurred. All permits are obtained and the restoration is completed within two years of permit issuance.

28.70.00 - An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

28.80.00 - If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. If a nonconforming residential structure is discontinued for 18 consecutive months, the nonconforming rights shall expire and any subsequent use shall be conforming. Maintenance of a structure in a habitable condition shall be evidence of continuing use. A use authorized pursuant to Section 28.40.00 (of the FCSMP) shall be considered a conforming use for the purposes of this Section.

SECTION 29.00 SHORELINES PERMITS, FEES AND PROCEDURES

A Shorelines Management Substantial Development Permit shall be required for any project which is \$5,000.00 or more that is located on a stream with a mean annual flow greater than 20 cubic feet per second (cfs), lakes larger than 20 acres and land extending landward 200 feet from the ordinary high water mark.

For those developments which require a substantial development permit, the applicant should obtain an application for a Shoreline Management Substantial Development Permit from the County Planning Department. Upon receipt of the application the applicant must also obtain a public notice form and a copy of the instruction for public notice. The notice must then be placed in the local paper of general circulation. After a minimum of thirty (30) days from the last public notice publication, the local government shall take action by

either granting or denying the permit. Copies of the action taken shall be submitted to the Washington Department of Ecology and the State Attorney General's Office. The applicant shall be notified of the action by local government. Construction may, in normal cases, begin in forty-five (45) days after the State received notice of local government's action. This time is for State review and possible appeal of the action.

Any person including the applicant, may request an appeal of any application granted or denied by local government. The request is sent to the Department of Ecology and the Attorney General. The Hearing Board conducts a review and sustains or overturns the local government decision. Any party may appeal a hearing board's decision to the Superior Court.

Fees shall be determined by the administrative authority for each jurisdiction in sufficient amount to cover the cost of filing and processing permit applications.

SECTION 30.00 ADMINISTRATION AND ENFORCEMENT

30.10.00 - It shall be the duty of the county or municipal Planning Director or other such persons designated by the Responsible Official to administer the provisions of these regulations.

30.20.00 - The Prosecuting Attorney, at the request of the Responsible Official, may institute any legal proceedings to enforce the provisions of these regulations.

SECTION 31.00 VIOLATION AND PENALTIES

31.10.00 - The Shoreline Management Act, 1971, RCW 90.58.210 and 90.58.220 provides the penalty for the violation or failure to comply with the provisions of these regulations.

31.20.00 - Violators of these regulations shall be guilty of a gross misdemeanor punishable by a fine of not less than twenty-five (25) dollars, nor more than one thousand (1,000) dollars or by imprisonment in the county jail for not more than ninety (90) days, or both such fines and imprisonment. Provided, that the fine for the third and all subsequent violations in any five year period shall not be less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000.00).

SECTION 32.00 REVIEW AND CHANGE PROCEDURE

32.10.00 - In order to maintain the usefulness of this Master Program, it will be necessary to have it reviewed periodically and changes made where needed. The Ferry County Planning Commission and the Planning Staff of Ferry County shall review the Comprehensive Inventory as requested by the Board of County Commissioners or the Planning Commission. The Planning Commission shall issue a report to the Board on their findings, including recommendations for change.

The Board shall take under advisement, the recommendations for the changes in the Master Program, or in the effective ordinance. The Board shall then hold a public hearing on the proposed change or changes.

32.20.00 - Changes and amendments to these regulations may be proposed by:

- 32.20.00 (a) Washington State Department of Ecology
- 32.20.00 (b) Washington State Attorney General
- 32.20.00 (c) Responsible Official
- 32.20.00 (d) Administrative Authority
- 32.20.00 (e) Petition of the property owners affected, or their authorized agent. A petition to amend these regulations shall be filed with the Planning Commission.

32.30.00 - A petition asking for a change from one environmental classification to another must be signed by not less than seventy-five (75) percent of the property owners within the environment designation that is proposed to be changed.

