



# Benton County

Shoreline Guides

## Shoreline Master Program User Guide

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Source: Benton County

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1

# Shoreline Master Program Overview

## Overview

The shorelines in Washington are protected by the Washington State Shoreline Management Act (SMA) of 1971 (Chapter 90.58 Revised Code of Washington (RCW)). The law strives to achieve responsible shoreline use and development, environmental protection, and public access. Local governments develop Shoreline Master Programs (SMPs) based on the law and state guidance, and the state ensures local SMPs consider statewide public interests.

In compliance with the SMA and state guidelines, Benton County (County) has adopted an SMP tailored to the local environment and to existing and future planned development patterns within the shorelines. The purpose of the SMP is to promote the health, safety, and general welfare of the community and to manage the shorelines in a positive, effective, balanced, and equitable manner, while maintaining a healthy shoreline environment.

## Shoreline Master Program Overview

### Using this guide

This guide includes tables, diagrams, and illustrations that help explain some common topics of interest: agriculture, docks, shoreline buffers and setbacks, existing uses, and vegetation management.

This SMP User Guide focuses on the Benton County SMP, which applies to unincorporated areas. This User Guide is a general summary. Official shoreline codes should be reviewed for specific requirements and additional details.



Source: Benton County

## 2

# Frequently Asked Questions

## Q: What is a Shoreline Master Program and why does Benton County have one?

The SMP is a combination of planning and regulatory documents that guide shoreline development. Local governments are required to prepare SMPs based on state laws and rules. Key principles of the SMA include striking a balance among environmental protection, public access, and water-oriented uses and achieving no net loss of ecological functions, with 2013 conditions being the baseline for Benton County.

## Q: Where does the SMP apply, particularly in relation to floodplain and wetlands—shoreline jurisdiction?

The SMP applies to the following:

- Rivers and streams with flows greater than 20 cubic feet per second, including the Yakima and Columbia rivers
- Lakes greater than 20 acres (no lakes this size in Benton County)
- Shorelands (areas within 200 feet of rivers and streams)
- Floodways and adjacent floodplain areas
- Associated wetlands

The County has general maps of waterbodies that are regulated by their SMPs that you can review. **If you're considering activities within 200 feet of a waterbody, please consult these maps and your local planner.**

## Frequently Asked Questions



Source: Benton County

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### Q: Does the SMP apply to my property?

The SMP applies to portions of property located within the areas described in the previous question. Legally existing structures and uses on your property may continue. If existing structures are being changed, or new structures added, they will be subject to the provisions of the SMP. For more information on how changes to existing structures are affected by the shoreline program, see Section 6.

### Q: How do SMPs apply to agriculture?

A 2002 state law requires that when local SMPs are updated, the new standards, setbacks, and buffers do not apply retroactively to existing agricultural development. Updated SMP requirements will, however, apply to **new** agricultural activities located in shoreline areas and where agricultural activities are converted to other uses. See Section 3 for more details.

### Q: What is no net loss of ecological or environmental functions?

The environmental protection standard under the SMA for the updated SMP is “**no net loss of shoreline ecological functions.**” These functions are the elements in the environment that provide habitat for fish and wildlife, protect water quality, and enhance flows in streams and lakes. These baseline conditions were documented in the Benton County Inventory, Analysis,

## Frequently Asked Questions

and Characterization Report, and no net loss will be evaluated based on changes in ecological function from these conditions. Protection of these functions is accomplished by avoiding or minimizing the introduction of impacts to ecological functions that result from new shoreline development or uses.

### Q: What are shoreline environment designations and how do they affect my property?

Benton County has Environmental Designations (EDs) applied to shorelines within the County. These function similar to a zoning or land use designation, where the designation describes the general types of uses for the ED. Each segment of the shoreline has an ED assigned based on specific criteria, such as the level of ecological functions the shoreline currently provides, type of ownership, and existing uses. The SMP provides management policies and regulations for each type of ED. For example, shorelines assigned a Natural ED typically have intact ecological functions and are managed to allow only activities with low impacts. A Shoreline Residential ED is assigned to areas with lower ecological functions and existing or planned residential uses. **Underlying zoning requirements also apply in the ED.**

### Q: How does the SMP provide for public access?

SMPs require public access to public waters and shores. The Public Trust Doctrine, which is implemented by the SMA, states that the waters of Washington are a public resource for navigation, fishing, recreation, and other uses. This doctrine limits the use of shorelands by both the public and private sectors to protect the public's right to access state waters.

SMPs are designed to facilitate public access. Public access is required for all shoreline development and uses, except for single-family residences or residential projects with four or fewer units. Developed public access sites must be available for public use and barrier-free for people with disabilities.

Existing public access opportunities include county, state, federal and port park and recreation areas along the Columbia and Yakima rivers, access to bridges, and other public lands that cross or are adjacent to these rivers.

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# Agriculture

## New agricultural uses and developments

Agricultural use and development provisions in the SMP apply to **new agricultural activities**, including expansion of agricultural activities on non-agricultural areas in shorelands. Agricultural lands are defined as those shoreland areas on which agriculture activities are conducted. SMP 15.07.010 provides detailed standards for agricultural uses on shorelines in unincorporated areas of the county.

Table 1 provides a summary of permit and development requirements for agricultural development and uses. See Appendix A for the Shoreline Use and Modification Table and Appendix B for the Shoreline Development Standards Table for additional information.

