WALLA WALLA COUNTY REGIONAL
SHORELINE MASTER PROGRAM
Preliminary Outline

1.0 Introduction

1.1 Relationship to the Shoreline Management Act

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2.0 Definitions

NOTE: These definitions are considered likely to be needed. However, specific references within the body of the SMP will need to be verified once the SMP is developed.

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

**Accessory.** Any use or development incidental to and subordinate to a primary use of a shoreline use or development.

**Administrator or SMP Administrator.** The designee charged with the responsibility of administering the SMP.

**Agriculture or Agricultural activity.** Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

**Agricultural activities, existing and ongoing.** Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. New activities which bring an area into agricultural use are not part of an ongoing
activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conversation program. Forest practices are not included in this definition.

**Agricultural equipment and agricultural facilities.** Includes, but is not limited to:

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

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

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

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

**Agricultural land.** Those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of this Master Program, land converted to agricultural use is subject to compliance with the requirements of this Master Program.

**Agricultural lands of long-term significance.** Those lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.

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

**Agricultural related industries.** Agricultural related industries include:

1. Packaging plants, which may include, but are not limited to washing, sorting, crating, and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agriculture product remains essentially unaltered. Does not include processing activities or slaughter houses, animal reduction yards, and tallow works.

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

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

**Agricultural reserve ground.** Ground in/or around an ongoing agricultural operation that is not currently in production such as steep hillsides, grass waterways, field eyebrows, areas too small to be economically viable at this time, and areas that are unfit to be utilized because of their general inaccessibility to the operation, but which at a later time may be used for active agricultural activities.

**Agricultural stands.** A structure used for the retail sale of agricultural and related incidental products, excluding livestock that is primarily grown on the same property where the stand is located.

**Agri-tourism (or Agricultural tourism).** The act of visiting a working farm or an agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.
**Alteration.** Any human activity which results in a physical change to the existing condition of land or improvements including, but not limited to: clearing vegetation, filling and grading, and construction of structures or facilities including impervious surfaces. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.

**Amendment.** A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

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

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

**Area of special flood hazard.** Areas designated on the Flood Insurance Rate Maps which include the letter A or V, meaning the land in a flood plain subject to a one-percent (1%) or greater chance of flooding in any given year.

**Associated Wetlands.** Those wetlands which are in proximity to and either influence or are influenced by a lake or stream subject to the Shoreline Management Act.

**Base flood or 100-year flood.** The designation on the Federal Emergency Management Act (FEMA) Flood Insurance Maps that denote areas subject to floods having a one percent chance of being equaled or exceeded in any given year. The base flood is determined for existing conditions, unless a basin plan including project flows under future developed conditions has been completed and adopted by Walla Walla County; in these cases, future flow projections shall be used. In areas where the Flood Insurance Study includes detailed base flood calculations, those calculation may be used until projections of future flows are completed and approved by Walla Walla County.

**Best management practices or BMP.** Conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics and sediment;
2. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
3. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and
4. Provide standards for proper use of chemical herbicides within critical areas.
5. Monitor the application of best management practices to ensure that the standards and policies of this Chapter are adhered to.

**Bioengineering.** The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

**Boat Launch.** An area that is developed for boating ingress and egress from the water.
**Boating Facilities.** Developments and uses that support access to shoreline waters for purposes of boating, including marinas, community docks serving more than four single-family residences or multi-family units, public piers, and community or public boat launch facilities.

**Breakwater.** A fixed or floating off-shore structure that protects the shore from wave action or currents.

**Buffer.** A designated area used to separate incompatible uses or protect resources or development. Buffers are generally undeveloped areas. There are different types of buffers for different purposes:

1. Buffers which protect sensitive natural resources (critical areas) from the adverse impacts of development are generally undeveloped open space which are ecologically part of the protected resource;
2. Buffers which protect the integrity of development from certain natural hazards such as slope instability, floods or fire prone areas, and which ensure that buildings and development avoid the hazardous condition;
3. Buffers to separate incompatible uses, such as residential from industrial, airports, or certain activities common to commercial agriculture, are generally open or sparsely populated.

