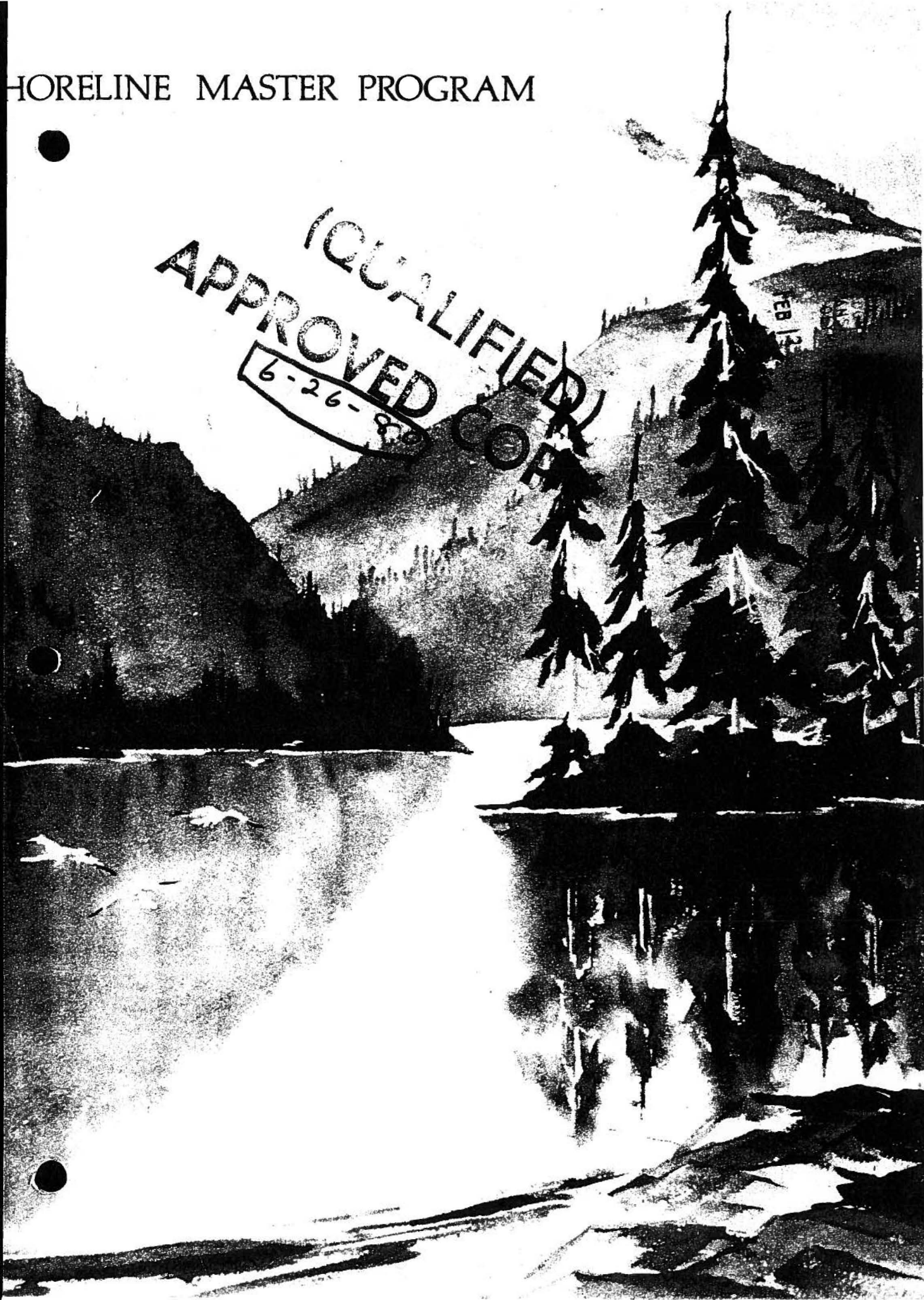


# SHORELINE MASTER PROGRAM

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SHORELINE MASTER PROGRAM

FOR

CHELAN COUNTY

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## PREAMBLE TO CHELAN COUNTY SHORELINE MASTER PROGRAM

"Bring Me Men to Match My Mountains." This first line of an old poem by Sam Foss partially expresses the feelings of this Advisory Committee, a group of Chelan County citizens appointed to prepare a Chelan County Shoreline Master Program in conformity with the State of Washington Shoreline Management Act of 1971. The Committee has labored diligently and seriously for over nine months to prepare the attached document, which we hope will result in some everlasting values concerning the preservation and usefulness of the shorelines and waters of this beautiful county.

We recognize that man needs nature. In return nature needs understanding and responsibility from man. In this spirit, we welcome one and all to bring your weary souls to the shores of our lakes and streams to ease the burden of your daily lives. But we also ask that you bring understanding and responsibility for the viability and cleanliness of our natural environment, and for the rights of privacy and tranquility of the citizens of Chelan County.

To those who would turn the clock back, we would say that America, including Chelan County, had to be made before it could be lived in, and that making took extraordinary energies. Continued progress and comforts will require mutual consideration and adjustments by everyone. This Committee has respected the rights and interests of all residents and visitors to Chelan County. Our intent is to protect, conserve and develop with the greatest amount of wisdom in the interest of the current owners and users, as well as those who will come in the future generations. It is our heritage to enjoy, but also to preserve for future enjoyment, the natural environment we so highly value.

Finally, we would suggest to all agencies of government that authority comes in equal shares with responsibility. We believe that we have acted responsibly in devoting considerable time and thought to develop realistic workable guidelines for the management of our shorelines. We take comfort in State and Federal statutes, such as the Fourteenth Amendment to the Constitution, which guard the rights of the individual. Nonetheless, we strongly request that in administering this program public officials carefully consider the rights of private property owners as well as public users. We hope this document does not become a "bureaucratic hunting license" to impede proper development or enable "a power of eminent domain" to take over the waterfront properties of our county.

As recorded in Deuteronomy of the Old Testament, "A good land, a land of brooks of water, of fountains and depths that spring out of valleys and hills."

This is Chelan County; may it always be so.

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**Shoreline Environment Map**

**(Foldout)**

**Appendix A: Environment Boundary Descriptions**

## OVERALL SHORELINE GOALS

Located on the eastern slope of the Cascade Mountains, Chelan County possesses abundant land and water resources. Chelan County, the several cities therein, and other major land management agencies have observed comprehensive land use planning principles related to these resources for a number of years. However, the Shoreline Master Program represents an initial step in focusing comprehensive, coordinated planning attention at the critical land-water interface.

It is the intent of this committee that the following regulations be used in a positive way, consistent with the purpose of the Shoreline Management Act of 1971, in all shoreline development within the County. It is the directive of this committee that this statement of intent be and remain a part of any ordinance adopting these regulations.

Goals provide the motivating force behind all planning efforts, and the proper identification of goals is essential to the success of any plan. Taking the provisions of the Shoreline Management Act and Guidelines as a basic theme, in combination with the ideas and evaluation of the Citizens Advisory Committee, the following set of goals are presented as appropriate for all shorelines under the Shoreline Act in Chelan County. These goals are listed in no particular order of priority.

1. Promote reasonable and appropriate use of the shorelines which will not jeopardize public and private interests.
2. Protect against adverse effects to the public health, the land, its vegetation and wildlife, and the waters and their aquatic life within Chelan County.
3. Protect rights of navigation.
4. Recognize and protect private property rights.
5. Maintain or recreate a high quality of environment along the shorelines of the County.
6. Preserve and protect fragile natural resources and culturally significant features.
7. Increase public access to publicly owned areas of the shorelines where increased use levels are desirable.
8. Protect public and private properties from adverse effects of improper development in hazardous shoreline areas.
9. Recognize the importance of an informed and responsible public observing basic rules of good behavior in the use and enjoyment of all shorelines.

## SPECIFIC GOALS FOR SHORELINES OF STATEWIDE SIGNIFICANCE

In the case of those shorelines which have been designated as having statewide significance, the following goals shall apply:

1. Recognize and protect statewide interest;
2. Preserve or enhance the natural character of the shoreline;
3. Address uses which result in long-term over short-term benefit;
4. Protect the resources and ecology of the shorelines;
5. Increase public access to publicly owned areas of shorelines where increased use levels are desirable;
6. Increase recreational opportunities on the shorelines open to the public.

## GOALS FOR THE MASTER PROGRAM ELEMENTS

The overall goals for shorelines and the specific goals for the shorelines of statewide significance reflect the guiding philosophy of the Shoreline Management Act and input from the Chelan County Shoreline Citizens Advisory Committee. In realizing these goals, the Master Program contains policies and regulations which related to these uses of shorelines. A set of general master program elements, reflecting the interrelationships between shorelines and all other categories of human activity have been developed. A general goals statement is presented with each element. Policies, directed toward specific shoreline uses, will reflect one or more of these master program element goals.

### A. GOAL FOR ECONOMIC DEVELOPMENT ELEMENT

Permit those commercial and industrial developments requiring shoreline locations which may contribute to the economic well-being of the County with minimum disruption of the environment.

### B. GOAL FOR PUBLIC ACCESS ELEMENT

Assure safe, convenient and diversified access to public shorelines; assure that the intrusions created by public access will not endanger life or have adverse effects on property or fragile natural features; assure that the provisions for public access will minimize conflicts between the public and private property.

C. GOAL FOR CIRCULATION ELEMENT

Since major transportation systems pre-exist near many shorelines, additions or modifications to these systems should minimize the conflicts between those systems and shoreline uses.

D. GOAL FOR RECREATIONAL ELEMENT

Assure diverse convenient and adequate recreational opportunities along the public shorelines for the local residents and a reasonable number of transient users.

