

# Frequently Asked Questions

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## *Klickitat County Shoreline Master Plan Update*

### **What is a Shoreline Master Plan (SMP)?**

A Shoreline Master Plan (SMP) is a set of policies and regulations required by state law that has three basic principles:

- Encourages reasonable and appropriate development of shorelines with an **emphasis on water oriented use**, such as docks, marinas, and recreational facilities, or industries and commercial uses that require a shoreline location and support economic development; and,
- **Protects the natural character of the shorelines**, the land, vegetation, wildlife, and shoreline environment; and,
- **Promote public access** and provides opportunities to enjoy views and recreational activities in shoreline areas.

### **Where does this apply?**

Shorelines are special waterbodies that meet certain size or flow criteria in the Shoreline Management Act (SMA). These shorelines include rivers and streams with mean annual flow over 20 cubic feet per second and lakes larger than 20 acres. The shoreline jurisdiction extends 200 feet landward of these waters and additionally includes associated wetlands, floodways, and up to 200 feet of floodway-contiguous floodplains. The shorelines in Klickitat County include: the Columbia, Klickitat, Little Klickitat and White Salmon Rivers; tributary creeks to these waterbodies that meet the 20 cubic feet per second threshold; and several lake impoundments along the Columbia River.

### **Why is the County updating the SMP?**

Klickitat County adopted its Shoreline Master Plan in 1998 and amended it in 2007. Washington state law requires jurisdictions to update their SMPs in accordance with the SMA and its current guidelines and to attain state approval. The SMP update allows preparation of a locally-tailored program that represents the visions and interests of our citizens and meets the needs of our rural communities.

## **Agricultural Activities**

### **Does the SMP apply to agricultural activities?**

Existing agricultural activities, as of the date of SMP adoption, are not required to comply with SMP policies and regulations. The SMA and implementing rules allow “agricultural activities” occurring on “agricultural lands” within shoreline jurisdiction to continue as they have. See definitions at: RCW 90.58.065, <http://apps.leg.wa.gov/rcw/default.aspx?cite=90.58.065>.

## What types of agricultural activities are subject to the SMP?

SMP policies and regulations apply to the following: 1) new agricultural activities on land not meeting the definition of agricultural land, 2) conversion of agricultural lands to other uses, and 3) development on agricultural land that does not meet the definition of agricultural activities (e.g. processing plants).

## Are any agricultural activities exempt?

Some agricultural activities are exempt from shoreline permits and some are not. Examples are shown below:

- **Exempt:** Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures are exempt from shoreline permits.
- **Shoreline Substantial Development Permit Required:** All processing plants, activities of a commercial nature, alteration of shorelands by leveling or filling other than that which results from normal cultivation, are not exempt from the shoreline permit process.

## To what type of activities and uses do shoreline regulations apply?

Shoreline regulations apply to any land use activity that occurs within the shoreline jurisdiction as defined in the SMP. Included in those structures and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks
- New or expanded in-water and over-water structures, such as docks, buoys, and boat launches
- Land development and alteration, such as clearing, grading, dredging, or filling
- Other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access

## What is a Shoreline Exemption and what is required to obtain approval?

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but are not exempt from compliance with the Shoreline Master Plan. Exemptions must be narrowly construed and most activities that are exempt from the requirement to obtain a Shoreline Substantial Development permit are still required to comply with the SMP. Exemptions should be issued in writing by the County and include a site plan. Even though an activity is exempt from requiring a Substantial Development Permit a conditional use or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

## How does the SMP affect existing uses?

SMP regulations are not retroactive. SMP regulations apply to *new* development and activities. Existing uses and developments may be repaired, maintained and operated. The SMP would apply to proposals for expansion or alteration of existing uses.

Structures and uses that were legally established in the past may become nonconforming to new rules that are passed over time. SMP regulations allow previously built structures and established uses to continue as they are presently operating.

The SMA especially recognizes existing residences. Residential structures that were legally established and are used for a conforming use, but that do not meet SMP standards (e.g. height, buffers, setbacks, etc.), may be considered a conforming structure. The SMP may allow redevelopment, expansion, or replacement of the residential structure if it is consistent with the SMP.

### **What is public access? When is it required?**

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, public access should only be required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and shall be required for public uses. Public access requirements do not allow for trespass on private property.

### **What is No Net Loss?**

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the aggregate existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. Simply stated, the no net loss standard is designed to balance the introduction of new impacts to shoreline ecological functions resulting from new development through mitigation sequencing and restoration. Local governments must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future.

## **Restoration Planning**

### **What is Restoration?**

As defined in the Washington Administrative Code (173-26-020(31)), restoration “means 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.”

### **What is a Restoration Plan?**

The Restoration Plan is a non-regulatory tool for local jurisdictions, non-profit organizations, and other entities to voluntarily implement projects and programs that improve degraded functions. A Restoration Plan includes opportunities, priorities, and timelines for shoreline restoration. Local governments are required to complete a Restoration Plan as part of the SMP update process, and to include a strategy for implementing or facilitating implementation of the Plan. A Restoration Plan can increase the likelihood for success of interested parties in obtaining grant funds to put the Plan into action.

### **Can restoration be required?**

No. Restoration is not a requirement for private development. The SMP can only require applicants to mitigate the adverse ecological impacts of a project proposal. However, an SMP may include incentives that encourage shoreline restoration.

## How can I get more information?

Website:

<http://www.klickitatcounty.org/272/Planning-Department>

Contact:

Mo-chi Lindblad, Shoreline Master Program Update

Phone: (509) 773-5703

Email: mo-chil@klickitatcounty.org