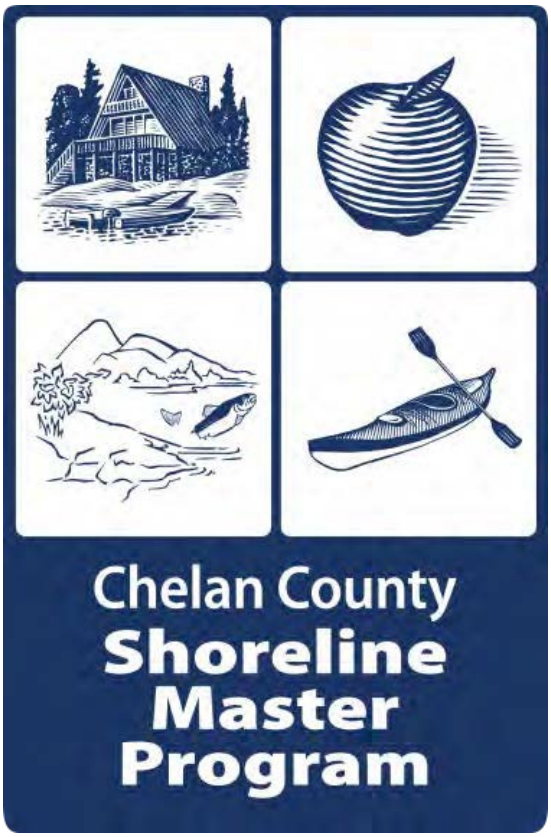

~~*Prepared by The Watershed Company, BERK, Chelan County Natural Resource Department, and Chelan County Community Development Department, and Anchor QEA*~~

Twin Lakes (1), Summer 2015

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SHORELINE MASTER PROGRAM CHELAN COUNTY

READER'S GUIDE

Chelan County and its Cities developed and adopted Shoreline Master Programs (SMPs) in 1975 for the purpose of "focusing comprehensive, coordinated planning attention at the critical land-water interface". That SMP was developed over 40 years ago and since then much has changed along Chelan County shorelines. In addition, knowledge of best development and conservation practices has evolved. There have also been changes in State laws and rules.

This SMP has been prepared to meet the requirements of the Shoreline Management Act (RCW 90.58), the implementing State rules codified as Chapter 173-26 and Chapter 173-27 of the Washington Administrative Code (WAC) "State Master Program Approval/Amendment Procedures and Master Program Guidelines" that were revised in ~~2011~~2017, and other applicable local, state, and federal laws.

The SMP is developed locally, but must meet the Shoreline Management Act and implementing State rules, and is subject to approval by the Washington State Department of Ecology (Ecology) before it can be implemented.

Chelan County and the Cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee conducted nine Vision Workshops in fall 2008 to capture citizen questions, concerns, goals and aspirations regarding shorelines. The Vision Workshop results have factored into the development of this SMP.

When reading the SMP, it is useful to consider the definitions of the following terms that are based on definitions in the State Shoreline Master Program 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 this shoreline master program and the Act.

In general, this SMP uses the word "should" in goals, objectives, and policies, and "shall" in the regulations. Additional definitions are located in Chapter 8.

Each chapter and section is related and, depending on the scope of a project, may apply to a specific use or development.

In June 2021, Chelan County completed the SMP Periodic Review process in coordination with Ecology pursuant to RCW 90.58.080. The process included a public workshop in September 2020. During the Periodic Review process, approximately XX comments were received, including comments regarding shoreline designation buffers that were modified as part of the 2019 SMP Update. It was determined that the buffer width modifications are consistent with the best available science and that shoreline buffers are adequately protected per the recommendations from BERK Consulting in the *Chelan County SMP Update Buffer and Vegetation Conservation Proposal Review* (2017). Chelan County has determined that any changes to the shoreline buffers are unnecessary to reflect changing local circumstances, new information or improved data. A locally initiated amendment to the shoreline buffers adopted in 2017 is outside of the scope of this periodic review process. -

1 AUTHORITY AND PURPOSE

CHAPTER 1 CONTENTS:

1.1 The Shoreline Management Act

Washington State's citizens voted to approve the Shoreline Management Act of 1971 in November 1972. The adoption of the Shoreline Management Act (Act) recognized

> *"that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation"* and that *"coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest"* (RCW 90.58.020).

The Act seeks to provide environmental protection for shorelines, preserve and enhance shoreline public access, and encourage appropriate development that supports water-oriented uses.

Under the Act, shoreline master programs are created and implemented based on a *"cooperative program of shoreline management between local government and the state"* (RCW 90.58.050). The roles are defined as:

> *"Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The Department [of Ecology] shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter." (RCW 90.58.050)*

In recognition of the Act and citizen ideas collected through a local shoreline planning process, Chelan County has developed this SMP, and continually implements and administers it through shoreline permits and reviews. The

Washington State Department of Ecology (Ecology) reviews and approves local master programs and certain local permit decisions.

1.2 Authority

This SMP is enacted and administered according to the following state law and rules:

A. The Shoreline Management Act of 1971, Chapter 90.58 RCW;

B. State master program approval/amendment procedures and master program guidelines, WAC 173-26; and

C. Shoreline management permit and enforcement procedures, Chapter 173-27 WAC.

1.3 Applicability

All proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of the laws and rules cited in Section 1.2 and this SMP whether or not a permit or other form of authorization is required.

All policies, within this SMP or the appendices, are to guide the interpretation and enforcement of the SMP regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

A. This SMP applies to all development, the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, minerals or vegetation; 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 of the state subject to Chapter 90.58 RCW at any stage of water level. Development does not include the following activities:

   1. Interior building improvements;
   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;
   4. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections; ~~and~~
   5. Dismantling or removing structures if there is no other associated development or redevelopment~~.~~;
   6. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued

pursuant to RCW 70.305, or to Ecology when it conducts a remedial action under RCW 70.305~~.~~;

7. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit~~.~~;
8. Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356;
9. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045 and RCW 43.21K;
10. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to RCW 80.50~~.~~; and
11. ~~5.~~ Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of RCW 90.58.

B. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW.

C. This SMP shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership pursuant to WAC 173-22-070 and WAC 173-27-060(3).

D. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.

E. The County may grant relief from SMP provisions for shoreline restoration projects in Urban Growth Areas (UGA) pursuant to RCW 90.58.580.

F. When other State or Federal agencies standards would be more restrictive and more protective of the ecological function, those standards should apply.

G. No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of the SMP.

1.4 Purpose and Intent

The purpose of this SMP is to:

A. Balance the promotion of the public health, safety, and general welfare of the community by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines with the recognition of and respect for private property rights and constitutional limitations on the regulation of private property and protection of those rights while implementing this SMP; and

B. Further assume and carry out the local government responsibilities established by the Act in RCW 90.58.050 including planning and administering the regulatory program; and

C. Protect against significant adverse effects to the land, its vegetation and wildlife, and the waters and their aquatic life within jurisdictional shorelines; and

D. Give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon the state's shoreline areas, as illustrated in use allowances of this SMP; and

E. Reduce use conflicts by including provisions to prohibit or apply special conditions to uses which are not consistent with the control of pollution and prevention of damage to the shoreline or are not unique to or dependent upon use of the shoreline, such as through application of vegetation management, water quality, restoration and similar standards. In implementing this provision, preference shall be given first to water- dependent uses, then to water-related uses and water-enjoyment uses in assigning permit types; and

F. Assure no net loss of ecological functions associated with the shoreline; and

G. Protect public rights of navigation; and

H. Maintain or recreate a high quality of environment along jurisdictional shorelines; and

I. Preserve and protect fragile natural resources and culturally significant features; and

J. Increase public access to publicly owned areas of the shorelines where increased use levels are desirable; and

K. Protect property rights and property values by limiting regulations that prohibit or prevent the private property owner from the use and enjoyment of their property; and,

L. Protect public and private properties from adverse effects of improper development in shoreline areas; and

M. Prioritize and preserve local control over the administration and application of the SMP; and

N. Recognize the importance of informing the public about the basic rules of good behavior and private property rights associated with the use and enjoyment of all shorelines; and

O. Recognize that this SMP does not alter existing law regarding access to or trespassing on private property and does not give the general public any right to enter private property without the owner's permission.

1.5 Relationship to Other Codes, Ordinances and Plans

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.

B. Except as otherwise stated, in addition to this SMP, the County comprehensive plan, zoning regulations, subdivision regulations, health regulations, and other adopted regulatory provisions apply within shoreline jurisdiction. In the event the provisions of this SMP conflict with provisions of other County regulations, the more protective of shoreline ecological functions and processes shall prevail.

   1. This SMP includes critical areas regulations applicable only in the shoreline jurisdiction, and shall control within shoreline jurisdiction over other County critical area regulations.

C. Consistent with RCW 36.70A.480, the goals and policies of this SMP approved under chapter 90.58 RCW shall be considered an element of Chelan County's comprehensive plan. All regulatory elements of this SMP, including, but not limited to definitions and use regulations, shall be considered a part of Chelan County's development regulations.

D. Appendix C, Restoration Plan, may be updated and amended at any time without requiring a formal SMP amendment.

1.6 Liberal Construction

As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction; the Act and this SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which they were enacted.

1.7 Severability

Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of any other remaining section or provisions of this SMP, or this SMP as a whole.

1.8 Effective Date

The SMP was hereby adopted by the Board of County Commissioners on December 19, 2017. This SMP and all amendments thereto shall become effective fourteen calendar days from the date of the Department of Ecology's written notice of final action to the County.

2 GOALS AND OBJECTIVES

Per WAC 173-26-186(3), all relevant policy goals must be addressed in the planning policies of master programs. This section contains shoreline goals and objectives. Additional goals and policies related to General Regulations and Shoreline Modifications and Uses are located in Appendix F. Goals express the ultimate aim of the County and citizens along their shorelines. An objective identifies a measurable step that moves toward achieving a long-term goal. Goals and objectives provide a framework upon which the more detailed SMP shoreline environmental designations and associated buffers, policies, regulations, and administrative procedures are based in subsequent chapters.

CHAPTER 2 CONTENTS:

2.1 Economic Development Element

Goal ED-1. Permit those commercial, industrial, recreational, and other developments requiring a shoreline location which may contribute to the economic well-being of Chelan County.

Objective ED-1.1. Encourage shoreline development that has a positive effect upon community economic and social activities.

Objective ED-1.2. Promote new water-dependent, water-related, and water-enjoyment economic development.

Goal ED-2. Encourage the protection and restoration of unique, fragile, and scenic elements in shoreline areas as a means to promote long-term economic well-being.

Objective ED-2.1. Promote environmental education.

Objective ED-2.2: Develop incentives for protection and restoration in shoreline areas without loss of economic development such as by allowing transfer of development rights to less sensitive areas.

2.2 Public Access Element

Goal PA-1. Ensure public access to shorelines:

- Is safe, convenient and diversified;
- Makes provisions for public access to publicly owned shoreline jurisdiction areas;
- Avoids endangering life or adverse effects on property or fragile natural features;
- Minimizes conflicts between the public and private property;
- Enables the public to enjoy the physical and aesthetic qualities of natural shorelines of the state which shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people;
- Is designed for persons with disabilities, where feasible, consistent with state and federal standards.

Objective PA-1.1. Increase public access to shorelines, via public properties, by developing and implementing parks, recreation, and trails plans.

Objective PA-1.2. Encourage public access as part of public shoreline development where appropriate as adopted in the Shoreline Public Access Plan.

Objective PA-1.4. Protect and enhance visual and physical access to shorelines where appropriate and in compliance with constitutional limitations.

Objective PA-1.5. Encourage development of public access by using tools such as acquisition of land, incentives, and enhancement of existing public land where public access could be developed.

2.3 Recreation Element

Goal REC-1. Promote diverse, convenient, and adequate recreational opportunities along shorelines for local residents and visitors.

Objective REC-1.1. Encourage cooperation among public agencies, non- profit groups, and private landowners and developers to increase and diversify recreational opportunities.

Objective REC-1.2. Ensure shoreline recreation facilities are preserved and enlarged as necessary to serve projected County growth in accordance with adopted levels of service.

Objective REC-1.3. Ensure recreation facilities are designed for persons with disabilities, where feasible, consistent with state and federal standards.

2.4 Circulation Element

Goal CIRC-1. Since major transportation and utility systems pre-exist near many shorelines, minimize conflicts between these systems and shoreline uses when considering circulation additions or modifications.

Objective CIRC-1.1. Encourage multiple modes of transportation, including non-motorized travel and water-dependent transportation.

Objective CIRC-1.2. Promote public access opportunities.

Objective CIRC-1.3. Encourage water-dependent transportation where appropriate.

Objective CIRC-1.4. Promote the design of new or expanded road corridors outside of shoreline jurisdiction unless there is no reasonably feasible alternative or location.

Objective CIRC-1.5. Promote the design of utilities within existing and new road/transportation corridors and outside shoreline jurisdiction unless water crossings are unavoidable or utilities are required for authorized shoreline uses consistent with this SMP.

2.5 Shoreline Use Element

Goal UE-1. Assure an appropriate pattern of sound development in suitable locations without diminishing the quality of the environment along shorelines.

Objective UE-1.1. Give preference along the shoreline to water-oriented and single-family residential uses, consistent with the control of pollution and prevention of damage to the shoreline environment. Followed by preference to water-dependent uses, then water-related uses and finally water- enjoyment uses.

Objective UE-1.2. Encourage shoreline uses and development that enhance and/or increase public access to the shoreline or provide significant public benefit.

Goal UE-2. Consider irrigated agriculture as a water-related use and a key factor in the economy of Chelan County. Agricultural lands should be conserved and protected from incompatible uses. Other shoreline uses should not jeopardize production on designated agricultural lands.

Objective UE-2.1. Protect current agricultural activities occurring on agricultural land.

Objective UE-2.2. Provide for new agricultural uses that do not have a significant adverse impact on other shoreline resources and values.

2.6 Conservation Element

Goal CONS-1. Protect shoreline resources by:

- Preserving unique and fragile environments, and scenic elements such as views of natural features that support area tourism; and
- Conserving non-renewable natural resources; and
- Managing renewable resources such as timber, water, and wildlife.

Objective CONS-1.1. Provide for no net loss of shoreline ecological function.

Goal CONS-2. Encourage the restoration of shoreline areas which have been modified, blighted, or otherwise disrupted by natural or human activities.

Objective CONS-2.1. Ensure restoration and enhancement is consistent with and prioritized based on adopted watershed and basin plans.

Objective CONS-2.2. Prohibit the introduction of invasive plant and animal species along shorelines, and encourage the removal of noxious and invasive weeds, trees, and noxious non-native animals.

2.7 Historic, Cultural, Scientific, and Educational Element

Goal HIST-1. Protect and restore areas having documented significant historic, cultural, educational or scientific values.

Objective HIST-1.1. Work with property owners to encourage the preservation of outstanding natural and scenic resources, environmentally sensitive areas, and documented significant historic and cultural resources.

Goal HIST-2. Protect shoreline features to prevent the destruction of, or damage to, a site having archaeological, historic, cultural, or scientific value through coordination and consultation with the appropriate local, state, tribal and federal authorities.

Objective HIST-2.1. Encourage cooperation among public and private parties in the identification, protection, and management of cultural resources.

Objective HIST-2.2. As appropriate, design and manage access to such sites in a manner that gives maximum protection to the resource.

Objective HIST-2.3. Provide opportunities for education related to archaeological, historical and cultural features when and/or where appropriate and incorporate into public and private management efforts, programs and development.

2.8 Flood Hazard Prevention Element

Goal FLOOD-1. Recognize the hydrologic functions of floodplains, and protect frequently flooded areas.

Objective FLOOD-1.1. Avoid or mitigate land use practices that may impede the flow of floodwater or cause danger to life or property. Mitigate the loss of floodplain storage capacity to avoid greater impact of flooding downstream.

Objective FLOOD-1.2. Implement the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Objective FLOOD-1.3. Seek to map areas that are potential flood hazard areas and/or have experienced historical flooding events, but are not currently included in the Federal Emergency Management Agency's mapping efforts. Work with the Federal Emergency Management Agency to correct maps that are inaccurate.

Objective FLOOD-1.4. Prepare and implement channel migration zone plans, as appropriate.

Objective FLOOD-1.5. Coordinate shoreline jurisdiction flood hazard prevention policies and regulations with Growth Management Act provisions to protect critical areas including frequently flooded areas.

Objective FLOOD-1.6. Work with federal, state, regional and local agencies to address concerns related to Lake Chelan water levels, including concerns related to severe flood events.

Objective FLOOD-1.7. Monitor stream flows and consider any trends or changes in stream flow regimes due to changes in weather conditions.

2.9 Private Property Rights Element

Goal PRIVATE-1. Recognize and protect private property rights in shoreline uses and developments.

Objective PRIVATE-1.1. Public access to shoreline such as trail, bikeways or roads should consider protecting and preserving the privacy of private property owners when locating near private properties.

Objective PRIVATE-1.2. Planning policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations on the regulation of private property.

Objective PRIVATE-1.3. Processes should be designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

3 SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

Shoreline jurisdiction covers most of Chelan County's rivers, creek, streams and lakes. The specific boundaries are found in Appendix A and Channel Migration Zone maps in Appendix D.

Chapter 3 Contents:

3.1 Shoreline Jurisdiction

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the State plus their associated "shorelands." The waterbodies designated as shorelines by the State are streams, or segments of streams, whose mean annual flow is greater than 20 cubic feet per second (cfs) or lakes whose area is 20 acres or greater.

Shorelands are defined as *"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter…."* (RCW 90.58.030)

Certain shoreline waterbodies and their associated shorelands have elevated status under the Act if they are lakes equal to or larger than 1,000 acres or they are streams and rivers in Eastern Washington that are "…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" (RCW 90.58.030(2)(e)(v)(B)). These waterbodies are considered to be "shorelines of statewide significance," and have unique supplemental provisions outlined in Section 3.4.

The upstream extent of shoreline jurisdiction for streams and those lakes that meet shoreline criteria are indicated on the Official Shoreline Maps included in Appendix A, Environmental Designation Maps, and as maintained by Chelan County in its GIS database. The purpose of the Official Shoreline Maps, and accompanying GIS databases, is to identify Shoreline Environment Designations. The maps only approximately identify or depict the lateral extent of shoreline jurisdiction. The actual lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis as defined in Chapter 8.

3.2 Shoreline Environment Designations

This SMP is consistent with the State designation requirement, WAC 173-26-211 deviating with respect only to some shoreline environment designation names. Each shoreline environment designation contains a purpose statement, designation criteria, and management policies components.

3.2.1. Natural Environmental Designation

A. **Purpose.** The purpose of the "Natural" shoreline environment designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low-intensity uses be permitted in order to maintain the ecological functions and ecosystem-wide processes. Degraded shoreline areas within this environment should be planned for restoration.

B. **Designation criteria.** A "Natural" shoreline environment designation will be assigned to shoreline areas that are ecologically intact and therefore currently perform an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; represent ecosystems and geologic types that are of particular scientific and educational interest; or are unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

   Such shoreline areas include largely undisturbed portions of shoreline areas, wetlands, and ecologically intact shoreline habitats. Natural shoreline environment designations are typically 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.

C. **Management policies.** Development within the "Natural" shoreline environment designation shall be consistent with the following policies:

1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should be prohibited.
2. The following new uses should not be permitted in the Natural shoreline environment designation:
    a. Commercial uses;
    b. Industrial uses;
    c. Nonwater-oriented recreation; and
    d. Roads, utility corridors and parking areas that can be located outside of Natural shoreline environment designated shorelines.
3. Access may be permitted for scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational uses that do not impact the shoreline ecological functions.
4. Single-family residential development may be permitted as a conditional use within the Natural shoreline environment designation if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.
5. Commercial forestry may be permitted as a conditional use in the Natural shoreline environment designation provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this shoreline environment designation.
6. Agricultural uses of a very low-intensity nature may be consistent with the Natural shoreline environment designation when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
7. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should be prohibited.
8. Subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should not be permitted. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

3.2.2. Conservancy Environmental Designation

A. **Purpose.** The purpose of the "Conservancy" shoreline environment designation is to retain shoreline ecological functions, and processes by avoiding forms of development that would be incompatible with existing functions and processes, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes, and provide low-intensity recreational opportunities. Within the Conservancy shoreline environment designation, the overall intensity of development and use should remain low, thereby maintaining most of the area's natural character.

B. **Designation criteria.** The "Conservancy" shoreline environment designation will be applied to shoreline areas where any of the following characteristics apply and would be diminished unless development is strictly controlled:

1. Ecological functions and important ecological processes have not been substantially degraded by human activities;
2. The shoreline is supporting human uses that are subject to environmental limitations, such as properties that include or are adjacent to steep banks, floodplains, or channel migration zones;
3. The shoreline is of high recreational value or with unique historic, cultural or scenic resources; or
4. The shoreline has low-intensity water-dependent public access or recreational uses or is supporting forestry.

C. **Management policies.** Development within the "Conservancy" shoreline environment designation shall be consistent with the following policies:

1. Natural ecological processes should be protected, and renewable resources managed so that ecological functions and the resource base are maintained.
2. Opportunities for ecological restoration should be pursued, prioritizing those areas with the greatest potential to restore ecosystem-wide processes and functions.
3. Recreational or scenic values should be protected from incompatible development.
4. Public access and public recreation objectives should be implemented in the Conservancy shoreline environment designation whenever feasible.
5. New development should be designed and located to preclude the need for shoreline vegetation removal, flood control, hard stabilization, such as armoring, and other shoreline modifications.
6. Water-oriented uses should be given priority over nonwater-oriented uses. Subject to a Conditional Use Permit, low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural

communities that possess shoreline conditions and services to support the development. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

7. Uses that preserve the natural character of the area or promote preservation of open space or sensitive lands either directly or over the long term should be the primary uses permitted in the shoreline environment designation.
8. Authorized uses should be limited to those compatible with each other and with conservation of shoreline ecological processes and resources.

3.2.3. Rural Environmental Designation

A. **Purpose.** The purpose of the "Rural" shoreline environment designation is to protect shoreline ecological functions in areas having a rural character characterized by open space and low-density development including, but not limited to: residences, agriculture, and active outdoor recreation. Uses should be compatible with the physical capabilities and limitations, natural resources, and shoreline ecological functions and processes of the area.

B. **Designation criteria.** The "Rural" shoreline environment designation is assigned to shoreline areas that possess high capabilities to support or currently do support active agriculture uses, or those areas appropriately planned for or occupied by low-density residential development that may be found in various Limited Areas of More Intense Rural Development (LAMIRD) zones. In addition, this designation provides for protection of lands with recreational value or unique historic or cultural resources. Areas where low-intensity outdoor recreation uses or developments would be appropriate and compatible with other uses and the physical environment, and where the shoreline has been developed with low-intensity water- oriented uses are also appropriate for designation as Rural.

C. **Management policies.** Development within the "Rural" shoreline environment designation shall be consistent with the following policies:

1. Industrial or commercial development should be limited to water- oriented commercial and industrial uses in the limited locations where such uses have been established or at sites in rural communities that possess appropriate shoreline conditions and services sufficient to support such developments.
2. Nonwater-dependent uses should provide a substantial benefit such as providing public access and/or restoring degraded shorelines.
3. Recreational access to the shoreline (both visual and physical) should be encouraged. Recreational facilities should be located and designed to minimize conflicts with agricultural activities.

4. Agriculture, aquaculture and forestry consistent with rural character and the maintenance of shoreline ecological functions and processes should be encouraged.
5. Agricultural practices should be conducted in a manner that will prevent pollution of the water and minimize erosion and sedimentation within the shoreline area.
6. New development should reflect the character of the surrounding area by limiting residential density, providing permanent open space and maintaining adequate buffers from the shoreline.

3.2.4. Urban Environmental Designation

A. **Purpose.** The purpose of the "Urban" shoreline environment designation is to accommodate a range and mixture of residential, and water-oriented commercial and institutional uses at moderate intensity and density levels, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Water-dependent utilities and industrial uses are also accommodated. In addition, this designation provides for appropriate physical and visual public access and recreation uses.

B. **Designation criteria.** The "Urban" shoreline environment designation may be assigned to shoreline areas in LAMIRD zones and UGAs that are not affiliated with a City. The density and intensity of uses within this environment are balanced with a mix of open space and recreational and cultural facilities.

C. **Management policies.** Development within the "Urban" shoreline environment designation shall be consistent with the following policies:

1. Emphasis should be given to development within already developed areas.
2. Priority should be given to water-dependent and water-oriented uses over other uses.
3. Emphasis should be given to developing visual and physical access to the shoreline in the Urban shoreline environment designation.
4. Industrial and commercial facilities should be designed to permit pedestrian waterfront activities consistent with public safety and security.
5. Aesthetic considerations should be actively promoted by means of sign control regulations, architectural design standards, planned unit development standards, landscaping requirements and other such means.
6. Development should not significantly degrade the quality of the environment, including water quality and air quality, nor create conditions which would accentuate erosion, drainage problems or other adverse impacts.
7. When considering amendments to increase the extent of Urban- designated shorelines, the County should consider the utilization of existing Urban

shoreline environment designations, projections of economic need, and the balance of water-oriented and nonwater-oriented uses.

3.2.5. Aquatic Environmental Designation

A. **Purpose.** The purpose of the "Aquatic" shoreline environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. **Designation criteria.** The "Aquatic" shoreline environment designation will be assigned to shoreline areas waterward of the OHWM.

C. **Management policies.** Development within the "Aquatic" shoreline environment designation shall be consistent with the following policies:

1. New over-water structures should be prohibited except for water-dependent uses, public access, necessary shoreline crossings, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical freshwater habitats should not be permitted. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts should be mitigated according to the sequence defined in Chapter 4.2, Ecological Protection.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

3.2.6. Official Shoreline Maps and Undesignated Shorelines

The Shoreline Jurisdiction Boundaries and Shoreline Environment Designations Maps, Appendix A, include a hard copy of the Official Shoreline Maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and shoreline environment designations in Chelan County. The electronic files of the Official Shoreline Maps will be considered the official version and may be updated administratively as indicated within this SMP.

A. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed.

Wetland boundary~~y~~ies are valid for five years from the date the delineation is made.

B. Permitted projects that commence prior to expiration of the determination may continue under the approved determination boundaries without conducting an additional evaluation. Floodplain and floodway boundaries should be assessed using FEMA maps and on-site elevation certificates. OHWM should be assessed using the definition adopted by the SMA.

C. In the event of a mapping error, the Administrator will rely upon WAC guidelines.

D. Correction of minor mapping inaccuracies may be made by the Administrator and incorporated into the Official Shoreline Maps without an SMP amendment, when the area of change is less than one acre in size.

E. All other areas of shoreline jurisdiction that are undesignated shall be assigned a Conservancy designation, until the shoreline can be re-designated through an SMP amendment process conducted consistent with WAC 173- 26-100 and SMP Section 7.16.

3.2.7 Interpretation of Environment Designation Boundaries

A. If disagreement develops as to the exact location of a shoreline environment designation boundary line, the Official Shoreline Maps shall prevail consistent with the following rules:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
2. In cases where boundary line adjustments or subdivisions occur, the designation applied to the parent parcel prior to the boundary line adjustment or subdivision shall not change.
3. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow the nearest right-of-way edge.
4. Boundaries indicated as approximately parallel to or extensions of features indicated in (1), (2), or (3) above shall be so construed.