E. GOAL FOR SHORELINE USE ELEMENT

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

F. GOAL FOR HISTORICAL/CULTURAL ELEMENT

Protect and restore areas having significant historic, cultural, educational or scientific values.

G. GOAL FOR CONSERVATION ELEMENT

Assure preservation of unique, fragile and scenic elements; assure conservation of non-renewable resources; assure continued utilization of the renewable resources such as timber, water, and wildlife.

H. GOAL FOR AGRICULTURAL ELEMENT

Irrigated agriculture is a key factor in the economy; other shoreline uses should not jeopardize production on prime or unique agricultural lands.

I. GOAL FOR REHABILITATION ELEMENT

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

## **POLICY STATEMENTS FOR SHORELINE USE ACTIVITIES**

The following list of policy statements are intended to serve as an intermediate step between the general Goals which have been set by the Chelan County Citizens' Advisory Committee and the specific use regulations developed in the Master Program.

There are nineteen use activities which have been grouped into six functional headings for ease of reference. The related Master Program element goals are noted on the same line as the use activity's name with the primary element set in CAPITAL LETTERS.

## RESOURCE-BASED ACTIVITIES

### 1. AGRICULTURAL PRACTICES (Agriculture, Economic Development, and Conservation Element Goals)

Agricultural practices are those methods used in vegetation, soil, and livestock management, such as tilling of soil, irrigation, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization, the raising and storing of crops, and control of livestock. In Chelan County, irrigated orchard production is the most significant agricultural activity, although general farming, livestock, dryland wheat and hay operations are present in lesser degrees. Diversion of water for agricultural purposes must occur in accord with the water right procedures of the Hydraulics Division of the Department of Ecology. Other state laws having direct application to agriculture in Chelan County include Washington Pesticide Act (R.C.W. 15.57) and the Washington Pesticide Application Act (R.C.W. 17.21).

#### Policies:

- a. Encourage that lands which are well suited for agriculture can be maintained in agricultural production.
- b. Encourage the maintenance of a buffer of permanent vegetation along the shoreline in agricultural areas which will retard surface runoff, reduce siltation, and provide sanctuary for fish and other wildlife.
- c. Livestock waste should be disposed of in a manner that will prevent surface or groundwater pollution. Livestock enclosures involving a significant concentration of animals should be sufficiently set back from all Shorelines of the State to prevent direct pollution of the water by animal wastes.
- d. Barns and agricultural accessory structures should be permitted within the Shorelines of the State only when compliance with the above policy can be assured. Such buildings are not permitted in recognized floodway areas, and only conditionally permitted in floodway fringe areas. Barns and agricultural accessory structures should be generally discouraged in the floodway fringe unless no other suitable location is available and adequate protective measures are assured.
- e. Discourage commercial feedlots and silage pits from locating on shorelines unless it can be satisfactorily demonstrated that no adverse environmental effects would result.

- f. Protect natural airsheds, made up of ravines, swales, tributaries and other topographic features which direct the flow of cold air down to major streams, from obstructions which would create frost pockets. Proposed highways, buildings, dikes, landfills, and dense hedge plantings which may obstruct this airflow and threaten existing orchards should be designed to minimize any adverse effect.
- g. Orchardists are encouraged to extract directly from the source, rather than from a streamside well, in order to obtain water free from damaging salts. Orchardists are encouraged to utilize pumping unit installations which will not detract from the visual quality of the shoreline.
- h. Overflow spillage points along gravity irrigation systems should be channelized or rip-rapped to prevent excessive siltation of rivers and streams during irrigation water "wasting."
- i. Orchardists using the rille method (open ditches) of irrigation are encouraged to filter overflow irrigation water into the soil rather than permitting excess irrigation water to runoff directly into surface waters.
- j. As indicated by the Agricultural Element Goal, orchard agriculture is the key element in the economy of Chelan County. At present, sufficient amounts of water to sustain production are available. It is essential that future permitted land uses such as industry, recreation, and residential development do not create a water demand conflict which may reduce the amounts of water available for present levels of irrigation.

## 2. AQUACULTURE (Economic Development, Recreation, and Conservation Element Goals)

Aquaculture involves the farming of food fish, shellfish, or other aquatic plants and animals. In Chelan County, aquaculture is restricted to the hatchery production of trout, salmon, and steelhead for sport and commercial fisheries, and a limited number of farm fish ponds. The technology associated with aquaculture is still in its formative stages and the potential of a broader application of aquaculture on the shorelines of Chelan County has yet to be determined.

Policies:

- a. Aquacultural enterprises should be located in areas where navigation rights would not be significantly restricted.
- b. Recognition should be given to the possible detrimental impact aquacultural development might have on the general aesthetic quality of the shoreline area.
- c. As aquaculture technology expands with increasing knowledge and experience, emphasis should be placed on structures and plant management which does not interfere with water quality standards, navigation, or the aesthetic quality of shorelines.

3. FOREST MANAGEMENT (Conservation and Rehabilitation Element Goals).

Forest management practices are those methods used for the protection, production and harvesting of timber. In Chelan County the majority of merchantable timber occurs on National Forest lands and harvest is by private companies through timber sales arranged and regulated by the U. S. Forest Service in accordance with the Multiple Use Act. The Department of Natural Resources and private timber companies own land and manage some forested lands, and some timber is cut coincidental to preparing city, county, state and privately owned parcels of land for uses other than timber production. Private land owners must obtain approval from the Department of Natural Resources prior to commercially harvesting their timber.

The Shoreline Management Act of 1971 specifies that in most instances only thirty percent of the merchantable trees may be removed in harvests within the Shorelines of Statewide Significance. Thus, a shoreline permit will be required for proposed timber harvests within the wetland of the Shorelines of Statewide Significance to assure compliance with this provision of the law. The policies listed below also apply to such proposed harvests.

In the case of all other shorelines of the state, a shoreline permit for timber harvest will only be required when bridges, culverts, road construction, or similar developments involving costs in excess of \$1,000.00 are proposed within the wetland of the shoreline.

Policies:

- a. Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will result, unless adequate restoration and erosion control, including seeding, mulching, matting, and replanting, can be expeditiously accomplished.

- b. Special attention should be directed in logging activities including thinning, harvest and road construction, to prevent the accumulation of slash and other debris in contiguous waterways and their floodplains.
- c. The visual impact of timber harvest should be considered in all shoreline areas. Timber harvesting practices, including road construction and debris removal, should proceed in accord with fundamental landscape management principles so that the quality of the view and viewpoints in Shorelines of the State are not degraded.
- d. Encourage the use of buffer zones along forested shorelines which will retard surface runoff, reduce siltation, provide shade for fish, and be aesthetically pleasing.
- e. Timber harvesting practices on the Shorelines of the State should be conducted to maintain State and Federal water quality standards as appropriate.
- f. Careful consideration should be given to partial harvesting in shoreline areas to remove cull logs, dead and dying trees and those green trees most subject to undercutting by the stream.

#### 4. MINING (Economic Development, Conservation and Rehabilitation Element Goals).

Mining is the removal of naturally occurring materials from the earth for economic use. Chelan County contains significant mineral resources and a number of areas were mined for many years. Recently sand and gravel operations have been the major mining activity, however, the potential exists for significant mineral extraction in the future. Excavation for the production of sand, gravel and minerals must proceed in accord with the Washington State Surface Mining Act. In addition, all mining within Shorelines of the State should conform with the provisions of the Chelan County Master Program.

#### Policies:

- a. Sand, gravel and commonly occurring minerals should be mined from the least sensitive shoreline areas.
- b. When rock, sand, gravel or minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided. If such removal is to occur within the streambed itself, a Hydraulics Permit from the Departments of Game and Fisheries is required.

- c. Land reclamation should be initiated immediately after completion of each phase of the mining activities.
- d. Steps should be taken to assure that sediment or chemically harmful leaching from upland mining activities does not reach the surface waters of the State.
- c. In areas of past mining activity where adequate reclamation was not accomplished and a nuisance has resulted, coordination between all groups with an interest in the land (owners, citizens and various levels and agencies of government) should be directed towards the elimination of the nuisance.

## L A N D   U S E   A C T I V I T I E S

### 5. RESIDENTIAL DEVELOPMENT (Shoreline Use, Economic Development and Circulation Element Goals).

In Chelan County the term "residential development" includes both year around and recreational/seasonal homes. Since both types of homes have the same impact upon shorelines as well as requiring almost the same breadth of public services, they are not differentiated in the Master Program. Residential development does include the full range of densities from single family units through mobile homes and cluster developments to multi-family structures. Local zoning ordinances and subdivision regulations presently provide controls which prevent many developmental abuses.

#### Policies:

- a. All subdivisions should be designed at a level of density of site coverage and occupancy compatible with the physical capabilities of the shoreline and water in order to minimize probabilities of damage to life, property and the environment.
- b. Cluster development (Planned Development type zoning) should be encouraged wherever feasible to optimize use of the shoreline by residents, to maintain both on-site and off-site aesthetic appeal and to minimize disruption of the natural shoreline.
- c. All subdivisions should be designed to adequately protect and/or improve the water and shoreline aesthetic qualities.

- d. Over-water residential development such as cabanas, constructed on pilings should be prohibited
- e. Proposed encroachments into air space over water surface should be very closely evaluated to determine potential environmental, safety, navigation, and/or aesthetic impact. Such impacts should be minimized or eliminated as appropriate.
- f. Residential development should have adequate provisions for sanitary sewage disposal, storm drainage, and water supply which minimize harmful effects on the natural shorelines.
- g. Encourage residential development in areas presently having such improvements as utilities and streets so as to minimize additional expenditures of public funds, optimize use of existing public facilities, and not decrease availability of open space.
- h. Floating homes should be located in accordance with the policies on marinas and docks as well as complying with applicable sewage disposal and water supply standards.
- i. Subdividers should be encouraged to provide pedestrian access to the shoreline within the development and to minimize impacts of vehicular use and parking upon shoreline aesthetics.
- j. An assessment should be made to determine the effect of new residential development upon scenic vistas.

