



## Adams County Shoreline Master Program Reader's Guide

### **The Shoreline Management Act and Adams County's SMP**

On April 14, 2016, the Department of Ecology approved Adams County Shoreline Master Program (SMP) comprehensive update. Per RCW 90.58.090, the effective date of Adams County's SMP is April 28, 2016, 14 days after Ecology provided notice to Adams County that their shoreline program was approved.

Washington State's citizens voted to approve the Shoreline Management Act (SMA) of 1971 in November 1972. The SMA seeks to provide environmental protection for shorelines, preserve and enhance shoreline public access, and encourage appropriate development that supports water-oriented uses. Adams County developed and adopted its first Shoreline Master Program (SMP) in 1977. That SMP was developed almost 40 years ago and since then there has been some change along Adams County shorelines. In addition, knowledge of best development and conservation practices has evolved. There have also been changes in State laws and rules. Therefore, in accordance with the SMA, in 2015-2016 Adams County prepared an updated SMP to guide and manage its shorelines.

The Adams County SMP contains goals, policies, regulations, and a shoreline environment designation map that guide the development of shorelines in accordance with the SMA (Revised Code of Washington [RCW] 90.58), Washington State Department of Ecology (Ecology) SMP Guidelines (Washington Administrative Code [WAC] 173-26), and Shoreline Management Permit and Enforcement Procedures (WAC 173-27).

Consistent with RCW 36.70A.480, the goals and policies of Adams County's SMP, approved under chapter 90.58 RCW, are considered an element of the County's Comprehensive Plan and are found in the SMP Policy Chapter. The SMP Policy Chapter is incorporated within the Comprehensive Plan as Chapter 7- Shoreline Element. It provides the framework for future decision making and a guide for future development of lands within the County's SMP jurisdiction boundaries.

All regulatory elements of the SMP, including, but not limited to, definitions and use regulations, are a part of the County's development regulations and are contained in [Chapter 18.08, Shoreline Master Program](#).

### **Shoreline Jurisdiction**

In accordance with state laws and rules, the jurisdiction of Adams County's SMP encompasses Cow Creek, Lower Crab Creek, Rock Creek, the Palouse River, 22 lakes, land within 200 feet of the ordinary high water mark (OHWM) of these water bodies, their floodways, contiguous 100-year floodplain extending up to 200 feet inland of the floodway, and associated wetlands. An environment designation system is used to classify areas within shoreline jurisdiction into "districts" where particular activities are preferred. A map of shoreline jurisdiction with assigned shoreline environment designations can be viewed [here](#).

### **Applicability and Exemptions**

The SMP applies to all proposed uses and development occurring within shoreline jurisdiction. The SMP does not apply to certain activities that do not alter structures or properties, such as interior building changes or routine gardening. It also does not apply to legally established uses already on the land such

as existing agriculture, existing residences, and other existing uses, structures, and activities. See Section 18.08.030 for a complete description of SMP applicability.

There are also activities that are exempt from the Shoreline Substantial Development Permit system. These activities are subject to the standards of the SMP, but are not required to submit fees and other materials associated with Shoreline Substantial Development Permits. Common exemptions include, but are not limited to:

- Normal maintenance or repair of existing structures or developments
- Bulkheads common to single-family residences
- Emergency construction necessary to protect property from damage
- Construction and practices normal or necessary for farming, irrigation, and ranching activities including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures
- Construction of a single-family residence
- Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use

Exemptions are fully described and listed in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515, as amended. See Section 18.08.940 for additional information on exemptions.

### **How to Read and Apply the SMP**

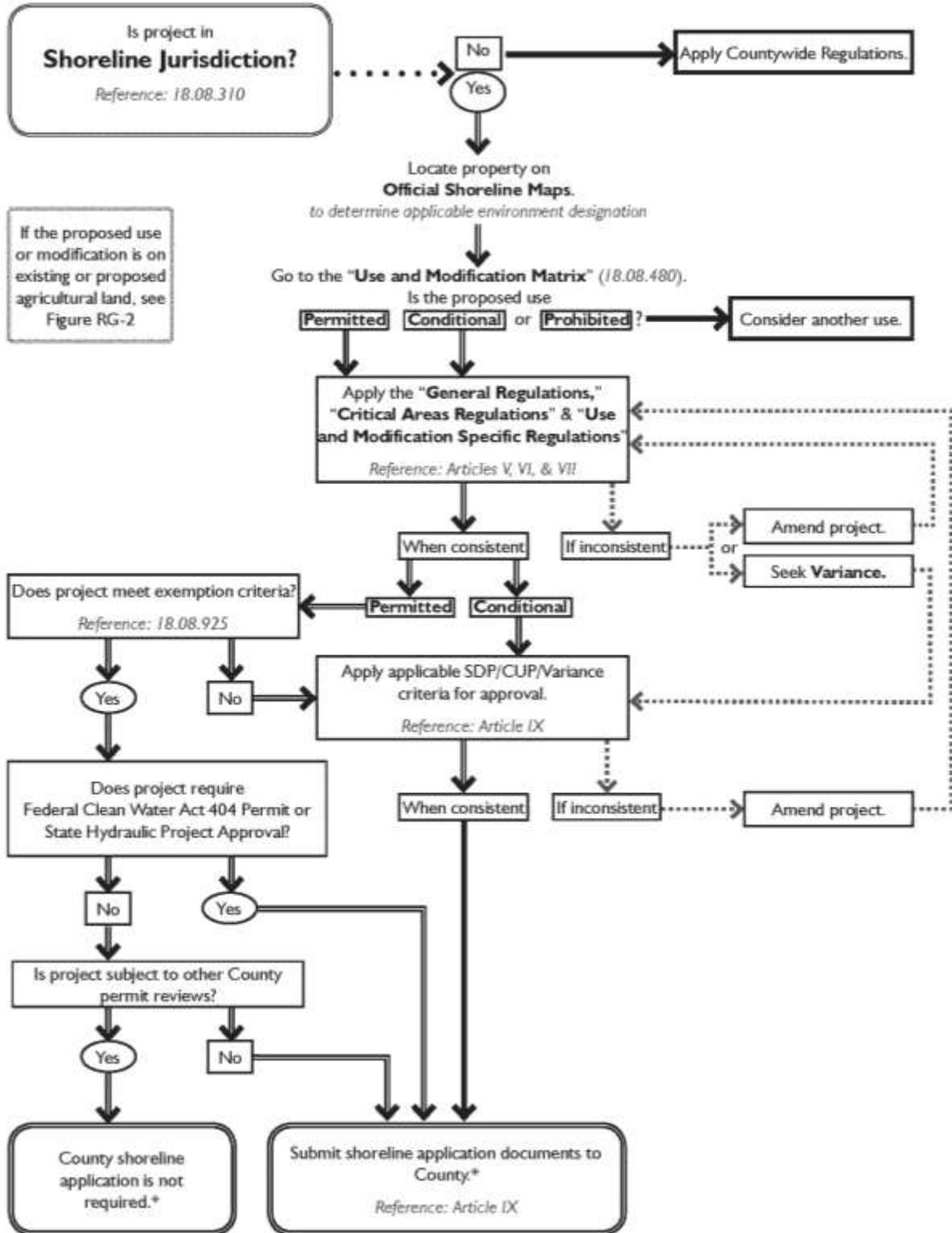
When reading the SMP, it is useful to consider the definitions of the following terms that are based on definitions in the SMP Guidelines (WAC 173-26-020):