B. The Shoreline Administrator shall apply the shoreline environment designation approved through the SMP Update or Amendment process or as corrected by Section 3.2.6. Appeals of such interpretations may be filed pursuant to Section 7.13.

3.3 Shoreline Use Preferences

When determining allowable uses and resolving use conflicts on shorelines within jurisdiction, the preferences and priorities as listed in WAC 173-26- 201(2)(d) shall govern.

3.4 Shorelines of the State and Statewide Significance

The waterbodies designated as shorelines of the State are streams, or segments of streams, whose mean annual flow is greater than 20 cubic feet per second (cfs) or lakes whose area is 20 acres or greater. Shorelines of statewide significance include those lakes, whether natural, artificial, or a combination thereof, with a surface area greater than or equal to 1,000 acres measured from the OHWM, and natural rivers or segments thereof downstream of a point where the annual flow is measured at two hundred (200) cubic feet per second or more, or those portions of rivers downstream from the first three hundred (300) square miles of drainage area, whichever is longer.

3.4.1 Waterbodies in Shoreline Jurisdiction

The following tables provide a list of waterbodies in shoreline jurisdiction in the County, with shorelines of statewide significance marked by an asterisk. The shoreline jurisdiction, as defined in Chapter 8, is defined as *"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of [RCW 90.58.030]…."See graphic illustrations Appendix G.*

Table 3.4-a. Streams and ~~r~~Rivers in ~~s~~Shoreline Jjurisdiction

Shoreline Jurisdiction Streams and Rivers		
Agnes Creek	Jack Creek~~Icicle Creek*~~	Rainbow Creek~~Prospect Creek~~
Basin Creek	Lake Creek~~Indian Creek~~	Rainy Creek~~Railroad Creek~~
Big Meadow Creek	Lake Creek~~Ingalls Creek~~	Rimrock Creek~~Rainbow Creek~~
Boulder Creek 1	Leland Creek~~Jack Creek~~	Roaring Creek~~Rainy Creek~~
Boulder Creek 2	Lightning Creek~~Lake Creek~~	Rock Creek~~Rimrock Creek~~
Bridge Creek	Little Wenatchee River*~~Lake Creek~~	Snowall Creek~~Roaring Creek~~
Buck Creek	Mad River~~Leland Creek~~	South Fork Agnes Creek~~Rock Creek~~
Cady Creek	Maple Creek~~Lightning Creek~~	South Fork Bridge Creek~~Snowall Creek~~
Chelan River*	McAlester Creek~~Little Wenatchee River*~~	South Fork Chiwaukum Creek~~South Fork Agnes Creek~~
Chiwaukum Creek	Meadow Creek~~Mad River~~	South Fork Flat Creek~~South Fork Bridge Creek~~
~~Chiwaukum Creek~~Chiwawa River*	Mill Creek~~Maple Creek~~	Spruce Creek~~South Fork Chiwaukum Creek~~
~~Chiwawa River*~~Columbia River*	Mission Creek~~McAlester Creek~~	Stehekin River*~~South Fork Flat Creek~~
Company Creek	Mountaineer Creek~~Meadow Creek~~	Swamp Creek~~Spruce Creek~~
Cottonwood Creek	Napeequa River~~Mill Creek~~	Thunder Creek~~Stehekin River*~~
Cougar Creek	Nason Creek*	Tommy Creek
Doubtful Creek	North Fork Bridge Creek	Trapper Creek
Eightmile Creek	North Fork Entiat River	Trout Creek
Entiat River*	North Fork Thirtyfive Mile Creek	Twentyfive Mile Creek
Fish Creek, flows into Wenatchee River	Panther Creek	Wenatchee River*
Flat Creek	Park Creek	West Fork Agnes Creek
French Creek	Peshastin Creek	West Fork Flat Creek
Ibex Creek	Phelps Creek	White River*
Ice Creek	Pole Creek	Whitepine Creek
Icicle Creek*	Prince Creek	Wildhorse Creek
Indian Creek	Prospect Creek	
Ingalls Creek	Railroad Creek	

~~**Shoreline Jurisdiction Streams and Rivers**~~

~~Columbia River*~~	~~Mission Creek~~	~~Swamp Creek~~
~~Company Creek~~	~~Mountaineer Creek~~	~~Thunder Creek~~
~~Cottonwood Creek~~	~~Napeequa River~~	~~Tommy Creek~~
~~Cougar Creek~~	~~Nason Creek*~~	~~Trapper Creek~~
~~Doubtful Creek~~	~~North Fork Bridge Creek~~	~~Trout Creek~~
~~Eightmile Creek~~	~~North Fork Entiat River~~	~~Twentyfive Mile Creek~~
~~Entiat River*~~	~~North Fork Thirtyfive Mile Creek~~	~~Wenatchee River*~~
~~Fish Creek, flows into Wenatchee River~~	~~Panther Creek~~	~~West Fork Agnes Creek~~
~~Flat Creek~~	~~Park Creek~~	~~West Fork Flat Creek~~
~~French Creek~~	~~Peshastin Creek~~	~~White River*~~
~~Ibex Creek~~	~~Phelps Creek~~	~~Whitepine Creek~~
~~Ice Creek~~	~~Pole Creek~~	~~Wildhorse Creek~~
	~~Prince Creek~~	

* Shorelines of statewide significance marked by an asterisk

Table 3.4-b. Lakes in ~~s~~Shoreline ~~j~~Jurisdiction

Shoreline Jurisdiction Lakes			
Antilon Lake	Heather Lake	Lost Lake	Stuart Lake
Spring Hill Reservoir (aka Black Lake or Wheeler Hill Reservoir)	Ice Lakes (1)	Lyman Lake	Surprise Lake
Chiwaukum Lake	Ice Lakes (2)	Meadow Lake	Theseus Lake
Colchuck Lake	Josephine Lake	Mirror Lake	Trapper Lake
Cortez Lake	Klonaqua Lakes (1) Lower	Nada Lake	Twin Lakes (1)
Cub Lake	Klonaqua Lakes (2) Upper	Perfection Lake	Twin Lakes (2)
Domke Lake	Lake Augusta	Rainy Lake	Unnamed Lake 1
Doubtful Lake	Lake Chelan*	Rock Island Pool*	Upper Wheeler Reservoir
Dry Lake (aka Grass Lake)	Lake Leland	Roses Lake (aka Alkali Lake)	Wanapum Dam*
Eightmile Lake	Lake Valhalla	Schaefer Lake	Wapato Lake
Entiat Lake*	Lake Victoria	Shield Lake	Wells Reservoir*
Fish Lake	Lake Wenatchee*	Snow Lake-Lower	White Rock Lakes (1)
Glasses Lake	Larch Lake	Snow Lake-Upper	
Green View Lake	Lichtenwasser Lake	Square Lake	
Hart Lake	Loch Eileen Lake	Stemilt Project Reservoir	

* Shorelines of statewide significance marked by an asterisk

3.4.2 Use Preferences for Shorelines of Statewide Significance

In accordance with RCW 90.58.020, the following management and administrative policies are hereby adopted for all shorelines of statewide significance in Chelan County, as defined in RCW 90.58.030(2)(e) and listed in Section 3.4.1 of this SMP. Consistent with the policy contained in RCW 90.58.020, preference shall be given to the uses in the following order of preference that are consistent with the statewide interest in such shorelines. These are uses that:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 [County's Shoreline Master Program] deemed appropriate or necessary. (WAC 173-26-251(2))

3.5 Unincorporated City-Associated UGAs

A. Shoreline within UGAs will be regulated by this SMP until annexed into the City.

B. The County has authority to issue Shoreline Permits in the UGAs as established at the time of County adoption of this SMP.

3.6 Shoreline Use Matrix

This section contains the Use Matrix which outlines all uses within the shoreline jurisdiction as permitted, conditional or prohibited. Depending on the type of development, activity or use, a permitted use may also be exempt from the requirements of a Substantial Development Permit. A list of exempt actions is located in Chapter 7.5.

The following provisions apply to the Shoreline Use Matrix, Table 3.6-a:

A. Accessory uses not specifically assigned a permit type in Table 3.6-a shall be subject to the same shoreline permit process and SMP regulations as its primary use.

B. Unless otherwise noted in this SMP, an accessory use~~s~~ should only be approved after or concurrent with establishment of a primary use.

C. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.

D. Authorized uses and modifications are only permitted in shoreline jurisdiction where the underlying zoning permits for it and subject to the regulations of this SMP.

E. Any use, development or modification not classified in this Shoreline Master Program or not listed in the Use Matrix shall require a Shoreline Conditional Use Permit in addition to a Substantial Development Permit.

F. Uses and modifications identified as "SD/E" require either a Shoreline Substantial Development Permit or may be exempt if consistent with Section 7.6. Exempted uses and modifications shall be consistent with the applicable policies and regulations of this SMP and may require a letter of exemption from the Shoreline Administrator prior to commencing an exempt activity. If any part of a proposed development is not eligible for exemption, then a Substantial Development Permit is required for the entire proposed project.

G. Where a use or modification may occur in the Aquatic shoreline environment designation as indicated in Table 3.6-a but the adjacent shoreland environment requires a Conditional Use or prohibits the use, than the more restrictive permit process or prohibition applies to the Aquatic shoreline environment designation. For example, a marina may be permitted in the Aquatic shoreline environment designation, but would require a Shoreline Conditional Use Permit if the immediately upland shoreline environment designation is Conservancy; therefore, the marina would require a Shoreline Conditional Use Permit.

H. The permit process indicated below for each use or development applies to new, expanded, modified or replacement uses or developments. Non-conforming structures and uses are addressed in Chapter 6.

Table 3.6-a Shoreline Use Matrix

SD/E = Permitted, subject to Shoreline Substantial Development Permit or Shoreline Exemption SCUP = Shoreline Conditional Use Permit X = Prohibited	**Natural**	**Conservancy**	**Rural**	**Urban**	**Aquatic**
Agriculture					
Agriculture	X	SD/E	SD/E	SD/E	n/a
Agricultural-Commercial	X	SCUP	SD/E	SD/E	n/a
Aquaculture					
Non-commercial; low and medium intensity					
Temporary (seasonal up to 5 years , or less than 24 consecutive months)	SD/E	SD/E	SD/E	SD/E	SD/E
Permanent	SCUP	SD/E	SD/E	SD/E	SD/E
Non-commercial; high intensity	SCUP	SD/E	SD/E	SD/E	SD/E
Commercial	X	SCUP	SD/E	SD/E	SD/E
Boating Facilities: Marinas, Community Piers, and Boat Launches					
Community and public piers	X	SD/E	SD/E	SD/E	SD/E
Marinas and commercial piers	X	SD/E	SD/E	SD/E	SD/E
Public boat launch facility	X	SD/E	SD/E	SD/E	SD/E
Private commercial boat launch facility	X	SD/E	SD/E	SD/E	SD/E

SD/E = Permitted, subject to Shoreline Substantial Development Permit or Shoreline Exemption SCUP = Shoreline Conditional Use Permit X = Prohibited	Natural	Conservancy	Rural	Urban	Aquatic
Private community motorized/paved boat launch facility	X	X	SD/E	SD/E	SD/E
Private community non-motorized boat launches – (Hand launch areas of sand and cobble construction)	X	SCUP	SD/E	SD/E	SD/E
Breakwaters/jetties/rock weirs/groins	SCUP	SCUP	SCUP	SCUP	SCUP
Installed to protect or restore ecological functions	SD/E	SD/E	SD/E	SD/E	SD/E
Commercial Uses					
Water-dependent uses	X	SD/E	SD/E	SD/E	SD/E
Water-related	X	SD/E	SD/E	SD/E	SD/E
Water-enjoyment uses	X	SD/E	SD/E	SD/E	SD/E
Nonwater-oriented uses	X	X	SD/E	SD/E	n/a
Mixed use commercial	X	SD/E	SD/E	SD/E	n/a
Mixed use residential	X	SD/E	SD/E	SD/E	n/a
Dredging and dredge materials disposal					
Dredging [53]	n/a	n/a	n/a	n/a	SD/E
In-water disposal [53]	n/a	n/a	n/a	n/a	SCUP
Upland disposal outside of channel migration zone (CMZ)	X	SD/E	SD/E	SD/E	n/a
Upland disposal inside of CMZ	X	SCUP	SCUP	SCUP	n/a
Fill and Excavation					
Upland outside of CMZ	SD/E	SD/E	SD/E	SD/E	n/a
Fills installed to protect or restore ecological functions, such as woody debris, engineered log jams, or habitat-forming rock weirs	SD/E	SD/E	SD/E	SD/E	SD/E

SD/E = Permitted, subject to Shoreline Substantial Development Permit or Shoreline Exemption SCUP = Shoreline Conditional Use Permit X = Prohibited	Natural	Conservancy	Rural	Urban	Aquatic
Upland inside of CMZ	SCUP	SCUP	SCUP	SCUP	n/a
Fills installed to protect or restore ecological functions, such as woody debris, engineered log jams, or habitat-forming rock weirs	SD/E	SD/E	SD/E	SD/E	SD/E
In-water related to restoration [53]	n/a	n/a	n/a	n/a	SD/E
In-water not related to restoration [53]	n/a	n/a	n/a	n/a	SCUP
Forest Practices (which includes activities other than timber cutting)					
Forest Practice Conversions	SCUP	SD/E	SD/E	SD/E	n/a
Category IV, where there is a likelihood of conversion to non-forest uses	SCUP	SD/E	SD/E	SD/E	n/a
Industrial Uses					
Water-dependent uses	X	SCUP	SD/E	SD/E	SCUP
Water-related uses	X	SCUP	SD/E	SD/E	X
Nonwater-oriented uses	X	X	SD/E	SD/E	X
Institutional[1]					
Water-oriented	SCUP	SD/E	SD/E	SD/E	SCUP
Nonwater-oriented	SCUP	SCUP	SCUP	SCUP	X
In-Water Structures [53]	n/a	n/a	n/a	n/a	SCUP
Related to habitat and natural systems enhancement or support of non-commercial aquaculture [42]	n/a	n/a	n/a	n/a	SD/E
Mining					
Upland mining inside of CMZ	X	SCUP	SCUP	SCUP	n/a
In-water mining (commercial) [53]	n/a	n/a	n/a	n/a	SCUP
In-water mining (recreational) [53]	n/a	n/a	n/a	n/a	SD/E
Private Moorage Facilities					
Buoys	n/a	n/a	n/a	n/a	SD/E
Piers and docks (single and joint-use) [53]	n/a	n/a	n/a	n/a	SD/E

SD/E = Permitted, subject to Shoreline Substantial Development Permit or Shoreline Exemption SCUP = Shoreline Conditional Use Permit X = Prohibited	**Natural**	**Conservancy**	**Rural**	**Urban**	**Aquatic**
Watercraft lifts	n/a	n/a	n/a	n/a	SD/E
Private non-motorized boat launch facilities	X	SD/E	SD/E	SD/E	SD/E
Private motorized/paved boat launch facility	X	X	X	X	X
Recreational Uses					
Water- oriented	SCUP	SD/E	SD/E	SD/E	SD/E
Nonwater-oriented	X	SD/E	SD/E	SD/E	X
Residential Uses					
Single-Family Residence	SCUP	SD/E	SD/E	SD/E	n/a
Accessory Dwelling Unit	SD/E	SD/E	SD/E	SD/E	n/a
Multi-family	X	SD/E	SD/E	SD/E	n/a
Over-water	n/a	n/a	n/a	n/a	X
Floating Home	n/a	n/a	n/a	n/a	X
Houseboat	n/a	n/a	n/a	n/a	SCUP
Liveaboards	n/a	n/a	n/a	n/a	SD/E
Shoreline Habitat Projects					
Shoreline habitat and natural systems enhancement projects	SD/E	SD/E	SD/E	SD/E	SD/E
Shoreline Stabilization					
Bioengineering	SCUP	SD/E	SD/E	SD/E	SD/E
Hard structural shoreline stabilization	X	SD/E	SD/E	SD/E	SD/E
Related to habitat and natural systems enhancement or support of non-commercial aquaculture [42]	SD/E	SD/E	SD/E	SD/E	SD/E
Soft structural shoreline stabilization	X	SD/E	SD/E	SD/E	SD/E
Related to habitat and natural systems enhancement or support of non-commercial aquaculture[24]	SD/E	SD/E	SD/E	SD/E	SD/E

SD/E = Permitted, subject to Shoreline Substantial Development Permit or Shoreline Exemption SCUP = Shoreline Conditional Use Permit X = Prohibited	**Natural**	**Conservancy**	**Rural**	**Urban**	**Aquatic**
Flood Hazard Reduction					
Dikes, levees	X	SCUP	SCUP	SCUP	SCUP
Transportation Facilities					
Local	SCUP	SD/E	SD/E	SD/E	n/a
Regional	SCUP	SD/E	SD/E	SD/E	n/a
Parking	SCUP	SD/E	SD/E	SD/E	n/a
Bridges, Culverts [5][3]	n/a	n/a	n/a	n/a	SD/E
Utilities					
Small	SCUP	SD/E	SD/E	SD/E	SCUP
Large	SCUP	SCUP	SCUP	SCUP	SCUP

[1] Institutional uses shall comply with Commercial standards.

~~[2] Subject to applicable provisions in Section 5.~~

~~[4]~~[2] Subject to applicable provisions in Section 5.4, Section 5.17 and/or Section 5.18.

~~[5]~~[3] When authorized in the Aquatic Environmental Designation, associated uses and structures may occur landward of the OHWM.

3.7 Shoreline Development Standards

To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided below. The following are in addition to the minimum setback distances listed within the Chelan County Zoning code:

Table 3.7-a Shoreline Development Standards

Standard[3]	**Natural**	**Conservancy**	**Rural**	**Urban**	**Aquatic**
Minimum Lot width – measured at OHWM	200′	100′	75′	60′	n/a
Side Yard Setback Minimum	5′	5′	5′	5′	5′[2]
Height Limit Maximum[4]	35′	35′	35′	60′[1]	15′

[1] Only w~~W~~here the underlying zoning district~~s~~ allows~~permits~~ and with an approved view corridor analysis per this SMP.

[2] No setback is required for joint-use docks and associated uses, when consistent with this SMP.

[3] Zoning setbacks shall not apply to water-dependent uses.

[4] The following types of structures or structural parts are not subject to the building height limitations: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, monuments, observation towers, radio, telecommunication and television towers, utility infrastructure, smoke stacks, water towers, windmills and other similar projections. None of these exemptions, except chimneys and flagpoles, shall be used for or attached to residential structures.

3.8 Shoreline Buffers

The size of the buffers is reflective of the quality of the natural environment and the goals to retain the ecological functions which protect the waters of Chelan County.

Due to the variety of land uses and activities on the shoreline, it is also appropriate that the shoreline buffers be modified for site specific conditions, as found below, see 3.8.2.

Shoreline buffers are areas of ecological protection. Vegetation removal or any use and development within the buffer shall not occur unless authorized within this SMP.

Shoreline Buffers are measured from the OHWM horizontally landward. The Administrator may require the applicant to mark/flag the OHWM, using a qualified professional, if the development is within 10′ of the buffer or the OHWM is not clearly denoted.

Table 3.8-a Shoreline Buffers

Shoreline Designations	Buffer (feet)
Natural Environment	150
Conservancy Environment	100
Rural Environment	100
Urban Environment	50
Aquatic Environment	n/a
Lower Lake Chelan Basin	50

3.8.1 Buffer ~~a~~Applicability

The following exceptions are uses permitted within the shoreline buffer. All uses and development may still require a permit and applicants are encouraged to contact the County prior to development activities:

A. **Water related uses,** see definition, such as agriculturally related water transportation systems.

B. **Water-dependent uses.** Consistent with the use allowances for each environment designation, water-dependent uses (such as marinas), modifications and activities may be located within shoreline buffers. Uses, developments and activities accessory to water-dependent uses should be located outside the applicable shoreline buffer unless one of the following conditions is met:

1. Proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose (e.g., a road to a boat launch facility, facilities that support non-commercial aquaculture); or
2. Parks or other public lands where high-intensity recreational development is primarily related to access for enjoyment and use of the water and the development does not conflict with or limit opportunities for other water-oriented uses; or
3. The site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required shoreline buffer).

   In these circumstances, uses and modifications accessory to water-dependent uses must be designed and located to minimize intrusion into the buffer and should also be consistent with Section 4.2, Ecological Protection and Section 4.4, Public Access.

C. **Subdivision.** Applicants with an approved preliminary subdivision as of the effective date of this SMP, or where a shoreline conditional use permit or shoreline variance is authorized, may conduct grading work necessary to finalize the subdivision approval.

3.8.2 Shoreline ~~b~~Buffer ~~w~~Width ~~m~~Modifications

Buffers may be administratively modified, only once, by one of the following tools~~, if consistent with the common line requirements, were applicable~~. All buffer modifications shall be by written approval of the Shoreline Administrator. The Shoreline Administrator may attach conditions to any modified buffer, as necessary, to assure consistency with this SMP. Buffers shall not be reduced below 25' under these provisions. Buffer reductions below 25' shall require a shoreline variance.

A. **Lower Lake Chelan Basin.** The Lower Lake Chelan Basin, for the purposes of this section, shall be considered to begin at Box Canyon, extending southeast to the City of Chelan and extending northwest from the city limits to Deer Point. The 50' buffer may be modified to 25' buffer if the following standards are met:

   1. An enhanced on-site sewage system or public sewer is required; and
   2. If removing existing native vegetation, the applicant shall provide mitigation pursuant to Section 4.2 Ecological Protection (C).

B. **Common line.**[1] Shoreline buffers may be reduced to accommodate new single family residential development, and which are located adjacent to lakes or the Columbia River, using a common line measurement if lots are 100' or less in width, as measured at the OHWM.

   1. The common-line setback shall be measured from the OHWM to the closest point of the primary residential building's foundation for each adjoining waterfront lot. If an adjoining lot, tract, parcel is vacant or right-of-way the measurement shall be the required shoreline buffer.
   2. The two measurements shall be averaged to determine the common line setback for the proposed development lot.
   3. The buffer may be further reduced an additional 20% to accommodate decks and outdoor use areas provided that views from adjacent residences are not obstructed. ~~and that t~~
   ~~3.~~4. The buffer shall not be reduced to less than 25 feet from the ordinary high water mark using this common line measurement.

C. **Site specific modification.** Reductions of up to 25% of the shoreline buffer may be approved if the following standards are met:

   1. A mitigation plan, pursuant to Section 4.2 Ecological Protection, indicates that enhancing the buffer will result in no-net-loss of function. A mitigation plan is not necessary when the applicant or qualified professional submits a report describing how the proposed development does not result in a net loss of ecological functions compared to the existing condition, such as, the replacement of a structure in the same footprint.

[1] Reference Illustrations in Appendix G

2. All proposals shall include a site plan illustrating the existing and proposed conditions and a plan for protection of the shoreline during construction activities.

D. **Buffer width averaging.** Shoreline buffer widths may be modified by averaging the buffer widths only where the applicant demonstrates all of the following:

1. The total area contained within the shoreline buffer after averaging is no less than that contained within the shoreline buffer width, outlined by the requirements of this SMP, prior to averaging; and,
2. The minimum shoreline buffer width at its narrowest point shall not be less than 75% of the shoreline buffer width established under this SMP or be less than twenty-five (25) feet, whichever is greater; and,
3. The need for shoreline buffer width averaging is not due to the landowner's own actions; and,
4. A qualified professional documents the following:
    a. That width averaging will not degrade the habitat structure, functions and values; and,
    b. The newly incorporated area provides habitat with at least equal habitat structure, functions and values to that area that it is replacing.

E. **Barriers to ecological function.** Where an improved legally established road, open irrigation canal system, railway, or utility corridor, at least 20' wide, crosses a shoreline or critical area buffer, the Shoreline Administrator may approve a modification of the buffer width to the waterward edge of the corridor. This provision does not apply to private easements, driveways, farm access roads, etc.

F. **Restoration Plan.** Where a land owner has completed a fish enhancement project or restoration project from an approved Restoration or Enhancement Plan, consistent with Section 5.17 Shoreline Habitat and Natural System Enhancement Project Regulations, the buffer may be modified by 50% but no less than twenty-five (25) feet, whichever is less.

G. **Steep Slopes.** Where a shoreline waterbody is incised with steep slopes (40% or greater), greater than twenty feet in height measured from the ordinary high water mark and there is naturally a narrow riparian corridor and limited habitat, the Shoreline Administrator may reduce the buffer to 50' minimum from the top of slope provided that the applicant submits documentation prepared by a qualified professional finding that the shoreline ecological functions would be protected and that development will not be vulnerable to erosion or geologic hazards that would require shoreline structural improvements.

4 GENERAL REGULATIONS

Chapter 4 presents general regulations that apply to all developments, uses, or activities in any shoreline environment designation in order to protect environmental and cultural resources, reduce likelihood of harm to life or property from hazardous conditions, and promote access to shorelines.

Policies related to each type of use are located in Appendix F.

CHAPTER 4 CONTENTS:

4.1 Archaeological and Historic Resource Regulations

The following provisions apply to archaeological and historic resources that are either recorded at the State Department of Archaeology and Historic Preservation and/or by local jurisdictions or have been inadvertently uncovered. Development or uses that may impact such sites shall comply with WAC 25-48 and the following:

A. **Known archaeological resources.** In areas documented to contain archaeological resources, new permits shall require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

B. **Uncovered archaeological resources.** Developers and property owners shall immediately stop work and notify the County, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.

C. Applicants shall submit an Inadvertent Discovery Plan prior to commencing any development authorized by this SMP. A copy of the plan shall be kept on site during ground disturbing activities.

4.2 Ecological Protection and Critical Area Regulations

A. **Applicability**. The provisions of this Section and Appendix B, Critical Areas Regulations, shall apply to any use, alteration or development within shoreline jurisdiction to document a finding of no-net-loss. Additional mitigation requirements may be included within this SMP based on the proposed development or use to document a finding of no-net-loss.

B. **Mitigation sequencing**. Applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines in the following sequence of steps listed in prioritized order:

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, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

C. **Mitigation required for impact.** Mitigation shall be required for all projects within shoreline jurisdiction that have adverse impacts remaining after application of mitigation sequencing per Section 4.2.B which result in a net loss of ecological functions. As part of the analysis of potential impacts, the applicant shall also evaluate whether the project may adversely affectexisting hydrologic connections between streams and/or wetlands, and either modify the project or mitigate any impacts as needed. Mitigation plans must meet the following requirements:

1. Mitigation plans shall be prepared by a qualified professional and shallbe consistent with the relevant mitigation plan requirements of the County in Appendix B, including a five-year monitoring plan or other monitoring

timeframe specified by local, state or federal permitting agencies, and scaled drawings of existing and proposed conditions.

2. Mitigation plans shall describe actions that will ensure no net loss of ecological functions, and shall describe the functions impacted and how the mitigation plan addresses those specific functions.
3. Mitigation must be designed to result in no net loss of ecological functions to the extent feasible. Mitigation for adverse impacts to shoreline ecological functions shall be required at a ratio of one unit of mitigation for one unit of impact area (1:1) or as required to meet the no net loss of ecological functions standard.
4. Mitigation plans and any required annual monitoring reports shall be prepared by the appropriate qualified professional. Except, any monitoring report required for single-family residence may be submitted at the end of years 1, 3 and 5 by the property owner if accompanied by an as-built plan, documentation of vegetation survival, and photographs.
5. Mitigation plans that include a vegetation component shall contain a performance standard of ~~90~~ 100 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year and fifth year.
6. Mitigation measures specified in the mitigation plan shall be maintained over the life of the use and/or development.