## Existing agricultural lands and uses within shoreline jurisdiction

SMP provisions **do not modify or limit** existing agricultural uses and activities occurring on agricultural lands, including, but not limited to the following:

- Rotations of fields for grazing
- Cultivation, production, and harvests
- Animal breeding, feeding, or forage activities
- Type and frequency of maintenance, repair, and replacement of agricultural facilities
- Other typical practices

# Agriculture

**TABLE 1**  
**Benton County Shoreline Permit Requirements for New Agricultural Use**

Environmental Designation	Permit Requirement for New Agriculture
Urban Transition Area	S
Rural Industrial	S
Rural	S
Residential	S
Conservancy	S
Natural	C
Hanford	X
Aquatic	N/A

Notes:

C: Shoreline Conditional Use Permit

N/A: Not Applicable

S: Shoreline Substantial Development Permit or Exemption

X: Not Allowed

## 4

# Private Docks and Other Boating Facilities

This section summarizes SMP requirements for private docks with four berths or less (SMP 15.07.030). Please note, no new single use residential (private) docks are generally permitted under the SMP. The requirements for cases where private boating facilities are allowed, including modifications to existing facilities, are discussed in this section. Boat launches, larger docks, marinas, and commercial and industrial boat facilities are addressed in SMP 15.07.030 (H) through (J) and are not addressed here.

Some general requirements for dock and pier projects are as follows:

- All boating uses, development, and facilities must protect rights of navigation and demonstrate no net loss of ecological functions.
- Joint-use (shared) docks are strongly encouraged and preferred over new individual docks whenever feasible.
- Boating facilities are prohibited in fish spawning areas, shallow water, and certain other locations listed in SMP 12.10.220(A).
- Wood treated with creosote, pentachlorophenol, or other similarly toxic materials is prohibited.
- Permanent covers over docks or piers are prohibited.
- Storage of gasoline, oil, and other petroleum products in fixed (not portable) tanks is prohibited on any dock or pier.
- There are additional requirements for boat, pier, ramp, and float facilities on the Columbia and Yakima rivers.

## Private Docks and Other Boating Facilities

### New Docks

#### *Yakima River*

To prevent damage to shallow-water habitat, piers and/or ramps shall extend as needed to reach acceptable float conditions on the Yakima River, unless determined to be impractical due to specific site considerations.

Floats on the Yakima River must be located to maintain clearance of at least 18 inches between the riverbed and the bottom of the float between April 15 and July 15 in all years.

#### *Columbia River*

To prevent damage to shallow-water habitat, piers and/or ramps shall extend at least 40 feet perpendicular from the Ordinary High Water Mark (OHWM) on the Columbia River.

To prevent damage to shallow-water habitat, floats on the Columbia River shall be positioned at least 40 feet horizontally from the OHWM but no more than 100 feet from the OHWM, as measured from the landward-most edge of the float, unless determined to be impractical due to specific site considerations.

#### *Community Docks*

Only community docks may be allowed for all new residential development of two or more waterfront dwelling units or subdivisions or other divisions of land.

Single-use residential docks may be authorized only when demonstrated that reasonable community dock options have been investigated and found infeasible.

### Can I repair or maintain my existing dock?

The SMP allows for routine repair or maintenance of existing structures, including docks (SMP Tables 15.04.110-1 and 15.07.030 (m)). Replacement piles must be the minimum size per site-specific specifications, engineering, or design considerations, and meet provisions in SMP 15.07.030 (e)(11) and (g)(6).

# Private Docks and Other Boating Facilities

## Can I replace my existing dock?

Proposals involving replacement of an entire existing private dock, or 75% or more of the dock support piles, are considered a new moorage facility and must meet the dimensional, materials, and mitigation standards for new private docks.

## Can I modify or enlarge my dock?

Owners proposing modification and/or enlargement of existing private docks must show a demonstrated need. Enlarged portions of docks must comply with the dimensional, design, materials, and mitigation standards for new private docks (see next section and Table 2). Dock additions that result in the completed facility exceeding the area limits may only be reviewed through a Shoreline Variance.

## What are the requirements for a new dock?

Table 2 and Figure 1 summarize design standards for docks and piers from SMP 15.07.030

**TABLE 2**  
**Design Standards for New Private Docks and Piers (Four Berths or Less)**

Design Requirement	Individual Dock	Joint-Use Dock
<b>Width</b>		
Piers and floats	4 feet <sup>1</sup>	
Ramps	4 feet	
<b>Length</b>	At least 40 feet perpendicular from the OHWM on the Columbia River and as needed to reach acceptable float conditions on the Yakima River, unless determined to be impractical due to specific site considerations.	
<b>Height</b>	Bottom of any piers or landward edge of any ramp at least 2 foot above OHWM Float freeboard height at least 10 inches	
<b>Total deck area (excluding ramp, pier, and all associated appurtenances)</b>	440 square feet max	550 square feet max