- *Shall or must*: means a mandate; the action must be done.
- *Should*: means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and shoreline master program, against taking the action.
- *May*: means the action is acceptable, provided it conforms to the provisions of the SMP and the Act.

In general, the SMP uses the word “should” in goals, objectives, and policies, and “shall” in the regulations. Additional definitions are located in Chapter 18.08, Article II.

For informational purposes, the flow chart below (Figure RG-1) illustrates how an applicant could navigate the regulations to determine if and how they apply to a particular project and property. An exhibit below the flow chart will help landowners determine if and how the SMP applies to proposed agricultural activities (Figure RG-2). In addition to approval from the Adams County Building and Planning Department, any shoreline development or construction project may also require a permit from the U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, and/or the Washington Department of Natural Resources, among others (please see “Coordination” section below).

Figure RG-1. Shoreline Application Process Flow Chart.



\*Other County, state, or federal permits may be required.

**Figure RG-2. SMP Applicability to Activity on Agricultural Land**

1. Is the proposed use or modification on existing agricultural land? (e.g., specific land areas on which agriculture activities are conducted *as of the date of adoption of the SMP, July 20, 2015*)
  - Yes, see question 2
  - No, the use or modification is subject to the SMP, see Figure RG-1\*
2. Is the proposed use or modification an agricultural activity as defined in Article II of the SMP?
  - Yes, the use or modification is not subject to the SMP
  - No, the use or modification is subject to the SMP, see Figure RG-1\*

To assist in determining whether the use or modification is an agricultural activity on existing agricultural land, use the following checklist. One or more checks in the No column or all checks in the N/A column indicates that the proposed use or modification is subject to the SMP (see Figure RG-1\*).

Does the proposed use or modification entail ONLY the following?

	Yes	No	N/A
Producing, breeding, or increasing agricultural products. <sup>1</sup>			
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. <sup>2</sup> (check <i>No</i> if adding new or expanding agricultural equipment)			
Maintaining, repairing, and replacing agricultural facilities <sup>2</sup> , provided that the replacement facility is no closer to the shoreline than the original facility. (check <i>No</i> if adding new or expanding agricultural facilities)			
Maintaining agricultural lands under production or cultivation.			

<sup>1</sup> "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.

<sup>2</sup> "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

- A. 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;
- B. corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
- C. farm residences and associated equipment, lands, and facilities; and
- D. roadside stands and on-farm markets for marketing fruit or vegetables.

\* Agriculture-related activities which are subject to the SMP may still be exempt from a permit requirement if they are one of the following (See ACC 18.08.925 and WAC 173-37-040 for complete list):

- Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels.
- Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities d as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands.
- Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

### **Coordination of Permits and Requirements with Other Agencies**

Although not required by the SMP, applicants may find it helpful to coordinate early in the project design process with one or more of the following agencies depending on the type and location of the project:

- Washington Department of Fish and Wildlife (any project that may affect upland or aquatic habitats)
- Washington Department of Natural Resources (projects waterward of the OHWM)
- U.S. Army Corps of Engineers (projects waterward of the OHWM or that involve any fill or wetland impact)
- Washington Department of Ecology (any project, but particularly those that require a permit from the Corps or may have impacts on wetlands or other waters)
- Adams Conservation District (any project where the applicant is interested in restoration opportunities)

Many projects may also be under the jurisdiction of one or more of the above-listed agencies (particularly for projects located waterward of the OHWM), in which case early consultation is not only advised, but required. The Governor's Office for Regulatory Innovation and Assistance permitting services [website](#) is a useful tool for identifying potential jurisdictional agencies and permits.

For residents of the County interested in improving the ecological functions of their shoreline, the County's [Shoreline Restoration Plan](#) identifies a number of agencies and organizations that can provide advice or assistance with design and implementation.