D. Cumulative effects.

1. In review of applications for shoreline conditional uses and variances, the County shall consider the cumulative impacts of individual uses and developments when determining whether a proposed use or development could cause a net loss of ecological functions. The geographic scope of the analysis shall include the shoreline waterbody potentially affected by the proposal within the bounds of the County's geographic authority, unless the Shoreline Administrator determines that a larger or smaller area of analysis is appropriate.
2. The Administrator shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, water quantity, water quality and other shoreline attributes.
3. Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:
    a. Current ecological functions and human factors influencing shoreline natural processes; and
    b. Reasonably foreseeable future use and development of the shoreline; and

c. Beneficial effects of any established regulatory programs under other local, state, and federal laws; and

d. Mitigation measures implemented in conjunction with the proposed project to avoid, reduce and/or compensate for adverse impacts.

4. The Administrator may add conditions as needed based on the findings of special studies, assessments and analyses completed to address any adverse cumulative effects and ensure that the project meets the review criteria.

E. **Restoration is not required**. Developments shall not be required to provide mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and will not have a significant adverse impact on other shoreline functions fostered by the policy of the Act.

F. **Alternative mitigation.** For any development proposal, applicants shall comply with relevant mitigation standards found in this SMP. Provided, applicants may submit a habitat management plan that demonstrates how an alternative mitigation approach meets the no net loss of ecological functions standard or alternative planting plan or mitigation measure are approved by other State and Federal agencies.

At a minimum, habitat management plans must contain information about existing and anticipated post-project conditions with a discussion of how the alternative design or mitigation approach is consistent with the SMA and this SMP.

G. **Alternative off-site mitigation.** The applicant may propose compensatory mitigation, if related to an established County program, such as in-lieu fee mitigation or mitigation banking.

H. **Location of mitigation.** When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the same watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on the Shoreline Restoration Plan, or Water Resource Inventory Area (WRIA) or comprehensive resource management plans applicable to the area of impact may be authorized if it would have a greater positive impact on ecological function. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

I. **Protection of critical areas and buffers.** Any critical areas found within shoreline jurisdiction, shall be regulated by Appendix B, Critical Areas Regulations. Unless otherwise stated, critical area buffers and shoreline buffers located within shoreline jurisdiction shall be protected and/or enhanced

pursuant to Section 4.5, Vegetation Conservation and all other applicable provisions of this SMP.

J. **Mitigation Private Moorage Facilities.** Mitigation shall be provided for new impacts resulting from construction of new private moorage facilities and modification or reconstruction of existing private moorage facilities at a one to one (1:1) ratio, excluding boatlifts and mooring buoys, except mitigation for development on Lake Chelan shall be calculated by subtracting any open spaces in the deck or grating from the total footprint, and then multiplying the resulting number by 0.25. The Administrator may require mitigation through Section 4.2 Ecological Protection to ensure no loss of ecological function.

1. Removal of any existing over-water and/or in-water structures that are not otherwise required to be removed.
2. Replacement of areas of existing solid over-water cover with grated material or use of grating on those altered portions of piers if they are not otherwise required to be grated.
3. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of trees and/or shrubs native to Chelan County with trees planted on 15-foot centers and/or shrubs planted on 6-foot centers. Native groundcover can be supplemental to the planted shoreline area, but does not count toward the total square footage requirement.
4. Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or large woody debris.
5. Removal of man-made debris detrimental to ecological functions and ecosystem-wide processes waterward of the OHWM.
6. Placement of large woody debris if consistent with local, state and/or federal regulations, see Chelan County Code Chapter 13.28.
7. Participation in an approved mitigation banking or in-lieu-fee program when process is adopted by Chelan County.

4.3 Flood Hazard Reduction Regulations

The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards.

Flood hazard reduction measures are a type of development which may consist of nonstructural measures, such as wetland restoration, dike removal, use relocation,

biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment.

Shoreline stabilization is not considered a type of flood hazard reduction measure when the primary purpose is to prevent erosion of land from currents and waves originating in the shoreline waterbody. Shoreline stabilization is addressed in Section 5.18.

All uses, developments and shoreline modifications have the potential to intensify flooding elsewhere, damage ecological functions critical for fish and wildlife species or impact bank stability and water quality. Therefore, uses, development and shoreline modifications within the floodplain, floodway or channel migration zone should be avoided whenever possible or adequately mitigated for impacts.

A. **Floodplain.** Uses, developments and shoreline modifications in floodplains shall be consistent with applicable flood hazard plans and regulations, including but not limited to Chelan County Code ~~Title~~ Chapter 3.20, and avoid significantly or cumulatively increasing flood hazards.

B. **Floodway.** All uses, developments and shoreline modifications are prohibited in the floodway, except the following:

   1. New structural flood hazard reduction measures, such as levees, in any shoreline jurisdiction shall be permitted only when:

      a. A structural engineer or qualified geologist, documents that structural flood hazard reduction measures are necessary to protect existing development and that nonstructural measures are not feasible; and,

      b. A qualified professional, documents that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss of ecological functions, and that appropriate vegetation conservation actions are undertaken consistent with this SMP.

      c. Be placed landward of associated wetlands and designated buffers, except for actions that increase ecological functions, such as wetland restoration; provided no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

   2. New development in designated urban growth areas located upland of existing structures that prevent active channel movement and flooding.

   3. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and provided that such actions do not cause significant ecological impacts.

4. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
5. Public access is permitted in the CMZ and floodway when consistent with Section 4.4.
6. Removal of material, such as gravel, for flood management purposes shall be consistent with Section 5.8, Dredging and Dredge Material Disposal and Section 5.13, Mining.
7. Mining when conducted in a manner consistent with Section 5.13 Mining, and the shoreline environment designation.
8. Development or actions with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
9. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
10. Bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs and the long-term maintenance or repair costs are not significantly different between options inside or outside of the floodway or channel migration zone.
11. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
12. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.

C. Channel migration zone (CMZ) Maps.

1. Channel migration zone maps prepared consistent with WAC 173-26-221(3)(b) are included in Appendix D of this SMP. The County shall utilize these maps and accompanying GIS databases in shoreline application reviews.
2. Applicants for shoreline use, development or modification may submit a site-specific channel migration zone study, documenting alternative channel migration boundaries, when prepared by a qualified professional. The report shall be consistent with WAC 173-26-221(3)(b) and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification.

D. **Permitted uses in the CMZ.** Where appropriate and/or necessary within the channel migration zone (CMZ), new development, uses or subdivisions may be permitted when it can be reasonably foreseeable that the development or use would not require structural flood hazard reduction measures to be implemented within the floodway. Additionally, the Administrator may require the applicant to submit a study from a qualified professional to ensure that all critical areas, potential active channel movement or flooding questions have been addressed.

E. New structural flood hazard reduction measures are allowed in shoreline jurisdiction only when it is demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5). Structural flood hazard reduction measures shall be consistent with the county's adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

F. Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions. Flood hazard reduction projects may only be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

G. New structural public flood hazard reduction measures, such as dikes and levees, should dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

H. The removal of gravel for flood management purposes shall be consistent with the county's adopted flood hazard management plan and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, and does not result in a net loss of ecological functions.

4.4 Public Access Regulations

A. **Inventory and needs assessment.** Chelan County has completed a Shoreline Public Access Plan (Appendix E) which provides a comprehensive inventory of existing public access and identifies areas of need, or "gap" areas. As of 2012, gap areas included the north shore of Lake Chelan, north of Wenatchee on the Columbia River between Rocky Reach Dam and Entiat, Malaga, Peshastin, and the north shore of Lake Wenatchee. Applicants may use the analysis criteria within Appendix E to re-evaluate gaps at the time of application/development.

B. **Applicability.** When shoreline development is proposed within the public access "gap" areas identified in the Shoreline Public Access Plan (Appendix E), the following shoreline uses and activities shall require public access unless excepted in section (C) below:

   1. Development consistent with WAC 173-26-221(4)(d)(iii);
   2. Development which is not a preferred shoreline use (e.g. non-water-oriented commercial or industrial development);
   3. Development proposed by local government(s), Port Districts, State agencies or Public Utility Districts;

C. **Exceptions.** The following types of development are not required to provide public access when approved by the Shoreline Administrator:

   1. Single-family residences and other exempt development;
   2. Development within non-gap areas, as defined by the Shoreline Public Access Plan, Appendix E;
   3. Development which does not lessen existing public access;
   4. Proposed development where the applicant demonstrates to the satisfaction of the Administrator that one of the following criteria are met and feasible alternatives have been considered:
      a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
      b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
      c. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
      d. Significant unavoidable conflict between any access regulations and the proposed use and/or adjacent uses would occur and cannot be mitigated.

D. **Types of Public Access.** Public access may include direct access to the water, offsite improvements to existing or new public access or visual. Public access

may include viewing platforms, trails/paths, stairs, bridges, boat ramps, docks, fishing stations for cleaning or interpretive displays or signage.

E. **Standards.** When developing public access, the applicant shall demonstrate compliance with adopted road and pedestrian facilities in Chelan County Code Title 15, or as approved by the Shoreline Administrator. Additionally, the Shoreline Administrator may require buffers between public access and adjoining private property, screening landscaping or fencing, or other mitigation to lessen the impact to surrounding private property.

F. **Nexus and proportionality.** When a public access is required, the County shall document the need for the public access in relation to the impact of the shoreline development/use.

4.5 Vegetation Conservation and Shoreline Buffer Regulations

Shoreline vegetation provides ecological and aesthetic functions valued by the public and important to habitat and water quality. Vegetation Conservation identifies ways to consider and protect those functions while using the shorelines.

Shoreline ~~Buffers~~ buffers provide an area to retain shoreline vegetation and ensure a continued level of ecological function. Uses and development within the shoreline buffer which result in the loss of vegetation may reduce function. Vegetation removal within shoreline ~~jurisdiction~~ buffer that is not permitted without the appropriate review and approvals may be subject to enforcement provisions in Section 7.15, Enforcement.

A. **Conserve vegetation.** Shoreline developments shall address conservation and maintenance of vegetation within the required buffer through compliance with this Section. Uses and modifications must be designed and located to ensure that the development will not result in a net loss of shoreline ecological functions or have significant adverse impacts to shoreline uses and vegetation, resources, and values provided for in RCW 90.58.020.

B. **Adverse impacts on vegetation.** Actions that result in an adverse impact are not permitted unless mitigated for through an approved permit. Adverse impacts to shoreline vegetation are considered to occur when vegetation is removed within the buffers that would reduce the performance of any of the shoreline functions.

C. **Native plant list**. Chelan County maintains a list of suggested native plants to be utilized in restoration or mitigation plantings. Property owners may choose species from this list when native plants are desired or required, or may use other native species identified by the Washington Native Plant Society, Washington Department of Natural Resources Natural Heritage Program,

Washington Department of Fish and Wildlife, or other agency or entity that has expertise.

D. **Water-dependent uses.** Consistent with the use allowances for each shoreline environment designation, water-dependent uses, modifications and activities may be located in shoreline buffers when consistent with this SMP. These uses may result in the modification of the vegetation.

Accessory uses, developments and activities should be located outside of the shoreline buffer unless consistent with Section 4.2, Ecological Protection and one of the following:

1. Proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility, facilities that support non-commercial aquaculture);
2. In parks or on other public lands where high-intensity recreational development is already legally established and whose use is primarily related to access to, enjoyment and use of the water, they do not conflict with or limit opportunities for other water-oriented uses; or
3. The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

E. **Passive activities.** Education, scientific research, and passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, snowshoe or cross-country skiing, swimming, canoeing, and bicycling, are permitted within shoreline jurisdiction and within established shoreline and critical area buffers.

F. Tree Removal.

1. Where trees, within the shoreline buffer, pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional or as approved by the Administrator, they may be removed if the hazard cannot be removed by topping or other technique that maintains some habitat function. Stumps shall be retained in the ground to provide soil stabilization unless another soil stabilization technique is utilized immediately after stump removal. The Administrator may require revegetation for removed trees.
2. Removal of non-hazard trees in the shoreline buffer is permitted if associated with an approved mitigation and management plan, approved use/development, public access, or view corridor.
3. Tree removal which is proposed as part of an approved use or development shall be minimized through site design and mitigation.

G. **Residential view corridors**. The development or maintenance of view corridors can provide opportunities for visual access to waterbodies associated with privately owned waterfront lots. One view corridor, limited to 25 percent of the width of the lot frontage, or ~~25~~ 20 feet, whichever distance is less, may be permitted per privately owned lot, when consistent with the provisions of Section 4.2, Ecological Protection; Appendix B, Critical Areas Regulations; and this Section. A mitigation and management plan, as required by section 4.2 Ecological Protection, must be submitted for review and approval. The Administrator may waive the requirement for a mitigation and management plan where it can be demonstrated that there will be no net loss of ecological function to the shoreline.

1. In addition to the submittal of a complete mitigation and management plan, an applicant must submit the following materials:
   a. A graphic and/or site photos for the entire shoreline frontage which demonstrates that the existing or proposed development does not or will not have a view corridor of the waterbody, taking into account site topography and the location of existing shoreline vegetation on the parcel.
   b. Demonstration that the view corridor will include the existing shoreline physical access corridor to minimize alteration of the shoreline buffer.
2. View corridors must also be consistent with the following standards:
   a. Native vegetation removal may be permitted only as needed to create or maintain the view corridor, provided that the view corridor is located to minimize removal of native trees and shrubs, in that order.
   b. Pruning or removal of vegetation waterward of the OHWM is prohibited.
   c. Non-native vegetation within a view corridor may be removed when the mitigation and management plan can demonstrate a net gain in site ecological functions, and where any impacts are mitigated.
   d. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.
   e. Only one view corridor is permitted for a property. Limitations and guidelines for maintenance shall be established in the mitigation and management plan.

H. **Fire Protection Options**. Property owners with existing structures may request fire protection measures which are recommended through an adopted wildfire protection plan or from the Washington Department of Natural Resources, Cascadia Conservation District, or other similar group/agency.

Property owners may remove vegetation to reduce fire risk with a~~n approved~~ Shoreline ~~Conditional Use~~Substantial Development Permit. These provisions

are intended to support fire suppression protection (similar to Firewise standards) and shall not be used for the development of trails or yard areas. The Administrator shall review the proposal based on:

a. The ability of the proposal to reduce fire risk and/or fire spread for the site and the surrounding properties; and,

b. The impact to the vegetation and habitat function which may require mitigation to ensure no-net-loss.

1. **Vegetation Removal to Protect Existing Residential Structures.** The following activities are allowed:

a. Clearing of flammable native and non-native vegetation within 5 feet of existing residential structures, legally established appurtenances and stationary propane tanks is allowed.

b. Within 30 feet of existing residential structures, legally established appurtenances and stationary propane tanks, native trees may be trimmed to the lesser of 10 feet or one third of the tree height from the ground.

c. Wildfire fuel reduction activities may be applied for the protection of an existing residential structure.

I. **Non-native vegetation.** With the exception of hand removal or spot- spraying of invasive or noxious weeds, the determination of whether non- native vegetation removal may be permitted in a shoreline buffer or critical area buffer must be evaluated in conformance with Section 4.2, Ecological Protection and Appendix B, Critical Areas Regulations. Such removal of noxious weeds and/or invasive species shall be incorporated in mitigation plans, as necessary, to prevent erosion and facilitate establishment of a stable community of native plants.

J. **Cultural and historic resources protection.** Fill and other shoreline modifications may be permitted in shoreline and critical areas buffers when necessary to protect cultural or historic resources when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient to avoid continued degradation, disturbance or erosion of a site. Cultural resource protection projects shall be coordinated with any affected Indian tribes and comply with applicable provisions of Section 4.1 of this SMP.

4.6 Water Quality, Stormwater and Nonpoint Pollution Regulations

A. **Applicability.** The following section applies to all development and uses in shorelines of the state that affect water quality.

B. **Requirements for new development.** New development, excluding overwater structures and shoreline stabilization, shall manage stormwater to avoid and minimize potential adverse effects on shoreline ecological functions through the use of best management practices and/or through compliance with the current Stormwater Management Manual for Eastern Washington, or a local equivalent stormwater manual in effect at the time if applicable to the project. When the Stormwater Management Manual or a local equivalent stormwater manual applies, deviations from the standards may be approved where it can be demonstrated through County Code that off-site facilities would provide better treatment. Additionally, new development is encouraged to implement low impact development or other similar techniques.

C. **Maintain storm drainage facilities.** Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.

D. **Use BMPs.** Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through an approved temporary erosion and sediment control (TESC) plan or Stormwater Pollution Prevention Plan, identified in the Stormwater Management Manual for Eastern Washington, as amended or the most recent adopted stormwater manual, or administrative conditions, in accordance with the current federal, state, and/or local stormwater management standards in effect at the time.

E. **Sewage management.** On-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards, in addition to requirements outlined below.

   1. On-site wastewater treatment systems shall be located landward of designated shoreline buffers and subject to regulations administered by the Chelan-Douglas Health District. In instances where shoreline buffers are less than 100 feet to the OHWM, an approval from the Chelan- Douglas Health District is required. Buffer reductions shall be the minimum necessary and shall be based on feasibility, lot size, or lot configuration. Where residential structures are permitted within 100 feet of the OHWM, tightlines from structures or septic tanks may be located within 100 feet from the OHWM.

   2. Large On-site Sewage Systems (LOSS) shall be subject to regulations administered by the Washington State Department of Ecology or Department of Health as required by rule adopted under RCW 70.118B.020.

3. All individual and community on-site wastewater (sewage) treatment systems including septic tanks and drainfields or alternative systems approved and inspected by the Chelan-Douglas Health District, the Washington Department of Ecology, or Washington Department of Health, shall be located landward of designated shoreline buffers.

5 SHORELINE MODIFICATIONS AND USES

Chapter 5 presents general regulations that apply to particular developments, uses, or activities in any shoreline environment designation.

Policies related to each type of use are located in Appendix F.

CHAPTER 5 CONTENTS:

5.1 General Upland Shoreline Modification and Use Regulations

This section provides standards addressing preferred layouts of shoreline development and appropriate signage serving the intended use and recognizing shoreline locations.

A. **Preference for water-oriented facility location.** Shoreline developments shall locate the water-oriented portions of their developments along the shoreline and place all other facilities landward or outside shoreline jurisdiction.

B. **Minimize changes to topography.** To the extent feasible, design of structures, and motorized and nonmotorized vehicular improvements, shall conform to natural contours and minimize

disturbance to soils and native vegetation and natural features while meeting applicable government standards.

C. **Building heights.** Building heights above 35 feet, require authorization via a Shoreline Conditional Use Permit pursuant to Section 7.7 of this SMP.

D. **Illegal structure(s)/material removal.** The removal of structures or material associated with a code enforcement action (identified by the County, State or Federal agency), and any related restoration, does not require a shoreline substantial development or conditional use permit if done in compliance with an approved Restoration and/or Mitigation and Monitoring Plan.

E. **Lighting.** Exterior lighting shall be designed and operated to avoid illuminating nearby properties; prevent glare on adjacent properties, public areas or roadways to avoid infringing on the use and enjoyment of such areas; and to prevent hazards.

1. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, review of type of light and brightness of light, setbacks, buffer areas and screening.
2. Lighting shall be directed away from critical areas, unless necessary for public health and safety.

F. Sign regulations.

1. The following signs are permitted within shoreline environmental buffers when associated with a permitted use and meeting the standards of this section. Sign outside of the shoreline environmental buffer shall conform to the zoning code.
    a. Signs required by law or for public safety shall not be subject to limitations with respect to the number, location, lighting and/or size, provided that they are the minimum necessary to achieve the intended purpose.
    b. Educational and recreational signs associated with a public use.
    c. Building-mounted signs may not exceed the building height or be greater than 56 square feet.
    d. Signs of any size may be placed in the form of a mural on conforming structures.
    e. Water-dependent commercial or industrial uses may have a maximum of two signs no greater than a combined total of 56 square feet.
    f. Directional signs may be posted in all shoreline buffers so long as each sign is no larger than 6 square feet.
    g. Real estate “sale signs”.
2. Sign Standards:
    a. Signs shall comply with lighting standards of subsection 5.1.E.

b. Signs or other devices which flash, blink, flutter, rotate, oscillate, or otherwise purposely fluctuate in lighting or position, in order to attract attention through their distractive character are prohibited in any shoreline environmental buffer. Except, pennants, banners and other devices of seasonal, holiday, or special event character may be utilized on a temporary basis if not more than thirty calendar days.

c. Signs shall not be posted or painted on natural features such as trees, rocks, and hillsides, etc., within shoreline jurisdiction, excluding Numeral Mountain (Entiat) or Painted Rock (Lake Chelan).

3. Moved Signs: Signs that are moved, replaced, or altered in size or placement shall conform with this SMP.

G. **Pools.** Pools and other upland recreational uses that utilize chemically treated water shall be managed consistent with the Washington State Department of Ecology guidelines for draining pools to ~~be connected to a~~sanitary sewer systems or approved septic system designed to process chemically treated water. If these options are unavailable, chemically-treated water shall be disposed of in a manner that does not flow off into or impact native riparian vegetation or nearby surface waters. If discharge to the ground will result in flows to nearby ditches or storm sewer, increase the time of water in the pool with no added chlorination to at least two weeks to allow chlorine to dissipate. Infiltration of water shall be limited to either 100 feet landward of the OHWM or landward of half of the lot as measured from the OHWM.

H. **Mitigation.** All shoreline development, modifications and uses are subject to the mitigation sequencing requirements in Section 4.2, Ecological Protection and all regulations of this SMP.

I. **Other Standards.** Based on the specific project, all other applicable standards of this SMP shall apply.

5.2 General Aquatic Shoreline Modification and Use Regulations

These regulations apply to all development, modifications and uses taking place waterward of the OHWM, including, but not limited to, installation of new structures, repair or maintenance of existing structures, replacement projects, restoration projects, and aquatic vegetation removal.

A. **Siting and design requirements.** In-water structures and activities shall be sited and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration:

1. To watershed functions and processes; and,
2. To protecting and restoring priority habitat and species; and,
3. To modifications being the minimum size necessary.

B. **Timing restrictions.** Projects involving in-water work shall comply with timing restrictions as set forth by state and federal project approvals.

C. **Structure removal.** Removal of existing in-water structures and materials shall be accomplished in a manner which ensures materials do not re-enter the waterbody.

D. **Illegal structure(s)/material removal.** The removal of in-water structures or material associated with a code enforcement action (identified by the County, State or Federal agency), and any related restoration, may be authorized by written approval of the Shoreline Administrator without a shoreline substantial development or conditional use permit if done in compliance with an approved Restoration and/or Mitigation and Monitoring Plan.

E. **Below-OHWM excavations.** Any trenches, depressions, or holes created below the OHWM shall be backfilled prior to inundation by high water or wave action.

F. **Disposal of waste material.** Waste material, such as construction debris, silt, excess dirt or overburden resulting from in-water structure installation, shall be deposited outside of the shoreline jurisdiction in an approved upland disposal site. Proposals to temporarily store waste material or re-use waste materials within shoreline jurisdiction may be approved provided:

   1. That best management practices are adequate to prevent erosion or water quality degradation; and,
   2. That an on-site location outside of shoreline jurisdiction is not available.
   3. The Administrator shall define the date of removal and may condition the site for restoration.

G. **Hazardous materials.** Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment- laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the waterbody during in-water activities. Necessary refueling of motorized equipment, other than watercraft, shall be conducted outside of shoreline buffers and a minimum of 100 feet from the OHWM if feasible. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery.

H. **Over- and in-water materials**. All materials that may come in contact with water shall be constructed of materials, such as untreated or approved treated wood, concrete, approved plastic composites or steel which will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state or federal agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote or pentachlorophenol is prohibited in shoreline waterbodies and other waters.

I. **Over-and in-water structures.** All over- and in-water structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures or materials, including treated wood, pilings, derelict structures, vessels, buoys, and equipment, shall be repaired or removed by the owner within 180 days, or as required by the Building Official.

J. **Prevent siltation of adjacent areas.** In-water work shall be conducted in a manner that causes little or no siltation to adjacent areas. A sediment control curtain shall be deployed in those instances where siltation is possible. The curtain shall be maintained during project installation and/or through the time of re-vegetation, as determined by the Administrator.

K. **Concrete management.** Fresh concrete or concrete by-products shall not be permitted to enter the waterbody. All forms used for concrete placement shall be completely sealed to prevent concrete from entering the waterbody.

L. **Protection of bank and vegetation**. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work. All disturbed areas shall be restored and protected from erosion using vegetation or other means approved by the Administrator.

M. **Trash and unauthorized fill removal required.** All trash and unauthorized fill, including, but not limited to, concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, and paper, found below the OHWM at the time of project implementation shall be removed.

Where the trash or fill is visibly providing some habitat function, consultation with Washington Department of Fish and Wildlife and/or the

U.S. Army Corps of Engineers should occur before removal.

Disposal shall occur in an approved upland location, outside of shoreline jurisdiction if feasible, but at a minimum landward of the OHWM and the channel migration zone.

N. **Notifications of distressed or killed fish.** If at any time, as a result of in- water work, fish are observed to be in distress or killed, immediate notification shall be made to appropriate state or federal agencies, including the Washington Department of Fish and Wildlife (phone 1-800-258-5990), National Marine Fisheries Service and/or U.S. Fish and Wildlife Service. Activities related to the fish distress or kill shall not resume until cleared by Department of Fish and Wildlife.

O. **Notification of water quality impacts.** If at any time, as a result of in-water work, water quality problems develop, immediate notification shall be made to the appropriate state or federal agency(ies), including Ecology, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.

P. **Retain natural features.** Natural in-water features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they

are actually causing bank erosion, higher flood stages, or a hazard to navigation or human safety.

Q. **Floatation materials.** During maintenance, existing un-encapsulated floatation material must be replaced with floatation material encapsulated within a commercially manufactured shell, typically polyethylene or another material specifically approved for use in aquatic environments.

R. **Mitigation.** All aquatic shoreline development, modifications and uses are subject to the mitigation sequencing requirements in Section 4.2, Ecological Protection and all regulations of this SMP.

S. **Other Standards.** Based on the specific project, all other applicable standards of this SMP shall apply.

5.3 Agriculture Regulations

A. **Existing agriculture.** The provisions of this SMP do not limit or require modification of agricultural activities as of April 22, 1975, the original date of adoption of the County SMP.

B. **Applicability.** SMP provisions shall apply in the following cases:

1. New and expanding agricultural activities on non-agricultural lands; and,
2. Conversion of non-agricultural lands to agricultural activities; and,
3. Shoreline development within or adjacent to designated agricultural resource lands, as defined by the zoning map; and,
4. Non-agricultural activities on agricultural land.

C. Development standards.

1. Feedlots shall comply with the following standards.
   a. Shall be located outside of shoreline buffers, vegetation conservation areas, and 100-year floodplains.
   b. Shall have a minimum of four feet between the ground surface and the upper surface of the water table.
   c. Shall be conditioned to meet best management practices provided by federal or state agencies.
2. Agricultural-Commercial Uses. Agricultural-commercial uses shall be consistent with Commercial use standards in Section 5.7 Commercial Development and this SMP.
3. Non-agricultural activities on agricultural lands. New non-agricultural activities proposed on agricultural lands shall be consistent with other applicable shoreline standards, for example Commercial or Industrial, and this SMP.