## Private Docks and Other Boating Facilities

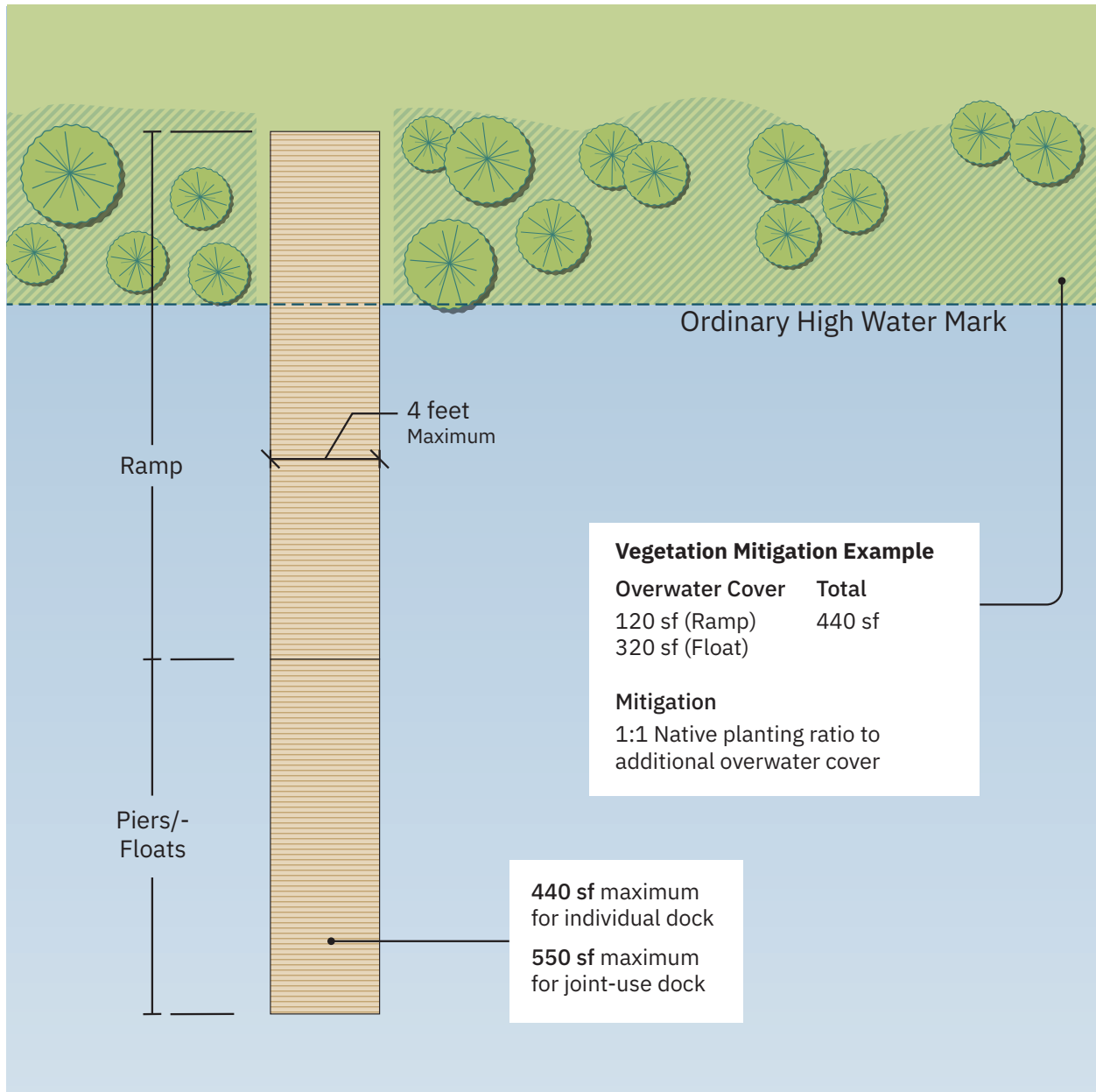
Design Requirement	Individual Dock	Joint-Use Dock
<b>Spacing (docks and watercraft lifts)</b>	Minimum of 10 feet from side property lines for individual properties	May abut or overlap property lines with mutual agreement of adjacent property owners
<b>Pilings</b>	New piling for residential docks shall not exceed 8 inches in diameter, except where larger pilings are required for safety or site-specific engineering reasons. New piling for other docks must be the smallest diameter necessary.	
<b>Materials</b>	<p>Boating facilities and private moorage structures shall be built with materials that do not leach preservatives or other chemicals.</p> <p>No treated wood of any kind shall be used on any boating facilities and private moorage structures.</p> <p>No paint, stain, or preservative shall be applied to boating facilities and private moorage structures.</p>	
<b>Grating</b>	Grating shall cover 100% of the surface area of the pier, dock, ramp, and float(s). The open area of the grating shall be at least 50%, as rated by the manufacturer.	

Notes:

1. Float components for private docks shall not exceed the dimensions of 8 by 20 feet, or an aggregate total of 160 square feet. Float components for community docks shall not exceed the dimensions of 8 by 40 feet, or an aggregate total of 320 square feet, for all float components.

Private Docks and Other Boating Facilities

**FIGURE 1**  
**Dock (Plan View)**



Note:  
sf: Square Foot

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# Buffers

A buffer is a designated upland area next to a stream, lake, or wetland that protects the functions of these waterbodies from the impacts of nearby development. For example, a buffer can absorb runoff and filter pollutants, provide shade to aquatic habitats, and screen wildlife using the waterbody from human disturbances such as light and noise. Structures and activities must be located outside of buffer areas unless otherwise specifically allowed by the SMP.

## Riparian buffers and how they apply

Riparian buffers (those adjacent to a stream or lake) are measured horizontally from the OHWM (or from the top of bank if the OHWM cannot be identified). The OHWM is generally the area where the wetted channel width ends and riparian vegetation begins. The OHWM can be identified using a delineation method and must be performed by a qualified professional. Riparian buffer widths may be accompanied by stormwater management measures, as applicable. Standard riparian buffer widths are summarized in Table 3. Wetlands have different buffer widths, which are discussed on page 15.