32.40.00 - The petition must also be signed by the property owners of not less than sixty (60) percent of all property owners adjacent to the environmental designation proposed for the change.

32.50.00 - Each signer of a petition for a change of environmental designation shall give his/her address and the description of his/her property as shown on the assessment and tax rolls, showing the extent of shoreline property.

32.60.00 - When such petitions are submitted to the Governing Body, said Governing Body shall consider the petition and render a decision within 60 days after receiving the petition. The Governing Body may grant, or suggest modifications or deny said petition.

SECTION 33.00 INTERPRETATION

33.10.00 - Each environmental designation is shown on the Official Map of Shorelines of Ferry County and may be interpreted as follows:

33.10.01 - All lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark of the shorelines of Ferry County, and all bogs, swamps, floodways, river deltas, flood plains associated with the shorelines of Ferry County and subject to the provisions of RCW 90.58.

33.10.02 - The transition zone between any two environmental designations shall be determined from the Official Map of Shorelines of Ferry County. The

Responsible Official shall make this determination when application for a shoreline permit is made.

DATED this 18th day of October, 2002.



FERRY COUNTY BOARD OF COMMISSIONERS

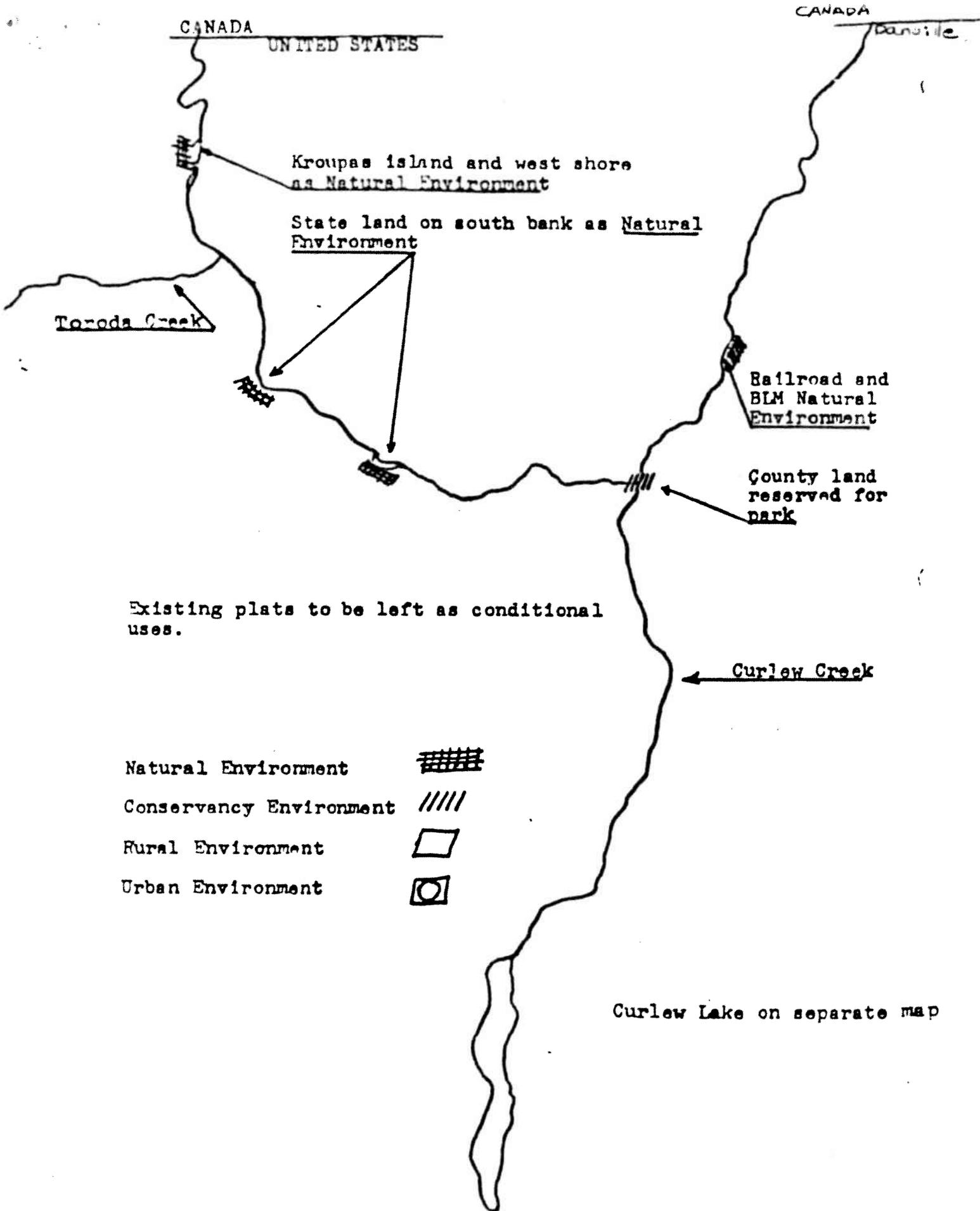
Rennis A. Snook
Chairman

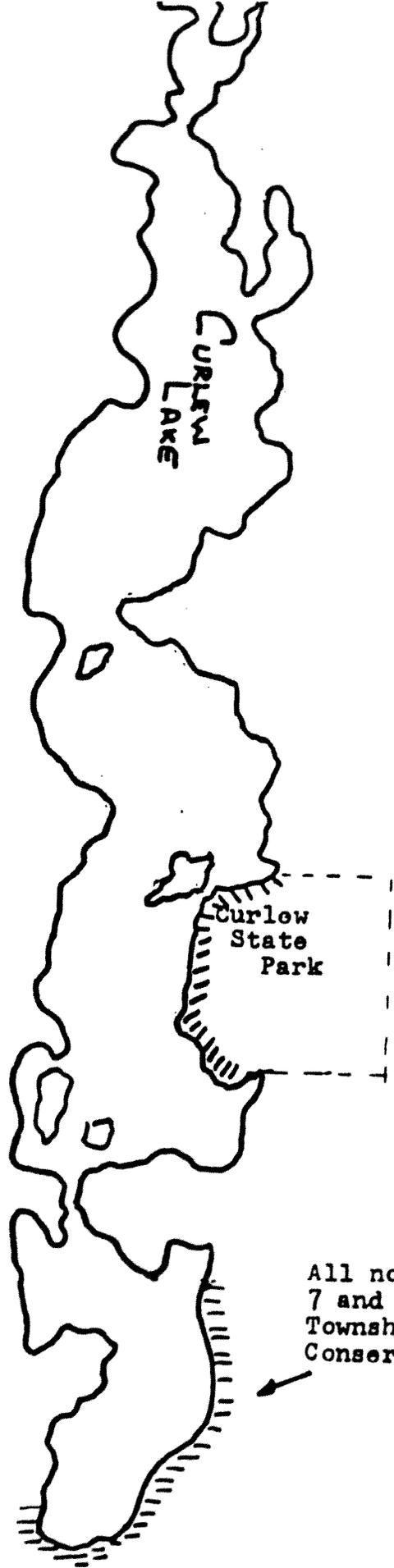
M. J. [Signature]
Member

James M. Hall
Member

ATTEST:

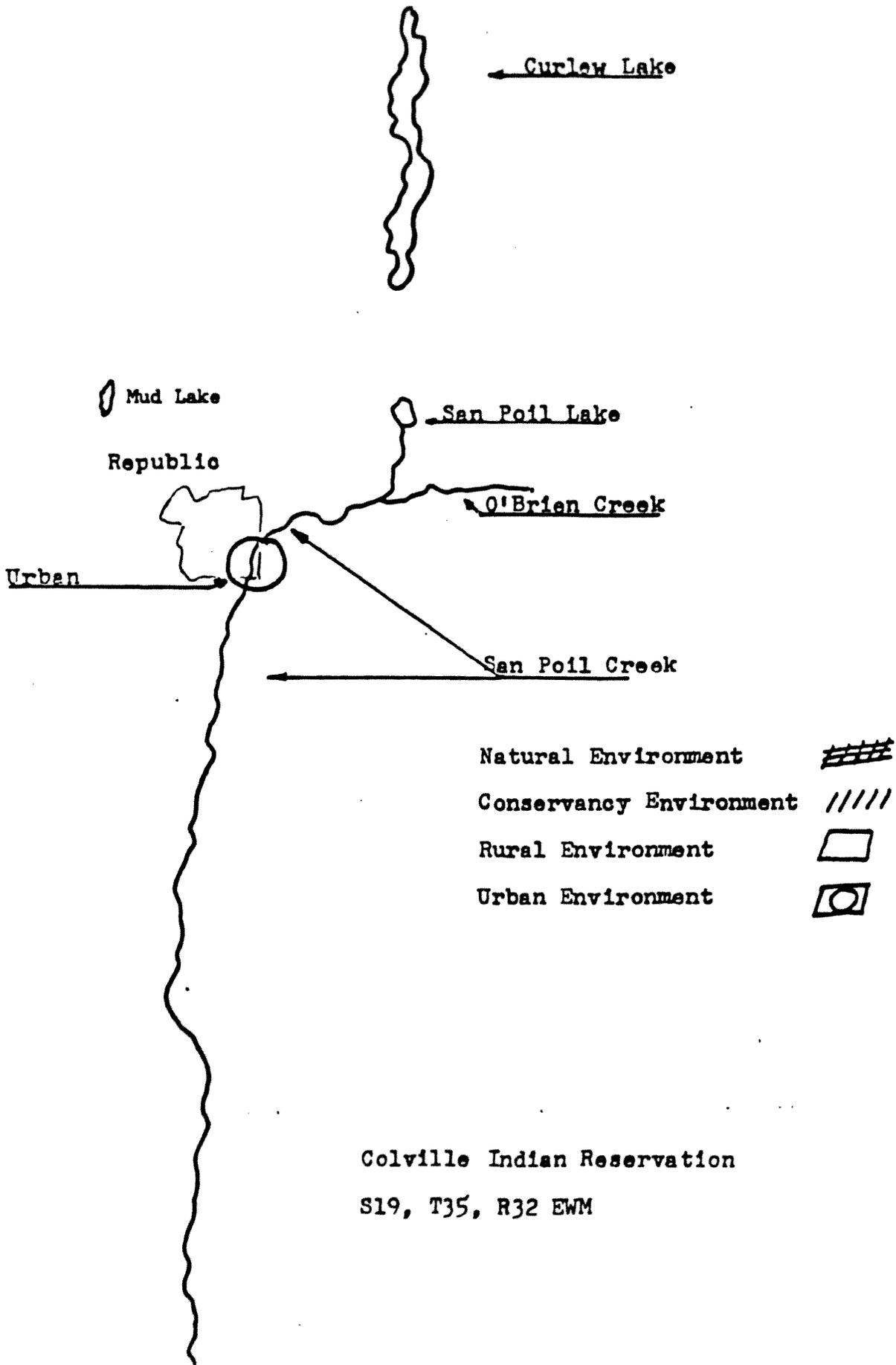
Joy [Signature]
Clerk of the Board





- Natural Environment 
- Conservancy Environment 
- Rural Environment 
- Urban Environment 

All nonplatted land in lots 4 and 5, 7 and 8, in Section 17, Range 33, Township 38 EWM designated as Conservancy Environment