D. **Mitigate impacts to agricultural operations.** Shoreline development within or adjacent to designated agricultural resource lands shall be required to provide

for mitigation, such as fencing, planting of trees as buffers, landscaping, dust control, and appropriate spraying for pest control or the removal of fruit-bearing trees, to address impacts to agricultural operations, surrounding uses and ecological function.

E. **Groundwater protection.** Agricultural activities shall incorporate best management practices concerning waste disposal, fertilizer use, pesticideuse, and stream corridor management. Technical assistance may be available from the Cascadia Conservation District, WSU cooperative extension.

F. **New agricultural uses.** New agricultural uses which require alteration of the contour of the Shorelands, other than normal cultivation, shall not be considered normal or necessary farming or ranching activities and shall comply with Section 5.9, Fill and Excavation.

G. **New agricultural uses on non-agricultural land.** New agricultural uses on non-agricultural lands are permitted where specified in Table 3.6-a and when consistent with this SMP.

5.4 Aquaculture Regulations

A. **Location.** Aquaculture development and uses shall comply with the following locational guidelines:

1. Water-dependent portions of commercial and non-commercial aquaculture facilities and their necessary accessories may be located waterward of the OHWM or in the shoreline buffer. Water intakes and discharge structures, pump stations, water and power conveyances, and fish collection and discharge structures are all considered water-dependent or accessory to water-dependent.
2. All other elements of aquaculture facilities shall be located outside the shoreline buffer, unless proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose and are supportive of the water-dependent use and have no other utility, such as, tank cover buildings, emergency power generators, and maintenance shops/laboratories.
3. Sites shall be selected to avoid and minimize the need for and degree of floodplain or floodway alteration, channel migration zone alteration, shoreline stabilization, native vegetation removal, and/or wetland alteration.

   Commercial aquaculture operations may be required to submit a site alternatives analysis.

   Non-commercial aquaculture operations shall only be required to demonstrate that the location of the proposed facilities on the available site avoids and minimizes impacts to any on-site critical areas and habitats to the maximum extent feasible.

4. Aquacultural facilities shall be designed and located so as not to spread disease to native aquatic life or establish new non-native species.

5. To the extent that a location in channel migration zones, floodplains or floodways, or wetlands is permitted after application of mitigation sequencing and compliance with Appendix B, aquaculture facilities shall have the following order of preference, low-intensity, moderate-intensity and high-intensity.

B. **Substrate modification.** Aquaculture that involves substantial aquatic substrate modification or sedimentation through dredging, trenching, digging, or other similar mechanisms, shall not be permitted in areas where the proposal would have long-term adverse impacts on Fish and Wildlife Habitat Conservation Areas.

If substrate modification will not have long-term adverse impacts or the adverse impacts will be short-term, the applicant shall demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations.

C. **Mitigation sequencing.** New and expanded aquaculture proposals shall comply with mitigation sequencing requirements as outlined in Section 4.2, Ecological Protection and other general standards in Chapter 4. Aquaculture activities that would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions, shall be prohibited. Aquaculture practices shall be designed to minimize use of artificial substances and shall use chemical compounds that are least persistent and have the least impact on plants, animals and water quality.

D. **New aquatic species.** New aquatic species that were not previously found or cultivated in Chelan County shall not be introduced into fresh waters without prior written approval of the Director of the Washington Department of Fish and Wildlife and the Director of the Washington Department of Health.

E. **Fish kill.** In the event of a fish kill at the site of a net pen facility, the aquaculture operator shall immediately report to the Chelan-Douglas Health District and Washington Department of Fish and Wildlife stating the cause of death and shall detail remedial action(s) to be implemented to prevent reoccurrence.

F. **U.S. Coast Guard requirements.** All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.

G. **Coordination with Tribes.** The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribe(s) during the permit review process.

H. **Submerged and floating structures.** The installation of submerged structures and floating structures shall be permitted only when the applicant demonstrates that no alternative method of operation is feasible.

I. **Potential impacts.** If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and for all experimental aquaculture activities, baseline and periodic operational monitoring by a qualified professional may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

J. **Over-water structures.** For water-dependent portions of aquaculture projects which may require over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to the minimum size necessary to provide for equipment needed for the immediate and regular operation of the facility. Materials that are not necessary for the immediate and regular operation of the facility shall be stored outside of the shoreline buffer.

K. **Permanent instream facilities.** Permanent water-dependent instream facilities must be properly anchored to prevent the channel from migrating around it and causing erosion or creating a safety hazard, and must evaluate and mitigate any potential adverse effects on adjacent properties upstream and downstream.

L. **Product processing.** No processing of any aquaculture product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be subject to the regulations of Section 5.7 Commercial Development and/or Section 5.11 Industry, and this SMP.

M. **Waste disposal.** Aquaculture wastes, including waste from fish containment areas, shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste and wastewater disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

N. **Construction, maintenance and bonding.** Aquaculture structures and equipment shall be of sound construction and shall be so maintained.

Abandoned or unsafe structures and/or equipment shall be removed or repaired promptly by the owner.

Where any structure might constitute a potential hazard to the public in the future, the County may require the posting of a bond commensurate with the cost of removal or repair. The local government may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in thirty calendar days and may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.

5.5 Boating Facilities Regulations

Public, community or private boating facilities, including marinas, community docks (serving five or more dwelling units), public docks, and boat launch facilities, shall be subject to the policies and regulations of this Section.

Facilities serving four or fewer dwelling units are located in Section 5.14, Private Moorage Facilities.

A. Locational standards.

1. New boating facilities shall not be permitted in areas where dredging will be required to create or maintain the new facility or where a flood hazard will be created.
2. Expansions shall be located and designed to minimize the need for new or maintenance dredging.
3. Boating facilities shall be designed such that any moored boats will be located in water depths which prevent prop scour, unless the applicant can demonstrate that prop scour will not adversely impact aquatic vegetation or increase suspended sediment loads.
4. Boating facilities shall be located and designed in a manner that eliminates the need for shoreline stabilization. When the need for stabilization is unavoidable only the minimum necessary shoreline stabilization to adequately protect facilities shall be permitted.
5. Launch ramps shall be located where:
    a. There is adequate water mixing and flushing; and,
    b. It will not adversely affect flood channel capacity or otherwise create a flood hazard; and,
    c. Water depths are adequate to eliminate or minimize the need for dredging or filling; and,
    d. Outside of critical areas or salmonid spawning habitat areas, unless mitigated and approved by the Administrator.
6. Boating facilities shall be located only where adequate water, power and/or wastewater collection and treatment are available or where they can be provided concurrent with the development.

7. Boating facilities shall be located where existing public infrastructure is adequate to accommodate expected levels of traffic to and from the facility, or the applicant must implement necessary improvements to public infrastructure consistent with County level of service standards and road standards.

~~7.~~8. Long-term boat storage located landward of the OHWM is regulated as a non-water-oriented commercial use under Section 5.7 Commercial Development.

~~8.~~9. Boat trailer storage associated with a boat launch facility (either launch ramp, crane, hoist or similar device) may be regulated as a water-related commercial use.

~~9.~~10. Boat storage shall be located landward of the shoreline environmental buffers.

B. Subdivisions and ownership.

1. For all subdivisions or other divisions of land that results in 2 or more dwellings, excluding Accessory Dwelling Units, only joint use or community dock facilities may be permitted. Access shall be noted on a Notice to Title and determined at the time of construction based on agency standards.
2. A site for shared moorage at a community dock should be owned in undivided interest by property owners or managed by a homeowner's association as a common easement within the residential community that is served by the dock.

C. Facility design.

1. Boating facilities shall meet the following standards:
   a. No part of a community dock or marina shall be wider than 8 feet with the exception of floats with wave attenuation design which may be up to 12 feet wide.
   b. Marinas and community docks shall be no longer than 250 feet measured perpendicularly from the OHWM unless a variance is obtained.
   c. New boating facilities with overwater structures shall be located in water sufficiently deep to prevent the structure from grounding at the lowest low water, or stoppers must be installed to prevent grounding. This requirement does not apply in Lake Chelan, provided the boating facility is not located over native aquatic or emergent vegetation, or over spawning and holding areas for priority resident fish species.
   d. New boating facilities with overwater structures on the Columbia River and Lake Wenatchee shall include grating materials that have been approved by state and federal resource agencies, unless the applicant can demonstrate that the height, orientation and width of the overwater

structure results in illumination of the area below the overwater structure. Floats shall include grating over areas that are not underlain by float tubs.

2. Launch ramps shall be designed and constructed using methods/technology approved by state and federal resource agencies. At a minimum, they shall minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.
3. Expansion of boating facilities shall comply with applicable dimensional, design, materials and mitigation standards for new boating facilities as described in this Section.
4. Any proposed buoys are subject to the regulations in Section 5.14.E.
5. Public access shall be considered in the design:
    a. Boating facilities shall be designed so that lawfully existing or planned public shoreline access is not blocked, obstructed nor made dangerous.
    b. New marinas shall provide physical and/or visual public access, see Section 4.4. Features for access could include, but are not limited to, walk-on access, fishing platforms, and underwater diving and viewing platforms.
6. Covered moorage is permitted; however, on State-owned aquatic land, for Lake Chelan (below 1079), an approved permit/agreement from the Department of Natural Resources is required prior to placement.
7. Accessory uses at boating facilities shall be limited to water-oriented uses or uses that support physical or visual shoreline access.
8. Accessory development, such as, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities is encouraged be located outside the shoreline buffer unless where these are necessary to support the water-oriented use.
9. Parking and vehicle access.
    a. Public boat launch facilities shall include parking spaces for boat trailers commensurate with projected demand.
    b. All new parking and vehicle access areas shall not be placed in shoreline environmental buffers or critical area buffers, except as permitted for accessing water-dependent elements of the boat launch.
    c. Existing parking within the shoreline environmental buffers or critical area buffers may only be expanded to accommodate needed ADA compliance.
    d. All boating facilities shall provide parking facilities commensurate with projected demand and consistent with Section 5.19.

D. Site operation.

1. New and modified public marinas shall provide a pump-out facility or document alternative options.
2. Marinas, pier, open water moorage and anchorage areas, or other moorage facilities located on state-owned aquatic lands, shall be limited to ten percent (10%) of the total number of slips in a marina for residential uses, as required under WAC 332-30-171.

E. Waste disposal.

1. Discharge of solid waste or sewage into a waterbody is prohibited.
2. Garbage or litter receptacles shall be provided and maintained by the operator at several locations convenient to users.
3. Marinas shall provide adequate restroom and sewage disposal facilities (pump out, holding, and/or treatment facilities) in compliance with applicable health regulations.
4. Disposal or discarding of fish-cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles is prohibited.
5. Marina operators shall post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them.
6. Fail-safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required for new marinas and expansion or reconfiguration of existing marinas. Compliance with Federal or State law may fulfill this requirement. Rules for spill prevention and response, including reporting requirements, shall be posted on site.
7. Boating facilities providing fuel or storing other toxic and hazardous waste on site must provide secondary containment.

5.6 Breakwaters, Jetties, Groins, Weirs and Barbs Regulations

Breakwaters, jetties, groins, weirs and barbs are generally intended to protect harbors, moorages, navigation activity, or stream banks or bed from wave and wind action or stream flow by creating slow or stillwater areas along shore. A secondary purpose is to protect shorelines from wave- or flow- caused erosion.

These types of developments are separate from Shoreline Stabilization regulations, Section 5.18, which are intended to reduce or prevent erosion of uplands or beaches.

A. **Limitations on groins**. Groins are prohibited except as a component of a professionally designed community or public beach management program

that encompasses an entire reach for which alternatives are infeasible, or where installed to protect or restore shoreline ecological functions or processes.

B. **Limit size of structures**. The size of breakwaters, jetties, groins, weirs and barbs shall be limited to the minimum necessary as determined by a qualified professional to provide protection for the structure or use it is intended to protect.

C. **Use less-impacting alternatives**. Jetties and breakwaters are prohibited except as an integral component of a professionally designed marina, boat launch or public park facility. Where permitted, floating, portable or submerged breakwater structures, or smaller discontinuous structures, are preferred where physical conditions make such alternatives with less impact feasible.

D. **Professional design**. Proposed designs for new or expanded structures shall be designed and certified by a qualified professional, including an engineer, hydrologist, or geomorphologist. The design shall be done in a manner which protects critical areas.

E. **In-water structures.** Development of breakwaters, jetties, groins, weirs, and barbs is also subject to provisions in Section 5.12 In-water Structures and this SMP.

F. **State-owned aquatic lands**. Proposals for breakwaters shall be consistent with the Washington Department of Natural Resources Aquatic Land Management standards (WAC 332-30, RCW 79.105).

5.7 Commercial Development

A. **Water-oriented uses allowed.** Water-dependent, water-related, and water-enjoyment uses are permitted where allowed by zoning and this SMP. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment uses.

B. **Nonwater-oriented commercial uses**. Nonwater-oriented uses, including but not limited to agricultural commercial**,** may be located with water-oriented commercial uses provided:

1. The mixed-use project includes one or more water-dependent uses; and,
2. Water-dependent commercial uses as well as other water-oriented commercial uses have preferential locations along the shoreline; and,
3. A finding can be made that adequate provisions have been provided for roads, ingress and egress, stormwater, parking and loading, domestic and irrigation water, sanitary facilities, power, fire protection, and other necessary facilities, improvements or services consistent with this SMP; and,
4. A finding can be made that noise, light, heat, steam, erosion, water quality, glare, odors, wastes, dust and related impacts on adjacent properties and to the vicinity can be mitigated or avoided; and,

5. Where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration and meets one of the following conditions:
    1. The use is part of a mixed-use project that includes water-dependent uses; or
    2. Navigability is severely limited at the proposed site, such as not available for commercial navigation.

C. **Nonwater-oriented commercial uses not on a shoreline.** Nonwater-oriented commercial uses may be permitted if the site is physically separated from the shoreline by another property or public right of way.

D. **Overwater uses.** Nonwater-dependent commercial uses shall not be located over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

E. **Accessory uses to water-oriented commercial activities.** Accessory commercial development, including but not limited to parking, storage and service areas, and circulation, that does not require a shoreline location shall be located landward of the water-oriented portions of the development and outside the shoreline environmental buffers, except:
    1. Accessory uses may be allowed in existing structures or where necessary in support of water-oriented uses.

~~G~~F. **Public access.** Public access may be required, see Section 4.4 Public Access.

5.8 Dredging and Dredge Material Disposal Regulations

As regulated in this SMP, dredging is the excavation or displacement of the bottom or shoreline of a waterbody (waterward of the OHWM) for purposes 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, and/or restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose). This section is not intended to cover other excavations waterward of the OHWM that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement).

All dredging and dredge material disposal on state-owned aquatic lands must also comply with Washington Department of Natural Resources standards and regulations.

A. **Siting and design.** New development shall be sited and designed to first avoid or, secondly, to minimize the need for new and maintenance dredging.

B. **Dredging activities.** Dredging shall only be permitted for the following activities:

1. Development of new or expanded moorages or water-dependent industrial uses when there are no feasible alternatives or other alternatives may have a greater ecological impact.
2. Where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.
3. Where associated with an approved action under this SMP.
    a. Dredging shall be prohibited for the primary purpose of obtaining fill material, except that permitted under Section 5.13, Mining or when necessary for restoration of ecological functions under Section 5.8(B)(4) Dredging and Dredge Material Disposal. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.
4. Development of essential public facilities when there are no feasible alternatives.
5. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes. The Administrator may approve five-year management plans addressing maintenance dredging, use of best management practices, and other measures to assure no-net-loss of shoreline ecological functions.
6. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
7. Trenching to allow the installation of underground utilities (excluding "accessory utilities" associated with a primary use) if no practicable alternative exists, and:
    a. Impacts to fish and wildlife habitat are minimized to the maximum extent possible.
    b. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
    c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
8. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses.
9. Maintenance dredging of established navigation channels and basins, which shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

10. Flood hazard reduction, including dam maintenance.

C. **Maintain ecological functions and processes**. The physical alignment and ecological functions and processes of shoreline waterbodies shall be maintained, except to improve hydraulic function, water quality, fish or wildlife habitat, or fish passage.

D. **Mitigation.** Projects shall be consistent with the mitigation sequencing steps outlined in Section 4.2, Ecological Protection.

E. **Conditions may be applied.** Limitations on dredge or disposal operation may be imposed to reduce proximity impacts, protect the public safety and assure compatibility with the interests of other shoreline users. Conditions may include, but are not limited to, limits on periods and hours of operation, type of machinery, and may require provision of landscaped buffer strips and/or fencing to address noise and visual impacts at land disposal or transfer sites.

F. **Review.** Substrate modifications shall compile with Section 5.2, General Aquatic Shoreline Modification, Section 5.9, Fill and Excavation, and this SMP.

G. **Disposal of dredge material.** Dredge material disposal within shoreline jurisdiction is permitted under the following conditions:

1. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and
2. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.

H. **Disposal of dredge material within channel migration zone.** Disposal of dredge material on shorelands or wetlands within a river's channel migration zone requires a Shoreline Conditional Use Permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

I. Open water dredge disposal.

1. Dredge material disposal in open waters may be approved when authorized by applicable agencies and when meeting one of the following conditions:
   a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or
   b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.
2. Dredge materials approved for disposal in open waters shall comply with the following conditions:
   a. Offshore habitat will be protected, restored, or enhanced;
   b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;

c. Shifting and dispersal of dredge material will be minimal; and
d. Water quality will not be adversely affected.

5.9 Fill and Excavation Regulations

Fill and excavation regulations in this section apply to all development and uses within the shoreline jurisdiction, in both aquatic and upland environments.

All fill and excavation on state-owned aquatic lands must also comply with Washington Department of Natural Resources standards and regulations.

A. **Protect ecological function.** All fills and excavations shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
   1. Fill and excavation shall be minimized to the maximum extent practicable and necessary to accommodate approved shoreline uses and development activities that are consistent with this SMP.
   2. When fill or excavation causes adverse impacts to ecological functions, a mitigation plan must be prepared and implemented consistent with Section 4.2 Ecological Protection.

B. **Aquatic fill and excavation.** Fill and excavation waterward of the OHWM shall only be permitted when consistent with Table 3.6-a, and only in support of the following approved shoreline use and development activities:
   1. Water-dependent uses (including water-dependent non-commercial aquaculture), public access, and cleanup and disposal of contaminated sediments as part of an environmental clean-up plan; or
   2. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers, see Section 5.8 Dredging and Dredge Material Disposal; or
   3. Expansion or alteration of transportation facilities of statewide significance, as defined in RCW 81.112.020, currently located on the shoreline where alternatives to fill are infeasible; or
   4. Ecological restoration or enhancement, including, but not limited to, beach nourishment, habitat creation, culvert upgrades to improve fish and flow passage, or bank restoration when consistent with an approved restoration plan; or
   5. Protection of cultural or historic resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills must be coordinated with any affected Tribes; or

6. All fills and excavation waterward of the OHWM not associated with ecological restoration, shall require a Shoreline Conditional Use Permit, excluding docks when constructed in the dry.

C. **Upland fill and excavation**. Fills and excavation upland of the OHWM are permitted as part of an approved shoreline use or modification, consistent with Table 3.6-a, provided they are conducted per the requirements ofSection 4.5, Vegetation Conservation, Section 4.2 Ecological Protection, and Appendix B, Critical Areas. Fill in shoreline buffers is permitted when necessary to support a use or modification that is permitted within a buffer when necessary to provide protection to cultural or historic resources. Fill or exaction shall:

1. Be the minimum necessary to implement the approved use or modification; and,
2. Not significantly change the topography in a manner that adversely affects the hydrology, ecological function or increases the risk of slope failure.

D. **Shoreline stabilization.** Fills or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed, except when part of an approved plan for protection of cultural or historic resources.

E. **Physical and visual consistency.** Fills, beach nourishment and excavation shall be designed to blend physically and visually with existing topography. The Shoreline Administrator may require native vegetation, specific building materials and/or design changes to reduce impacts to topography and visual impacts.

F. **Maximum slopes.** Cut and fill slopes shall be sloped no steeper than one foot vertical for every two feet horizontal (1:2) unless a specific engineering analysis has been provided.

G. **Erosion control.** A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the Stormwater Management Manual for Eastern Washington, or approved equivalent, shall be provided for all proposed fill and excavation activities, and approved by the Shoreline Administrator prior to commencement of activity. Disturbed areas shall be immediately protected from erosion using weed-free straw, mulches, hydroseed, or similar methods and revegetated, as applicable.

5.10 Forest Practices Regulations

A. **Conversion to other use.** Preparatory work associated with the conversion of land to non-forestry uses and/or developments shall limit the conversion to the minimum necessary to accomplish the purpose and intent of the shoreline environment designation and associated buffers, general policies and regulations, and specific shoreline modification and use policies on the subject property.

A forest practice that only involves timber cutting is not a development under the Act and does not require a Shoreline Substantial Development Permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the Act and may require a Substantial Development Permit, as required by WAC 222-50-020.

~~Forest practices s~~Shoreline permit applications shall demonstrate compliance with performance standards in this subsection and the Washington State Forest Practices Rules per WAC Title 222.

B. **State and local forest practice regulations.** All forest practices, including forest conversions, undertaken on shorelines shall comply with the applicable policies and provisions of the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant, WAC 222.

C. **General Tree Management.** Forest management activities that minimize the potential for catastrophic wildfires and hazard tree removal are permitted consistent with any applicable state and local forest practice regulations and Section 4.5, Vegetation Conservation and 4.2 Ecological Protection.

D. **Selective cutting – shorelines of statewide significance.** Within shoreline jurisdiction along shorelines of statewide significance, only selective commercial timber cutting may be permitted so that no more than thirty percent (30%) of the merchantable timber may be harvested in any 10-year period. Alternative harvesting methods may be authorized if topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

Other Selective Cutting is permitted to prevent an epidemic of insects or disease infestations in the area or to adjoining areas when no other means of epidemic control will work; or clean up and restore an area devastated by disaster such as extensive windfall or fire.

The Administrator may require a Habitat Plan and/or Mitigation Plan and revegetation for any selective cutting activity.

5.11 Industrial Regulations

A. **Nonwater-oriented industrial uses limited.** Nonwater-oriented industrial uses are permitted if the site is physically separated from the shoreline by another property or public right-of-way or railroad.

B. **Shoreline properties.** On properties fronting the shoreline, nonwater- oriented industrial development is prohibited in shoreline jurisdiction, except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration, and meets one of the following conditions:

1. The use is part of a mixed-use project that includes water-dependent uses; or

2. Navigability is severely limited at the proposed site, such as, not available for commercial navigation.

C. **Accessory uses to water-dependent or water-related industrial activities.** Accessory industrial development that is not water-dependent and does not require a shoreline location shall be located upland of the water-dependent or water-related portions of the development and outside the shoreline environmental buffer. Accessory development includes, but is not limited to, parking, warehousing, open-air storage, waste storage and treatment, and transportation corridors.

D. **Public access.** Public access may be required, see Section 4.4 Public Access.

E. **Clean up and Restoration**. Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. Federal and state requirements for hazardous materials clean up or management shall be addressed.

5.12 In-Water Structure Regulations

In-water structures include those placed by humans within streams, rivers and lakes for hydroelectric generation, irrigation, water supply, flood control, transportation, utilities, fish habitat enhancement, or other purposes. Structures placed waterward of the OHWM have the potential to cause water impoundment or the diversion, obstruction, or modification of water, and are therefore regulated by this section.

A. **Prohibited projects.** Channelization projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, result in a net loss of ecological functions or result in high flood stages and velocities are prohibited.

B. **Soil stabilization.** Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be consistent with Section 5.18 Shoreline Stabilization.

C. **Water quality.** In-water structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. No motor vehicles, appliances, other similar structures or parts thereof; nor structure demolition debris; nor any other solid waste shall be used as in-water structures.

D. **Protect functions, processes and cultural resources.** In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources. The location and planning of in-stream structures shall give due consideration to watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

E. **Design.** In-water structures shall be designed by a qualified professional. In-water structures shall allow for natural groundwater movement and surface

runoff, and shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided channels. In-water structures shall not be a safety hazard or obstruct water navigation as determined by the Shoreline Administrator.

F. **Dam siting and design.** The design of all dams and the suitability of the proposed site for dam construction shall be certified by a professional engineer licensed in the State of Washington. The professional design shall include a maintenance schedule. Evaluation of the suitability of the dam shall include a downstream safety analysis.

G. **Dam maintenance agreement and bond.** For all dams that are not regulated by either the Federal Energy Regulatory Commission licensing procedures, or the Ecology reservoir permit requirements, a construction bond and maintenance agreement shall be filed with the County prior to construction. The bond or surety shall be approved by the Shoreline Administrator and shall be in a form acceptable to the County. The construction bond shall be equal to at least one hundred fifty percent of the estimated cost of the improvement(s) to be performed, to be utilized by the County to perform any necessary work and to reimburse the County for documented administrative costs associated with action on the device.

   To determine this value, the applicant must submit two cost estimates for the improvements to be performed. If costs incurred by the County exceed the amount provided by the assurance device, the property owner shall reimburse the County in full, or the County may file a lien against the subject property for the amount of any deficit.

   The maintenance agreement shall specify who is responsible for maintenance, shall incorporate the maintenance schedule specified by the design engineer, shall require annual inspections by a civil engineer licensed in the State of Washington, and shall stipulate abandonment procedures which shall include, where appropriate, provisions for site restoration.

5.13 Mining Regulations

A. **Location.** Permitted mining activities may be permitted if consistent with the following locational guidelines:

   1. Mining waterward of the OHWM shall not be permitted within shoreline jurisdiction within 400 feet upstream of any fish or aquaculture facility, or dam.
   2. Mining may be permitted in designated fish and wildlife habitat areas only as a part of an approved flood control program or in conjunction with a habitat restoration or enhancement plan.

3. Mining locations shall be consistent with designated mineral resource lands of long-term significance and based on documentation that mining is dependent on the shoreline location or a portion thereof.
    a. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations, and may be integrated with any relevant environmental review conducted under SEPA (Chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173- 26-201(2)(a), as amended.

B. **Impacts.** Mining operations or uses shall not cause impairment or loss of floodwater storage, wetland, or other stream corridor features and habitats. Mitigation shall provide for the feature's replacement at equal value consistent with Section 4.2 Ecological Protection.

C. **Surface mine reclamation plans.** For mining proposals that meet the definition of surface mine in RCW 78.44.031, a reclamation plan that complies with the provision of RCW 78.44, Surface mining, shall be included with any shoreline permit application.
    1. In reviewing reclamation plans together with permit applications, the Shoreline Administrator shall determine whether or not the reclamation plan is also consistent with this SMP, the Shoreline Restoration Plan, and other local regulations.
    2. An inconsistent reclamation plan shall constitute sufficient grounds for denial of a shoreline permit, provided, the applicant shall be given reasonable opportunity to revise the plan.

D. **Reclaimed site use.** Subsequent use of reclaimed sites shall be consistent with the provisions of this SMP.

E. **Adverse Ecological and Flood Hazard Impacts.** Mining is prohibited waterward of the OHWM of the Columbia River.

    Mining waterward of the OHWM of other waterbodies, or in the floodplain or channel migration zone of any shoreline waterbody shall not be permitted unless:
    1. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the system as a whole; and
    2. The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.
    3. Such uses will not divert flood flows causing channel-shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties.