## What is ordinary high water mark (OHWM)?

The OHWM as defined by the Washington Department of Ecology is:

“That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all 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 at it may change thereafter in accordance with permits issued by a local government 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 salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.”

The measurement of this boundary will vary from site to site.

Buffers

**TABLE 3**  
**Benton County Standard Riparian Buffers**

Environment Designation	Standard Riparian Buffer (feet)		
	Columbia River	Yakima River	Other Creeks
Urban Transition Area	Water-dependent: 0* Water-related: 50* Other: 50*	Water-dependent: 0* Water-related: 50* Other: 50*	Fish-bearing: 100* Non-fish bearing: 50*
Rural Industrial	Water-dependent: 0* Water-related: 50* Nonwater-oriented: 100*	NA	Fish-bearing: 100 Non-fish bearing: 50
Residential	50 buffer + 50 setback	75 buffer + 25 setback	Fish-bearing: 100 Non-fish bearing: 50
Rural	Water-dependent: 0 Water-related: 50 Other: 100	Water-dependent: 0 Water-related: 75 Other: 100	Fish-bearing: 100 Non-fish bearing: 50
Handford	200	NA	Fish-bearing: 100 Non-fish bearing: 50
Conservancy	Water-dependent: 0 Nonwater-oriented: 200 **	Water-dependent: 0 Nonwater-oriented: 150 **	Fish-bearing: 100 Non-fish bearing: 50
Natural	200	NA	Fish-bearing: 100 Non-fish bearing: 50

Notes:

\*: Consistent with interlocal agreement to apply city SMP. Value shown if no agreement in place.

\*\* : Other water-oriented: see Section 15.06.030(e)(4)

## Buffers

### Wetland buffers and how they apply

Wetland buffer widths are based on the wetland category, intensity of impacts, and wetland functions or special characteristics. See SMP Table 15.06.020-1 (E)(4) for wetland buffer widths. Wetland buffers are measured horizontally outward from the wetland boundary as marked or delineated in the field.

The ranges of wetland buffer widths by wetland category types are summarized in Table 4. Buffer widths can be modified as per SMP 15.06.20 (E)(5) and (6).

**TABLE 4**  
**Wetland Buffer Widths**

Wetland Category	Standard Buffer
Category I	75 to 210 feet
Category I: Forested	75 to 210 feet
Category I: Bogs	190 feet
Category I: Alkali	150 feet
Category I: Natural Heritage Wetlands	190 feet
Category II	75 to 210 feet
Category II: Vernal Pool	150 feet
Category II: Forested	75 to 210 feet
Category III (all)	60 to 240 feet
Category IV (all)	40 feet

Note:

Buffer width range is based on wetland habitat functions and characteristics and impact of proposed land use.

## 6

# Existing Use/Expansion

Existing legally established structures and uses are allowed to continue even though, in some cases, they may not meet the current SMP regulations. These structures and uses can continue to exist, be used, maintained, and repaired. This is the case even if the updated SMP regulations would not allow new uses or development to be configured or built in the same manner as the existing uses or structures. There are also different ways to address continuance and expansion of buildings, structures, and uses that do not meet current SMP regulations.

Existing uses and structures that were legally established but do not meet current SMP standards are known as “nonconforming.” The SMP allows nonconforming structures to be maintained and repaired. Expansion of nonconforming structures is allowed under certain conditions and may require mitigation **to achieve no net loss of ecological function within the shoreline environment.**

The following is a general summary of key requirements for structure expansion, restoration, reconstruction, and repair of non-conforming uses. See the code sections indicated for specific conditions and criteria. See Figure 5 for examples of structural expansions.

## Structure Expansion

- Expansion of structures may not encroach any farther waterward into the buffer.
- New impervious surface must be minimized. The structure should expand into areas already disturbed or developed by driveways, patios, decks, or other appurtenant structures where feasible.
- Parallel or landward expansion into an undisturbed shoreline buffer area requires restoration of remaining buffer with riparian vegetation at a minimum 1:1 area ratio.