6. COMMERCIAL DEVELOPMENT (Shoreline Use, Circulation, Economic Development, and Recreational Element Goals)

The term "commercial development" means any development which provides space for the wholesale or retail selling of goods and/or services.

Policies:

- a. Commercial developments which provide an opportunity for substantial numbers of people to enjoy the amenities of the shoreline should be encouraged to locate near the water. All other commercial developments should be encouraged to locate upland.
- b. New commercial development should be encouraged to locate in those areas where current commercial uses exist.

- c. Parking facilities should be located as far inland from the ordinary high water mark as possible.
- d. New commercial development should not significantly reduce scenic vistas and views.

7. OUTDOOR ADVERTISING, SIGNS, AND BILLBOARDS (Shoreline Use, Economic Development, Conservation Element Goals)

Outdoor advertising has a basic purpose of providing information, direction or advertising a product. In order for a sign to be effective, it must attract attention; however, a sign can be clear and distinct without being offensive. While there are areas where signs are undesirable, in most cases it is the design of the sign which is offensive rather than the sign itself. Signs which are designed to blend with their surroundings rather than be in garish contrast to them are normally more acceptable. It should be noted that there is State/Federal legislation in effect which requires removal of billboards (with adequate compensation) on select major highways.

Policies:

- a. Off-premise outdoor advertising structures should be limited to commercial and industrial areas in line with provisions of the Washington State Scenic Vistas Act of 1971.
- b. Business licenses should require removal of on-premise signs if business is not in operation.
- c. Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by placement of signs.
- d. Local sign ordinances should be reviewed/developed in light of the Master Program.
- e. Off-premise outdoor advertising signs should be located on the upland side of transportation routes along shorelines unless it can be demonstrated that views will not be obstructed.
- f. Both on and off-premise advertising signs which incorporate illumination and/or movement should comply with local sign ordinances when enacted.

8. MARINAS (Shoreline Use, Recreational, and Public Access Element Goals)

Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. The term includes both privately-operated and publicly-operated facilities. Depending upon the design of the facility, marinas affect fish habitats as well as the aesthetic appearance of the shoreline. The Washington State Department of Fisheries has adopted a set of guidelines on marina design and construction which are quite helpful in avoiding many problems. In addition, both local and state health agencies have requirements on marina operation which protect public health.

Policies:

- a. Marinas should be aesthetically compatible with surrounding development.
- b. Special attention should be given to design and development of fuel handling and storage in order to minimize spillage. Satisfactory means of controlling the spills which may occur should be implemented.
- c. Marinas should be located near high use and potential high use areas.

9. PORTS AND INDUSTRY (Shoreline Use, Economic Development, and Circulation Element Goals)

In Chelan County, development of port facilities is largely dependent upon Columbia River navigation which requires construction of locks around downstream dams. Although there are no definite plans for such facilities, this need not preclude planning for their eventual presence. The primary industries presently in Chelan County are the aluminium and fruit industries, and potable water and sewage disposal plants. Upon completion of Columbia River locks, a number of agricultural supplies and shipment developments would be possible.

Policies:

- a. Port facilities should be designed with public viewpoints and facilities which would not interfere with port operations.
- b. Sewage treatment and potable water plants should be located for economic operation, for compatibility with surrounding uses, and for minimal adverse environmental impact.
- c. Industries which require frontage on navigable water should be given priority over other industrial uses.

- d. Industries are an appropriate land use along shorelines in which such use would be compatible with existing zoning regulations and land use plans, however priority should be given to water dependent and/or water related industries.

## S H O R E L I N E   M O D I F I C A T I O N   A C T I V I T I E S

### 10. SHORELINE WORKS AND STRUCTURES (Shoreline Use and Virtually ALL Other Element Goals)

The term "shoreline works and structures" (SWS) includes bulkheads, seawalls, protective structures, piers, levees, dikes, channelization, docks, rip-rapping, etc. SWS may be designed to stabilize banks, reclaim eroded land, conduct floodwaters, provide access, reduce siltation, or for a variety of other purposes. Whatever the purposes, SWS have a marked and substantial impact on shoreline ecology, water quality, appearance, hydrology, and the uses of the shorelines. Since the waters of the State belong to all of the people of the State, great care must be taken in use of SWS to protect both public and private interests. As you would expect, several public agencies have adopted regulations to protect these interests. These regulations are too numerous to list here other than by reference to the several agencies: Chelan County, the cities and towns of Wenatchee, Chelan, Leavenworth, Entiat, and Cashmere; State of Washington, Departments of Game, Fisheries, Ecology, Highways and Pollution Control Commission; U. S. Forest Service, Soil Conservation Service, Corps of Engineers, Coast Guard and Environmental Protection Agency.

#### Policies:

- a. SWS should be located and constructed in such a manner which will result in no significant adverse effects on adjacent shorelines, will minimize alterations of the natural shoreline, and have no long term adverse effects on fish habitat.
- b. SWS should be designed to blend with the surroundings and not detract from the aesthetic qualities of the shoreline.
- \*c. Construction of bulkheads should be permitted where they provide protection to marinas, upland areas, facilities, or natural features.
- d. Where SWS can be located near existing SWS and still serve the desired purpose, such shall be encouraged rather than installation in previously unbuilt areas.

- e. SWS should be designed and located to avoid significant damage to ecological values or to natural resources which would create a hazard to adjacent life, property and natural resource systems.
- f. Flood protection measures which result in or tend toward channelization of streams should be avoided where possible.
- \*g. Encouragement should be given to the cooperative use of docks rather than a proliferation of single purpose private docks in order to minimize disruption of shorelines and reduction of usable water surface.
- h. All SWS must be designed and constructed to accepted engineering standards.
- i. Where flood protection measures such as dikes are planned, they should be placed landward of the streamway, including directly associated swamps and marshes and other wetlands that are directly interrelated and interdependent with the stream proper.

#### 11. LANDFILLS (Shoreline Use and Virtually All Other Element Goals)

Landfill is the creation of dry upland area by filling or depositing soil or other materials in water areas or wetlands. Landfills also occur to replace shorelands lost to natural erosive processes. Uncontrolled landfilling may alter drainage patterns, the natural character of the land, and create unnaturally heavy erosion and silting problems.

##### Policies:

- a. Landfilling for the express purpose of creating new land for non-shoreline related uses should be prohibited.
- b. Landfilling in floodplain areas should not be allowed if reduction of floodwater storage capacity would endanger other areas.
- c. In evaluating landfill proposals, such factors as water surface reduction, navigation restriction, impact on water flow, improvement and/or maintenance of water quality, impact on fish or wildlife habitat, and effect on adjoining property should be considered.
- d. The perimeter of all landfills should be provided with vegetation, retaining walls or other means of preventing erosion.

- e. Shoreline fills or cuts should be designed and located to avoid significant damage to existing ecologic values or natural resources.

## 12. DREDGING (Economic Development, and Conservation Element Goals)

Dredging is the removal of materials from the bottom of streams, lakes, or other bodies of water for the purpose of deepening a navigational channel, removing obstacles to water flow, or to obtain use of the bottom materials. A hydraulics permit for disruption of bottoms is required by the Washington Department of Game and Fisheries.

### Policies:

- a. Dredging should be controlled to minimize damage to existing ecological values and natural resources.
- b. Deposit of spoils in wetlands or in the water should be permitted only to improve habitat or when the alternative is more detrimental than depositing in wetlands.

## S E R V I C E   A C T I V I T I E S

## 13. SOLID WASTE DISPOSAL (Shoreline Use and Rehabilitation Element Goals)

Recognizing the important of a rapid, safe, and nuisance-free system for the storage, collection, transportation and disposal of solid waste, Chelan County and its incorporated communities have adopted a regional comprehensive solid waste management plan. This plan provides for the gradual phasing out of substandard local dumps with concurrent replacement by convenience transfer facilities and a single regional sanitary landfill. The disposal of specialized wastes such as junk automobiles and dangerous chemicals are also covered in this plan. Shoreline policies regarding solid waste are designed to support the concepts and proposals contained in this plan and to highlight specific shoreline disposal problems.

### Policies:

- a. The disposal of all solid wastes, including hazardous chemicals and junk automobiles, should proceed in accordance with the solid waste management plan.
- b. The development of private or government disposal facilities should conform with minimum functional standards as adopted by the Chelan-Douglas Health District.

- c. Orchardists are encouraged to dispose of stumps and other wastes related to the removal of trees by burning or chipping, as opposed to dumping in ravines and areas near the shoreline when such dumping may create erosion or debris problems.

#### 14. UTILITIES (Shoreline Use, Economic Development and Rehabilitation Element Goals)

Utilities are services which produce and carry electric power, gas sewage, communications and oil. At this time, the most feasible methods of transmission are lineal, involving pipes or wires located along utility corridors. Since most of Chelan County is mountainous, these utility corridors frequently follow major drainages, often within the wetlands. Transportation routes generally follow similar alignment making these utility corridors highly visible to the traveling public. Thus, it is essential that the installations of utility systems have minimal visual and physical impact on the shoreline environment.

##### Policies:

- a. Upon completion of installation or maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted with suitable plant species and provided maintenance care until the newly planted vegetation is established.
- b. Whenever utilities must be placed in a shoreline area, the location should be chosen so as to minimize their visual impact. Whenever feasible, utilities should be placed underground or designed to do minimal damage to aesthetic qualities of the shoreline area.
- c. Intensified use of existing utility corridors should be encouraged, as opposed to the addition of new corridors, when greater utility capacity is required. Efforts should be made to reduce the visual impact of existing utility corridors.
- d. Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.
- e. Upland locations are recommended for utility pipelines and cables. If an underwater location becomes necessary, easements for the utility should include proper provisions to insure against substantial or irrevocable damage to the waterway or the resident aquatic ecosystems.