The determinations required by this Section shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a).

F. **Continuation of mining at existing site.** In considering renewal, extension or reauthorization of other mining operations waterward of the OHWM shall comply with this SMP.

G. **Recreational mining.** Mining using hand-held mineral prospecting tools, such as gold pans, and more intensive recreational mining, using devices such as suction dredges, shall follow the requirements of the Washington Department of Fish and Wildlife's Gold and Fish Pamphlet, including any applicable timing restrictions. Any recreational mining activities that do not follow the requirements described therein are required to obtain a Conditional Use Permit.

H. **State-owned aquatic lands.** Mining proposals shall be consistent with the Washington Department of Natural Resources Surface Mine Reclamation standards (WAC 332-18, RCW 78.44).

5.14 Private Moorage Facilities Regulations

The purpose of this section is to provide polices and regulations for the location and design of private docks, watercraft lifts, swim floats, buoys, moorage piles, and boat launches serving four or fewer residential dwellings.

Boating Facilities serving five or more dwelling units are regulated in Section 5.5 Boating Facilities.

A. **Location standards**. Docks, swim floats, buoys, watercraft lifts, and moorage piles shall be located according to the following criteria:

1. Sited to avoid adversely impacting shoreline ecological functions or processes.
2. Spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights.

B. **General design standards**. Docks, watercraft lifts, and moorage piles shall be designed according to the following criteria:

1. Joint-use requirements. If moorage is to be provided as part of residential development of two or more waterfront dwelling units or lots or as part of a subdivision created after May 3, 1994, joint-use dock facilities shall be required, rather than permit individual docks for each residence.
2. For a subdivision where one of the lots is already developed with a single-use dock, a second single-use dock may be permitted within the same subdivision.
3. If a joint-use dock is provided, the applicant shall file a legally enforceable joint use agreement or other legal instrument that, at a minimum, addresses the following:

i. Provisions for maintenance and operation;

ii. Easements or tracts for joint-use access; and

iii. Provisions for joint use for all benefiting parties.

4. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.

5. Temporary moorages may be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one year.

6. Skirting may be permitted when a qualified professional documents a site specific need and appropriate mitigation of ecological impacts consistent with Section 4.2 Ecological Protection and this SMP.

7. Privately owned covered docks or other covered structures are not permitted waterward of the OHWM due, in part, to visual impacts and reduced light penetration to the water.

8. If a dock is provided with a safety railing, such railing shall meet International Building Code requirements and shall be an open framework.

9. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night.

10. Private moorage for float planes may be permitted as an accessory to existing or concurrently proposed moorage where construction and operation would not adversely affect shoreline functions or processes, including wildlife use, or interfere with navigation.

11. Parking or loading/unloading zone may be required by the Administrator to ensure safe access and use of the dock.

C. **Dock dimensional and materials standards**. The following dimensional standards shall apply to all new Private Moorage Facilities.

Table 5.14-a. Dimensional/Construction Standards for Docks

Prior to designing a dock/pier or other water recreational development, consultation with the US Army Corp of Engineers, Department of Fish and Wildlife and the Department of Ecology is encouraged to ensure compliance with the most restrictive dimensional/construction standards.

Dimension/ Specification	**Columbia River***
Width	Piers and ramps shall not exceed 5 feet in width. Floats shall not exceed 8 feet in width. Dock finger extensions shall not exceed 2 feet in width.
Length	The length of the pier and/or ramp must be sufficient to extend the float such that water depth at the landward edge of floats is sufficient for safe boat moorage (minimum 12′ in depth).
Area	Equal to the maximum width and length
Design	Single-use dock float(s), separate from pier and/or ramp sections, shall not exceed 8′ x 20′ or a total of 160 square feet Joint-use dock float(s) , separate from pier and/or ramp sections, shall not exceed 8′ x 40′ or a total of 320 square feet
Height	The bottom of any piers or the landward edge of any ramp must be at least 2 feet above the OHWM.
Pilings	Piling shall be cured prior to placement in the water. Pilings shall not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds. Pilings shall not extend beyond the end of the dock.
Decking/Materials	Grating or clear translucent material shall cover the entire surface area of the pier, ramp and/or float.
Floats	Flotation materials shall be permanently encapsulated within a commercially manufactured shell, typically polyethylene or another material specifically approved for use in aquatic environments. Floats may be designed with wave attenuation methods.
Mooring Buoys	Each waterfront single-family residence or parcel may be permitted one moorage buoy, see standards below.
Boat/Watercraft Lifts	Permitted, see standards below.
Swim floats	One per waterfront parcel.

Dimension/ Specification	**Lake Chelan***
Width	Piers and floats shall not exceed 8 feet in width; it is recommended that the width is 6 feet. Ramps shall not exceed 4 feet in width. Dock finger extensions shall not exceed 2 feet in width.
Length	The length of the dock shall not exceed 55 feet or such that water depth at the water ward edge of dock is sufficient for safe boat moorage (minimum 12' in depth).
Area	320 square feet for single use docks. This number may be increased by 6 square feet for each additional foot of length beyond 55 feet necessary to reach 12 feet of water depth. ~~It is recommended that the total area not exceed 450 square feet.~~ 450 square feet for joint use docks. This number may be increased by 6 square feet for each additional foot of length beyond 55 feet necessary to reach 12 feet of water depth. ~~It is recommended that the total area not exceed 450 square feet.~~
Height	N~~n~~o standard
Pilings	Pilings shall not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds. Pilings shall not extend beyond the end of the dock.
Decking/Materials	Planks or grating are permitted.
Floats	Flotation materials shall be permanently encapsulated within a commercially manufactured shell, typically polyethylene or another material specifically approved for use in aquatic environments. The placement of clean approved fill materials, or grading, may be used under a flotation dock to ensure a safe transition of the dock during the changes in the lake level. Floats may be designed with wave attenuation methods.
Mooring Buoys	Each waterfront single-family residence or parcel may be permitted two moorage buoys, see standards below.
Boat/Watercraft Lifts	Permitted, see standards below.
Swim floats	One per waterfront parcel, see standards below.

Dimension/ Specification	**Other Waterbodies (Lakes)**
Width	Piers and floats shall not exceed 8 feet in width. Ramps shall not exceed 4 feet in width. Dock finger extensions shall not exceed 2 feet in width.
Length	The length of the dock shall not exceed the length necessary in order for the end of the dock to reach a water depth of 12 feet measured at ordinary high water.
Area	Equal to the maximum width and length
Design	Single-use dock float(s), separate from pier and/or ramp sections, shall not exceed 8′ x 20′ or a total of 160 square feet Joint-use dock float(s), separate from pier and/or ramp sections, shall not exceed 8′ x 40′ or a total of 320 square feet~~Single-use docks shall not exceed a total of 160 square feet. Joint-use docks shall not exceed a total of 320 square feet.~~
Height	~~The bottom of any piers or the landward edge of any ramp must be at least 2 feet above the OHWM~~No standard.
Pilings	Pilings shall not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds. Pilings shall not extend beyond the end of the dock.
Decking/Materials	Grating or clear translucent material shall cover the entire surface area of the pier, ramp and/or float.
Floats	Flotation materials shall be permanently encapsulated within a commercially manufactured shell, typically polyethylene or another material specifically approved for use in aquatic environments. Floats may be designed with wave attenuation methods.
Mooring Buoys	Each waterfront single-family residence or parcel may be permitted two moorage buoys, see standards below.
Boat/Watercraft Lifts	Permitted, see standards below.
Swim floats	One per waterfront parcel, see standards below.

D. **Mooring piles**. Mooring piles are located adjacent to docks to provide a supplementary point to which a boat could be tied for additional security and stability. They are preferred over dock finger extensions or other decked over-water structures that often serve the same purpose, and are not independent locations for moorage. Mooring piles may be permitted as an accessory to docks, provided:

1. All piles shall be located not farther than 20 feet to the side of a dock, and must be at least 10 feet from side property lines, unless consistent with

B.3 of this Section and this SMP.

2. In no case may a pile be placed farther waterward than the end of the dock.
3. The height of the piles shall be between 2 and 6 feet above the OHWM.
4. Mooring piles shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night.

E. Mooring buoys.

1. Mooring buoys shall be placed at a distance specified by State and Federal agencies with authority to avoid nearshore habitat and to minimize obstruction to navigation. However, buoys shall be anchored at least 25 feet from side property lines or at the center of a parcel when the lot is less than 50 feet wide.
2. At a minimum, the buoy shall be placed so that the boat will not ground during the waterbody's typical moorage season, June 1st through September 1st, and will be in water at least 7 feet deep at ordinary high water.
3. A radius of 20 feet from the proposed buoy shall be clear of existing buoys, docks, and other hazards.
4. Anchor, buoy, and moored vessel shall not be located over or within 25 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds).
5. Anchors and other design features shall meet Washington Department of Fish and Wildlife and/or Department of Natural Resources standards.

F. **Watercraft lifts**. Watercraft lifts may be permitted in the aquatic environment provided that:

1. To the extent practicable, lifts shall be oriented in a north-south direction to minimize shading impacts.
2. Watercraft lifts must be located at least 10 feet from side property lines, unless consistent with B.3 of this Section and this SMP.
3. A maximum of two lifts are permitted per ~~dwelling unit~~property (e.g., six lifts if the dock is shared by three property owners). Dual jet-ski lifts shall be considered one lift.
4. ~~Canopies over watercraft lifts may be permitted.~~

G. Swim floats.

1. Private swim floats should be no longer than 8 feet and no wider than 8 feet.
2. Anchors and other design features shall meet Washington Department of Fish and Wildlife and/or Department of Natural Resources standards.

3. Swim floats shall be placed at a distance specified by State and Federal agencies to avoid nearshore habitat and to minimize obstruction to navigation, and shall be located at least 10 feet from side property lines, unless consistent with B.3 of this Section and this SMP.

H. **Private boat launch facilities**.

Private boat launches of sand or cobble construction shall meet the following minimum standards:

1. Boat launch facilities shall be located in the least sensitive portion of any lot and avoid significant vegetation removal.
2. Launch ramps shall be 10' or less in width and extend into the water no more than 6' below the OHWM. Administrative exceptions may be considered when applicants submit supporting information.
3. Property owners are encouraged to pursue joint-use boat launch facilities rather than a launch serving only one property.
4. The use of car, truck or trailer to launch from private sand or cobble boat launches is prohibited.

I. **Mitigation.** Projects shall be consistent with the mitigation requirements of Section 4.2, Ecological Protection.

5.15 Recreational Regulations

A. **Design.** Recreational uses and facilities shall be designed to be primarily related to access, enjoyment and use of the water and shorelines of the state.

B. Houseboat.

1. Houseboats may be permitted, for non-commercial activities, when moored for a time period of not more than fourteen days during any sixty-day period at any one dock or facility with a pumpout station.
2. Houseboats may be permitted, for commercial rentals, if the upland property is zoned commercial and when moored at a facility with a pumpout station.
3. Houseboats moored on state-owned aquatic lands shall comply with WAC 332-30-171.

C. **Accessory uses.** Accessory uses and support facilities such as maintenance facilities and parking lots shall be consolidated and located in upland areas outside shoreline, wetland and shoreline buffers to the extent feasible, except for access to water-dependent facilities such as boat launches.

D. **Public access.** Public access may be required, see Section 4.4 Public Access.

E. **Compatibility with adjacent private properties.** Recreational facilities shall provide landscaping, signs and/or fencing to buffer surrounding private properties.

F. **Adequate utilities and services.** Proposals for recreational development shall include facilities for water supply, wastewater, and garbage disposal.

G. **Management Plans.** A five-year recreation management plan is required for new recreation proposals or redevelopment of parks greater than one-half acre within the shoreline jurisdiction.

1. New recreation proposals or redevelopment of park areas shall prepare a plan that minimally contains the following categories, when applicable. Each category shall include standards which describe the management objective or desired outcome for habitat conditions, specific performance requirements for each standard, baseline conditions and corrective actions that would be implemented if the performance requirement(s) is not met. Plans shall be approved by the Shoreline Administrator.

a. Description of in-stream or in-lake habitat protection measures, and commitment to implement mitigation for any new or expanded development that has adverse impacts;

b. Description of shoreline, wetland and buffer protection measures, and commitment to implement mitigation for any new or expanded development that has adverse impacts;

c. Description of site-appropriate water use management activities, including use of less water-dependent landscaping, maximizing the efficiency of the application system, and reducing the area irrigated;

d. Description of stormwater management practices to treat stormwater runoff to reduce both water quantity and water quality impacts, including maximizing use of infiltration, bio-filtration, and detention;

e. Description of erosion and sediment control practices that prevent off-site movement of sediment for new construction, stored soils, and potential surface erosion areas; and

f. Description of chemical and nutrient use and containment practices that demonstrate minimization of overall inputs of these contaminants, restrict the type of inputs, and develop an acceptable method of application through a comprehensive management program, such as Integrated Pest Management (IPM).

H. **Commercial water recreation:** Water recreation such as commercial boating, floating, jet-skiing, and similar activities may be permitted where specifically authorized on public properties or waters of the state, or on private commercial recreation areas authorized to facilitate the use or activity.

I. Public parks and public recreation lands and facilities.

1. Public parks and recreation, including trails, shall be consistent with Section 4.4 Public Access and the following standards:

a. Impervious Surfaces and Stormwater shall comply with Section 4.6 Water Quality, Stormwater and Nonpoint Pollution and the following:

- New and expanded pollution-generating impervious surfaces shall provide water quality treatment before discharging stormwater through use of oil-water separators, bioswales, or other approved technique. This provision does not apply to boat launches.
- Treated runoff from pollution-generating impervious surfaces and runoff from non-pollution-generating impervious surfaces shall be infiltrated if feasible.

b. Parking shall comply with Section 5.19 Transportation Facilities and the following:
   - New parking accessory to shoreline parks shall be at least 50 feet upland of the OHWM, except where a minimum number of parking spaces are provided closer to accommodate those with disabilities or where parking is provided in existing impervious surfaces.
   - Expanded parking shall be expanded in the following order of preference: 1) upland of the shoreline environmental buffer, 2) landward of existing parking and 3) laterally of the existing parking on existing impervious surface. ADA Parking may be placed within 50 feet of the OHWM.

c. Vegetation Management shall be consistent with Section 4.5 and the following:
   - New and expanded uses in shoreline jurisdiction shall be located to avoid and minimize intrusion into buffer areas, as well as avoid tree and shrub removal.
   - Tree and shrub removal in the shoreline buffer shall be mitigated at a 1:1 ratio consistent with Section 4.5.
   - Landscape designs for new and modified recreation facilities in shoreline jurisdiction shall incorporate (1) development or supplementation of a native vegetated wildlife corridor; and, (2) development or supplementation of native vegetation adjacent to the water's edge; and, (3) screening parking areas from views from the water or the park, and (4) discouragement of wildlife that may directly or indirectly interfere with park use or human health (e.g., geese).

d. Lighting:
   - Outdoor lighting fixtures and accent lighting shall be shielded and aimed downward, and shall be installed at the minimum height necessary. The shield shall mask the direct horizontal surface of the light source. The light shall be aimed to ensure that the illumination is pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

- Outdoor lighting fixtures and accent lighting shall not directly illuminate streams, rivers or lakes, unless it is a navigational light subject to state or federal regulations.

5.16 Residential Regulations

A. **Subdivisions and plats.** Subdivisions and plats shall:

1. Comply with all applicable subdivision, critical area, zoning regulations and this SMP.
2. Be designed to preclude the need for new hard or soft shoreline stabilization, Section 5.18 Shoreline Stabilization, or flood hazard reduction, see Section 4.3 Flood Hazard Reduction.
3. Be required to cluster residential units and structures where necessary to avoid critical areas and to preserve natural features.
4. Identify locations for public or community access when consistent with Section 4.4 Public Access.
5. Lot configurations shall plan for building sites behind the required shoreline buffer. Shoreline buffer modification, defined in Section 3.8.2 Shoreline Buffers, shall be determined at the time of residential development; not at the time of subdivision.
6. Land subdivisions shall be designed to assure that future development of the created lots will not require shoreline stabilization.
7. Designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.

B. **Residential development.** Residential development including accessory uses and appurtenant structures shall meet the following standards:

1. Structures shall meet the height requirements of Section 3.7 Shoreline Development Standards. Height shall be calculated from natural or existing grade to the highest point of the structure, excluding chimneys, antennas and similar structures, see definition of height.
2. All residential development shall be located or designed in such a manner as to prevent degradation of water quality from stormwater runoff:
   a. Design shall consider Section 4.5 Vegetation Conservation and Section 4.6 Water Quality and Stormwater.
   b. When necessary, the applicant may be required to demonstrate mitigation of impacts consistent with Section 4.2 Ecological Protection.
3. Shoreline view corridors may be authorized consistent to Section 4.5 Vegetation Conservation.
4. All residential development requiring fill and/or excavation shall comply with Section 5.9 Fill and Excavation, excluding single-family residential

development. Additionally, appurtenances may be exempt if not exceeding two hundred fifty cubic yards and not placing fill in any wetland or waterward of the ordinary high water mark.

5. Accessory uses and structures shall be located outside of the shoreline buffer, unless the structure is, or supports, a water-dependent use. Storage structures, used to support water-related activities, are not water-dependent uses.
6. All residential development shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. The Administrator may require a geological analysis to document compliance.
7. Trails, ramps, and stairs including handrails may be placed within the shoreline buffer and landward of the OHWM, when associated with a water dependent development or use and shall require a Shoreline Substantial Development Permit ~~.~~ or a written Shoreline Exemption, as applicable. ~~:~~ Trails, ramps, and stairs within the buffer are limited to five feet in width. The total area of trails, ramps, and stairs within the buffer is limited to 5 times the standard buffer width.

C. L**iveaboards.** Liveaboards shall be accommodated only in marinas equipped with the necessary facilities, including disposal of sewage, oil, gray water and solid waste. Liveaboards shall be located and operated such that navigation and lawful public access on those waters is not obstructed or made hazardous. Liveaboards moored on State-owned aquatic lands shall comply with all other provisions in WAC 332-30-171.

D. **Accessory uses.** Residential accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized by this SMP or through a Shoreline Variance permit.

5.17 Shoreline Habitat and Natural Systems Enhancement Project Regulations

Shoreline habitat and natural systems enhancement and restoration projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority and native species in shoreline jurisdiction. Examples of shoreline habitat and natural systems enhancement projects include floodplain restoration projects, fish passage barrier removal or improvement, and projects to increase shoreline habitat complexity, shoreline stabilization projects, streamlined fish enhancement projects per RCW 77.55.181 and projects identified in the Shoreline Restoration Plan.

A. **Approved plan.** Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan completed by a qualified professional.

B. **Protect adjacent resources.** All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

C. **Maintenance and monitoring.** Long-term maintenance and monitoring (minimum of three years, but preferably longer) shall be arranged by the project applicant and be included in restoration or enhancement proposals.

D. **Adverse effects.** Shoreline restoration and enhancement may be permitted if the project applicant demonstrates that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.

E. **Use of best information and BMPs.** Shoreline restoration and enhancement projects shall be designed using the most current, accurate, and complete scientific and technical information, and implemented using best management practices.

F. **Public use of waters.** Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state, as determined by the Shoreline Administrator, without appropriate mitigation.

G. **Relief for OHWM shifts.** Applicants seeking to perform restoration projects are advised to work with the County to assess whether and how the proposed project may be granted relief under RCW 90.58.580, in the event that the project shifts the OHWM landward.

5.18 Shoreline Stabilization Regulations

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include shoreline buffers or setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization.

Because Lake Chelan is a unique environment due to the artificial raising and lowering of the water level and much of the shoreline is stabilized with hard structural methods, it is treated differently under these regulations than other waterbodies. Because the lake level is drawn down for over half the year, existing stabilization structures are effectively disconnected~~removed~~ from the lake and therefore have less impact than those on other waterbodies.

A. **General**. The purpose of this section is to provide standards and guidelines for the location and design of hard structural and soft structural shoreline stabilization measures that have the potential to adversely impact the shoreline natural environment.

1. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
2. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
3. In all cases, the feasibility of soft structural shoreline stabilization shall be evaluated prior to new hard structural stabilization.
4. The placement of new shoreline stabilization structure or fill landward of a failing shoreline stabilization structure shall be considered a new structure.
5. Enlargement of existing structural shoreline stabilization shall include additions to or increases in size (such as height, width, length, or depth) to existing shoreline stabilization measures shall be considered new structures.

~~5.~~6. New shoreline stabilization activities shall demonstrate consistency with the Washington State Integrated Streambank Protection Guidelines.

B. **Repair and Maintenance.** Repair and maintenance of existing nonconforming hard structural stabilization may include replacement when comparable to its original condition 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. Anchoring bolts used for existing structures, tied to supports landward of the OHWM may be considered repair and maintenance. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

C. **Replacement.** Replacement occurs when the development exceeds the repair and maintenance requirements. All replacement shall be considered new shoreline stabilization measure subject to the requirements of Section 5.18, except:

1. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need, per Section 7.4(G)(2), to protect principal uses or structures from erosion caused by waves or other natural processes operating at or waterward of the OHWM.

2. Replacement of hard structural shoreline stabilization measures shall be in the same location or further landward of the OHWM.

D. **New or enlarged structural shoreline stabilization.** New or enlarged structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:

1. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization. OR
2. In support of water-dependent and new nonwater-dependent development, including single-family residences, when all of the conditions below apply:
    a. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.
    b. Nonstructural measures, such as placing the proposed development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion impacts.
    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical analysis. The damage must be caused by natural processes, such as currents or waves. OR
3. In support of water-dependent development when all of the conditions below apply:
    a. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.
    b. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.
    c. The need to protect primary structures, including residences, from damage due to erosion is demonstrated through a geotechnical analysis. OR
4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when all of the following conditions apply: nonstructural measures, planting vegetation, or installing on- site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts;

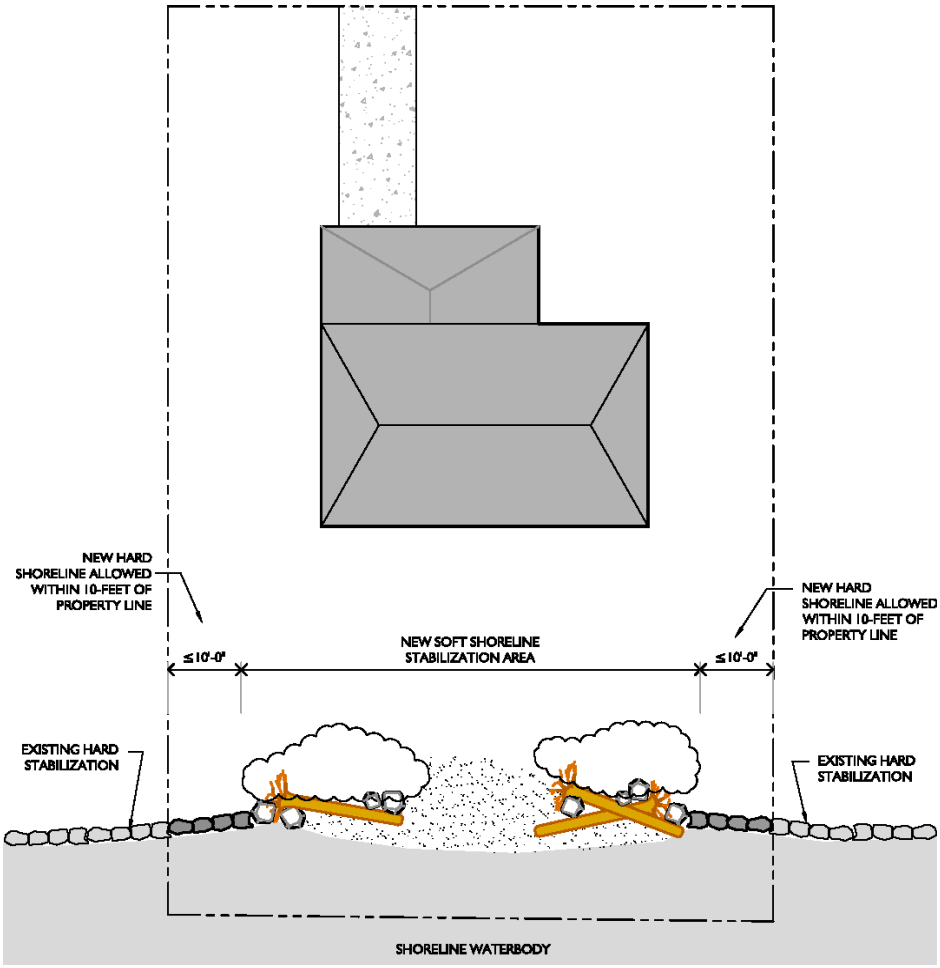
and the erosion control structure will not result in a net loss of shoreline ecological functions. OR

5. To protect cultural or historic resources when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient to avoid continued degradation, disturbance or erosion of a site. Cultural resource protection projects shall be coordinated with any affected Tribes and comply with applicable provisions of Section 4.1.

E. **Wave Attenuation.** When a wave attenuator is designed to dissipate wave action, it may be added to an existing stabilization structure.

F. **General design standards**. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures. When a hard or soft structural shoreline stabilization measure is demonstrated to be necessary, the following design standards shall be incorporated into the stabilization design:

1. Areas of transition between hard and soft structural shoreline stabilization measures should, limit hard structural shoreline stabilization measures to the portion or portions of the site necessary to protect or support existing shoreline structures or trees, or where necessary to connect to existing shoreline stabilization measures on adjacent properties. Hardened shorelines may extend no more than 10' into where soft structural shoreline is used, unless documented as necessary by a qualified professional.



2. New structural shoreline stabilization measures shall include measures installed to address erosion impacts.
3. Excavation and fill activities, for enlarged or replacement of structural shoreline stabilization measures, should be landward of the existing OHWM to the maximum extent practicable.
   a. Where not practicable because of overriding safety or environmental concerns, conduct necessary excavation and fill activities waterward of the existing OHWM as needed to implement a soft structural shoreline stabilization technique or to mitigate the impacts of hard structural shoreline stabilization.
   b. Fill material waterward of the OHWM may be sand, gravel, cobble or boulders provided the placement of boulders does not effectively present a continuous wall or face to oncoming waves (also known as rip rap).

4. The shoreline stabilization measure shall be designed to not significantly interfere with normal surface and/or subsurface drainage into the adjacent waterbody.
5. Stairs or other water access measures may be incorporated into the shoreline stabilization (e.g., steps integrated into the bulkhead, coved area with shallow entry), ~~but shall not extend waterward of the OHWM.~~and may be placed within the shoreline buffer and landward of the OHWM, when associated with a water dependent development or use, and shall require a Shoreline Substantial Development Permit or a written Shoreline Exemption, as applicable.
6. When public access requires structural shoreline stabilization measures, provisions for safe access to the water shall be incorporated into the shoreline stabilization structure design (e.g., steps integrated into the bulkhead, coved area with shallow entry). Access measures should not extend farther waterward than the face of the shoreline stabilization measure and the OHWM.
7. Shoreline stabilization measures shall not extend waterward of the OHWM more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.
8. When shoreline stabilization measures are intended to improve ecological functions but shift the OHWM landward:
    a. Applicants may seek relief from shoreline master program development standards under RCW 90.58.580.
    b. If repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location and result in expansion of the shoreline jurisdiction on any property other than the subject property, the plan shall not be approved until the applicant submits a copy of a statement signed by the property owners of all affected properties, in a form approved by the County and recorded at the Chelan County Auditor's Office, consenting to the shoreline jurisdiction creation and/or increase on such property.
9. Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

G. **Mitigation.** All shoreline stabilization measures shall minimize and mitigate any adverse impacts to ecological functions consistent with Section 4.2, Ecological Protection and Appendix B, Critical Areas Regulations, and as follows:

1. Short-term, such as construction activity, adverse impacts may include minimization techniques including but not limited to, compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.
2. Long-term adverse impacts to ecological functions should incorporate the following measures into the design:
    a. Limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass.
    b. Shifting the hard structural shoreline stabilization landward and/or sloping the hard structural shoreline stabilization landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.
3. New shoreline stabilization measures shall mitigate any adverse impacts to ecological functions by incorporating restoration of appropriate substrate conditions waterward of the OHWM, to include substrate composition and gradient. The material should be sized and placed to remain stable during a two-year flood event on rivers and under typical boat- and wind-driven wave conditions on lakes, including storm events.