## Restoration, Reconstruction, or Repairs

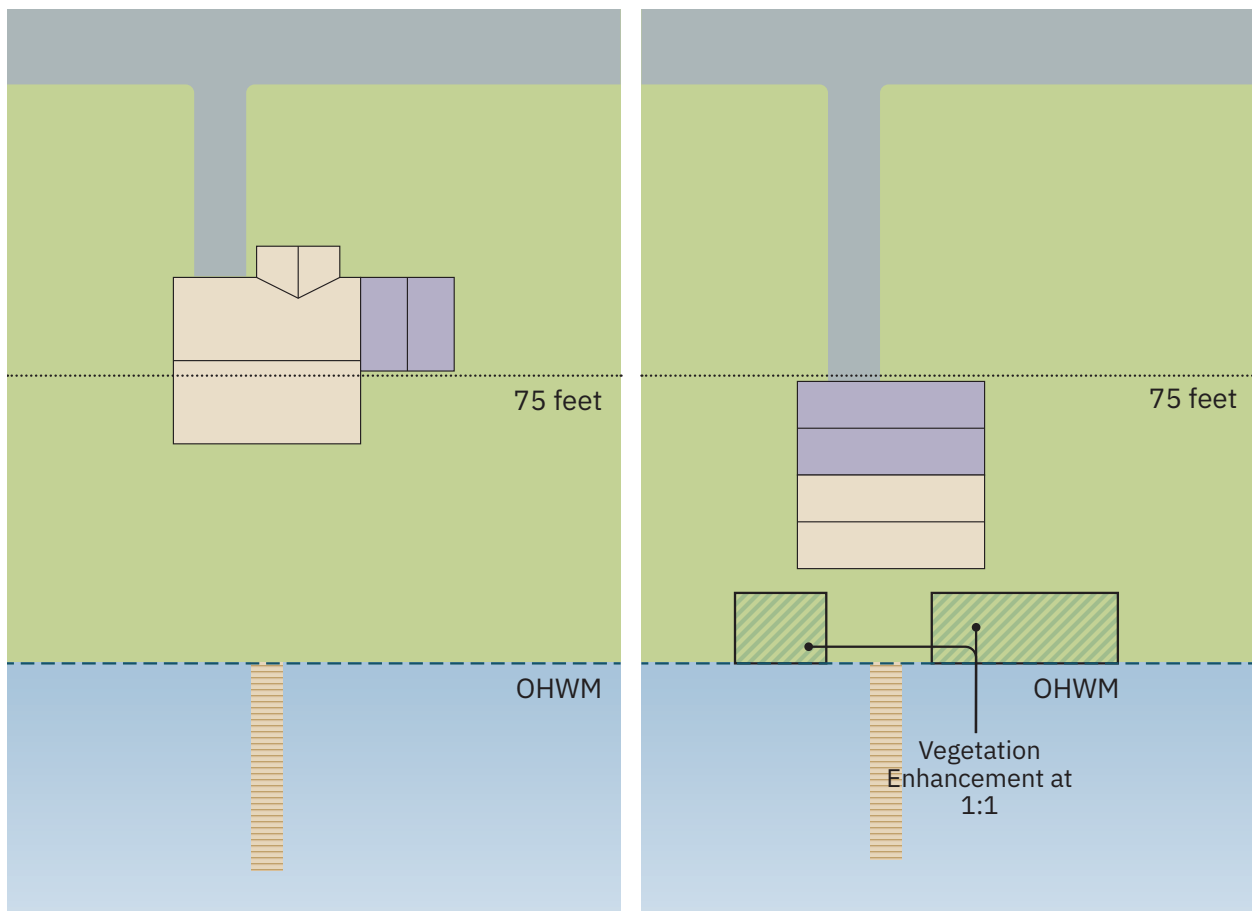
- The SMP allows for the upkeep, repairs, and maintenance of a nonconforming structure, including, but not limited to, repair or replacement in kind of roofs, porches, accessory structures, septic tanks, and drainfields, or similar improvements. Interior improvements do not require SMP approval. Note that the Benton County Code has its own non-conforming use section which may have additional regulations.
- If a nonconforming use is replaced by a conforming use for any length of time, the property shall not revert back to the nonconforming use. The mere presence of a structure shall not constitute the continuance of a nonconforming use. When a nonconforming use is discontinued for a period of 1 year or more without replacement by a conforming use, legal conforming use status expires and further use of the structure or lot must be in compliance with the provisions of this Master Program.
- Other structures may be restored if less than 50% of the gross floor area in Special Flood Hazard Areas and 75% of the gross floor area in the remainder of shoreline jurisdiction has been unintentionally destroyed or damaged if:
  - All other requirements of the Benton County Flood Damage Prevention ordinance and the Benton-Franklin Health District are satisfied, including but not limited to Benton County flood damage prevention setback requirements;
  - The nonconforming use resumes within the structure within 1 year from the destroying or damaging event; and
  - The restoration of the nonconforming structure does not increase the gross floor area that existed immediately prior to the destruction or damaging event. Structures intentionally destroyed or damaged and those with 50% or more of the gross floor area in special flood hazard areas and 75% or more of their gross floor area in the remainder of Shoreline Jurisdiction unintentionally destroyed or damaged may not be restored or reconstructed.

## Existing Use/Expansion

**FIGURE 2**

**Existing Use - Expansion Example**

The following diagrams show example proposed expansions in relation to the standard 50-foot buffer for the Shoreline Residential Environment Designation. Landward expansions may also be allowed with mitigation. 75' buffer in the example is for the Yakima River. Columbia River has a different buffer.



Expansions and native vegetation removal shall restore a portion of the shoreline buffer with riparian vegetation at a 1:1 ratio.



Notes:

OHWM: ordinary high water mark

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# Vegetation Conservation

Vegetation along the shoreline provides a myriad of benefits for the waterbody, the upland area, and shoreline residents and users. Vegetation helps to stabilize soils, which filter pollutants and fine sediments, contributing to improved water quality, and provides important habitat and food sources for aquatic species. Conserving shoreline vegetation is important to retaining these benefits.

A general summary of vegetation management and conservation standards for new and expanded uses and developments is provided in the following section. The SMP shall be consulted for specific conditions and criteria. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses, and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.



Source: Benton County

## Vegetation Conservation

### Vegetation conservation and management standards

The SMP requires uses or developments to achieve no net loss in shoreline ecological function. The following key code provisions for vegetation conservation and management are found in SMP 15.05.030 and SMP 15.06.030. Please review relevant sections of the SMP for additional information.