15. ROAD AND RAILROAD DESIGN AND CONSTRUCTION (Public Access, Circulation, and Conservation Element Goals)

In the mountainous terrain which characterizes much of Chelan County, transportation facilities are usually located along major lake and stream shorelines. Thus, scarce bottomlands and shoreline areas must accommodate highways and railroads, in addition to other land use needs. The following policies are intended to assure that design and construction of such facilities will minimize conflicts with other shoreline uses, while at the same time provide safe, efficient transportation service.

Policies

- a. When highways and railroads must be located along stream drainages or lakeshores, efforts should be made to minimize the amount of land consumed. Where feasible, such transportation facilities should be sufficiently set back so that a usable shoreline area remains.
- b. Roads in wetland areas should be designed and maintained to prevent erosion and to permit a natural movement of ground water.
- c. All construction should be designed to protect the adjacent shorelands from erosion, uncontrolled drainage, slides, pollution, and other factors detrimental to the environment.
- d. Road locations should be planned to fit the topography so that the minimum alterations of natural conditions will be necessary.
- e. Scenic highways and major bridge crossings should have provision for safe pedestrian and other non-motorized travel. Also, provision should be made for sufficient viewpoints, rest areas and picnic areas along the Shorelines of the State.
- f. Extensive loops or sections of old highways with high aesthetic quality or bicycle route potential should be kept in service when maintenance funds permit, especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds.
- g. Where natural debris in a stream is anticipated to create problems, road design for stream crossings should utilize larger bridge openings, bridges versus major culverts, and low water fords versus culverts.
- h. Since land use and transportation facilities are so highly interrelated, the plans for each should be closely coordinated.

## LEISURE ACTIVITIES

### 16. ARCHEOLOGICAL AREAS AND HISTORICAL SITES (Historical/Cultural and Rehabilitation Element Goals)

Archeological areas, ancient Indian villages, ghost towns, old settlers' homes, and trails were often located on shorelines because of the proximity of food and an important means of transportation. These sites are nonrenewable and many are in danger of being lost to changing land use and urbanization. In recognition of this fact, the National Historic Preservation Act of 1966 and Chapter 43.51 of the Revised Code of Washington provide for protection and restoration of districts, sites and buildings significant in American and Washington history and culture.

#### Policies:

- a. Wherever possible sites should be permanently preserved for scientific study and public observation. In areas known to contain significant archeologic and historic data, a condition should be placed on shoreline permits which would allow for site inspection and evaluation to ensure proper salvage of such data.
- b. The Master Program should include consultation with professional archeologists and historians to identify areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.
- c. If it becomes infeasible to delay a threat to archeologic/historic data or sites, a rapid action is necessary to preserve the artifacts, such a situation should qualify for emergency consideration as provided in the Master Program.

### 17. RECREATION (Recreation, Economic Development and Shoreline Use Element Goals)

Recreation is the refreshment of mind and body through relaxation, amusement, and play. Water-related recreation accounts for a high proportion of all recreational pursuits in the Pacific Northwest. In Chelan County we have unsurpassed combination of beautiful crystal clear water bodies and rugged mountainous scenery. This helps to account for the area's high desirability both as a place to live and as an area attractive for local, statewide and regional tourism. Local and state health regulations control waste disposal methods and vector controls in recreational facilities.

## Policies:

- a. Priority should be given to developments (other than the single family residences exempted from the permit requirements of the Act) which provide the public with recreational areas, facilities and/or access to the shorelines.
- b. Access to recreational areas should emphasize both area and linear access (i.e., parking areas and trails or bicycle paths) as a means of preventing undue concentration of use pressure on fragile natural areas.
- c. Parking facilities should be located upland from the shoreline to avoid wasteful use of the limited supply of shoreline areas. Direct access to the water should be via paths, walkways or other pedestrian-oriented means. Vehicular traffic on beaches and fragile wetlands should be discouraged.
- d. The Master Program encourages increased public acquisition and dedication of land for shoreline parks and recreation areas to reduce existing problems related to overcrowding of current facilities and adverse impacts on adjacent properties.
- e. Operation of existing and proposed recreational facilities which may occasionally use large quantities of fertilizers and pesticides (such as golf courses and playfields), should be closely monitored to prevent contamination of water bodies by direct runoff. Provisions should be made to allow irrigation waters to filter into the soil.
- f. The location, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby private properties.
- g. Whenever practical scenic views and vistas should be preserved in the design of recreational facilities.
- h. When new utility easements on shorelines are either dedicated or when existing easements are subject to rededication consideration should be given to multiple use easements to include recreation access rights to the shoreline.
- i. The Master Program recognizes the value of and encourages the use of State and Federal lands for recreational facilities as a more economical alternative to new acquisition by local agencies.

## ADMINISTRATIVE ACTIVITIES

### 18. COMPENSATION FOR RESTRICTED USE OF PRIVATE PROPERTY (All Element Goals Apply)

In addition to providing shoreline information and policy guidance which is common to a comprehensive land use plan, the Master Program must also include use regulations to implement the plan. Thus, policies and use regulations may serve to restrict the use of private property in appropriate instances. In this sense, the Master Program is identical to zoning, subdivision and other land use regulations.

#### Policies:

- a. Only in instances where restrictions on the use of privately owned shorelands are directly related to the public health, safety, or welfare may such restrictions be imposed without some form of just compensation.
- b. The restrictions imposed by the Chelan County Shoreline Master Program shall be considered by the County Assessor in establishing fair market value of shoreline property.

### 19. COORDINATION WITH OTHER PLANNING AND PERMIT PROCEDURES (All Element Goals Apply)

Shoreline permits, as stipulated by the Shoreline Management Act of 1971, are required in addition to other existing permit procedures for proposed developments. Special permits in addition to shoreline permits may be required from the County, the State Departments of Game or Fisheries, the State Department of Ecology, the Army Corps of Engineers, the U.S. Coast Guard or other agencies for various types of shoreline activities. The many different requirements for shoreline development underscore the need for close coordination between agencies involved with shoreline regulations if "bureaucratic bungling" is to be avoided.

#### Policies:

- a. Referrals of shoreline permit applications should be promptly sent to those agencies involved with various aspects of shoreline regulation, to assure that all permit requirements may be properly and efficiently fulfilled.
- b. The Chelan County Shoreline Master Program endorses development by the State of a "one stop" permit application procedure which includes all state shoreline permit requirements thus simplifying procedures for an applicant. Where possible, referral and review by appropriate agencies should take the place of additional permit requirements.

## SECTION 1. TITLE

These regulations and amendments thereto shall be known and may be cited as "The Shoreline Master Program Use Regulations of Chelan County."

## SECTION 2. PURPOSE

The purpose of the Shoreline Master Program Use Regulations is to:

- 2.1 Promote reasonable and appropriate use of the shorelines which will protect the public and private interest,
- 2.2 Recognize and protect private property rights including economic development,
- 2.3 Protect against adverse effects to the public health, the land, its vegetation and wildlife and the waters and their aquatic life within the County,
- 2.4 Protect rights of navigation,
- 2.5 Maintain or recreate a high quality of environment along the shorelines of the County,
- 2.6 Preserve and protect fragile natural resources and culturally significant features,
- 2.7 Increase public access to publicly owned areas of the shorelines where increased use levels are desirable and do not adversely affect adjacent private property,
- 2.8 Protect public and private properties from adverse effects of improper development in hazardous shoreline areas,
- 2.9 Recognize and protect local and statewide interest, and
- 2.10 Give preference to uses which result in long term over short term benefits, and
- 2.11 Consider future development proposals with a positive attitude.

## SECTION 3. RELATIONSHIP TO MASTER PROGRAM GOALS AND POLICIES

These use regulations are intended to implement the Goals and Policies of the Shoreline Master Program of Chelan County.

#### SECTION 4. RELATIONSHIP TO EXISTING COMPREHENSIVE PLANS, ZONING RESOLUTIONS, AND SUBDIVISION REGULATIONS.

The Shoreline Master Program of Chelan County shall bear the following relationship to existing land development controls:

- 4.1 The Shoreline Master Program shall, for the purpose of R.C.W. 36.70 (County Planning Enabling Act) be considered a supplement to the comprehensive plans of Chelan County.
- 4.2 The Shoreline Master Program Use Regulations shall, for the purpose of R.C.W. 36.70, be considered a set of use regulations applying only to the shoreline areas in addition to the provisions of the zoning resolution for the County.
- 4.3 Chelan County subdivision regulations are hereby declared to continue in full force and effect as applied to the shoreline areas of the County.
- 4.4 Where a conflict between the provisions of any of the above documents is determined to exist as applied to shoreline areas, the more stringent provisions shall apply.

#### SECTION 5. APPLICABILITY AND COMPLIANCE

- 5.1 These Use Regulations shall apply to all uses and activities on the shorelines, the Shorelines of Statewide Significance, and the associated wetlands.
- 5.2 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 this and any other pertinent ordinance.
- 5.3 No lot area, yard or other open space, or required off-street parking or loading area existing on or after the effective date of this resolution shall be reduced in area, dimension, or size below the minimum required by this resolution.
- 5.4 The platting or development of land, whether by the adopted subdivision regulations or as authorized by the Laws of Washington, shall comply with the minimum lot sizes in each Environment; and no plat or proposed subdivision of land in an Environment prohibiting such subdivision shall be considered by the County until an application for Environmental designation change permitting such development has been received and approved by the Department of Ecology.
- 5.5 Nothing in these use regulations shall be construed as eliminating the necessity of compliance with other applicable state and local regulations unless explicitly exempted herein.
- 5.6 Bonding of a project may be required as a condition of the shoreline permit to assure compliance with the conditions of this permit.