H. **Specific hard structural shoreline stabilization design standards**. When hard structural shoreline stabilization measures are necessary, the following standards shall be incorporated into the design:
1. When no hard structural shoreline stabilization is present on the adjacent properties, new stabilization shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization would not cause erosion of the adjoining properties.
2. When hard structural shoreline stabilization is present on adjacent properties, the proposed stabilization may tie in flush with existing stabilization measures on adjoining properties, provided
    a. That the new stabilization does not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization with no net intrusion into the waterbody nor net creation of uplands.
    b. The length of hard structural shoreline stabilization transition area to adjacent properties should be no more than 10 feet.
3. Fill behind hard structural shoreline stabilization shall be limited to 1 cubic yard per running foot of stabilization. Any filling in excess of this amount shall be considered a regulated activity subject Section 5.9 Fill and Excavation and the requirement for obtaining a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit.

I. **Specific soft structural shoreline stabilization design standards**. In addition to applicable general design standards, the following standards shall be incorporated into the design:

1. The soft shoreline stabilization design shall provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line, provided the stabilization measure does not extend onto the adjacent property.
2. Soft shoreline stabilization projects may include hard structural components when determined necessary by a qualified professional.
3. The soft shoreline stabilization design shall size and arrange any gravels, cobbles, logs, and boulders so that the project remains stable during a two-year flood event on rivers and under typical boat- and wind-driven wave conditions on lakes, including storm events, and dissipates wave and current energy, without presenting extended linear faces to oncoming waves or currents.

5.19 Transportation Facilities Regulations

A. **Roads and railroads limited in shoreline jurisdiction.** Where other options are available and feasible, new roads, road expansions or railroads shall not be built within shoreline jurisdiction. If subdivisions are being proposed, new road placement shall be evaluated at the time of the plat application.

B. **Criteria if roads or railroads are unavoidable.** When railroads, roads or road expansions are unavoidable in the shoreline jurisdiction, proposed transportation facilities shall be planned, located, and designed to achieve the following:

1. Minimize possible adverse effects on unique or fragile shoreline features; and,
2. Maintain no net loss of shoreline ecological functions and implement mitigation standards of Section 4.2, Ecological Protection and Section 4.5, Vegetation Conservation; and,
3. Avoid adverse impacts on existing water-dependent uses; and,
4. Setback from the OHWM is the maximum feasible unless necessary for functionality or the cost of modification would add more than 20% to the total project cost.

C. **Visual access.** Public roads, within shoreline jurisdiction, shall, where possible, provide and maintain visual access to scenic vistas. Visual access may include, but is not limited to, turn-outs, rest areas, and picnic areas.

D. **Shoreline crossings.** Shoreline crossings and culverts shall be designed to minimize impact to shoreline buffer and aquatic habitat, ensure adequate water flow, and shall allow for fish passage when required by a State or Federal

agency. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.

E. **Shoreline crossings for private property.** Crossings that are to be used solely for access to private property shall be designed, located, and constructed to provide access to more than one lot or parcel of property, where feasible, to minimize the number of crossings.

F. **Construction standards.** Construction standards of the appropriate governmental agency, together with SMP standards, shall be conditions for granting shoreline permits. Seasonal work windows may be required based on federal or state requirements, or if the proposal involves crossing shorelines or altering the waterbody.

G. **Parking facilities.** Parking facilities in shorelines are not a preferred use and may be permitted only as necessary to support an authorized use and when minimizing environmental and visual impacts. New or expanded parking areas shall:

1. Shall be consistent with the number of spaces and dimensional standards of the zoning code.
2. Be sited outside of shoreline jurisdiction unless no feasible alternative location exists; for example where a property does not extend outside jurisdiction;
3. Be planted or landscaped to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas. The Shoreline Administrator may condition proposals to incorporate the following performance standards:
    a. Select native species that have minimal demands for water, minimal vulnerability to pests, and minimal demands for fertilizers; and
    b. Determination of minimum or average buffer width and location; and
    c. Require monitoring report.
4. Observe critical area and shoreline buffers. Parking shall be located outside critical area and shoreline buffers unless one of the following is met:
    a. ADA parking requirement are not met and placing the limited number of needed ADA parking spaces within the shoreline buffer facilitates better and safer public access to the shoreline.
    b. Parking is associated with permitted uses and the applicant's lot/site has topographical constraints where no other location outside the buffer is feasible.
    c. In the above cases, parking shall be located as far upland from the OHWM as feasible, recognizing the limited supply of shoreline areas

and parking necessary in buffer shall follow mitigation sequencing; and

d. Be designed to incorporate low-impact development practices, such as pervious surfaces and bioswales, to the extent feasible.

H. **Modifications of existing roads and parking areas:** Existing roads and parking areas shall meet the following requirements:

1. Non-paved surface (e.g. gravel) may be paved provided such facilities comply with all applicable water quality, stormwater, landscaping, and other applicable requirements of this SMP.
2. Roadways or paved parking areas shall be designed to incorporate low-impact development practices, such as pervious surfaces and bioswales.
3. Roadways may be expanded in width to meet the minimum standards of the road classification.
4. The Shoreline Administrator may condition the proposal to provide a maintenance plan that promotes best management practices to protect ecological function.

I. **Private driveways:** A driveway for an individual single family home is considered a residential appurtenance and is considered part of the primary use, and subject to Residential standards of this SMP. Private driveways or private roads serving five or more homes are subject to the new or modification road standards of this Section.

5.20 Utilities Regulations

Utilities provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, stormwater, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use. Consult standards of the primary use of the property, e.g. Residential, Commercial, Industrial, or Recreational, for any additional standards relevant to the placement of accessory activities such as utilities. Water intake and water and/or fish conveyances between a waterbody and an aquaculture facility are not considered a “utility” under this section of the SMP; consult standards for Aquaculture.

A. **Design considerations.** Utility systems are permitted provided such systems:

1. Are designed and constructed to meet all adopted engineering standards of the County; and,
2. Transmission facilities for the conveyance of services, such as power lines, cables and pipelines, shall be located outside of the shoreline area where feasible; and,

3. Utilities should be located in existing rights of way and corridors whenever possible; and,
4. Avoid paralleling the shoreline or following a down-valley course near the channel, except where located in an existing road or easement footprint; and,
5. Do not alter processes affecting the rate of channel migration or shoreline erosion; the Shoreline Administrator may require a monitoring plan and adaptive management measures prepared by a qualified professional as appropriate.

B. **Preference – existing footprints.** Preference shall be given to utility systems contained within the footprint of an existing right-of-way or utility easement over new locations for utility systems.

C. **Undergrounding.**[2] All permanent utility systems, excluding electric transmission lines in excess of 15kV, utilities attached to undersides of bridges, and public stormwater facilities, outfalls, and associated structures, shall be underground except where environmental or geological conditions makes undergrounding prohibitive.

D. **Minimum clearing.** Where utility systems must be located in shoreline jurisdiction areas, clearing necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by trees and other vegetation with proposed transmission facilities. Impacts associated with removal of vegetation or clearing shall be mitigated on the property.

E. **Restoration of disturbed areas.** Upon completion of utility system installation, or any maintenance project, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide appropriate vegetative cover, including meeting standards of Section 4.5, Vegetation Conservation and Appendix B, Critical Areas Regulations.

F. **Underwater utilities.** If an underwater location is necessary, the following performance standards apply:
   1. The design, installation and operation shall minimize impacts to the waterway or the resident aquatic ecosystems.
   2. Seasonal work windows may be made a condition of approval.
   3. Standards of Section 5.8, Dredging and Dredge Material Disposal; Section 4.2, Ecological Protection; Section 4.5 Vegetation Conservation; Section 5.2 General Aquatic Shoreline Modification and Use and this SMP shall be met.
   4. All federal or state permits shall be obtained.
   5. A maintenance schedule and emergency repair protocol shall be prepared and kept on file, with amendments submitted to the County.

[2] It is the intent of this regulation that the utility provided will provide for an inclusive public input process and analysis of visual impacts.

G. **Nonwater-oriented processing and production facilities.** Nonwater-oriented utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented, shall not be permitted in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available. Continued use and necessary modification or expansion of existing non-water oriented facilities shall be permitted in the shoreline jurisdiction.

   Where no other practical alternative exists, a mitigation plan shall be prepared by a qualified professional, and be consistent with the provisions of Section 4.2, Ecological Protection, and appropriate requirements of Appendix B Critical Areas.

H. **Outfall design principles.** New and reconfigured outfalls shall be located to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. The diffuser or discharge point(s) for new or expanded outfalls must be located offshore and at a buffer distance beyond the near shore/littoral area, to avoid impacts to those areas. The Shoreline Administrator may require a mixing zone analysis for the outfall from a qualified party to determine the diffuser or discharge point. The outfall pipe shall be subsurface within the near shore.

6 NONCONFORMING LOTS, STRUCTURES AND USES

Nonconforming structures and use are reviewed according to this Chapter and applicable SMP Sections.

Chapter 6 Contents:

6.1 Policies

The following policies on nonconforming structures, uses, and lots are intended to guide the application of County nonconforming standards:

A. **Intent of chapter.** This chapter is intended to encourage the continuance of nonconforming uses. Uses, lots, and structures rendered nonconforming by the adoption of this SMP may be continued and maintained in reasonable repair, subject to the conditions of this chapter.

B. **Expansion of nonconforming structures.** Owners of nonconforming structures that wish to expand the structure should not increase the nonconformity.

C. **No-net-loss of ecological function.** The SMP no-net-loss of ecological function objective should guide review of proposed expansions or other changes to nonconforming uses and structures.

D. **Balance historic character.** Support a balance of historic character of the community with conformity to SMP rules when considering changes to nonconforming uses, structures, and lots.

E. **Continuation of nonconforming uses, lots, and structures.** Uses, lots, and structures rendered nonconforming by the adoption of this SMP may be continued and maintained.

F. **Conformance with County standards.** No use of any structure or premises shall hereafter be commenced, and no structure or part of a structure shall

be erected, changed, expanded, moved, reconstructed, extended, enlarged, remodeled, repaired, or altered, except in conformity with all current Chelan County development regulations including this SMP.

6.2 Regulations

The nonconforming regulations in this Chapter shall apply to all nonconforming uses, lots and structures. Determination of status may be obtained with written approval of the Shoreline Administrator. The Shoreline Administrator may attach conditions, as necessary, to assure consistency with this SMP.

6.2.1 Nonconforming Lots

In any shoreline environment designation, any use or structure as permitted by County zoning and by this SMP may be erected on a Legal Lot of Record which does not meet the minimum lot size or width requirements of the shoreline environment designation or zoning district in which it is located.

6.2.2 Discontinuance of Nonconforming Use

If a nonconforming use has been discontinued or inactive for a period of twelve consecutive months or greater, the nonconforming status is terminated, and any future use of the land or structures shall be in conformity with the provisions of this SMP.

6.2.3 Structural Restoration and Replacement

If a structure is damaged or destroyed by accident, act of nature, or public enemy, it may be permitted to be rebuilt within the same footprint, or a different location if not increasing the footprint and becoming less nonconforming in relation to this SMP.

A. In all cases, the applicant must submit a building permit to the Chelan County Department of Community Development within three years after the date of damage or destruction. If a building permit application is not submitted within three years, all future structures shall be required to be in conformity with this SMP.

B. In all cases, the Administrator may require revegetation consistent with Section 4.2, Ecological Protection and Critical Area Regulations.

6.2.4 Pre-existing Residential Structures

The following standards shall apply to legally established residential structures and appurtenant structures which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density:

A. Structures may be maintained and repaired; and,

B. Structures may be ~~replaced,~~ enlarged or expanded in height or behind, laterally, provided there is no increase of the nonconformity waterward (in the direction of the water); and,

C. Structures may change class of occupancy when consistent with the zoning district; and,

D. Cabanas, overwater residential structures, may be repaired, maintained, replaced and altered provided that the footprint of the overwater structure does not increase;and,

E. All structure modifications shall meet the standards for geological hazards, floodplain and other federal, state or local requirements.

6.2.5 Structural Modifications, Maintenance and Repair

A. A nonconforming structure may be physically maintained and repaired. All maintenance shall conform to all current building codes.

B. Remodeling, alterations, or repairs to a nonconforming structure must occur within an existing structure footprint.

6.2.6 Boating Facilities and Private Moorage Facilities

A. Repair or replacement of a legally established Boating Facility or Private Moorage Facility, is permitted, in the same location and size, when consistent with the current building material standards and the following criteria:

1. Replacement of decking, greater than 50% of the surface, shall be done with an approved surface or approved mitigation; and,
2. All appropriate Federal and State agencies authorize the proposal; and,
3. ~~The maximum width for the portion of the dock shall not be greater than the width permitted for new docks; and,~~
4. ~~4.~~3. Replaced piles and decking materials shall meet the spacing and material specifications of this SMP.

6.2.7 Shoreline Stabilization Repair and Maintenance

Shoreline stabilization structures determined non-conforming may be modified consistent with Section 5.18 Shoreline Stabilization.

6.2.8 Structural Expansion

Any structural expansion, excluding those authorized in sub-section 6.2.4, shall not increase the existing nonconformity impact on environmental or road conditions or encroach on shoreline buffers or critical areas.

6.2.9 Completion of a Building/Structure/Activity

Any permit determined complete or issued by the County prior to the effective date of the SMP may be developed as set forth in the permit approval. If the permit becomes invalid/void prior to development of improvements or uses, the provisions of this SMP shall be in effect on the subject property/proposal.

7 SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

Permit procedures are a combination of this SMP and Chelan County Code Chapter 14.

CHAPTER 7 CONTENTS:

7.1 Roles and Responsibilities

7.1.1 Shoreline Master Program Administrator

A. The Shoreline Master Program Administrator is the Community Development Director or designee and shall have overall administrative responsibility of this SMP.

B. The Shoreline Master Program Administrator or designee is hereby vested with the authority to:

1. Administer this SMP.
2. Grant, grant with conditions, or deny Shoreline Exemptions and Shoreline Administrative Determinations.
3. Grant, grant with conditions, or deny Shoreline Substantial Development Permits, except, the applicant may request a Substantial Development Permit be reviewed by the Hearing Examiner.
    b. Administrative reviewed applications shall be subject to the "full administrative review" provisions of Chelan County Code 14.10.030.
    c. Hearing examiner reviewed application shall be subject to the "Quasi-judicial review" provisions of Chelan County Code 14.10.040.
4. Grant, grant with conditions, or deny time extensions and minor revisions to approved Shoreline Substantial Development Permits, Conditional Use Permits, Variances and Exemption permits.
5. Make interpretations of the policies and regulations of this SMP.
6. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
7. Make written recommendations to the Hearing Examiner regarding Shoreline Substantial Development Permits, Variances and Shoreline Conditional Use Permits.
8. Make recommendations regarding SMP amendments to the Planning Commission and Board of County Commissioners.
9. Collect fees for permits as provided in County resolution. The determination of which fees are required shall be made by the Board of County Commissioners.

7.1.2 SEPA Official

The responsible SEPA official or designee is authorized to conduct environmental review of all use and development activities subject to this SMP, pursuant to WAC 197-11 and RCW 43.21C. The responsible SEPA official is designated in accordance with the County's SEPA implementation ordinance.

7.1.3 Hearing Examiner

The Hearing Examiner shall have the authority to:

A. Grant, grant with conditions, or deny Shoreline Substantial Development Permits, Variances, and Shoreline Conditional Use Permits under this SMP.

B. The Hearing Examiner shall also decide on appeals of administrative decisions issued by the Administrator of this SMP.

7.1.4 Planning Commission

The Planning Commission is vested with the responsibility to review the Master Program as part of regular SMP updates required by RCW 90.58.080 and make recommendations for amendments thereof to the Board of County Commissioners.

7.1.5 Board of County Commissioners

The Board of County Commissioners is vested with authority to:

A. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.

B. Approve, approve with conditions or deny all amendments to this SMP, after consideration of the recommendation of the Planning Commission. Note: Amendments shall become effective fourteen days from the date of the Department of Ecology's s written notice of final action to the County.

7.2 Interpretation

The Administrator shall provide administrative interpretations in accordance with the Act, the guidelines and Chelan County Code Section 14.04.020. The County shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and 173-26 WAC.

7.3 Statutory Noticing Requirements

A. The County shall provide notice in accordance with RCW 90.58.143, WAC 173-27-110 and -120; WAC 173-27-120 is related to limited utility extensions and bulkheads for a single-family residence and appurtenant structures.

B. Applicants shall follow the application process requirements of Chelan County Code Chapter 14.08.

7.4 Application Requirements

A. Applicants are encouraged to review Chapter 3 use matrix and development standards tables as well as applicable standards of Chapters 4, 5, and 6, and any applicable permit exemptions in Section 7.6, when developing application materials.

B. Application for a shoreline exemption shall use the JARPA form with site plans detailing current conditions and proposed changes including development details.

C. A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the information listed in WAC 173-27-180:

1. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
2. The name, address and phone number of the owner and applicant or applicant's representative.
3. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
4. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived.
5. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
6. A general description of the property as it now exists including its physical characteristics and improvements and structures.
7. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
8. A site development plan consisting of maps and elevation drawings, drawn to an engineer's scale, or other approved scale, to depict clearly all required information, photographs and text which shall include:
    a. The boundary of the parcel(s) of land upon which the development is proposed.
    b. The OHWM of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.

c. 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.

d. A delineation of all wetland areas that will be altered or used as a part of the development.

e. A general indication of the character of vegetation found on the site.

f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, trails, view corridors, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

g. Where applicable, a landscaping plan for the project.

h. 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.

i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

j. Quantity, composition and destination of any excavated or dredged material.

k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

m. 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.

D. **Additional Submittal requirements for Section 5.15 Recreational Development permits.** In addition to subsection C above, applicants shall provide:

1. Drawings of existing park facilities, including a narrative that identifies area (square feet) and description of trails, parking, native vegetation, campsites, recreational facilities (ball parks, picnic table, grilling areas), upland vegetation and lawn areas.

2. Drawings of proposed park facilities, including a narrative that identifies area (square feet) and description of trails, parking, native vegetation, campsites, recreational facilities (ball parks, picnic table, grilling areas), upland vegetation and lawn areas.
3. Any increases in impervious surfaces (trail size, parking facilities, recreational facilities, etc.) shall be accompanied by a needs analysis that addressed the requirement for increased public facilities, what size facilities are needed by existing and projected park users, and the nearest locations of similar facilities.
4. Expansion of public/park facilities shall be accompanied by a mitigation plan that addresses the design elements and the design and management standards above, addresses critical area impacts, and addresses the incorporation of applicable SMP restoration goals that have been accomplished by the development, and demonstrates a net improvement in ecological shoreline functions.

E. **Additional Submittal requirements for Section 5.8 Dredging permits.** In addition to subsection C above, applicants shall provide:

1. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this SMP.
2. An analysis of the existing shoreline and potential adverse impacts, including the following:
   a. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry and have data points at a minimum of 2-foot depth increments.
   b. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged. This description should include information on the stability of bedlands adjacent to proposed dredging and spoils disposal areas.
   c. A detailed description of potential adverse impacts to ecological functions and processes.
   d. A mitigation plan to address any identified adverse impacts to ecological functions or processes.
3. A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:
   a. Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material,etc.).
   b. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).

c. Biological analysis of material to be dredged.

4. A description of the method of materials removal, including facilities for settlement and movement.
5. Dredging procedure, including the estimated length of time it will take to complete dredging, method of dredging, and amount of materials removed.
6. Frequency and quantity of project maintenance dredging.
7. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:
   a. Dredge material disposal area;
   b. Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
   c. Size and capacity of disposal site;
   d. Means of transportation to the disposal site;
   e. Proposed dewatering and stabilization of dredged material;
   f. Methods of controlling erosion and sedimentation; and
   g. Future use of the site and conformance with land use policies and regulations.
8. Plan for disposal of maintenance spoils for at least a 50-year period, if applicable.
9. Hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

F. **Additional Submittal requirements for Section 5.13 Mining permits.** Application for permits for mining operations shall be accompanied by operation plans, reclamation plans and analysis of environmental impacts sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation.

G. **Additional Submittal requirements for Section 5.18 Shoreline Stabilization permits**. In addition to submitting an application for the appropriate shoreline permit, the applicant shall submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:

1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical analysis prepared by a qualified professional with an engineering license. The analysis shall include the following:
   a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation. New hard structural

shoreline stabilization measures shall not be authorized, except when an analysis confirms that that there is a significant possibility that an existing structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate (within three years), that analysis may still be used to justify more immediate authorization to protect against erosion using soft measures.

b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM.

c. An assessment of alternative measures to shoreline stabilization, including:

   i. Placing any proposed new developments farther upland of the OHWM.

   ii. Placing structural shoreline stabilization measures upland of the OHWM.

   iii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.

d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

e. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need shall consist of the following:

   a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.

b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.

c. An assessment of alternative measures to shoreline stabilization, including:

   i. Placing any proposed new developments farther upland of the OHWM.

   ii. Relocating the structural shoreline stabilization measures farther upland of the OHWM.

   iii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.

d. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft structural shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

e. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.

3. A demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.

4. For all structural shoreline stabilization measures, including soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following shall be provided:

   a. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.

   b. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and placement of all materials shall be selected to accomplish the following objectives:

      i. Protect the primary structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from currents and wind- or boat-driven waves;

      ii. Allow safe passage and migration of fish and wildlife; and

      iii. Minimize or eliminate juvenile salmon predator habitat.

   c. For projects that include native vegetation, a detailed five-year vegetation maintenance and monitoring program to include the following:

      i. Goals and objectives of the shoreline stabilization plan;

ii. Success criteria by which the implemented plan will be assessed;

iii. A five-year maintenance and monitoring plan, consisting of at least one site visit per year by a qualified professional, with annual progress reports submitted to the Shoreline Administrator and all other agencies with authority;

iv. A performance standard of 90 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third and fifth years; and

v. A contingency plan and a bond in an amount and form acceptable to the County in case of failure.

H. **Additional Requirements.** The Shoreline Master Program Administrator may require additional specific information 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.

7.5 Shoreline Substantial Development Permits

7.5.1 Permit Required

A Shoreline Substantial Development Permit shall be required for all development of shorelines, except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Shoreline Management Act, and this master program, see Section 7.6 Exemptions.

7.5.2 Permit Review Criteria

In order for the permit to be approved, the decision maker must find that the proposal is affirmatively consistent with the following:

A. How is the proposal consistent with the policies and procedures of the Act (RCW 90.58)?

B. How is the proposal consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures?

C. How is the proposal consistent with this SMP?

7.6 Exemptions from Shoreline Substantial Development Permits

7.6.1 Compliance with Applicable Regulations Required

An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Act or this SMP, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this SMP and the Act.

7.6.2 Interpretation of Exemptions

A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.

B. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.

C. The burden of proof that a development or use is exempt from the permit process is on the applicant. The County may require the applicant to provide additional documentation to support their exemption request.

D. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.

E. The County may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the County's ability to require compliance with all other applicable laws and plans.

7.6.3 Exemptions

The County shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below, or as thereafter amended in WAC 173-27-040; RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515. Written Letters of Exemption may be required for exempt activities and shall be issued consistent with Section 7.6.4.

A. Any development of which the total cost or fair market value, whichever is higher, does not exceed $7,047 or dollar value as amended by the State of Washington Office of Financial Management. For purposes 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, contributed or found labor, equipment or materials.

B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original 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 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.

C. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual OHWM. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

D. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, WAC 173-27-040, or this Shoreline Master Program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not anemergency;

E. 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: Provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

F. Construction or modification of navigational aids such as channel markers and anchor buoys;

G. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having authority thereof, including applicable requirements imposed pursuant to chapter 90.58 RCW, WAC 173-27 and this SMP. See Chapter 8 for definitions of single-family residence and residential appurtenances. Construction authorized under this exemption shall be located landward of the OHWM;

H. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. In fresh waters, the fair market value of the dock does not exceed twenty-two thousand five hundred dollars ($~~20,000~~22,500) [3] for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or ~~ten~~ eleven thousand two hundred dollars ($~~10,000~~11,200)[3] for all other docks, or as otherwise amended by the State per WAC 173-27-040.

I. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;

J. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

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[3] ~~As amended by the State~~

K. 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;

L. Any project with a certification from the governor pursuant to chapter 80.50 RCW, Energy Facilities -Site Locations;

M. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

1. The activity does not interfere with the normal public use of the surface waters;
2. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
3. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the County to ensure that the site is restored to preexisting conditions; and
5. The activity is not subject to the permit requirements of RCW 90.58.550, Oil or natural gas exploration in marine waters;

N. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;

O. Watershed restoration projects as defined below. The County shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty- five calendar days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

1. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
   a. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation

is removed except as minimally necessary to facilitate additional plantings; or

b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the OHWM of the stream.

2. "Watershed restoration plan" means a plan developed or sponsored by the Washington Departments of Fish and Wildlife, Ecology, Natural Resources, or Transportation; a federally recognized Indian tribe acting within and pursuant to its authority; a city; a county; or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;

P. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

1. The project has been approved in writing by the State of Washington Department of Fish and Wildlife;

2. The project has received Hydraulic Project Approval (HPA) by the State of Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and

3. The County has determined that the project is substantially consistent with this SMP. The County shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows.

a. In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under P.3.a.i and ii of this subsection:

i. A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- Elimination of human-made fish passage barriers, including culvert repair and replacement; or
- Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The Washington Department of Fish and Wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the Department of Fish and Wildlife determines that the scale of the project raises concerns regarding public health and safety; and

ii. A fish habitat enhancement project must be approved in one of the following ways:

- By the Washington Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW; or
- By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW; or
- By the Department of Fish and Wildlife as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project; or
- Through the review and approval process for the Jobs for the Environment program; or
- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resources Conservation Service; or
- Through a formal grant program established by the legislature or the Washington Department of Fish and Wildlife for fish habitat enhancement or restoration; and
- Through other formal review and approval processes established by the legislature.

b. Fish habitat enhancement projects meeting the criteria of P.3.a of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of Section 7.6.3.P.3.a of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

c. A Hydraulic Project Approval (HPA) permit is required for projects that meet the criteria of Section 7.6.3.P.3.a of this subsection and are being reviewed and approved under this section. An applicant shall use a Joint Aquatic Resources Permit Application (JARPA) form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Washington Department of Fish and Wildlife and to the County. The County shall accept the application as notice of the proposed project. The Washington Department of Fish and Wildlife shall provide a fifteen- day comment period during which it will receive comments regarding environmental impacts. Within forty-five calendar days, the Department of Fish and Wildlife shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this section is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the County of its determination. The applicant may reapply for approval of the project under other review and approval processes.

d. Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.

e. The County may not require permits or charge fees for fish habitat enhancement projects that meet the criteria of Section 7.6.3.P.3.a of this subsection and that are reviewed and approved according to the provisions of this section.