- Vegetation associated with existing structures, uses, and developments may be maintained within shoreline jurisdiction.
- Vegetation clearing outside of wetlands and streams and their associated buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all provisions in the SMP.
- Disturbance to vegetation within riparian buffers shall be replaced with a minimum replacement ratio of 1:1, in accordance with mitigation requirements in the General Buffer and Mitigation Requirements of SMP 15.05.030.
- Removal of invasive species (such as Russian olive) or noxious weeds included on the Washington State Noxious Weed List as a Class A, B, or C weed on shorelands must be replanted with native riparian vegetation except in steep or unstable slope areas.
- Coordinate with Benton Conservation District prior to undertaking invasive or noxious weed removal projects to ensure that the control and disposal technique is appropriate.
- Bare soil stabilization where soils may be subject to erosion or recolonization by invasive or noxious species, is required to use best management practices and replant with native plants (in or outside of shoreline or critical area buffers) or suitable non-native plants (outside of shoreline or critical area buffers). The replanted vegetation must be similar in size and structure at maturity to the removed vegetation.
- Invasive species removal efforts that exceed 1/4 acre should be phased if feasible to minimize potential erosion and sedimentation impacts.
- Aquatic weed control must only be permitted where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent recreational use.

## Vegetation Conservation

- The following activities are encouraged or required for water-oriented public access and recreation facilities, consistent with vegetation management provisions in Table 06.030-2 (iv) (v):
  - New and expanded uses in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as to avoid tree and shrub removal.
  - New and expanded uses in shoreline jurisdiction shall comply with Section 15.05.030, Shoreline Vegetation Conservation.
  - Landscape designs for new and modified recreation facilities in shoreline jurisdiction shall incorporate elements outlined in Table 06.030-2 (iv) in section 15.06.030.
  - Although a specified buffer is not required for certain water-oriented recreational uses and developments in public access and recreation areas, recreational improvement projects shall place an emphasis on shoreline restoration/enhancement within 50 feet of the OHWM. This emphasis shall not require the removal of existing lawn areas, but should place an emphasis on incorporation of riparian plantings if the public access area is underutilized or public access would not be impaired by the plantings.
  - A lawn and landscape management strategy for any allowed uses in shoreline jurisdiction shall be developed that incorporates the following:
    - › A site-specific plan for use of integrated pest management technique, if applicable.
    - › A detailed plan identifying the anticipated use of fertilizers, herbicides and pesticides, to include a method of application that ensures these materials will not enter the water. Phosphorus-containing fertilizer treatments shall not be applied to turf or landscaping within 50 feet of the OHWM. Natural applications and hand removal are preferred over synthetic applications.

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# Restoration Opportunities

## Restoration plan

The [Benton County Shoreline Restoration Plan](#) builds on the goals and policies in the SMP. The Shoreline Restoration Plan provides an important non regulatory component of the SMP to ensure that shoreline functions are maintained or improved despite potential incremental losses that may occur in spite of SMP regulations and mitigation actions.

The primary purpose of the Shoreline Restoration Plan is to plan for “overall improvements in shoreline ecological function over time”. Many of the restoration opportunities in the plan affect private property. It is not the intent of the County to require restoration on private property or to commit privately owned land for restoration purposes without the willing and voluntary cooperation and participation of the affected landowner.

## Restoration opportunities

Restoration opportunities are identified in Section 6.0 of the County SMP Restoration Plan, and include recommendations for all reaches, as well as river reach-specific recommendations. The County remains committed to work with its partner agencies and public and private landowners to implement restoration opportunities.

## 9

# Shoreline Permit Process

## Exemptions—WSDOT and WDFW, plus private landowners

Certain types of developments are exempt from **substantial development permit** requirements, per SMP 15.04.120 and SMP 15.09.040. Except for agricultural activities, all proposed uses, activities, or development exempt from **substantial development permits must still comply with the SMP and all development standards** (i.e., setbacks and other regulations in the County's SMP) if occurring within shoreline jurisdiction.

Except for emergency developments pursuant to WAC 173-27-040(2)(d), **all requests for an exemption from a Shoreline Substantial Development Permit shall be made to the Benton County Planning Division**. Letters of exemption shall be issued by the Shoreline Administrative Official when an exemption applies or when a letter of exemption is required by the provisions of WAC 173-27-050.

## When is a shoreline permit required?

Whether or not a permit or other form of authorization is required, all proposed uses, activities, or development must meet the laws and shoreline program and the County's SMP if occurring within shoreline jurisdiction. Permits help the County track development and uses in the shoreline to make sure the program requirements are being met.

Shoreline permit types include a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance Permit, or Shoreline Exemption.

### *Typical activities requiring a shoreline permit*

A Shoreline Substantial Development Permit is typically required for a project that proposes to undertake a substantial development within the shoreline jurisdiction. A substantial development is any development for which the total cost or fair market value exceeds the dollar amounts specified in SMP 15.02, Definition for Substantial Development or as adjusted by the State Office

## Shoreline Permit Process

of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.

A Conditional Use Permit is needed if a proposed use is listed as a conditional use in SMP 15.04.110, Table 04.110-1 and Appendix A or if the SMP does not address the use.

A Variance Permit is used to allow a project to deviate from an SMP's dimensional standards (e.g., setback, height, or impervious surface coverage requirements). A variance proposal must meet variance criteria found in state rule and be consistent with other environment and use requirements. See 15.09.100(c) for variance criteria.

### Shoreline permit application requirements

A complete application for a SSDP, Shoreline Conditional Use Permit, or Shoreline Variance shall contain information sufficient to make a determination as to whether the project will result in no net loss of shoreline ecological functions and processes, and how impacts will be mitigated, as applicable. Details on required application information will be provided at the time of application.

The County planning staff can provide application materials and assist you with the process. In addition to the County application, other state and federal applications may be required.

Additional specific information may be required depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other County requirements and the provisions of this SMP.

If you're considering doing work within the shoreline area, please consult with Benton County planning staff early in your project. They can confirm what types of permits are required and guide you in designing your project to minimize potential permitting delays.