← Curlew Lake

○ Mud Lake

○ San Poil Lake

Republic

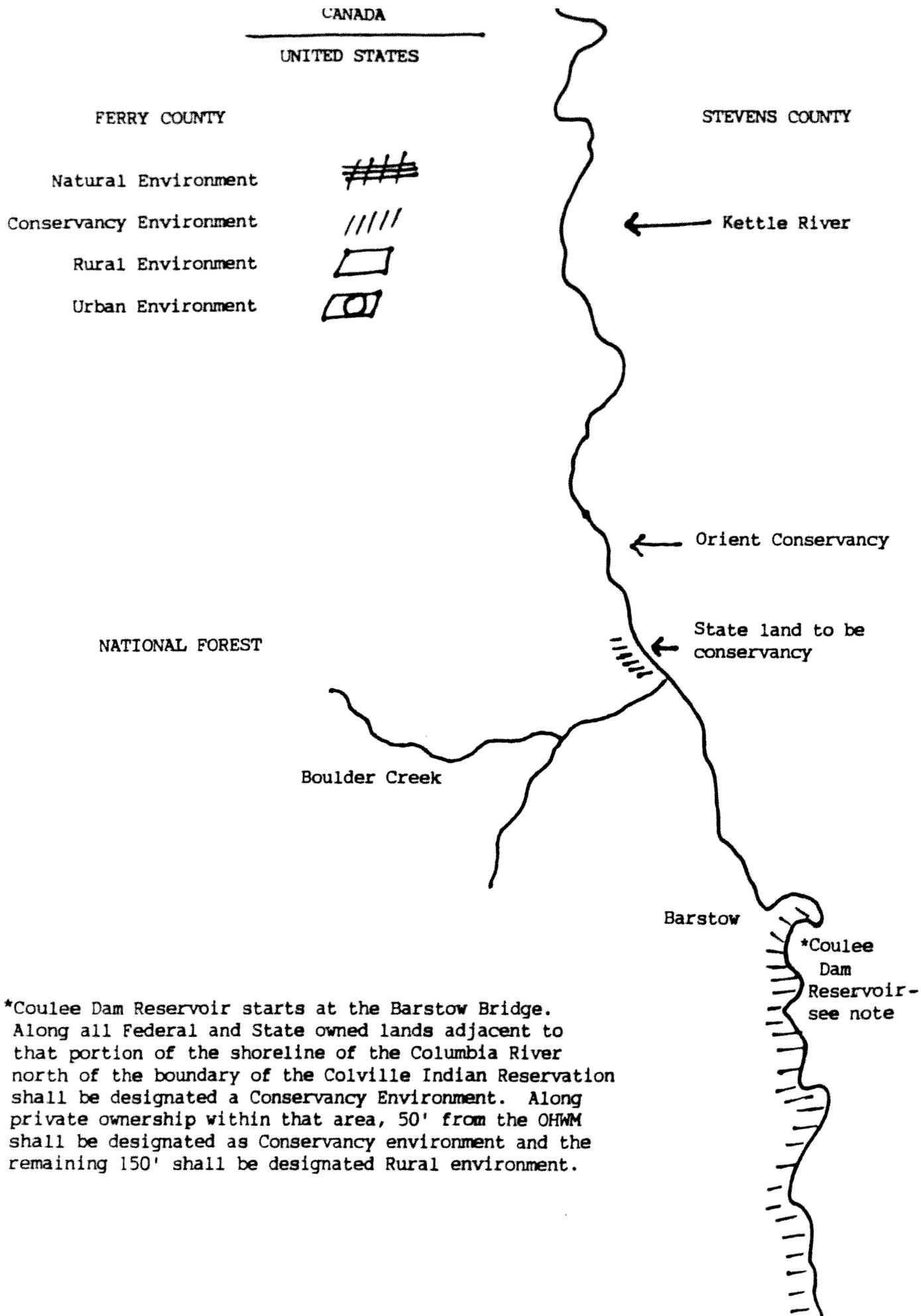
→ O'Brien Creek

Urban →

← San Poil Creek

- Natural Environment 
- Conservancy Environment 
- Rural Environment 
- Urban Environment 