Q. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with ~~d~~Disabilities ~~a~~Act of 1990 (42 U.S.C Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

7.6.4 Letters of Exemption

Letters of exemption are required for exempt actions which require a US Army Corps of Engineers Section 10 permit or a Section 404 permit under the Federal Water Pollution Control Act; additionally, property owners may request a written letter of exemption.

7.7 Shoreline Conditional Use Permits

7.7.1 Purpose and Review Process

This section provides procedures and criteria guiding the review of shoreline conditional use permits, which require careful review to ensure the use can be properly installed and operated in a manner that meets the goals of the Act and this Program in accordance with any needed performance standards. After a Shoreline Conditional Use application has been approved by the County, the County shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall review the file in accordance with WAC 173-27-200.

7.7.2 Determinations of Conditional Use Permits

A. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and conditions by the Hearing Examiner and by the Department of Ecology.

B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

7.7.3 Review Criteria

A. **Conditional use criteria.** An applicant proposing a conditional use shall affirmatively demonstrate compliance with review criteria below or as thereafter amended in WAC 173-27-160.

1. How is the proposed use consistent with the policies of RCW 90.58.020 and this SMP?
2. How will the proposed use avoid interference with the normal public use of public shorelines?
3. How will the proposed use of the site and design of the project be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP?
4. How will the proposed use cause no significant adverse effects to the shoreline environment in which it is to be located?
5. How will the public interest suffer no substantial detrimental effect?

B. **Additional criteria for exceeding maximum height**.

1. Heights Greater than 35 Feet: Per WAC 173-27-180(9)(l), applicants for structures exceeding 35 feet in height shall provide a depiction of the impacts to views from substantial numbers of residences and publicareas. To mitigate impacts, site design shall provide for view corridors between buildings through the use of building separation, setbacks, upper story setbacks, pitched roofs, and other mitigation. In order to determine appropriate view corridor location, applicants shall review the Shoreline Public Access Plan (Appendix E), location of Federal- or State- designated scenic highways, government-prepared view studies, or applicant-prepared studies. The minimum width of a view corridor shall be 25% of the lot width or 25 feet, whichever is less.
2. View Analysis Standards: In the case of heights proposed above 35 feet, the following view analysis standards and procedures apply:
    a. The applicant shall prepare a view analysis addressing such considerations as cumulative view obstruction of the proposed development combined with those of other developments that exceed 35 feet in height within a 1,000-foot radius of the subject property. The cumulative impact analysis shall address overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained. For phased developments, the view analysis shall be prepared in the first phase and include all proposed buildings.
3. Applicants proposing to exceed maximum height limits shall:
    a. Demonstrate through photographs, videos, photo-based simulations, or computer-generated simulations that the proposed development will obstruct less than 30% of the view of the shoreline enjoyed by a substantial number of residences or from public properties on areas adjoining such shorelines?
    b. Demonstrate that the orientation of structures on the subject property diminishes the potential view impact? For example, side yard setbacks may need to be increased. No side yard setbacks shall be reduced to accommodate the proposed structure.
    c. Documented that the overriding considerations of the public interest will be served.
    d. Provide a cumulative impact analysis addressing the overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained.

C. **Consideration of cumulative impact.** In the granting of all Shoreline Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline

Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

1. The County may require that the applicant submit a cumulative impact analysis, prepared by a qualified professional:
    a. Documenting other properties or uses on the same waterbody that are similarly situated and could request a similar Shoreline Conditional Use Permit;
    b. Demonstrating consistency with the policies of RCW 90.58.020 (Legislative findings); and
    c. Demonstrating no substantial adverse effects to the shoreline environment and achievement of no-net-loss of ecological function.

7.8 Shoreline Variance Permits

7.8.1 Purpose and Review Process

The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Shoreline Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Shoreline Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited.

After a Shoreline Variance application has been approved by the County, the County shall submit the permit to Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall review the file in accordance with WAC 173-27-200.

7.8.2 Review Criteria

Shoreline Variances may be authorized, provided the applicant can demonstrate compliance with the following criteria or as thereafter amended in WAC 173-27-170. Applicants are encouraged to consider the options, such as buffer averaging or buffer reduction and optimally implement mitigation sequencing prior to applying for a Shoreline Variance.

A. **General provisions.** Shoreline Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020.

B. **Shoreline variances landward of the OHWM.** Shoreline Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(c), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant demonstrates affirmatively all of the following:

1. How would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude or significantly interfere with reasonable use of the property?
2. How is the hardship described in Section 7.8.2.B.1 above specifically related to the property, and is the hardship the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example, from deed restrictions or the applicant's own actions?
3. How is the design of the project compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP, and will the project design not cause adverse impacts to the shoreline environment?
4. How will the variance not constitute a grant of special privilege not enjoyed by the other properties in the area?
5. How is the variance requested the minimum necessary to afford relief?
6. How will the public interest suffer no substantial detrimental effect?

C. **Shoreline variances waterward of OHWM.** Shoreline Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant demonstrates affirmatively all of the following:
   1. How would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude all reasonable use of the property?
   2. How is the proposal consistent with the criteria established under subsection 7.8.2.B.2 through B.6 of this section?
   3. How will the public rights of navigation and use of the shorelines not be adversely affected?

D. **Cumulative impacts.** In the granting of all Shoreline Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The County may require that the applicant submit a cumulative impact analysis prepared by a qualified professional for the subject of the variance:
   1. Documenting other properties or uses on the same waterbody that are similarly situated and could request a similar variance;
   2. Demonstrating consistency with the policies of RCW 90.58.020; and
   3. Demonstrating no substantial adverse effects to the shoreline environment and achievement of no-net-loss of shoreline ecological function. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of the Act and shall not cause substantial adverse effects to the shoreline environment.

The County shall determine whether the additional potential for variances will produce substantial adverse effects to the shoreline environment considering the characteristics of the proposed variance request, the ability to achieve no-net-loss of ecological function principles, and capability of accommodating preferred shoreline uses in the future if the variance and cumulative potential requests occur.

7.9 Permit Conditions

The following conditions may apply to any decision as appropriate to implement this SMP.

A. **Conditions.** In granting, revising, or extending a shoreline permit, the Administrator or Hearing Examiner may attach such conditions, modifications, or restrictions thereto regarding the location, character, and other elements of the proposed development deemed necessary to prevent undesirable effects of the proposed development or activity and/or to assure consistency of the project with the Act and this SMP.

B. **Compliance conditions.** Nothing shall interfere with the County's ability to require compliance with all other applicable Federal, State, and local permits and approvals.

C. **Uncertain effects.** In cases involving uncertain effects, a condition may be imposed to require monitoring with future review or re-evaluation to assure conformance with the Act and this SMP.

D. Shorelines of Statewide Significance

Consistent with the use preferences for shorelines of statewide significance contained in RCW 90.58.020, the County may condition decisions on the following policies in order of decreasing priority:

1. Recognize and protect the state-wide interest over local interest.
    a. Solicit and consider comments from state agencies, affected Tribes, adjacent local governments' land areas, citizen's advisory committees and local officials, and state-wide interest groups.
2. Preserve the natural character of the shoreline.
    a. Evaluate and protect or restore existing diversity of vegetation and habitat values, wetlands, and habitat corridors and habitats for State-listed "priority species."
3. Support actions that result in long-term benefits over short-term benefits.
    a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline. Preserve resources and values of shorelines of statewide significance for future generations and restrict

or prohibit development that would irretrievably damage shoreline resources.

4. Protect the resources and ecology of the shoreline.
    a. All shoreline development should be located, designed, constructed and managed consistent with mitigation sequencing provisions outlined in Section 4.2, Ecological Protection, to minimize adverse impacts to regionally important wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes and result in no net loss of shoreline ecosystems and ecosystem-wide processes.
5. Increase public access to publicly owned areas of the shoreline.
    a. On public lands, give priority to developing paths and trails to shoreline areas and linear access along the shorelines, especially those trail corridors that would be a regional recreational and transportation resource. Increase public access opportunities for those with disabilities consistent with the Americans with Disabilities Act.
6. Increase recreational opportunities for the public on the shoreline.
    a. Plan for and encourage development of facilities for public recreational use of the shoreline. When possible, reserve areas for lodging and related facilities on uplands with provisions for appropriate public access to the shoreline.

7.10 Duration of Permits

Time duration requirements for Shoreline Substantial Development Permits, Shoreline Exemptions, Shoreline Variances, and Shoreline Conditional Use Permits shall be consistent with the following provisions.

A. **General provisions.** Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP, the County may adopt different time limits from those set forth in Sections 7.10.B and C of this section as a part of an action on a Shoreline Substantial Development Permit.

B. **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. Commencement means taking the action on the shoreline project for which the permit was granted ~~shall begin~~. For example, beginning actual construction or opening a public boat launch facility would constitute commencement.~~or entering into binding agreements or contractual obligations to undertake a program of actual construction.~~

C. **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of decision for a Shoreline Exemption, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance, unless extended pursuant to subsection D.

D. **Extension.** The County may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date; notice of the proposed extension shall be given to parties of record and to Ecology. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit. Time extensions authorized by RCW 90.58.143 shall require the applicant, prior to the date of termination, to be responsible for informing the Administrator of the pendency of other permit applications filed with agencies and of any related administrative and legal actions on any permit or approval.

E. **Effective date.** The effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance shall be the date of filing as provided in RCW 90.58.~~143~~140(6); the permit time periods do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. Shoreline Exemptions are an Administrative action appealable to the Hearing Examiner with an effective date matching the date of decision.

7.11 Initiation of Development

A. **Authorization to begin construction.** Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance issued by the County shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one calendar days from the date of filing with Ecology as defined in RCW 90.58.140(6) and WAC 173-27- 130, or until all review proceedings initiated within twenty-one calendar days from the date of filing of the decision have expired, except as provided in RCW 90.58.140 (5)(a) - (d).

The date of filing for a Substantial Development Permit means that date Ecology received the decision.

With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, the date of filing means the date Ecology transmits/mails the Ecology decision to the County.

B. **Forms.** Permits for Substantial Development, Shoreline Conditional Use, Shoreline Exemption or Shoreline Variance may be in any form prescribed

and used by the County including a combined permit application form. Such forms will be supplied by the County.

C. **Notice of Decision.** A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

7.12 Review Process

The application shall be reviewed by the County in accordance with Chelan County Code Chapter 14.06, 14.08, and 14.10 and WAC 173-27, and in accordance with the SMA, and regulations and guidelines of this SMP.

7.13 Appeals

7.13.1 Appeals of Shoreline Administrator Determinations and Decisions

A. Administrative review decisions and exemption letters by the Shoreline Administrator, may be the subject of an appeal to the Hearing Examiner by any aggrieved person. Such appeals shall be an open record hearing before the Hearing Examiner.

B. Appeals must be submitted within ten working days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:

1. The decision or interpretation being appealed, including the file number reference and the specific objections in the decision document;
2. The name and address of the appellant and interest(s) in the application or proposed development;
3. The specific reasons why the appellant believes the decision or interpretation to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision or interpretation is erroneous;
4. The specific relief sought by the appellant; and
5. The appeal fee established by the County.

C. Per WAC 173-27-120, the County shall comply with special procedures for limited utility extensions and bulkheads. If there is an appeal of the decision to grant or deny the permit to the County legislative authority, the appeal shall be finally determined by the legislative authority within thirty calendar days.

7.13.2 Appeals to Shorelines Hearings Board

Appeals to the Shorelines Hearings Board of a final decision on a Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an

administrative action already appealed to the County Hearing Examiner, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within 21 calendar days of filing of the final decision by Ecology as provided for in RCW 90.58.140(6).

7.14 Amendments to Permits

7.14.1 Revision – When Required

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this SMP, and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, the County shall request from the applicant detailed plans and text describing the proposed changes. Proposed changes must be within the scope and intent of the original permit, otherwise a new permit is required, pursuant to Section 7.14.2.

A. "Within the scope and intent of the original permit" means all of the following:
    1. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;
    2. Ground area and height coverage may be increased a maximum of ten percent (10%) from the provisions of the original permit;
    3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a Shoreline Variance granted as the original permit or a part thereof;
    4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
    5. The use authorized pursuant to the original permit is not changed; and
    6. No adverse environmental impact will be caused by the project revision.

7.14.2 Filing of Revision

A. The revision decision from the County, including the revised site plans and text, shall be sent to Ecology and all parties of record.

B. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the County shall submit the revision decision to Ecology for final approval, approval with conditions, or denial. Ecology shall render and transmit to the County and the applicant its final decision within

fifteen calendar days of the date of Ecology's receipt of the submittal from the County. The County shall notify parties of record of Ecology's final decision.

7.14.3 Effective Date of Revised Permit

The revised permit is effective immediately upon final decision by the County or, when required, upon final action by Ecology.

7.14.4 Appeal of Revised Permit

A. **Filing.** Appeals of a revised permit shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one calendar days from the date of receipt of the County's action by Ecology or, when appropriate under Section 7.7 for Conditional Use Permits and Section 7.8 for Variances, the date Ecology's final decision is transmitted to the County and the applicant.

B. **Basis of appeals.** Appeals shall be based only upon contentions of noncompliance with the provisions of Section 7.14.1 based on the revised portion of the permit.

C. **Risk.** Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.

D. **Scope of decision.** If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.15 Enforcement

The County shall apply Title 16 of the Chelan County Code for all enforcement actions, pursuant to WAC 173-27-260, whenever a person has violated any provision of the Act or any master program or other regulation promulgated under the Act.

7.16 Amendments to Shoreline Master Program

7.16.1 General

A. This Shoreline Master Program carries out the policies of the Shoreline Management Act for Chelan County. It shall be reviewed and amended as appropriate in accordance with the review periods required in the Act and in order to:

1. To assure that this SMP complies with applicable law and guidelines in effect at the time of the review; and
2. To assure consistency of this SMP with the County's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

B. This SMP and all amendments thereto shall become effective fourteen calendar days from the date of the Department of Ecology's s written notice of final action to the County.

C. The SMP Element of the Chelan County Comprehensive Plan may be amended annually. The SMP regulations may be amended as needed.

7.16.2 Amendment Process and Criteria

A. **Initiation**. Future amendments to this SMP may be initiated either by any person, resident, property owner, business owner, governmental or non-governmental agency, Shoreline Administrator, Planning Commission, or Board of County Commissioners as appropriate.

B. **Application**. Applications for SMP amendments shall specify the changes requested and any and all reasons therefore. Applications shall be made on forms specified by the County. Such applications shall contain information specified in the County's procedures for Comprehensive Plan and/or development regulation amendments pursuant to Chelan County Code Title 14 and RCW 36.70A, the Growth Management Act.

C. Public Review Process – Minimum Requirements. The County shall process amendments in accordance with the procedures of the Shoreline Management Act, Growth Management Act, and implementing rules including, but not limited to, RCW 90.58.080, WAC 173-26-100, RCW 36.70A.106 and 130, and Part Six, Chapter 365-196 WAC.

D. **Roles and Responsibilities**. Proposals for amendment of this SMP shall be heard by the Planning Commission, per the provisions of Section 7.1.4. After conducting a hearing and evaluating testimony regarding the application, including a recommendation from the Shoreline Administrator per Section 7.1.1, the Planning Commission shall submit its recommendation to the Board of County Commissioners, who shall approve or deny the proposed amendment consistent with Section 7.1.5.

E. **Finding**. Prior to approval, the County shall make a finding that the amendment would accomplish all of the following criteria:

1. The proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines;
2. The proposed amendment would make this Program more equitable inits application to persons or property due to changed conditions in an area;
3. This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the effective date of this SMP.

F. **Final Process Step.** After approval or disapproval of a Program amendment by the Department of Ecology as provided in RCW 90.58.090, the County shall

publish a notice that the Program amendment has been approved or disapproved by Ecology pursuant to the notice publication requirements of RCW 36.70A.290.

8 DEFINITIONS

The terms used throughout this Shoreline Master Program shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. Definitions established by WAC 173 have been incorporated herein and should these definitions in the WAC be amended, the most current WAC definition shall apply. Except where specifically defined in this chapter, the RCW or the WAC, all words used in this Shoreline Master Program shall carry their customary meanings.

A

ACCESSORY. Any use or development incidental to and subordinate to a primary use or development.

ACCESSORY STRUCTURE. Any structure that is incidental and subordinate to a primary use, such as barns, garages, storage sheds, drainfields, stairways, sheds, gazebos, patios, and other similar uses.

ACCESSORY USE. Any use that is subordinate and incidental to the primary use and which functionally supports the primary use activity.

ACCESSORY DWELLING UNIT. See Residential Uses.

ACT. The Washington State Shoreline Management Act, chapter 90.58 RCW.

ADEQUATE. Sufficient to satisfy an adopted requirement. If the County does not have an adopted requirement, adequate means to meet a need or demand generated by the proposed shoreline development or use as determined by the authority responsible to determine compliance with the Shoreline Master Program per Chapter 7.

ADMINISTRATOR OR SHORELINE ADMINISTRATOR. Administrator or Shoreline Administrator means the director of the County's Community Development Department or designated representative, who is vested with the duty of administering Shoreline Master Program regulations within the County's area of authority.

ADVERSE IMPACT. An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions

or processes or other elements of the shoreline environment. See also SIGNIFICANT ECOLOGICAL IMPACT

AGRICULTURAL ACTIVITIES. 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-COMMERCIAL. The following activities are considered agricultural-commercial activities:

A. "Agricultural tourism" refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.
B. "Nursery" means land or structures, such as greenhouses, used to raise plants, flowers and shrubs for sale.
C. "Roadside stand" means a temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and non-food items. This use is to be seasonal in duration, open for the duration of the harvest season.
D. "Value added operation" means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value added operations may include bagging, packaging, bundling, pre-cutting, food and beverage service, etc.
E. "Winery" means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area.

AGRICULTURAL EQUIPMENT AND AGRICULTURAL FACILITIES. Include, but are 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.

AGRICULTURAL LAND. Areas on which agricultural activities are conducted as of the date of adoption of this SMP pursuant to the State Shoreline Guidelines WAC 173-26 as evidenced by aerial photography or other documentation. After the effective date of this SMP, land converted to agricultural use is subject to compliance with the requirements herein.

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 (20) 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.

ALTERATION. Any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

AMENDMENT. A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program or to a permit as appropriate.

ANADROMOUS FISH. Fish species that spend most of their lifecycle in saltwater, but return to freshwater to reproduce.

APPLICABLE. The shoreline goal, objective, policy, or standard is relevant or appropriate, or the shoreline development meets the threshold upon which a

requirement is based as determined by the authority responsible to determine compliance with the Shoreline Master Program per Chapter 7.

APPURTENANCE, RESIDENTIAL. Improvement necessarily connected to the use and enjoyment of a single-family residence when located landward of the OHWM, the perimeter of a wetland and outside their corresponding required buffers. Appurtenances may include, but are not limited to, a garage and/or shop; driveway; utilities; water craft storage (upland); swimming pools; hot tubs; sport courts; retaining walls when necessary to protect the residence and appurtenant structures from erosion; fences; saunas; cabanas; gazebos, antennas; decks; walkways; stairs, pump houses and installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM.

AQUATIC. Pertaining to those areas and associated plant and wildlife habitat waterward of the OHWM.

AQUACULTURE. Aquaculture is defined as the propagation and rearing of aquatic organisms in controlled or selected aquatic environments for any commercial, recreational, or public purpose. The broad term "aquaculture" refers to the breeding, rearing, and harvesting of plants and animals in all types of water environments, including ponds, rivers, and lakes. Aquaculture can take place in the natural environment or in a manmade environment. Using aquacultural techniques and technologies, researchers and the aquaculture industry are "growing," "producing," "culturing," "ranching", and "farming" all types of freshwater species. Aquaculture can be classified as either commercial aquaculture or non-commercial aquaculture.

A. Commercial Aquaculture: Commercial aquaculture is defined as the rearing of aquatic organisms, including the incidental preparation of these products for human use, with the goal of maximizing profit.
B. Non-Commercial Aquaculture: Non-commercial aquaculture is defined as fish and wildlife activities that are not primarily for profit and are supported by a recognized federal, tribal, or state resource manager.
    1. Low Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture, including well and water supply development, surveys, ground disturbance of less than 10 cubic yards, no permanent structures, and minimal land clearing.
    2. Medium Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture, including well and water supply development, surveys, development of acclimation ponds or other acclimation vessels, and removable/portable structures.

3. High Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture including well and water supply development, surveys, development of acclimation ponds, and permanent structures.

ARCHAEOLOGICAL OBJECT. An object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, graves, skeletal remains and technological by-products.

ARCHAEOLOGICAL RESOURCE. All sites, objects, structures, artifacts, implements and locations of prehistorical or archaeological interest.

ARCHAEOLOGICAL SITE. A geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state's authority, that contains archaeological objects.

ARCHAEOLOGICAL. The systematic scientific study of humankind's past through remains.

ARCHAEOLOGIST, PROFESSIONAL. A person who meets qualification standards promulgated by Department of Archaeology and Historic Preservation and the National Park Service and published in 36 CFR Part 61 and which define minimum education and experience required to perform identification, evaluation, registration and treatment activities for archaeological sites. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved.

ASSOCIATED WETLANDS. Wetlands that are in proximity to lakes, rivers or streams that are subject to the Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline waterbody, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

AUTHORIZED USE. Any use permitted in shoreline jurisdiction either by appropriate shoreline permit or exemption.

AVERAGE GRADE LEVEL. 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 ordinary high water mark. 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.

B

BARB. Used primarily in streams, barbs are low relief projections from a bank, angled upstream, to redirect flow away from the bank towards the center of the channel. As opposed to groins or jetties, barbs are not barrier types of structures; they function by re-directing flows that pass over the top of the structure.

BEACH. The zone of unconsolidated material that is moved by waves and wind currents, including areas both above and below the OHWM.

BEACH ENHANCEMENT/RESTORATION. Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable. See also ENHANCEMENT.

BERM. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the OHWM. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

BEST MANAGEMENT PRACTICES. Conservation practices or systems of practices and management measures, often promulgated by state and federal agencies or the County, that:

A. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
B. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats;
C. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.

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.

BIOFILTRATION SYSTEM. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize

sediment and pollutants. Typically, biofiltration systems are designed to include swales, retention ponds and other vegetative features.

BOATHOUSE. Any roofed and enclosed structure built over water for storage of watercraft or float planes. See also COVERED MOORAGE.

BOATING FACILITIES. Developments and uses that support access to shoreline waters for purposes of boating, including marinas, community docks serving five or more single-family residences or multi-family units, public piers, and community or public boat launch facilities.

BOAT LAUNCH FACILITY. Any structure or apparatus used for transferring watercraft between uplands and the water. Boat launches are typically launch ramps, but may also include other mechanisms such as a hoist or crane often used at dry storage locations. See also LAUNCH RAMP.

BOG. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

BREAKWATER. An aquatic structure that is generally built parallel to shore, but may be built perpendicular to the shoreline, that may or may not be connected to land, and may be floating or stationary. The primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. See also JETTIES.

BUFFER, SHORELINE BUFFER. The area adjacent to a shoreline that separates and protects the waterbody from adverse impacts associated with adjacent land uses. It is designed and designated to remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, to afford limited public or private access, and to accommodate certain other specified uses that benefit from a shoreline location. A buffer measured landward, in a horizontal direction perpendicular to the OHWM of the shoreline waterbody.

BUILDING. Any combination of materials constructed, placed or erected permanently on the ground or attached to something having a permanent location

on the ground, for the purpose of shelter, support or enclosure of persons, animals or property, or when supporting any use, occupancy or function. Excluded from this definition are residential fences and retaining walls less than two feet in height For structures waterward of the OHWM, see OVER- WATER STRUCTURES.

BULKHEAD. A solid wall erected generally parallel to and at or near the OHWM for the purpose of protecting adjacent uplands from waves or current action. A bulkhead is an example of hard structural shoreline stabilization and may include a wave return.

BUOY, MOORING. An anchored float for the purpose of mooring vessels.

BUOY, NAVIGATION. An anchored float for the purpose of identifying navigational hazards or directing watercraft traffic.

C

CHANNEL MIGRATION ZONE (CMZ). The area along a river or stream within which the channel(s) can reasonably be expected to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river or stream and its surroundings. It encompasses that area of current and historic lateral stream channel movement that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion.

CHANNELIZATION. The straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

CLEARING. The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

COMMERCIAL DEVELOPMENT. Those developments whose primary use is for retail, service or other commercial business activities. Included in this definition are developments including but not limited to hotels, motels, bed and breakfast establishments, or other commercial accommodations, shops, restaurants, banks, professional offices, grocery stores, laundromats, recreational vehicle parks, and indoor or outdoor commercial recreation facilities.

COMMERCIAL USES. Commercial uses are 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. Examples include, but are not limited to, hotels, motels, or other commercial accommodations, grocery stores, restaurants, shops, commercial recreation facilities, and offices.

COMMON LINE SETBACK. A setback measured perpendicularly landward of the ordinary high water mark (OHWM) which is determined by averaging the setbacks of structures existing on waterfront lots which are adjacent to the one upon which the development is to be built.

COMMUNITY ACCESS. The ability of all property owners or members of a residential development to reach and use the waters of the State, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or community corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing platforms, and other community sites or facilities. Community access is not intended for the general public.

COMMUNITY DOCK. A private water-dependent facility designed for moorage of pleasure craft as its primary use that serves a specified residential development of five or more single-family residences or multi-family units. Other water-enjoyment uses, such as fishing or viewing, may occur on community docks. Community docks are different from marinas.

CONDITIONAL USE, SHORELINE. A use, development, or substantial development which is classified as a Conditional Use or is not classified within this SMP.

CONSERVATION. The prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

CONSERVATION EASEMENT. A legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. 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.

CONTAMINANT. Any chemical, physical, biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels.

COUNTY. Chelan County, Washington.

CRITICAL AQUIFER RECHARGE AREA. Areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

CRITICAL AREAS. Critical areas are defined pursuant to RCW 36.70A.030 and WAC 365-190-030 as critical aquifer recharge areas, wetlands, geologically hazardous areas, frequently flooded areas and fish and wildlife habitat conservation areas.

CRITICAL HABITAT. Habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified in reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with authority for such designations.

CUMULATIVE IMPACTS. Cumulative impacts are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation conditions even though they may be comprised of individual actions having relatively minor impacts.

D

DAHP. The State of Washington Department of Archaeology and Historic Preservation.

DEPARTMENT OF ECOLOGY or ECOLOGY. The Washington State Department of Ecology.

DEVELOPMENT. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, minerals or vegetation; 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 of the state subject to Chapter 90.58 RCW at any stage of water level. Development does not include the following activities:

A. Interior building improvements;

B. Exterior structure maintenance activities, including painting and roofing as long as it does not expand the existing footprint of the structure;
C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections.
~~D.~~E. Dismantling or removing structures if there is no other associated development or re-development.