5.7 Emergency actions such as stream bank protection along the Shorelines of the State shall not be subject to the penalties delineated in Section 33 of these Regulations, PROVIDED such emergency actions are to protect life, property, or unique historical or archeological sites from imminent danger (WAC 173-14-040).

5.8 Nothing in these regulations shall constitute an authority for any person to trespass or infringe upon private property or upon the rights of private ownership.

#### SECTION 6. SEVERABILITY

The provisions of this resolution are hereby declared to be severable. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

#### SECTION 7. DEFINITIONS

7.1 As used in this resolution, the masculine includes the feminine, and neuter, the singular includes the plural, the present includes the future, the word shall is mandatory and not permissive. Nothing in these definitions shall be construed to exempt any use or activity from complying with the provisions of other State and local regulations.

7.2 The following words and phrases, unless the context otherwise requires, shall mean:

7.2.10 ACCESS - The means or way by which pedestrians or vehicles have entrance to and exit from a property or body of water.

7.2.20 ACCESSORY USE OR STRUCTURE - A structure or use, incidental, appropriate and subordinate to the main use of the property, and which is located on the same lot or in the same building with the main use.

7.2.30 ACT - The Shorelines Management Act of 1971 (R.C.W. 90.58) as amended.

7.2.40 ADMINISTRATIVE AUTHORITY - The person designated by the Responsible Official to administer the Shoreline Management Act and this Shoreline Master Program.

7.2.50 AGRICULTURE - The tilling of the soil, the raising of crops, horticulture, gardening, keeping or raising of livestock and poultry for commercial purposes, and any agricultural industry or business such as dairies, nurseries, greenhouses, or similar uses.

- 7.2.60 AQUACULTURE - The culture or farming of food or sport fish.
- 7.2.70 ALLEY - A narrow street which affords only a secondary means of access to property abutting thereon.
- 7.2.80 AUTOMOBILE WRECKING YARD - An area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked vehicles or their parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.
- 7.2.90 AVERAGE GRADE - 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.
- 7.2.100 BOARD - The Chelan County Board of Adjustment.
- 7.2.110 BOATHOUSE - Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
- 7.2.120 BUILDING - A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 7.2.130 CARPORT - An accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides.
- 7.2.140 CHANNEL - A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water. Thus "channel" flow is that water which is flowing within the limits of the defined channel.
- 7.2.150 CITY - An incorporated municipality in Chelan County.
- 7.2.160 COMMISSION - The Chelan County Planning Commission.
- 7.2.170 COMMON LINE SETBACK - A setback from the ordinary high water mark 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.

In the following circumstances, the rear yard setback required in the applicable zoning resolution shall be used in calculating the common line setback for an adjacent lot:

- 7.2.170.1 Where no structure exists on a lot(s) adjacent to the proposed development OR
- 7.2.170.2 Where a structure exists on a lot(s) adjacent to the proposed development and said structure is more than twenty (20) feet from the Ordinary High Water Mark and has an elevation at average grade that is a least fifteen (15) feet higher or lower than the elevation of the proposed structure at its average grade OR
- 7.2.170.3 Where a structure exists on a lot(s) adjacent to the proposed development, and said structure is more than one hundred (100) feet from the Ordinary High Water Mark OR
- 7.2.170.4 When the Common Line Setback is calculated to be landward of the front yard setback in the underlying zoning, then the required setback from the Ordinary High Water Mark shall be the same as the setback required in the underlying zoning.
- 7.2.180 COMPREHENSIVE PLAN.- Any map, plan or policy statement other than the Shoreline Master Program pertaining to the development of land use, streets and roads, or public utilities and which has been officially adopted by the Planning Commission and the Board of County Commissioners.
- 7.2.190 CONDITIONAL USE - A use listed among those classified in an Environment, but permitted to locate only after review by the Administrative Authority or Board of Adjustment and the Department, and only after the granting of a permit imposing performance standards which are specified in this document, and additional standards which may be imposed by the Administrative Authority or the Board of Adjustment, or the Department, provided the proposed development does not thwart the policies of R.C.W. 90.58.
- 7.2.200 COUNTY - Chelan County, State of Washington.
- 7.2.210 DATE OF FILING - The Date upon which notice, materials and/or information relating to a decision on any permit(s) is actually received by the agency or persons to which such materials are being sent.
- 7.2.220 DEPARTMENT - The Washington State Department of Ecology.

- 7.2.230 DEVELOPMENT - The use consisting of the construction or exterior alteration of a structure or structures, dredging, drilling, dumping, filling, removal of natural resources, bulkheading, driving of piling, placing of obstructions, or any project of a permanent nature subject to regulation under the Act.
- 7.2.240 DWELLING, MULTI-FAMILY - A building containing three or more dwelling units.
- 7.2.250 DWELLING, SINGLE-FAMILY - A detached building containing one dwelling unit.
- 7.2.260 DWELLING, TWO FAMILY - A detached building containing two dwelling units.
- 7.2.270 DWELLING UNIT - A building or portion thereof designed for occupancy by one family having cooking and toilet facilities.
- 7.2.280 ENVIRONMENT - This term has two meanings in the Master Program. They are distinguished from one another as follows:
- 7.2.280.1 ENVIRONMENT - This is the more common usage of the term, meaning the natural physical surroundings unique to a given location. In shoreline areas, the term includes marshes, swamps, streamways and other wetlands directly interrelated and interdependent with the stream or lake proper. When used in this capacity, the word "environment" shall not be capitalized.
- 7.2.280.2 ENVIRONMENT - This usage is unique to the Act, the Master Program, and the Use Regulations and has quite specific meaning. This term is normally preceded by one of four words (Urban, Rural, Conservancy, or Natural) both of which are always capitalized herein. Each Environment represents a specific type of geographic area having common characteristics, defined boundaries, and specific regulations governing use activities; all as required by the Act.
- 7.2.280.3 URBAN ENVIRONMENT - An area of high intensity land use including residential, commercial, and industrial development in addition to open space and public uses.

- 7.2.280.4 RURAL ENVIRONMENT - An area characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development.
- 7.2.280.5 CONSERVANCY ENVIRONMENT - An area characterized by a potential for diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related development.
- 7.2.280.6 NATURAL ENVIRONMENT - An area containing some unique natural or cultural features considered valuable in a natural or original condition which are relatively intolerant of intensive human uses.
- 7.2.290 FLOOD - A Temporary rise in stream or riverflow or stage that results in water overtopping its banks, inundating areas adjacent to the channel. In all cases, the Intermediate Regional Flood (100 year flood) shall be the flood reference.
- 7.2.300 GARAGE, PRIVATE - An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.
- 7.2.310 GRADE (GROUND LEVEL) - The average elevation of the finished ground level at the center of all walls of the building or in the case of an undeveloped lot, the average elevation of the building site.
- 7.2.320 GUIDELINES - The final guidelines (Chapter 173-16 WAC) adopted by the Department of Ecology pursuant to the Shoreline Management Act of 1971. (These guidelines were used in the preparation of the Shoreline Master Program for Chelan County and these Use Regulations.)
- 7.2.330 HEARING BOARD - The Shoreline Hearings Board established by Chapter 90.58.R.C.W.
- 7.2.340 HEIGHT OF BUILDING - The vertical distance measured from the grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- 7.2.350 HOTEL - A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation.

- 7.2.360 JUNK YARD - An area where any person is engaged in breaking up, handling, packing, bailing, sorting, storing, distributing, buying or selling of any scrap, waste material, or junk including but not limited to scrap metal, bones, rags, used cloth, used rubber, used rope, used bottles, old or used machinery, used tools, used appliances, used fixtures, used lumber, used pipe or pipe fittings, used tires, or other used manufactured goods.
- 7.2.370 LEGISLATIVE BODY - The Board of County Commissioners.
- 7.2.380 LIVESTOCK - Domestic animals of types customarily raised or kept on farms for profit or other purposes.
- 7.2.390 LOT - A single parcel or tract of land located which at the time of application for a permit, is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under a single ownership or control.
- 7.2.400 LOT AREA - The total area within the boundary lines of a lot exclusive of the following: Public and private road easements of vehicular access to other property.
- 7.2.410 LOT DEPTH - The average horizontal distance between the front lot line and the rear lot line.
- 7.2.420 LOT LINE - The property line bounding a lot.
- 7.2.430 LOT LINE, FRONT - The property line separating the lot from the street other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.
- 7.2.440 LOT LINE, REAR - A property line which is opposite and most distinct from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.
- 7.2.450 LOT LINE, SIDE - Any property line not a front or rear lot line.
- 7.2.460 LOT WIDTH - The average horizontal distance between the side lot lines, ordinarily measured at the front building line.
- 7.2.470 MARINA - A dock or basin providing moorage for watercraft and offering supply, repair, or other support facilities. A marina may be either open to the public or for the exclusive use of a group.

