



## SHORELINE PERMIT INFORMATION

### What is a Shoreline Permit?

A shoreline permit is required if an activity or use occurs within 200 feet of the "Ordinary High Water Mark" on shorelines along the Yakima and Columbia Rivers. There are four types of shoreline permits:

*Shoreline Substantial Development Permit* – required for any development within the shoreline jurisdiction that is not covered under a Conditional Use, Variance, or Exemption.

*Shoreline Conditional Use Permit* – allows for flexibility in applying shoreline regulations if, through the application of special conditions or mitigating measures, a use or activity can be compatible with adjacent uses. A list of conditionally allowed uses can be found in the Benton County Shoreline Master Program (SMP) Section 15.04.110.

*Shoreline Variance* – allows relief from specific provisions of the Shoreline Master Program or shoreline use regulations when specific criteria are met.

*Shoreline Exemption* – Activity or uses within the shoreline jurisdiction that meet the precise terms of one or more exemptions as listed in WAC 173-27-040. The burden of proof that an activity or use is exempt is the responsibility of the applicant. If exempted, the activity/use shall be consistent with the Benton County Shoreline Master Program policies and provisions.

### The Process

It is strongly suggested applicants have a pre-application meeting with County Planning Staff to discuss the application, answer questions, and resolve any issues at the front end of the process. After a completed Shoreline application has been submitted, the application will be reviewed by staff and a letter of completion will be sent to the applicant.

*Shoreline Variances and Shoreline Conditional Use Permits* – The application will be advertised in the local newspaper and a public hearing conducted at which time the application will be heard by the Benton County Hearings Examiner and the public will have opportunity to comment. After considering all testimony presented, the Hearings Examiner will approve, approve with conditions, or deny the shoreline conditional use and/or shoreline variance application. A decision by the Hearings Examiner shall be effective on the date he/she provides a written notice of decision on the shoreline conditional use and/or shoreline variance. The applicant must be present at the hearing to answer any questions the Hearings Examiner may have related to the application.

*Shoreline Substantial Development Permits and Exemptions* – The Shoreline Administrator shall make a determination to either approve, approve with conditions, or deny a Shoreline Substantial Development Permit/Exemption Application. The Shoreline Administrator shall not make the decision until at least thirty (30) days have elapsed since the publication of the Notice of Application. A decision by the Benton County Shoreline Administrator shall be final on the date the Administrator provides a written notice of decision for the Substantial Development Permit/Exemption Application.

After a final decision is issued by the Hearings Examiner or the Benton County Shoreline Administrator, all shoreline applications and decisions shall be filed with the Washington State Department of Ecology.

The date of filing a final decision by the Benton County Shoreline Administrator for the approval, approval with conditions or denial of a substantial development permit application or the date of filing a final decision for the Hearings Examiner's denial of a shoreline conditional use and/or shoreline variance application, is the date of actual receipt of a complete submittal by the Washington State Department of Ecology.

The date of filing a final decision by the Hearings Examiner to approve or approve with conditions, a shoreline conditional use and/or shoreline variance application, and such permits which also involve concurrent submittal of the Benton County's final decision for a substantial development permit application, is the date of transmittal from the Washington State Department of Ecology's final decision on a shoreline conditional use and/or shoreline variance application to Benton County and the applicant.

Construction pursuant to a Shoreline Conditional Use, Shoreline Variance Or Substantial Development Permit issued by Benton County shall not begin and will not be authorized until twenty-one (21) days from the date of filing, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated, except as provided in RCW 90.58.140(5)(a) and (b).

### **Criteria for Approval**

All Shoreline Permits may be authorized provided the applicant can demonstrate all of the following:

#### Shoreline Variance

- That the strict application of the bulk, dimensional or performance standards set forth in the applicable SMP precludes all reasonable use of the property;
- That the proposal is consistent with the criteria established under Subsection (c) of 15.09.100 of the SMP; and
- That the public rights of navigation and use of the shorelines will not be adversely affected.

#### Shoreline Conditional Use Permit

- That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;
- That the proposed use will not interfere with the normal public use of public shorelines;
- That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
- That the proposed use will cause no significant adverse effects to the shoreline environment in with it is to be located; and
- That the public interest suffers no substantial detrimental effect.

#### Shoreline Substantial Development Permit

- That it is consistent with the policies and procedures of the Shoreline Management Act (SMA);
- The provisions of WAC 173-27; and
- The SMP.

#### Shoreline Exemption

- Shoreline exemptions must be consistent with the policies, requirements and procedures of the WAC 173-27-040, the SMP and SMA.

### **Appeals**

Shoreline decisions are appealable under the terms and conditions as set forth in Benton County's Shoreline Master Program.

**Expiration**

Shoreline permits expire after two (2) years if there has been no construction or substantial progress made toward the completion of a project for which the permit has been granted. The project must be completed no later than five (5) years after a permit has been issued, with the possibility of a one year extension if the applicant can demonstrated good cause.