DEVELOPMENT REGULATIONS. The controls placed on development or land uses by local government, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

DIKE. An artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

DOCK. All platform structures or anchored devices in, suspended over, or floating on waterbodies to provide moorage for pleasure craft (including watercraft and float planes) or landing for water-dependent recreation including, but not limited to, piers, floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps. Docks often consist of a nearshore pier with a ramp to an offshore float. See also PIER.

DOCUMENT OF RECORD. The most current shoreline master program officially approved or adopted by rule by the Department of Ecology for a given local government, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

DREDGING. Excavation or displacement of the bottom or shoreline of a waterbody (waterward of the OHWM) for purposes 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, and/or restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose). Dredging, as regulated in this SMP under Section 5.8, is not intended to cover other excavations waterward of the ordinary high water mark

(OHWM) that are incidental to construction of an otherwise authorized use or modification (e.g., , bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement).

E

ECOLOGICAL FUNCTIONS (or SHORELINE FUNCTIONS). The work performed or 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.

ECOLOGY. See DEPARTMENT OF ECOLOGY.

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.

EMBANKMENT. A wall or bank of earth or stone built to prevent a river flooding an area.

EMERGENCY/EMERGENCY CONSTRUCTION. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not an imminent emergency.

ENHANCEMENT. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions. Enhancements are to be distinguished from resource creation or restoration projects. See also BEACH ENHANCEMENT/RESTORATION.

EROSION. The wearing a way of land by the action of natural forces.

ESSENTIAL PUBLIC FACILITIES: Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities, as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 30 71.09.020.

EXCAVATION. The disturbance or displacement of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material. In addition to upland excavation, this definition covers excavations waterward of the ordinary high water mark (OHWM) that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement). See also DREDGING.

EXEMPTION. Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the Shoreline Substantial Development Permit process of the SMA. An activity that is exempt must still be carried out in compliance with policies and standards of the Act and this SMP and may require an exemption permit.

EXISTING AND ONGOING AGRICULTURAL ACTIVITIES. Those activities conducted on lands defined in RCW 36.70A.030 and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Forest practices are not included in this definition. See also ACRICULTURAL ACTIVITIES.

F

FAIR MARKET VALUE. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

FEASIBLE. For the purpose of this master program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in similar circumstances, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
B. The action provides a reasonable likelihood of achieving its intended purpose.
C. The action does not physically preclude achieving the project's primary intended legal use.

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 action's relative public costs and public benefits, considered in the short- and long-term time frames.

FEED LOT. A confined area or structure for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods.

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 elevation or creates dry land.

FINGERS or DOCK FINGERS. Narrow extensions of piers perpendicular to the pier or float that provide additional watercraft moorage.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS. Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitats or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness.

Fish and wildlife habitat conservation areas does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company, except where

irrigation water is conveyed through a natural channel feature as part of its delivery.

~~Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:~~

~~Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;~~

~~Habitats of local importance, including, but not limited to, areas designated as priority habitat by the State Department of Fish and Wildlife;~~

~~Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;~~

~~Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface water and watercourses within the authority of the state of Washington;~~

~~Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; state natural area preserves and natural resources conservation areas; and~~

~~Land essential for preserving connections between habitat blocks and open spaces.~~

FISH HABITAT ENHANCEMENT PROJECT. Projects which provide a benefit to fish habitat as defined under RCW 77.55.030.

FLOATING HOMES. Any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating homes" include house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self-propulsion and use as a means of transportation is a floating home, not a vessel.

FLOATS. A detached, anchored platform that is free to rise and fall with water levels, used for boat mooring, swimming (including a SWIM FLOAT) or similar recreational activities that is not anchored to the shoreline or accessed directly from the shoreline.

FLOAT, SWIM. A floating platform designed and intended expressly for facilitating safe swimming. Swim floats are anchored in deeper waters, are not connected to uplands, and are not motorized. Water ski/wake board jumps are also considered swim floats.

FLOOD CONTROL WORKS. Methods or facilities designed to reduce flooding of adjacent lands, to control or divert stream flow, to retard bank erosion, or to create a reservoir.

A. Nonstructural measures include, but are not limited to, shoreline buffers, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, storm water management programs, land or easement acquisition, voluntary protection and enhancement projects, or incentive programs.
B. Structural measures include, but are not limited to, dikes, levees, revetments, floodwalls, channel realignment, or embankments.

FLOODPLAIN. Synonymous with 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, as defined by the FEMA maps. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

FLOODWAY. The area established in federal emergency management agency flood insurance rate maps or floodway maps; or 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 groundcover condition, or topography, or other indicators of flooding that occur 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, final and intermediate; pre-commercial thinning and fire protection; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. Forest practices do 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 flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to

flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface ~~Means an area subject to flooding, as defined by the Flood Insurance Rate Maps (FIRM), once every one hundred years, also known as the floodplain.~~

FRONTAGE. Property line which abuts the principal means of access to property.

G

GEOLOGICALLY HAZARDOUS AREA. Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.~~Areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4).~~

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 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 with professional expertise about the regional and local shoreline geology and processes.

GEOTECHNICAL REPORT. See GEOTECHNICAL ANALYSIS.

GRADE. See average grade level.

GRADING. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

GRAY WATER**.** Sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

GROINS. A barrier type of structure extending from the backshore or 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. In lake environments, groins are typically used to trap sediment for the purpose of preserving a depositional feature, such as a beach. In a stream environment, 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. See also BARB and WEIR.

GROUNDWATER. All water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

GROWTH MANAGEMENT ACT. RCW 36.70A and 36.70B, as amended.

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.

H

HABITAT. The place, including physical and biotic conditions, where a plant or animal usually occurs or could occur and is fundamentally linked to the actual or potential distribution and abundance of species. A species may use a habitat or a structural component of the habitat for all or part of its lifecycle, and may adapt to use various habitats. Habitat is scale-dependent and refers to a large geographic area, a species' home range, a local setting, or a site-specific feature. Habitat may perform a specific function for a species or multiple species, and may include those elements necessary for one or more species to feed, migrate, breed, or travel.

HARD STRUCTURAL SHORELINE 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, groins, and similar structures.

HEIGHT. The vertical dimension measured from average grade to the highest point of a structure; provided that, antennas, chimneys, and similar appurtenances

shall not be used in calculating height. Temporary construction equipment is excluded in this calculation.

HIGH INTENSITY. Land uses which are associated with moderate or high levels of human disturbance or substantial wetland or shoreline habitat impacts including, but not limited to, medium- and high-density residential, multifamily residential, active recreation (e.g. golf courses, ball fields), and commercial and industrial land uses.

HISTORIC PRESERVATION PROFESSIONAL. Individuals who meet standards promulgated by the DAHP as well as the National Park Service and published in 36 CFR Part 61.

HOUSEBOAT. Any vessel as defined in RCW 88.02.310. For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion by mechanical means orwind.

HYDROLOGICAL. Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

I

IMPACT. See SIGNIFICANT ECOLOGICAL IMPACT.

IMPERVIOUS SURFACE. A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, 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. For purposes of determining whether thresholds for application of core elements are exceeded, open, uncovered retention or detention facilities shall not be considered as impervious surfaces. Open, uncovered retention or detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

INDUSTRIAL DEVELOPMENT. Facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including onsite processing of raw materials, and off site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

INDUSTRIAL USES. The production, processing, manufacturing, or fabrication of goods or materials, including warehousing and storage of materials or production.

INFILTRATION. The passage or movement of water into the soil surface.

INSTITUTIONAL. Those public and/or private facilities including, but not limited to, police and fire stations, libraries, activity centers, schools, educational centers, water-oriented research facilities, and similar uses.

IN-WATER STRUCTURE. Structure placed by humans within a stream, river or lake 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-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, recreation (e.g., docks, boatlifts), or other purpose. Note that the listed recreation-related in-water structures have a very limited capacity to affect water flows and are exclusively regulated under SMP Sections 5.5 Boating Facilities and 5.14 Private Moorage Facilities.

INVASIVE SPECIES. A species that is 1) non-native (or alien) to Chelan County and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes).

J

JETTIES. A barrier type of structure generally built singly or in pairs perpendicular to the shoreline at harbor entrances or river mouths to prevent sediment from depositing in the harbor or channel. They also protect channels and inlets from crosscurrents and storm waves. See also BREAKWATERS.

JOINT-USE DOCKS. Those constructed and utilized by two, three or four property owners, whether on adjacent lots as single-family residences or as multi-family units, or by a homeowner's association. Marinas, public docks and community docks that serve more than four single-family residences or multi-family units are regulated under Section 5.5 Boating Facilities. Residential joint- use docks are regulated under Section 5.14 Private Moorage Facilities.

L

LAKE. A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the OHWM or, where a stream enters a lake, the extension of the elevation of the lake's OHWM within the stream. Where the OHWM cannot be found, it shall be the line of mean high water.

LANDING. An intermediate platform on a flight of stairs.

LARGE WOODY DEBRIS. Logs, limbs, or root wads 4 inches or larger in diameter, delivered to waterbodies.

LAUNCH RAMP. An inclined slab, set of pads, rails, planks, or graded slope which extends waterward of the OHWM, and is used for transferring watercraft between uplands and the water with trailers or occasionally by hand. See also BOAT LAUNCH FACILITY.

LEGAL LOT OF RECORD. A lot which meets one of the following criteria:

(1) created by a recorded subdivision or short subdivision; or (2) greater than twenty acres in size meeting the requirements for an exempt parcel as defined in the Chelan County Subdivision Code; or (3) having an approved certificate of exemption or boundary adjustment; or (4) created prior to October 17, 2000.

LEGALLY ESTABLISHED. A use or structure in compliance with the laws and rules in effect at the time of creation of the use or structure.

LEVEE. A natural or artificial embankment on the bank of a stream or river for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

LIMITED UTILITY EXTENSION. For the purposes of Chapter 7, the extension of a utility service that:

A. Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;
B. Will serve an existing use in compliance with WAC 173-27; and
C. Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

LIVEABOARD. A floating vessel that serves as a residence, and is self-powered by sail or motor.

LOW INTENSITY. Land uses that are associated with low levels of human disturbance or low wetland or shoreline habitat impacts including, but not limited to, agriculture or forest management uses, single-family residential and related accessory structures, and home occupational uses.

LOW-IMPACT DEVELOPMENT (LID). Low-impact development (LID) is a term used to describe a land planning and engineering design approach to manage stormwater runoff. LID emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

M

MAINTENANCE, NORMAL. Those usual acts to prevent a decline, lapse, or cessation from a legally established condition. See REPAIR, NORMAL.

MARINA. A public or private water-dependent wet moorage facility for pleasure craft and/or commercial craft where goods, moorage or services related to boating may be sold commercially or provided for a fee, e.g. yacht club, etc. Dry storage and launching facilities, either launch ramp, crane or hoist, may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership. Community docks that do not provide nonwater-oriented uses or water-oriented commercial services, other than to the specific residential community served by the community dock, are not considered marinas.

MARSH. A low flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

MAY. Refers to actions that are acceptable, provided they conform to the provisions of this master program and the Act.

MINERAL EXTRACTION. The removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this SMP.

MITIGATION (or MITIGATION SEQUENCING). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, see Section 4.2.

MIXED USE. A combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.

MIXED USE COMMERCIAL. Developments that include water-dependent commercial uses combined with water-related, water-enjoyment uses and/or nonwater-oriented commercial uses. Mixed-use developments can be a tool for water-dependent activities, civic revitalization, and public access to the shoreline.

MIXED USE RESIDENTIAL. Mixed use developments that include water-dependent and water-oriented commercial uses together with single-family or multi-family uses while promoting public access for significant numbers of the public and/or providing an ecological restoration resulting in a public benefit. This mix of uses is intended to reduce transportation trips, use land efficiently, and provide for waterfront commerce and housing options.

MODIFICATION. A change or alteration in existing materials, including structures, plans and uses.

MODIFICATION, SHORELINE. 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, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

MOORAGE FACILITY. Any device or structure used to secure a boat or a vessel, including docks, piers, floats, piles, watercraft lifts or buoys.

MOORAGE PILE. A permanent vertical column generally located in open waters, often in close proximity to a dock or pier, to which the vessel is tied to prevent it from excessive movement generated by wind, or wind- or boat-driven waves.

MULTI-FAMILY DWELLING (OR RESIDENCE). A building containing two or more dwelling units, including, but not limited to, duplexes, apartments and condominiums.

MUST. A mandate; the action is required. See SHALL.

N

NATIVE VEGETATION. Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Native vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

NAVIGABLE WATERS. Navigable waters of the United States are those waters that are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

NECESSARY: A word describing an element that is essential, indispensable or needed to achieve a certain result or effect.

NO NET LOSS. A public policy goal and requirement to maintain the aggregate total of the County's shoreline ecological functions at its current level of environmental resource productivity. For purposes of reviewing and approving this SMP, "current" is equivalent to the date of the Final Shoreline Inventory and Analysis Report June 21, 2011. As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

NONCONFORMING USE. An existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations.

NONCONFORMING DEVELOPMENT OR NONCONFORMING STRUCTURE. An existing structure that was lawfully constructed at the time it was built but is not fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards.

NONCONFORMING LOT. A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area.~~NONCONFORMING USE OR DEVELOPMENT. A shoreline use or development which was lawfully constructed or established prior to the effective date of the Act (June 1, 1971; RCW 90.58.920) or built under an approved permit but which does not conform to present regulations or standards of the SMP.~~

NONPOINT POLLUTION. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

NONWATER-ORIENTED USES. Those uses that are not water-dependent, water-related, or water-enjoyment.

NORMAL MAINTENANCE. See MAINTENANCE, NORMAL and REPAIR, NORMAL"

NORMAL PROTECTIVE BULKHEAD. Those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

NORMAL REPAIR. See REPAIR, NORMAL and MAINTENANCE, NORMAL

NOXIOUS WEEDS. A special sub-class of invasive plant species listed as Class A or B by the Chelan County Noxious Weed Control Board.

O

OFF-SITE REPLACEMENT/MITIGATION. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

ORDINARY HIGH WATER MARK (OHWM). 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 as 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 fresh water shall be the line of mean high water.

The OHWM for Lake Cortez is established by court order, Chelan County Superior Court cause number 95-2-01084-3, as the 872.88' elevation.

OVERWATER STRUCTURES. Any structure located above the water surface waterward of the OHWM. Common examples include, but are not limited to, residential docks, marinas, and pedestrian or vehicular bridges over waterways.

P

PARTY OF RECORD. All persons, agencies, or organizations who have submitted written or verbal comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail or email.

PERIODIC. Occurring at regular intervals.

PERSON. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

PIER. Fixed platform above the water and supported by piles, usually perpendicular to the shoreline. See also DOCK.

PRIMARY USE. Uses or activities on a shoreline site that is identified as serving the main purpose of the site in terms of its land occupancy or use intensity, and any other uses within the site are supportive or accessory to it.

PRIMARY STRUCTURE. A structure accommodating the main or principal use of the site on which the structure is situated, including a detached garage associated

with the primary structure or a road, bridge or utility which is necessary to support the primary use. This term does not include accessory uses or structures.

PRIORITY HABITAT. A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

PRIORITY SPECIES. "Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

A. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232- 12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
C. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
D. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

PROVISIONS. Policies, regulations, standards, guideline criteria or designations.

PUBLIC ACCESS. The public's ability to reach and use the State's public waters, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and visual access facilitated by means such as scenic roads and overlooks, viewing platform, and other public sites or facilities. See also COMMUNITY ACCESS.

PUBLIC FACILITIES. Facilities that include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

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 such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Q

QUALIFIED PROFESSIONAL. A person with expertise and training appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, hydrology, geomorphology or related field, and at least five years of related work experience. Specific qualified professionals must also meet the following criteria, or any other criteria included in Appendix B, Critical Areas Regulations:

A. A qualified professional providing a geotechnical analysis as required under Section 5.18 of this Master Program must be a licensed engineer in the State of Washington, with specific training in geology, hydrology and/or geomorphology.
B. A qualified professional providing a demonstration of need as required under Section 5.18 of this Master Program must have a M.S. or equivalent degree in geology, hydrology, or geomorphology.
C. A qualified professional for wetlands means a biologist who has a degree in biology, ecology, botany, or a closely related field, or has been certified as a Professional Wetland Scientist, and a minimum of five (5) years of professional experience in wetland identification and assessment in Eastern Washington.
D. A qualified professional for habitat conservation areas means a biologist who has a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five (5) years professional experience related to the subject species/habitat type.
E. A qualified professional for geologically hazardous areas must be a geologist licensed in the state of Washington pursuant to RCW 18.220. If an engineering

geologist is required, by the Administrator, they must be licensed as a civil engineer pursuant to Chapter 18.43 RCW.

F. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydro-geologist, geologist, or engineer.

G. A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.

H. A qualified professional for channel migration zone assessment and mapping means a Washington State licensed geologist, or engineer.

R

RAMP. Walkway that connects a pier or land to a float, often used in areas where water levels change due to seasonal variations. LAUNCH RAMP is defined above.

RCW. Revised Code of Washington.

REASONABLE. Reasonable means acceptable and according to common sense or normal practice.

RECREATION. An experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based outdoor recreation such as: fishing, hunting, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

RECREATIONAL USES. Uses which offer activities, pastimes, and outdoor experiences ~~that time outdoors~~, including, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, viewpoint platforms, trails, public access facilities, public parks and athletic fields, hunting blinds, and other low- intensity use outdoor recreation areas. Recreational Uses that do not require a shoreline location, nor are related to the water, nor provide significant public access, are considered nonwater-oriented. For example, a recreation use solely offering indoor activities would be considered nonwater-oriented.

REPAIR, NORMAL. To restore 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 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. See also MAINTENANCE, NORMAL.

RESIDENTIAL USES. Buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, accessory dwelling units, apartment/condominium buildings, manufactured homes, modular homes, and other structures that serve to house people. Excluded are recreational vehicles. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, home occupations, family day care homes, and adult care homes. Additionally, "residential use" means any noncommercial habitation of a vessel, also known as a liveaboard or houseboat.

Also see APPURTENANCE, RESIDENTIAL.

RESTORE (RESTORATION or ECOLOGICAL RESTORATION).
Reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, 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.

REVETMENT. Facing of rock, concrete, etc., built to protect a steep slope, cliff, embankment, or shore structure against erosion by waves or currents.

RIPRAP. A layer, facing, or protective mound of dense, hard, angular rock used to prevent erosion, scour, or sloughing of a structure or embankment for revetments, armoring or hardening of shorelines, or other flood/erosion control works.

ROAD. Road shall mean and include contiguous streets, alleys, sidewalks, curbs and gutters, planting strips, roads, highways, thoroughfares, parkways, bridges, viaducts, public grounds and public improvements within the County's territory. Lands for public right of ways are reserved for use and maintenance of the road system. Bridges are roads which cross over water. Sidewalks or paths independent of the rest of typical roadway cross-sections shall be considered trails.

RUNOFF. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

S

SANITARY SEWER. A system designed to accept sewage to be deposited into and carried off by a system of lateral sewers, drains, and pipes to a common point, or points, for transfer to treatment or disposal.

SEDIMENT. The fine grained material deposited by water or wind.

SEPA (STATE ENVIRONMENTAL POLICY ACT). see RCW 43.21c and WAC 197-11

SETBACK. The distance between property line and the foundation wall or load-bearing member of the primary structure. Meaning is distinct from BUFFER.

SETBACK, SIDE. The distance between side lot line and the foundation wall of the primary structure.

SEWAGE: Any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

SHALL. A mandate; the action must be done. See also MUST.

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, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

SHORELINE AREAS. All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

SHORELINE ENVIRONMENT DESIGNATIONS. The classifications of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

SHORELINE FUNCTIONS. See ecological functions.

SHORELINE JURISDICTION. All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

SHORELINE MANAGEMENT ACT. Washington's Shoreline Management Act was passed by the State Legislature in 1971 and adopted by voters in 1972. The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." There are three basic policy areas to the Act: shoreline use, environmental protection and public access. The Act emphasizes accommodation of appropriate uses that require a shoreline location, protection of shoreline environmental resources and protection of the public's right to access and use the shorelines (RCW 90.58.020).

SHORELINE MASTER PROGRAM, MASTER PROGRAM, or SMP. A comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies articulated in RCW 90.58.020.

SHORELINE PERMIT. A Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, revision, or Shoreline Variance Permit or any combination thereof or a shoreline exemption.

SHORELINE PROPERTY. An individual property wholly or partially within shoreline jurisdiction.

SHORELINE STABILIZATION. Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM.

SHORELINE VEGETATION. Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Shoreline vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

SHORELINES HEARINGS BOARD (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on

Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

SHORELINES OF STATEWIDE SIGNIFICANCE. A select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies apply. This includes lakes (whether natural, artificial, or a combination thereof) with a surface area of 1,000 acres or more and natural rivers or segments of natural rivers that have either a mean annual flow of 200 cubic feet per second or more or the portion downstream from the first 300 square miles of drainage areas, whichever is greater.

SHORELINES OF THE STATE. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

SHORELINES. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas 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 areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

SHOULD. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this SMP, against taking the action.

SIGN. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

SIGNIFICANT ECOLOGICAL IMPACT. An effect or consequence of an action if any of the following apply:

A. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
B. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes under foreseeable conditions.
C. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

SIGNIFICANT VEGETATION REMOVAL. The removal or alteration of trees, shrubs, and/or groundcover 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.

SINGLE-FAMILY RESIDENCE. A single dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

SMP. See SHORELINE MASTER PROGRAM.

SOFT STRUCTURAL SHORELINE 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 STRUCTURAL SHORELINE STABILIZATION (see above definition).

STATE MASTER PROGRAM. The cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

STORMWATER. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

STORMWATER FACILITY: A constructed component of a stormwater drainage system designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

STREAM. Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses

which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans. A shoreline stream is a naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels.

STRUCTURE. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels. Structure includes, but is not limited to, stairs and staircases.

SUBDIVISION. For this SMP, Subdivision is used as a generic term inclusive of short subdivision and major subdivision, meaning the division or redivision of land for the purpose of sale, lease or conveyance.

SUBSTANTIAL DEVELOPMENT, SHORELINE. Any development which meets the criteria of RCW 90.58.030(3)(e). See also DEVELOPMENT and EXEMPTION.

SUBSTANTIALLY DEGRADE. See SIGNIFICANT ECOLOGICAL IMPACT

SURFACE WATER. All water that exists on the land surface, including streams, lakes or reservoirs, or other bodies of water within the boundaries of the state.

SWALE. A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

SWAMP. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

T

TERRESTRIAL. Of or relating to land as distinct from air or water.

TRAIL. Trails are clearly identified paved, semi-paved or unpaved but defined (e.g. gravel) pathways for pedestrians in a natural or urban setting used for recreational or circulation purposes. A trail by itself is not considered a road.

TRANSPORTATION FACILITIES. Roads and railways, including their related bridges and culverts, transportation structures, public transit and bus facilities, pedestrian transportation including foot bridges over rivers/streams and trails, fills, embankments, causeways, truck terminals and rail switchyards, sidings, spurs, air fields and other associated minor facilities. Not included are, highway rest areas, ship terminals, nor logging roads.

Local transportation refers to facilities provide direct access to abutting land and to higher order roads.

Regional transportation refers to facilities serving more than one city or community or major destinations.

U

UNAVOIDABLE. Adverse impacts that remain after all appropriate mitigation sequencing measures have been implemented.

UPLAND. Generally described as the dry land area above and landward of the OHWM.

UTILITIES. Lines and facilities related to the provision, distribution, collection, transmission or disposal of water, stormwater (not associated with a Single- family residence or its appurtenances), sanitary sewage, oil, gas, power, and telephone cable, and includes facilities for the generation of electricity. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use. Also see "LIMITED UTILITY FACILITIES".

A. "Large" utilities serve more than one community (e.g. more than one neighborhood, town, city or other defined place) or major attractions. Examples include, but are not limited to, 230 kv power transmission lines, natural gas transmission lines, and regional water storage tanks and reservoirs, regional water transmission lines or regional sewer collectors and interceptors. They may also include facilities serving an entire community, such as subregional switching stations (one hundred fifteen (115) kv and smaller), and municipal sewer, water, and storm water facilities.

B. "Small" utilities serve adjacent properties and include, but are not limited to, power lines not specified under "large" utilities, water, sanitary sewer, and storm water conveyance and facilities, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way. On-site utility features serving primary use such as a water, sewer, or gas line to a residence are accessory utilities and shall be considered part of the primary use.

V

VARIANCE, SHORELINE. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this master program where there are circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in this SMP and RCW 90.58.020; variance is not a means to vary a use of a shoreline.

VESSEL. A floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

VISUAL ACCESS. The ability of the general public to view the water and the shoreline from adjacent locations.

VIEW CORRIDOR. The line of sight (identified as to height, width, and distance) of an observer looking toward shoreline from upland locations, public spaces, such as parks, trails, or streets that have particular significance in preserving the unique character of the shoreline.

W

WAC. Washington Administrative Code.

WASTE STORAGE AND TREATMENT. Facilities for collecting and treating, as an accessory use only, garbage, solid waste or sewage generated by the development and its users. This definition does not include municipal sewage treatment facilities.

WATERBODY. A body of still or flowing water, fresh or marine, bounded by the OHWM.

WATERCRAFT LIFT. An in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water. A watercraft lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a pier or float, and may be floating or ground-based. Watercraft lifts include, but are not limited to, lifts for motorized boats, kayaks, canoes, jet skis, and float planes. A watercraft lift is different from a hoist or crane used for the launching of vessels.

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. Examples of water-dependent uses may include but are not limited to ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boating facilities, private moorage facilities, aquaculture, float plane facilities, sewer outfalls, hydroelectric generating plants and water diversion facilities, such as agricultural pumphouses.

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. Primary water-enjoyment uses may include, but are not limited to, parks, viewing and walking piers and other improvements facilitating public access to the shorelines of the State, including public view or fishing platforms; and general water-enjoyment uses may include, but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels (as part of mixed use development or with significant public access or restoration components), and mixed-use commercial/office.

WATERFRONT. A parcel of property which includes within its boundary a physical interface with the existing shoreline of a body of water.

WATER-ORIENTED USE. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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 SMP, the term "water quantity" refers only to development and uses regulated under this SMP and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this master program, 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:

A. 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
B. 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.

Examples of water-related uses may include warehousing of goods transported by water, fish processing plants, gravel storage when transported by barge, log storage, and agriculturally related water transportation systems.

WATERSHED. A geographic region within which water drains into a particular river, stream or body of water.

WATERSHED RESTORATION PLAN. A plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

WATERSHED RESTORATION PROJECT. A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

A. A project that involves less than 10 miles of stream or lake reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings; or
B. A project for the restoration of an eroded or unstable stream bank or lake shore that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of wave energy; or
C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure (e.g., project equipment shed), other than a bridge or culvert or in-water habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark (OHWM) of the stream or lake.

WAVE ATTENUATION. Attenuation is a general term that refers to any reduction in the strength of a signal. A wave attenuator may be added to a float to reduce wave action. A wave attenuator float is also known as a submersed or floating breakwater.

WEIR. A structure generally built across a stream channel for the purpose of diverting water or trapping sediment or other moving objects transported by water.

WETLAND OR WETLANDS. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support—and that under normal circumstances do 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. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Z

ZONING. The system of land use and development regulations and related provisions of Chelan County, the City of Cashmere, the City of Chelan, the City of Entiat, the City of Leavenworth, the City of Wenatchee, and any other future Cities that may incorporate.

Universal Note

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules in the Washington Administrative Code, as amended, shall also apply as used herein.