- 7.2.480 MASTER PROGRAM - Shall mean the comprehensive use plan for Chelan County and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals, policies, and standards developed in accordance with the Act.
- 7.2.490 MINIMUM BUILDING SITE - An area of at least two thousand (2,000) square feet with a reasonable depth to width ratio and which does not exceed a slope of thirty (30) percent.
- 7.2.500 MOTEL OR AUTO COURT - A building or groups of buildings on the same lot, in which lodging is offered for compensation primarily for the accommodation of transient automobile travelers.
- 7.2.510 MOTORIZED VEHICULAR RACE TRACK - Includes racing accommodations for motorized vehicles such as automobiles, snowmobiles, motorcycles, go-carts and other similar motorized vehicles.
- 7.2.520 NONCONFORMING STRUCTURE - A legally established structure existing at the time this resolution or any amendment thereto becomes effective which does not conform to the requirements of the appropriate zoning district or Environment.
- 7.2.530 NONCONFORMING USE - A legally established use or condition existing at the time this resolution or any amendment thereto becomes effective which does not conform to the use requirement of the zoning district or Environment in which it is located.
- 7.2.540 OBSTRUCTION - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- 7.2.550 OFFICIAL NEWSPAPER - A newspaper of general circulation within Chelan County.
- 7.2.560 OFF-STREET PARKING SPACE - An off-street enclosed or unenclosed surfaced area of not less than nine (9) feet by twenty (20) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

- 7.2.570 ORDINARY HIGH WATER MARK - The line on all lakes and streams which will be found by examining the beds 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 the effective date of this chapter, or as it may naturally change thereafter. PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary highwater mark shall be the line of mean high water.
- 7.2.580 ORDINARY LOW WATER MARK - The line representing mean low water.
- 7.2.590 PERMANENT STRUCTURE - A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for four years or more.
- 7.2.600 PERMIT - That permit required by the Shoreline Act of 1971 (R.C.W. 90.58) as amended, for Substantial Development on shorelines, to be issued by the Administrative Authority subject to review by the Department of Ecology and the Attorney General's Office.
- 7.2.610 PERSON - An individual, firm, partnership, association, public or private corporation, estate, trust, receiver, syndicate, branch of government, social or fraternal organization, or any group or combination acting as a legal entity, and including any representative thereof.
- 7.2.620 PLANNED DEVELOPMENT - A project which generally involves the development of a large area of land, and which utilizes flexible design principles in the construction and location of industrial, commercial, residential or recreation facilities. Section 11.38 of the Chelan County Zoning Resolution provides guidelines and conditions for the rezone required for a planned development.
- 7.2.630 PLANNING COMMISSION - The Chelan County Planning Commission.
- 7.2.640 RESPONSIBLE OFFICIAL - The duly constituted Board of Chelan County Commissioners.
- 7.2.650 SWS(SHORELINE WORKS AND STRUCTURES) - The term includes bulkheads, seawalls, protective structures, piers, levees, dikes, channelization, docks, rip-rapping, and similar structures.

- 7.2.660 SETBACK FROM WATER - The minimum horizontal distance from the ordinary high water line of a body of water to the nearest part of structure.
- 7.2.670 SHORELINES - Shorelines means all of the water areas of Chelan County including reservoirs and associated wetlands, together with the lands underlying them EXCEPT:
- a. Shorelines of Statewide Significance;
  - b. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and
  - c. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.
- 7.2.680 SHORELINES OF STATEWIDE SIGNIFICANCE - Two categories of water bodies as follows:
- a. Lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand (1,000) acres or more measured at the ordinary high water line and associated wetlands;
  - b. Those streams, whether natural, artificial or a combination thereof, downstream of a point where the mean annual flow is measured at 200 cubic feet per second or more, or downstream from the first three hundred (300) square miles of drainage area, whichever is the longer, and associated wetlands.
- 7.2.690 SIGN - An identification, description, illustration, or device which is affixed to or located directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.
- 7.2.700 STATE MASTER PROGRAM - The cumulative total of all Master Programs approved or adopted by the Department of Ecology.
- 7.2.710 STREET - A public right-of-way for roadway, sidewalk, and utility installation.
- 7.2.720 STRUCTURAL ALTERATION - Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in exterior walls.

- 7.2.730 STRUCTURE - That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground. Not included are residential fences, ornamental rockeries, and similar improvements of a minor nature.
- 7.2.740 SUBSTANTIAL DEVELOPMENT - This term means any development of which the total cost or fair market value exceeds one thousand (1,000) dollars, or any development which materially interferes with the normal public use of the water or shorelines of the State, EXCEPT those uses listed as exemptions in Section 11 of these regulations.
- 7.2.750 TEMPORARY STRUCTURE - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life of four years or less or is built for a purpose that would commonly be expected to be relatively short term.
- 7.2.760 TRAVEL TRAILERS - A structure or vehicle designed for highway transport which is less than thirty-five (35) feet in length and eight (8) feet wide and constructed to permit occupancy for dwelling or sleeping purposes.
- 7.2.770 TRAVEL TRAILER COURT - A lot upon which two or more travel trailers, occupied for dwelling or sleeping purposes, are located.
- 7.2.780 USE - Purpose for which land or a structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained.
- 7.2.790 VARIANCE - Any development or construction which requires a special permit to conditionally approve relief from specific bulk, dimensional or performance standards set forth in these regulations.
- 7.2.800 WATER DEPENDENCY - The degree of dependency of any use of the land upon a shoreline location. This dependency is expressed as follows:
- 7.2.800.1 WATER DEPENDENT USES - All uses that cannot exist in any other location and require location on the shoreline by reason of the intrinsic nature of their operations, such as:
- a. Ferry and passenger terminals,
  - b. Terminal and transfer facilities for marine commerce and industry,

- c. Marine construction, dismantling and repair,
- d. Marinas - boat and seaplane,
- e. Intakes and outfalls (when allowed under relevant legislation),
- f. Boat launch facilities
- g. Shoreline recreation, including parks, bike trails, beaches, etc.,
- h. Aquaculture,
- i. Marina and limnological research and education,
- j. Floating home moorages,
- k. Hydroelectric power plants.

7.2.800.2 WATER RELATED USES - Those uses which do not depend upon a waterfront location to continue their operation but whose operation may be facilitated or enhanced by a shoreline location, such as:

- a. Any industry which receives or ships materials by water,
  - b. Restaurants,
  - c. Motels,
  - d. Hotels,
  - e. Resorts,
  - f. Single and multi-family residences,
  - g. Gift shops, *not approved by DOE (6-26-80)*
  - h. Processing plants which require large volumes of water,
  - i. Thermal power plants
  - j. Sewage treatment plants.
- which, by their design and aesthetic appearance, facilitate use and enjoyment of a shoreline location.

7.2.800.3 NON-WATER RELATED USES. Those uses which do not need a waterfront location to operate though they may need easement or utility corridors for access to the water such as:

- a. Single and multi-family residences,
- b. Commercial establishments,
- c. Utility rights-of-way,
- d. Rail lines and yards,
- e. Warehouses, staging and storage areas,
- f. Restaurants,
- g. Motels,
- h. Hotels,
- i. Petrochemical refineries,
- j. Metal fabrication plants,
- k. Streets and scenic roads,
- l. Office buildings,
- m. Irrigated agriculture,
- n. Commercial parking lots or structures,
- o. Freeways.

7.2.800.4 PROHIBITED USES - Those uses which have no relation to the water and whose operation is intrinsically harmful to the shorelines, such as:

- a. Sanitary landfills,
- b. Garbage dumps,
- c. Junkyards.

7.2.810 WETLANDS - Those lands extending landward for two hundred horizontal feet from the ordinary high water mark on all Shorelines of the State, or the landward edge of the 100 year floodplain, whichever distance is greater. This term also includes submerged lands.

7.2.820 YARD - An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this resolution, or by vegetation.

7.2.830 Other terms used in these regulations have the same meanings as those found in the Shoreline Management Act of 1971, R.C.W. 90.58, WAC 173-14, or WAC 173-16.

7.2.840 Definitions for terms requiring definitions neither above found nor in R.C.W. 90.58 or WAC 173-14, WAC 173-16, WAC 173-18 shall be determined from the following sources, and if a conflict should arise between sources, such definitions shall be established in the following priority:

1. Black's Law Dictionary, by Henry Campbell Black, 3rd Edition, Publisher's Editorial Staff, St. Paul, West Publishing Company, 1933 and subsequent amendments thereto.
2. Webster's Encyclopedic Dictionary, by Franklin J. Mein, Editor-in-Chief, Columbia Educational Books, Inc., Chicago, 1941, and subsequent amendments thereto.

## SECTION 8. SHORELINE ENVIRONMENT MAP AND BOUNDARIES

8.1 The locations and boundaries of the four Environments and Shorelines of Statewide Significance are hereby established and adopted by reference as shown on the series of maps entitled "Shoreline Environment Map of Chelan County" as further delineated by the Environmental Boundary Description. The Shoreline Environment Map and the Environmental Boundary Description shall be dated with the effective date of the Master Program and any amendments thereto, signed by the Board of County Commissioners and maintained on file with the Chelan County Auditor.

8.2 The following rules for interpretation of Environment boundaries on the Shoreline Environment Map shall apply:

8.2.1 Environment boundaries indicated as approximately following the centerlines of right-of-way lines of streets, highways, alleys, natural features shall be construed to follow such centerlines or rights-of-way lines or natural features.

8.2.2 Environment boundaries indicated as approximately following platted lot lines or section lines shall be construed as following such lines.

8.2.3 Environment boundaries indicated as approximately following city limits shall be construed as following such city limits on the effective date of this resolution.

8.2.4 In the event of changes in city limits, such changes in and of themselves shall have no effect upon the Environment boundaries.

## SECTION 9 GENERAL SHORELINE USE ACTIVITY REGULATIONS

The purpose of this section is to provide comprehensive regulations for those activities which could potentially occur in conjunction with any of the specific use activities covered in Section 1 through 37 of these regulations. Unless otherwise stated, each of the following subsections is applicable in all Environments, and must be considered during the review process for all permits as delineated in Sections 29, 30, and 31 of these Use Regulations.

9.1 All shoreline permit applications must include provisions for the restoration of wetlands which might be altered by the proposed project unless the alteration of the wetland is a specific and permitted part of the proposed project. Restoration of altered wetlands shall include but is not limited to replanting of native vegetation and interim maintenance to enhance growth of native vegetative cover.