If you're considering work in the water or in a wetland area, be sure to also consult with state and federal agencies, which have additional permit requirements that can add many months to the process.

## Shoreline Permit Process

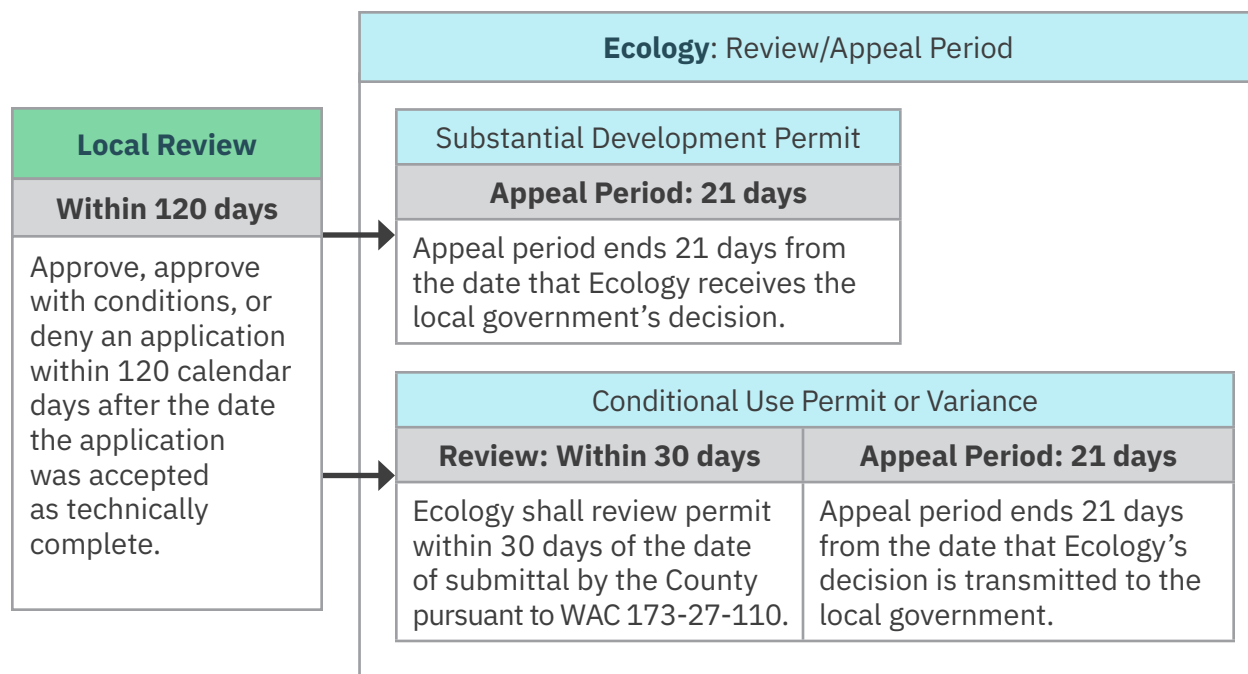
### Shoreline permit review steps

Per Benton County SMP 15.09, applications for SSDPs shall be processed as an administrative permit according to Benton County Code (BCC) Chapter 17.10.

### How long does a shoreline permit take?

Shoreline permits are generally processed within 120 days. Additional time for the Washington State Department of Ecology (Ecology) review process and appeal period is required as summarized in Figure 3.

**FIGURE 3**  
**Shoreline Permit Review Timeline**



Ecology also reviews Shoreline Exemptions that require federal permits under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of Federal Water Pollution Control Act of 1972. Ecology reviews these exemptions and must concur that the exemption is appropriate.

## Other permits required

The Substantial Development Permit does not take the place of any other required permit or review. A project or development may also require the following:

- Building or grading permit
- A variance or conditional use permit
- Ecology Water Quality Certification
- Hydraulic Project Approval
- Lease from the State Department of Natural Resources
- Federal U.S. Army Corps of Engineers permit for work in navigable waters of the United States

Appendix

# Appendix

## Shoreline Use and Modification Table

**TABLE 15.04.110-1(A)**  
**Shoreline Use and Modification Matrix**

<b>Abbreviations:</b> S: Substantial Development Permit or Exemption C: Conditional Use Permit X: Not allowed N/A: Not Applicable SAUE: See Adjacent Upland Environment  <b>Use/Modification</b>	<b>Urban Transition Area</b>	<b>Rural Industrial</b>	<b>Rural</b>	<b>Residential</b>	<b>Conservancy</b>	<b>Natural</b>	<b>Hanford</b>	<b>Aquatic</b>
<b>Agriculture</b>								
Agricultural activities, existing and new	S	S	S	S	S	C	X	N/A
Commercial dairying, poultry raising, commercial hog ranches, animal feedlots and stockyards	X	X	X	X	X	X	X	N/A
Agricultural stands	S	S	S	S	X	X	X	N/A
Agricultural related industries	C	S	S	X	X	X	X	N/A
Agri-tourism	C	S	S	X	X	X	X	N/A
<b>Aquaculture</b>								
Commercial	X	C	C	X	X	X	X	SAUE
Non-commercial	S	C	S	X	C	C	S	SAUE
<b>Boating and Private Moorage Facilities</b>								
Boat launch (motorized boats)								
Public	S	X	S	C	C	X	X	SAUE
Commercial/industrial	C	S	C	X	C	X	X	SAUE
Other private	X	X	X	X	X	X	X	X