**Building Setback.** A line which establishes a definite point beyond which the foundation of a building shall not extend; this line is measured from the upland edge of the shoreline buffer. **Needs further discussion for inclusion**

**Bulkhead.** An erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

**Channel migration zone or CMZ.** The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

**Clearing.** The cutting or removal of vegetation or other organic plant materials by physical, mechanical, chemical, or any other means.

**Commercial use.** Those activities engaged in commerce and trade and involving the exchange of money, including but not limited to, retail, services, wholesale, or business trade activities.

**Community dock.** To be defined

**Compensatory Mitigation.** Replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

1. Restoration – Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland;
2. Creation – Actions performed to intentionally establish a wetland at a site where it did not formerly exist;
3. Enhancement – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality; and
4. Preservation – Actions taken to ensure the permanent protection of existing, high-quality wetlands.

**Conditional use.** A use, development, or substantial development which is classified as a conditional use or is not classified within this SMP.
**Conservation easement.** A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

**Critical areas.** Critical areas include the following areas and ecosystems: (a) wetlands, (b) areas with a critical recharging effect on aquifers used for potable water, (c) fish and wildlife habitat conservation areas, (d) frequently flooded areas, and (e) geologically hazardous areas.

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

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

1. Interior building improvements that do not change the use or occupancy;
2. Exterior structure maintenance activities, including painting and roofing as long as it does not expand the existing footprint of the structure;
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
4. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; and individual utility service connections.

**Development permit.** Any permit issued by the County, or other authorized agency, for construction, land use, or the alteration of land.

**Development regulation.** Any controls placed on development or land use activities by Walla Walla County, including but not limited to, zoning ordinances, official controls, and subdivision ordinances.

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

**Dredging.** Removal of earth from the bed of a stream, lake, or pond for the purpose of flood control; navigation; utility installation (excluding on-site utility features serving a primary use, which are accessory utilities and shall be considered a part of the primary use); the construction or modification of essential public facilities and regional transportation facilities; restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose); and/or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this title or under a local zoning ordinance, or a mining operation in existence before Zoning, Shorelines, or Critical Areas permits were required for such operations. Dredging, as regulated in this SMP, is not intended to cover other excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., shoreline stabilization replacements, large woody debris installations, boat launch ramp installation, pile placement).
Ecological functions or shoreline functions. Ecological functions or shoreline functions means work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

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

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

Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

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

Erosion hazard areas. At least those areas identified by the U.S. Department of Agriculture National Resources Conservation Service as having a “severe” rill and inter-rill erosion hazard.

Excavation. The mechanical removal of earth materials.

Exempt. Exempt developments are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a Shoreline Substantial Development Permit, but which must otherwise comply with applicable provisions of the SMA and this SMP.

Feasible. An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

1. The action provides a reasonable likelihood of achieving its intended purpose; and
2. The action does not physically preclude achieving the project’s primary intended legal action.

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

Federal Emergency Management Agency (FEMA). The agency that oversees the administration of the National Flood Insurance Program.

Fill. The addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the ground elevation or creates dry land.
**Float.** An anchored (not directly to the shore) floating platform that is free to rise and fall with water levels and is used for water-dependent recreational activities such as boat mooring, swimming, or diving. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

**Flood, Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source and/or the overflow of inland or tidal waters.

**Flood control.** Any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

**Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

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

**Floodway.** The area, as identified in a master program, that either:

1. Has been established in federal emergency management agency (FEMA) flood insurance rate maps (FIRMs) or floodway maps; or
2. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**Forest practices.** Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction; harvesting, or processing timber, including but not limited to road and trail construction; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. Forest practice shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

**Frequently flooded area.** Lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the Planning Director in accordance with WAC 365-190-080(3). Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

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

**Grade.** The vertical location of the ground surface.

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

**Grading.** Excavation or fill or any combination thereof, including by not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development.

**Groin.** A barrier type structure extending from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Groins may serve a variety of functions, including bank protection, pool formation, and increased roughness, and may include rock structures, debris jams, or pilings that collect wood debris.

**Groundwater.** Water in a saturated zone or stratum beneath the surface of land or a surface waterbody.

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

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

**Hazard areas.** Areas designated as frequently flooded areas or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geological condition.

**Hazardous Substances.** Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

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

**High intensity land use.** Land uses which are associated with high levels of human disturbance or substantial adverse habitat impacts including, but not limited to, medium and high-density residential, multifamily residential, some agricultural practices, and commercial and industrial land uses.