Colville Indian Reservation
S19, T35, R32 EWM



*Coulee Dam Reservoir starts at the Barstow Bridge. Along all Federal and State owned lands adjacent to that portion of the shoreline of the Columbia River north of the boundary of the Colville Indian Reservation shall be designated a Conservancy Environment. Along private ownership within that area, 50' from the OHWM shall be designated as Conservancy environment and the remaining 150' shall be designated Rural environment.

Barstow

FERRY COUNTY

STEVENS COUNTY

- Natural Environment 
- Conservancy Environment 
- Rural Environment 
- Urban Environment 

Boyds

*Coulee Dam Reservoir-see note

Sherman Creek,
Natural

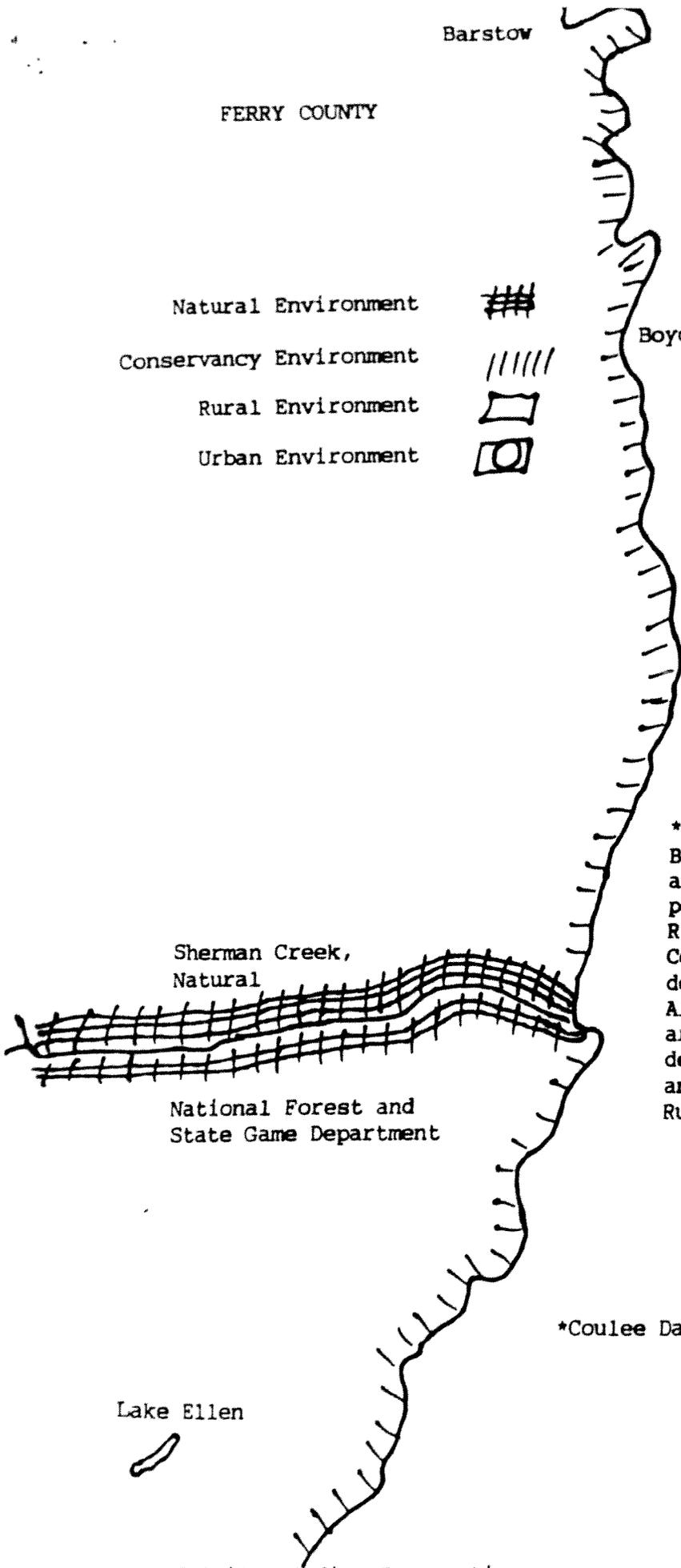
National Forest and
State Game Department