9.2 Proposed developments which can be classified as Planned Developments under Section 7.2.620 of these Use Regulations shall be considered Substantial Developments provided the proposed project has gone through the required zone change process (Chelan County zoning resolution, Section 11.38. The Administrative Authority may approve a Substantial Development Permit for such a project, subject to the conditions of the approved zone change, and also subject to any additional conditions deemed necessary by the Administrative Authority to bring such a project into compliance with the intent of the Chelan County Shoreline Master Program.

- 9.3 All commercial, agricultural, recreational and most residential structures may be constructed up to but not waterward of the common line setback was defined in Section 7.2.170 of these Use Regulations.
- 9.4 Proposed highways, buildings, dikes, landfills, and dense hedge plantings which may obstruct natural airflow and create frost pockets which could threaten existing orchards must be so designed as to minimize this obstruction of air flow.
- 9.5 The location and design of all proposed structures shall be such that obstruction of scenic views and vistas is minimized. This shall apply to protection of views from both public and private property. The Administrative Authority may require modification of proposed projects to insure this end.
- 9.6 The following regulations are performance standards for all patios, decks, sidewalks, and walkways:
- 9.6.1 Patios and sidewalks which are not elevated more than nine (9) inches above the existing grade at any point and which are constructed of poured concrete, wood, brick or other like materials and which lie directly on the ground, shall be permitted up to but no further than the ordinary high water mark EXCEPT that no roof or enclosure of any kind associated with said patio or sidewalk may extend beyond the applicable setback requirements of these Use Regulations.
- 9.6.2 Decks and porches which require a foundation and which are elevated more than nine (9) inches above existing grade at any point shall be subject to the applicable setback requirements of these Use Regulations. A variance permit allowing the construction of a deck or porch which extends beyond the applicable setback requirements may be granted provided all of the following conditions are met:
- a. The structure with which the deck or porch is to be associated was constructed prior to April 22, 1975, AND
  - b. Because of unusual topographic circumstances, there is no side yard area available for a patio, deck, porch, etc., AND
  - c. The deck or porch to be constructed shall extend no more than eight (8) feet waterward of the structure with which it is associated OR shall not extend beyond the ordinary high water mark, whichever is the lesser, AND

- d. The deck or porch to be constructed shall not be roofed in any way or enclosed on more than two sides, nor shall the space underneath the deck or porch be enclosed in any way AND
  - e. The deck or porch or associated railing, enclosures, etc. to be constructed shall not substantially detract from the views existing from adjacent property.
- 9.7 Walkways which require a foundation and/or which are elevated more than nine (9) inches above the grade at any point shall be subject to the applicable setback requirements of these Use Regulations. A variance permit allowing the construction of walkways which extend beyond the applicable setback requirements may be granted, provided all of the following conditions are met:
- a. The structure with which the walkway is to be associated was constructed prior to April 22, 1975, AND
  - b. Because of unusual topographic circumstances, there is no possibility for side yard access except on an elevated walkway AND
  - c. The walkway to be constructed shall extend no more than three (3) feet waterward of the structure with which it is associated AND
  - d. The walkway to be constructed shall not be enclosed or roofed in any way, nor shall the space underneath the walkway be enclosed AND
  - e. The walkway shall not substantially detract from the view existing from adjacent property.
- 9.8 Upon completion of construction, installation or maintenance of projects on shorelines, the disturbed area shall be restored to as near pre-project configuration as possible, replanted with appropriate vegetative cover and provided maintenance care until newly planted vegetation is established.
- 9.9 Recreational vehicular traffic on beaches and fragile wetland areas is prohibited on all shorelines, except for the purpose of launching or loading boats.

## SECTION 10 NON-CONFORMING USE REGULATIONS

A non-conforming use is an activity, structure, or condition in existence at the time of adoption of the ordinance that would not be permitted after adoption. The intent of this section is to minimize retro-active application of this ordinance.

- 10.1 A non-conforming use may not be altered or expanded in any manner which would bring that use in greater non-conformity with the Environment in which it is located.
- 10.2 In the case of destruction by the elements where reconstruction costs exceed eighty (80) percent of the fair market value, the structure shall not be rebuilt unless it conforms to all of the use regulations pertaining to the Environment in which it is located.
- 10.3 A non-conforming use that is discontinued for any reason for more than one year, shall not be re-established.
- 10.4 Any non-conforming structure or use may be maintained with ordinary care. Work involving more than fifty (50) percent of the fair market value shall not constitute maintenance for the purpose of this section.
- 10.5 If a lot or the aggregate of contiguous lots or land parcels held in a single ownership and recorded in the office of the Chelan County Assessor at the time of passage of this resolution has an area or dimension which does not meet the lot size or lot width requirements of the zoning district or Environment in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright subject to the requirements of the Chelan County zoning resolution, the requirements of the Chelan-Douglas Health District, and these regulations.
- 10.6 Any structural additions to an existing non-conforming structure may be built at the setback of the existing non-conforming structure, PROVIDED that upon completion of the structural addition, the length of the entire new waterward wall shall not exceed a length that is thirty-five (35) percent of the width of the lot at the ordinary high water mark. All other structural additions to non-conforming structures must be constructed at the common line setback, except where otherwise delineated in these Use Regulations. Any subsequent additions to the non-conforming structure must be in compliance with the setback regulations.

#### SECTION 11. SHORELINE USES PERMITTED OUTRIGHT

The following use activities shall be permitted outright without application for a substantial development permit provided other state and local regulations are complied with. (WAC 173-14-040)

- 11.1 Any development of which the total cost or fair market value, whichever is higher, does not exceed one thousand (1,000) dollars, if such development does not materially interfere with the normal public use of the water or Shorelines of the State.

- 11.2 Normal maintenance or the repair of existing structures or developments, including damage by accident, fire, or elements.
- 11.3 Construction of a normal protective bulkhead common to a single-family residence (see Section 22.1.3)
- 11.4 Emergency construction necessary to protect property from damage by the elements.
- 11.5 Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; PROVIDED that a feed lot of any size, all processing plants, other activities of a commercial nature, alterations of the contour of the wetlands by levelling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.
- 11.6 Construction or modification of navigational aides such as channel markers and anchor buoys.
- 11.7 Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the local zoning resolution and all applicable governmental codes and regulations having jurisdiction other than requirements imposed pursuant to these Use Regulations.
- 11.8 Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family residence, for which the cost or fair market value, whichever is higher, does not exceed two thousand five hundred (2,500) dollars.
- 11.9 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.
- 11.10 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.

- 11.11 Operation and maintenance of any system of dikes, ditches, drains or other facilities existing prior to the date of enactment of these Use Regulations which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
- 11.12 Any project with a certification from the governor pursuant to Chapter 80.50 R.C.W.
- ~~11.13~~ The construction of up to five hundred feet of one and only one road or segment of road, for forest practices, provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and shall not apply to any road which crosses over or through a stream, lake or other body of water. Such road construction shall be subject to requirements of the Forest Practices Act and these Use Regulations.

## U S E   A C T I V I T Y   R E G U L A T I O N S

The following seventeen sections are listed under headings which roughly correspond to the use activities headings in the Guidelines and to those in the Master Program.

There are normally four sets of regulations under each use activity heading, one set for each of the four Environments used to designate the shorelines. In other words, there are regulations for a given use in Urban, Rural, Conservancy, and Natural Environments.

### RESOURCE BASED USE ACTIVITIES

#### SECTION 12. AGRICULTURE

The Act specifically exempts the construction of a barn or similar agricultural structures on wetlands from the permit system. The regulations below therefore apply, only to those agricultural activities and practices which, because they are not specifically exempted by the law, are implicitly subject to control under it. In addition, the requirements of the applicable local zoning district as amended shall apply.

##### 12.1 Urban Environment

- 12.1.1 Agriculture may be permitted on Urban shorelines, subject to the applicable zoning resolution.
- 12.1.2 Any person proposing to undertake or engage in any of the following agricultural operations must apply for a permit:

- a. A feeding pen or other confinement lot for livestock of any kind equivalent to ten (10) or more head of mature cattle, which is not used as a pasture or for grazing but which is used primarily for the bulk feeding of livestock or as a holding area prior to slaughtering.
- b. All processing plants and all other activities of a commercial nature.
- c. Alteration of the contour of the wetlands by levelling or filling other than that which results from the normal cultivation of lands.

12.1.3 A permit for feeding pens or other confinement lots may be granted subject to the following minimum conditions:

- a. At least one hundred (100) feet of vegetated area must be provided between confinements lots and water bodies.
- b. Feeding pens or confinement lots must be located both away from hillsides leading directly to water bodies and outside the one hundred (100) year floodplain, where defined.
- c. The confinement lot or feeding pen site must have a minimum of four feet between the ground surface and the upper surface of the water table.
- d. Where applicable, the operational guidelines for livestock waste management found in "Livestock Waste Management Guidelines (E.M. 3479), W.S.U. June 1971, may be made conditions of granting the permit.

12.1.4 Livestock grazing shall be managed in such a way as to preserve a sufficient amount of streamside vegetation to maintain bank stability, water quality, and shade and cover for fish and game.

## 12.2 Rural Environment

12.2.1 Agriculture may be permitted on Rural shorelines, subject to the applicable zoning resolution.

12.2.2 Agriculture in the Rural Environment shall comply with Section 12.1 above.

### 12.3 Conservancy Environment

12.3.1 Agriculture may be permitted on Conservancy shorelines provided that its operations do not involve major construction or other activities which substantially change the character of the Environment.

12.3.2 Where permitted on the Conservancy shorelines, agricultural use activities shall comply with Section 12.1 above.

### 12.4 Natural Environment

12.4.1 Non-commercial agriculture may be permitted on Natural shorelines, provided that its operations do not have a harmful ecological impact and that no extensive clearing, construction or other operation which substantially changes the character of the Environment is necessary.