**Houseboat or floating home.** A dwelling unit constructed on a float that is moored, anchored, or otherwise secured in the water and is not designed for navigation under its own power.

**Impervious surface.** Any alterations to the surface of a soil that prevents or retards the entry of water into it compared to its undisturbed condition, or any reductions in infiltration that cause water to run off the surface in greater quantities or at an increased rate of flow compared to that present prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

**Industrial.** Activities and facilities for processing, manufacturing, and storage of finished or semi-finished goods, wholesale trade or storage, together with necessary accessory uses such as parking, loading, and waste storage treatment.

**Infiltration.** The downward entry of water into the immediate surface of soil.

**In-kind compensation.** To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

**In-lieu-fee program.** An agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees’ required mitigation.

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

**Isolated wetlands.** Those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water, including other wetlands.

**Maintenance, normal.** Those usual acts to prevent a decline, lapse, or cessation from a legally established condition.

**Master Program.** The comprehensive shoreline master program for Walla Walla County, including the use regulations together with maps, diagrams, charts or other descriptive material and text.

**May.** An action that is acceptable, provided it conforms to the provisions of the WAC 173-26 and this Program.

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

**Mitigation.** The use of any or all of the following actions that are listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments;
6. Monitoring the impact and taking appropriate corrective measures.

**Mixed-use project.** A use that contains a mix of water-dependent and nonwater-oriented uses use or developments. This definition is only applicable within shoreline jurisdiction as defined by this SMP.

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

**Moorage facility.** A marina, pier, dock, mooring buoy, or any other similar fixed moorage site.

**Must.** A mandate; the action is required.

**Native vegetation.** Plant species which are indigenous to the region and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

**New construction.** Structures for which the start of construction commence on or after the effective date of this ordinance.

**No net loss of ecological function.** A public policy goal and requirement to maintain the aggregate total of the County’s shoreline ecological functions at its current level. For purposes of reviewing and approving this SMP, “current” is equivalent to the date of the Final Shoreline Analysis Report (September 2014). As a development standard, it means the result of the application of Mitigation Sequencing, in which impacts of a particular shoreline development and/or use, whether permitted or exempt, are identified and addressed, such that there are no adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

**Nonconforming lots.** An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with local and state subdivision requirements prior to the effective date of the act or this 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 development conforms to all other requirements of this Master Program and the act.

**Nonconforming Use or Structure.** A building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

**Nonwater-oriented uses.** Those uses that are not water-dependent, water-related, or water-enjoyment.

**Off-Site Compensation.** To replace critical areas or ecological functions away from the site on which a critical area or shoreline has been impacted.

**On-Site Compensation.** To replace critical areas or ecological functions at or adjacent to the site on which a critical area or shoreline has been impacted.
**Ordinary high water mark (OHWM).** That mark which is found by examining the bed and banks of waterbodies 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, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the County or the Department of Ecology: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**Permit.** An approval for which there is a minimum standard, as stated in any of the relevant ordinances or state law, which must be met in order for the approval to be given.

**Permit, Shoreline.** Any Shoreline Substantial Development Permit, Shoreline Variance, Shoreline Conditional Use Permit, or revision authorized under chapter 90.58 RCW.

**Pier.** A fixed platform above the water and supported by piles, usually perpendicular to the shoreline. See also “Dock.”

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

**Provisions.** Policies, regulations, standards, guideline criteria or environment designations.

**Public Access.** The ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

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

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

**Qualified professional.** A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

1. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans;

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

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

4. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
**Recreation.** An experience or activity in which an individual engages for personal enjoyment and satisfaction. Shore-based outdoor recreation includes but is not limited to fishing; various forms of boating, swimming, hiking, bicycling, horseback riding, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

**Recreation uses.** Public, private, or commercial uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body.

**Repair, normal.** Restoring a development or structure to a state comparable to its original, legally established condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as a repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

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

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

**Riparian area.** Areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

**Riprap.** A layer, facing, or protective mound of stone placed on shoulders, slopes, or other such places to protect them from erosion, scour, or sloughing of a structure or embankment.