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<b>Use/Modification</b>								
<b>Pier/dock</b>								
Residential, including community	S	S	S	S	S	S	X	SAUE
Commercial, industrial, aquaculture, recreational or public access use	S	S	S	C	C	C	S	SAUE
Marinas	C	C	C	X	X	X	X	SAUE
<b>Breakwaters, Jetties, and Groins</b>								
To protect or restore ecological functions	S	S	S	S	S	S	S	S
To maintain existing water-dependent uses	C	C	C	C	C	C	C	SAUE
All other purposes	C	C	C	C	X	X	X	SAUE
<b>Commercial and Service Uses</b>								
Visitor-serving uses	S	S	S	S	X	X	X	C
Recreation concessions	S	S	S	S	S	S	S	S
Other retail, trade or service	C	C	C	C	X	X	X	C
<b>Dredging and Dredge Material Disposal</b>								
Dredging for water-dependent use and public access	S	S	S	S	C	C	C	SAUE
Dredging for existing navigation uses	NA	NA	NA	NA	NA	NA	NA	S
Dredging or disposal of dredged material for habitat restoration	S	S	S	S	S	S	S	S
Dredging, other	NA	NA	NA	NA	NA	NA	NA	C

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<b>Use/Modification</b>								
Disposal of dredged material inside CMZ	C	C	C	C	C	C	C	C
Disposal of dredged material outside CMZ	S	S	C	C	X	X	X	SAUE
Implementation of dredging maintenance plan	S	S	S	S	S	S	S	S
<b>Fill</b>								
Waterward of the OHWM—restoration	N/A	N/A	N/A	N/A	N/A	N/A	N/A	S
Waterward of the OHWM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	C
Upland of the OHWM	S	S	S	S	S	C	S	N/A
<b>Flood Hazard Reduction Measures</b>								
Modification of existing flood hazard facilities (including relocation farther landward)	S	S	S	S	C	C	C	N/A
New facilities	S	S	C	C	C	C	C	N/A
<b>Forest Practices</b>								
Forest practices	X	X	X	X	X	X	X	N/A
<b>Industry / Manufacturing / Storage</b>								
Water-oriented	S	S	S	X	X	X	S	C
Nonwater-oriented								
General	X	C	X	X	X	X	C	X
Separated from shoreline <sup>1</sup>	S	S	S	X	X	X	S	N/A

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<b>Use/Modification</b>								
Mixed-use project that includes a water-dependent Use	S	S	S	X	X	X	S	C
<b>In-Stream Structures</b>								
To protect public facilities	S	S	S	S	C	C	S	SAUE
To protect, restore, or monitor ecological functions or processes	S	S	S	S	S	S	S	S
To support agriculture	S	S	S	S	S	C	S	SAUE
Other	S	S	S	S	C	C	N/A	SAUE
<b>Mining</b>								
Mining that creates, restores or enhances habitat for priority species	S	S	S	S	S	S	S	S
Other mining and on-site processing	C	S	C	X	X	X	C	C
All mining in channel migration zone	C	C	C	X	X	X	C	C
<b>Recreational Development</b>								
Water-Oriented	S	S	S	S	S	S	S	S
<b>Non-Water-Oriented</b>								
General	C	C	C	C	C	X	C	X
Sites separated from shoreline	S	S	S	S	S	S	S	N/A
Residential development								
Single-family dwelling	S	X	S	S	S	C	X	N/A
Accessory dwelling unit	S	X	S	S	C	X	X	N/A
Duplex	S	X	S	S	X	X	X	N/A

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<b>Use/Modification</b>	<b>Urban Transition Area</b>	<b>Rural Industrial</b>	<b>Rural</b>	<b>Residential</b>	<b>Conservancy</b>	<b>Natural</b>	<b>Hanford</b>	<b>Aquatic</b>
Houseboats and over-water Residential Uses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	X
<b>Shoreline Habitat and Natural Systems Enhancement Projects</b>								
Shoreline habitat and natural systems enhancement projects	S	S	S	S	S	S	S	S
<b>Shoreline Stabilization</b>								
New hard Stabilization	S	S	S	S	C	X	S	SAUE
New soft Stabilization	S	S	S	S	S	C	S	SAUE
Repair and replacement	S	S	S	S	S	S	S	SAUE
<b>Transportation and Parking</b>								
Access roads serving permitted uses	S	S	S	S	S	C	S	N/A
Highways, freeways, arterials & collectors	S	S	S	S	C	C	S	N/A
Bridges	S	S	S	S	C	C	S	C
Railways	S	S	S	S	C	C	S	C
Airstrips	S	S	C	X	X	X	S	N/A
Trails	S	S	S	S	S	C	S	N/A
Parking for authorized use	S	S	S	S	S	C	S	N/A

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Park and ride lots and similar stand alone parking	C	C	C	X	X	X	C	N/A
<b>Utilities</b>								
Utility services accessory to individual shoreline projects	S	S	S	S	S	C	S	C
Utility services to projects outside shoreline jurisdiction	S	S	S	C	C	X	S	C
Power generating facilities	S	S	C	X	C	X	C	C
Wind turbine and related support structures (zoning code)	S	S	C	C	C	X	C	C
Utility transmission lines	S	S	S	S	S	C	S	C
Utility services, general	S	S	S	S	S	C	S	C
Wastewater treatment facility	S	S	C	X	C	X	C	C

Notes:

1. Applies when a proposed development is physically separated from the shoreline by another property or public right of way.

# Benton County Shoreline Master Program User Guide

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