## SHORELINE PERMIT CHECKLIST

ALL DOCUMENTS SUBMITTED MUST BE COMPLETED IN **BLACK INK**

- | <u>Applicant</u>         | <u>Staff</u>             |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Completed Shoreline Permit Application</b> – must include signatures of all parties with ownership interest. Incomplete applications will not be accepted.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Permit Fees</b> - The fee must be paid at the time of application submittal, cash or checks accepted. Checks made payable to the <i>Benton County Treasurer</i> . All application fees are non-refundable. <ul style="list-style-type: none"><li>• <b>\$500</b> – Shoreline Substantial Development Fee</li><li>• <b>\$800</b> – Conditional Use / Variance Fee</li><li>• <b>\$100</b> – Shoreline Exemption Fee</li></ul>   |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>\$500.00</b> Environmental Checklist Fee ( <i>if required</i> ) – Environmental Checklist application must be submitted concurrently with the Shoreline Application. Please contact the Planning Division for assistance in determining if your proposal requires an Environmental Checklist.  |
| <input type="checkbox"/> | <input type="checkbox"/> | <b>Site Plan Map</b> – <i>No site plans larger than 11" x 17" and only maps drawn in black ink will be accepted.</i> A site plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include: <ul style="list-style-type: none"><li>• The boundary of the parcel(s) of land upon which the development is proposed.</li><li>• The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.</li><li>• State whether the project is in a flood zone and the base flood elevation.</li><li>• Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.</li><li>• A delineation of all wetland areas, steep slopes, or other critical areas including buffers, and description if they will be altered or used as a part of the development.</li><li>• A general indication of the character of vegetation found on the site.</li><li>• Dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drain fields, material stockpiles or surcharge, and storm water management facilities.</li></ul> |

**Site Plan Map** *(Continued)*

- Where applicable, a landscaping plan for the project.
  - Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
  - Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
  - Quantity, composition and destination of any excavated or dredged material.
  - A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
  - Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
  - On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- Applications may be submitted between the hours of 8am-12pm and 1pm-5pm Monday through Friday to the Planning Division 102206 E Wiser Parkway, Kennewick, WA 99338
- Please contact the following departments/agencies to ensure your proposal will be in compliance with their regulations:
- **Benton County Conservation District**  
10121 W. Clearwater Ave., Ste. 101, Kennewick, WA 99336  
*Phone: 736-6000*
  - **Washington State Department of Ecology**  
1250 W Alder St., Union Gap, WA 98903  
*Phone: 575-2616*
  - **Washington State Department of Fish and Wildlife**  
2620 N Commercial Ave., Pasco, WA 99301  
*Phone: 545-2057*



## SHORELINE PERMIT APPLICATION

Application No. \_\_\_\_\_

### APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

**Applicant/Agent:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Work: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Property Owner(s) (if different):** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Work: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*\*If there are additional owners please copy this section, sign, and attach to the application*

**If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.**

---

### ENTITY SIGNATURE BLOCK

*If the applicant or legal owner of the property is a corporation, partnership, trust or LLC please use the following signature block.*

**Applicant/Legal Owner:**

\_\_\_\_\_

Officer name:

---

Title:

---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

THE ABOVE SIGNED OFFICER OF

\_\_\_\_\_ *(name of entity)*

WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE  
ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT

\_\_\_\_\_ TO SUBMIT THIS APPLICATION AND THAT  
THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO  
EXECUTE THIS APPLICATION.

---

PROPOSAL INFORMATION

1. **This shoreline application is for the following permit:**

Substantial Development     Conditional Use     Variance     Exemption

2. **Description of the property** – as it now exists including physical characteristics, improvements, and structures:

---

---

---

---

3. **Name of adjacent waterbody:**     Yakima River     Columbia River

4. **Description of proposal** – including any affected critical areas, proposed use(s), and activities necessary to accomplish the project:

---

---

---

---

5. **Describe the requested variance or reasoning for a conditional use/exemption (if applicable):** \_\_\_\_\_

---

---

---

6. **Total cost of the project:**

---

7. Will fill/grading be required?  Yes  No

a. Approximate cubic yards: \_\_\_\_\_

8. Will excavation be required?  Yes  No

a. Approximate cubic yards: \_\_\_\_\_

9. Anticipated start/completion dates and phasing of project (if applicable):

\_\_\_\_\_  
\_\_\_\_\_

10. Please describe the surrounding properties including use, structures, density, and physical characteristics:

North:

\_\_\_\_\_

West:

\_\_\_\_\_

South:

\_\_\_\_\_

East:

\_\_\_\_\_

**IF FURTHER EXPLANATION IS NEEDED FOR ANY OF THE QUESTIONS PLEASE ATTACH ADDITIONAL PAGES.**

*(For Staff Use Only)*

Access: Y	N	Application Complete: Y	N
Critical Areas: N	Y: _____	Zoning: _____	
Reviewed by: _____		Date: _____	