*Coulee Dam Reservoir starts at the Barstow Bridge. Along all Federal and State owned lands adjacent to that portion of the shoreline of the Columbia River north of the boundary of the Colville Indian Reservation shall be designated a Conservancy Environment. Along private ownership within that area, 50' from the OHWM shall be designated as Conservancy environment and the remaining 150' shall be designated Rural environment.

*Coulee Dam Reservoir-see note

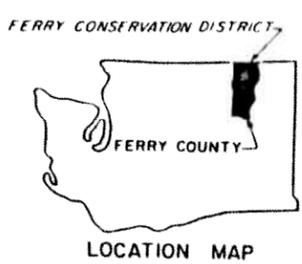
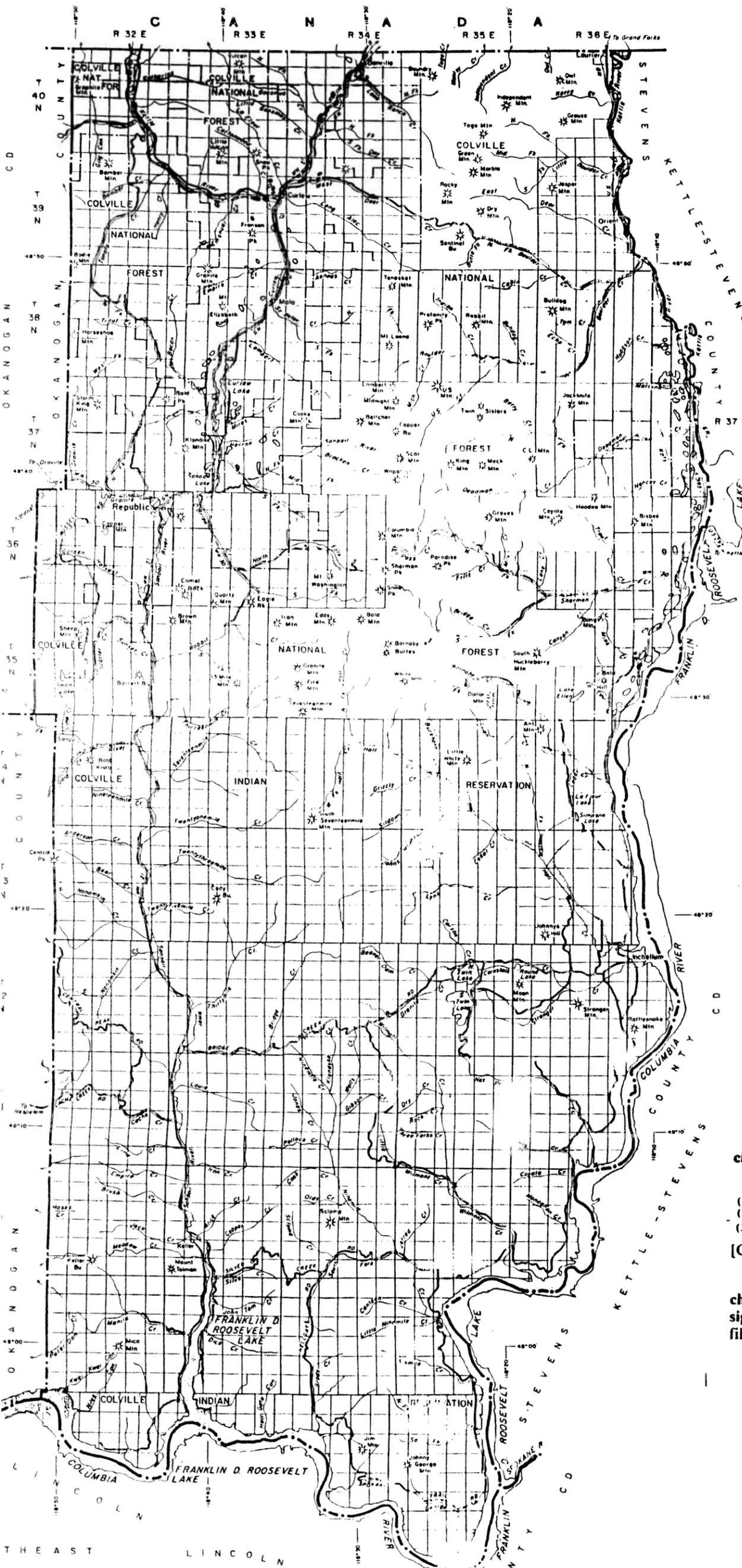
Lake Ellen