**Setback.** The distance in feet as measured from a lot line to the sill line of a building, or the closest point of a structure to the lot line. In the case where there is a leased area within a parcel of land, the setback shall be measured from the lease line to the sill of a building, or the closest point of a structure to the lease line.

**Shall.** A mandate; the action must be done.

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

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

**Shoreline areas and shoreline jurisdiction.** All “shorelines of the state” and “shorelands.”

**Shoreline Hearings Board.** A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit or enforcement penalty, and appeals by the County on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

**Shorelines of statewide significance.** The following are shorelines of the state:

1. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
2. Those natural rivers or segments east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer; and
3. Those shorelands associated with 1 and 2, above.

**Shorelines of the state.** Total of all “shorelines” and “shorelines of statewide significance” within the state.

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

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

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

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

**Significant vegetation removal.** Removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

**Slide.** The downward mass movement of soil, rock, or snow resulting from failure of that material under stress.

**Slope.** The inclination of the surface of the land from the horizontal.

**SMA.** The Washington State Shoreline Management Act, chapter 90.58 RCW.

**Soft stabilization.** Shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement. Linear, vertical faces are an indicator of hard stabilization (see above definition).
Stream. An area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

Structure. Anything constructed or erected which requires location on the ground or attached something having a location on the ground, but not including fences less than six feet in height, excepting that "structure" for the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title shall mean any walled and roofed building or mobile home that is principally above ground.

Substantial development. Any development of which the total cost or fair market value exceeds $6,416, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in RCW 90.58.030(3)(e) must be dusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. (The consumer price index means, for any calendar year, that year’s annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the Bureau of Labor and Statistics, United States Department of Labor.) The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For the purpose of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated or found labor, equipment or materials. See WAC 173-27-040 for a list of developments that are not considered substantial.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by County Building Inspection, Environmental Health or Planning staff and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places.

Substantially degrade. To cause significant ecological impact.

Transportation. Roads and railways, related bridges and culverts, fills, embankments, causeways, parking areas, and trails.

Upland. The area above and landward of the OHWM.

Use. The activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

Utility. A primary or accessory service or facility that produces, transmits, stores, processes, or disposes of electrical power, gas, water, sewage, communications, oil, and the like.
**Variance.** A variance is the means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the shoreline environment designation in which the property is located.

**Vegetation.** Any and all organic plant life growing at, below, or above soil surface.

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

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

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

**Water-oriented use.** Any water-dependent, water-related, or water-enjoyment use.

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

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

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

**Waterward.** Any point located on the water side from the OHWM.

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

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

**Wetland buffer.** An area contiguous to and which protects a critical area that is required for the continual maintenance, functioning, and/or structural stability of a critical area.
Wetland mitigation bank. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing advance mitigation to compensate for future, permitted impacts to similar resources.

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

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

3.0 Shoreline Vision and Goals

4.0 Shorelines of Statewide Significance and Environment Designations

5.0 General Policies and Regulations

6.0 Shoreline Use Policies and Regulations

6.1 Regional Policies and Regulations

6.1.1. Agriculture
6.1.2. Aquaculture
6.1.3. Boating and Moorage Facilities
6.1.4. Commercial Uses
6.1.5. Forest Practices
6.1.6. In-Stream Structural Uses
6.1.7. Mining
6.1.8. Ports and Industrial Uses
6.1.9. Recreational Development
6.1.10. Residential Development
6.1.11. Signs
6.1.12. Transportation and Circulation
6.1.13. Utilities
6.2 City of Walla Walla Policies and Regulations
6.3 City of Waitsburg Policies and Regulations
6.4 City of Prescott Policies and Regulations

7.0 Shoreline Modification Policies and Regulations

7.1 Regional Policies and Regulations
   7.1.1. General Requirements
   7.1.2. Breakwaters, Jetties, Weirs, and Groins
   7.1.3. Dredging and Dredge Material Disposal
   7.1.4. Fill and Excavation
   7.1.5. Shoreline Restoration and Enhancement
   7.1.6. Shoreline Stabilization

7.2 City of Walla Walla Policies and Regulations
7.3 City of Waitsburg Policies and Regulations
7.4 City of Prescott Policies and Regulations

8.0 Administration, Permits, and Enforcement

8.1 City of Walla Walla Requirements
8.2 City of Waitsburg Requirements
8.3 City of Prescott Requirements