Colville Indian Reservation



Chapter 90.58 RCW SHORELINE MANAGEMENT ACT OF 1971

Stream Name	Quadrangle Name and Size	Legal Description
(1) Boulder Creek	Orient 15 Orient 7 1/2	From the Colville National Forest boundary (Sec.36, T39N,R36E) downstream to mouth at Kettle River and Stevens County line (same section).
(2) Columbia River (Cont.)*	Marcus 7 1/2	All of Columbia River (Franklin D. Roosevelt Lake) within Ferry County is under federal jurisdiction
(3) Curlew Creek	Curlew 15	From the confluence of Curlew Creek and St. Peter Creek (Sec.11,T38N,R33E) downstream to Kettle River (Sec.14,T39N,R33E).
(4) Kettle River*	Bodie Mtn. 15 Curlew 15 Togo Mtn. 15 Laurier 7 1/2 Orient 7 1/2	From the United States - Canada border (Sec.3,T40N,R32E) downstream to said border (Sec.3, T40N,R34E) returning to the U.S. (Sec.2,T40N,R36E) right bank only downstream to (Sec.20,T38N,R37E) excluding all Colville National Forest lands. The flow exceeds 200 cfs MAF at United States - Canada boundary.
(5) Sanpoil River	Republic 15 Seventeen-Mile Mtn. 15 Keller 15 Wilbur 15	From the confluence of Sanpoil River and O'Brien Creek (Sec.5,T36N,R33E) downstream to federal boundary (Sec.12,T35N,R32E).
(6) Toroda Creek (Cont.)	Bodie Mtn. 15	From the Intersection of Nickolson Creek and Toroda Creek (Sec.30,T40N, R32E) downstream to mouth at Kettle River near Toroda (Sec.27, same township).
(7) Sherman Creek	Kettle Falls 15	From the Colville National Forest boundary (Sec.30, T36N,R37E) downstream to mouth at Columbia River (Sec.27,T36N,R37E).

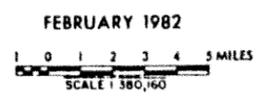


WAC 173-20-220 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T37N-R32E	27-SW1/4	Mud Lk.	23.0	R
(2) T37N-R33E	32-N1/2	San Poil Lk.	27.7	R,PS
(3) T38N-R33E	28-D	Curlew Lk.	869.6	R,I

[Order DE 72-14, § 173-20-220, filed 6/30/72.]

WAC 173-20-230 Lakes coming under purview of chapter 90.58 RCW—Ferry County lakes of state-wide significance. None. [Order DE 72-14, § 173-20-230, filed 6/30/72.]



FEBRUARY 1982

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