12.4.2 Where permitted on Natural shorelines, agricultural use activities shall comply with Section 12.1 above.

## SECTION 13 AQUACULTURE

The provision of the applicable zoning district shall apply in addition to those of this Section. Any person proposing to engage in aquacultural practice which materially interferes with the normal public use of the Shorelines of the State shall apply for a permit.

Practices requiring permits do not include normal harvesting or maintenance practices but do include:

- a. Construction of facilities,
- b. Disposal of solid or liquid wastes, such as may result from the confined rearing operations of salmon or other aquatic life, in quantities which may cause violations of the State Water quality standards and criteria.

13.1 Urban Environment - Aquaculture may be permitted on Urban shorelines.

13.2 Rural Environment - Aquaculture may be permitted on Rural shorelines.

### 13.3 Conservancy Environment

Aquaculture may be permitted on Conservancy shorelines provided that its operations do not have a harmful ecological impact and do not materially interfere with the normal public use of the waters or Shorelines of the State, except that unlimited recreational navigation over the surface of the waters shall not be construed as normal public use.

13.4 Natural Environment - Aquaculture is prohibited on Natural shorelines.

SECTION 14 FOREST MANAGEMENT

The Shoreline Act of 1971 specifies that in most instances only 30% of the merchantable trees may be removed in harvests within the Shorelines of Statewide Significance. Thus, a shoreline permit will be required for proposed timber harvests within 200 feet of Shorelines of Statewide Significance to assure compliance with this provision of the law. The policies and regulations listed in this Section will also apply to such proposed harvests.

In the case of all other shorelines of the State, a shoreline permit for timber harvest will only be required when bridges, culverts, road construction, or similar development involving costs in excess of \$1,000 are proposed within 200 feet of the shoreline.

All forest management practices are required to comply with the regulations of this Section regardless of whether or not an individual project requires a permit.

The Washington Forest Practice Regulations prepared by the Forest Practice Board must be complied with in all timber harvesting activities within Chelan County.

14.1 Urban Environment

14.1.1 Timber harvesting may be permitted along Urban shorelines subject to the State Forest Practice Regulations.

14.1.2 Only selective commercial timber cutting, as defined in R.C.W. 90.58.150 shall be allowed on an Urban shoreline. (Maximum of 30% merchantable trees in any ten year period.)

14.2 Rural Environment

Timber harvesting may be permitted along rural shorelines subject to Sections 14.1.1 and 14.1.2.

14.3 Conservancy Environment

14.3.1 Timber harvesting may be permitted along Conservancy shorelines subject to Section 14.1.1 above and 14.3.2 below.

14.3.2 Roads shall either be maintained so as to minimize erosion or be permanently closed, water barred, reforested, or planted and seeded with appropriate ground cover.

#### 14.4 Natural Environment

##### 14.4.1 Harvesting of timber shall be permitted on Natural shorelines ONLY where it is necessary to:

- a. Preserve a desired pre-climactic state of a plant succession, such as a stand of Douglas Fir, which would eventually be superseded by other species if no cutting were done.
- b. Prevent an epidemic of insect or disease infestations in the area or to adjoining areas when no other means of epidemic control will work.
- c. Clean-up and restore an area devastated by disaster such as extensive windfall or fire.

##### 14.4.2 In instances where timber harvesting on Natural shorelines is permitted, monetary value of the timber shall not be used to justify the timber harvesting but only to determine the degree and economic feasibility of restorative work.

##### 14.4.3 In instances where timber harvesting is permitted on Natural shorelines, it shall be subject to State Forest Practices Regulations and Section 14.1 and 14.3 above.

#### SECTION 15 MINING

##### 15.1 Urban Environment

##### 15.1.1 Mining operations which do not substantially change the character of the Environment may be permitted in the Urban Environment.

##### 15.1.2 A permit for mining operations may be granted subject to the following regulations:

- a. The operator of a surface mine, which is subject to the 1970 Surface Mining and Reclamation Act shall present to the Administrative Authority one copy each of the surface mining plan and of the reclamation plan as provided in R.C.W. 74.88.
- b. Any mineral removal alongside, upstream, or downstream from spawning areas shall be in conformance with the technical provisions of the Hydraulics Project Approval by the Washington State Department of Fisheries.

## 15.2 Rural Environment

Mining operations may be permitted in the Rural Environment subject to regulations 15.1.2 above.

## 15.3 Conservancy Environment

Mining operations may be permitted in the Conservancy Environment subject to regulations 15.1.2 above.

## 15.4 Natural Environment not approved by DOE. (6-26-80)

Mining operations which do not change the character of the Environment may be permitted in the Natural Environment subject to Section 15.1.2 above.

# LAND USE ACTIVITIES

## SECTION 16 RESIDENTIAL

The Act specifically exempts construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family from its permit requirements. However, even though single family homes are not a substantial development, the intent of the Act clearly establishes a basis for regulating them. (R.C.W. 90.58.020 and 90.58.100).

As provided in Section 5.4 of these regulations, subdivision of land must comply with the applicable subdivision regulations. Any person proposing to subdivide land located in the shoreline area shall comply with the lot configuration requirements of these regulations.

When the specified minimum lot areas listed in this section are less than one acre, the areas and widths shall be increased in relation to lot slope as given below:

<u>Average Lot Slope</u>	<u>Percentage Increase in Minimum Lot Area</u>
0 - 10%	0%
11 - 15%	25%
16+	50%

One and two family residences may be exempt from slope requirements if adequate provisions are made for parking, health regulations, and soil stabilization.

All residential structures may be constructed up to but not waterward of the common line setback as defined in Section 7.2.170 of these Use Regulations, PROVIDED that this common line setback does not substantially reduce the views from adjacent property.

#### 16.1 Urban Environment

16.1.1 Single, two family and multi-family residences may be permitted in the Urban Environment subject to the applicable zoning ordinance and the following regulations.

16.1.2 A permit for the multi-family residence may be granted subject to the following regulations:

- a. Residential development and any enclosed structures, decks, porches, or walkways associated with a residence are prohibited from exceeding the applicable common line setback requirement and/or from extending beyond the ordinary high water mark.
- b. No residential structure shall exceed thirty-five (35) feet in height above average grade level.
- c. All utility lines including electricity, communications, and street lighting, shall be underground, except where the presence of bedrock or other obstructions makes undergrounding prohibitive. Above ground lines in existence at the time of adoption of the Master Program and not coming under the above exception shall be removed during normal replacement processes.
- d. Parking lots with spaces for nine or fewer cars shall be subject to the common line setback as defined in Section 7.2.170 of these Use Regulations.
- e. Parking lots with spaces for ten or more vehicles shall not be located within fifty (50) feet of the ordinary high water mark.

#### 16.2 Rural Environment

16.2.1 Single family and multi-family residences may be permitted in the Rural Environment subject to the following regulations and the applicable zoning resolution; Section 16.1.2 (a-e) shall apply.

### 16.3 Conservancy Environment

16.3.1 Two family and multi-family residences may be permitted on Conservancy shorelines as a Planned Development under the appropriate zoning resolution and subject to Sections 16.1.2(a-e) above.

16.3.2 Single family residences may be permitted on Conservancy shorelines, subject to the following regulations:

- a. Minimum lot area shall be as specified in the Chelan County zoning resolution.
- b. Minimum lot width at the property line nearest the high water line shall be one hundred (100) feet.
- c. No residential structure shall exceed a height of twenty-five (25) feet above average grade level.

### 16.4 Natural Environment

16.4.1 Two family and Multi-family residences shall be prohibited in the Natural Environment.

16.4.2 Single family residences may be permitted in the Natural Environment subject to the following regulations:

- a. Minimum lot area shall be one acre.
- b. Minimum lot width at the property line nearest ordinary high water mark shall be two hundred (200) feet.
- c. No structure may be constructed closer than fifty (50) feet from the ordinary high water mark.
- d. No structure may exceed a height of fifteen (15) feet above the average grade level.
- e. Regulations 16.1.2(c) shall apply.
- f. All residences shall be of inconspicuous appearance such that they either blend with their surroundings or at a minimum do not detract from them.

## SECTION 17 COMMERCIAL

### 17.1 Urban Environment

Commercial development is permitted in the Urban Environment subject to the conditions of the applicable zoning resolution and those listed in these Use Regulations.

- 17.1.1 A permit may be issued subject to the provision of these regulations and the Chelan County zoning resolution.
- 17.1.2
  - a. Parking lots for nine or fewer vehicles shall be subject to the common line setback as defined in Section 7.2.170 of these Use Regulations.
  - b. Parking lots with spaces for ten or more vehicles shall not be located within fifty (50) feet of the ordinary high water mark.
- 17.1.3 Commercial structures shall not exceed thirty-five (35) feet in height above average grade level.
- 17.1.4 Commercial developments shall be landscaped with appropriate vegetation in order to restore or enhance the natural scenic qualities and mitigate destruction of habitat of the area. Wherever practical, pedestrian access and use of the shoreline shall be facilitated.
- 17.1.5 Commercial structures may be constructed up to but not waterward of the common line setback as defined in Section 7.2.170 of these Use Regulations EXCEPT that those commercial uses listed as water dependent in Section 7.2.800.1 of these Use Regulations shall not be subject to any specific setback requirements, but shall have a setback requirement added as a condition to any permit.

### 17.2 Rural Environment

Commercial development in the Rural Environment shall be prohibited except for those defined as water dependent and water related subject to the conditions of the applicable zoning ordinance and those listed in these regulations.

- 17.2.1 Section 17.1.1, .2, .4, and .5 shall apply in the Rural Environment

- 17.2.2 Commercial structures shall not exceed thirty-five (35) feet in height above average grade level and be of inconspicuous appearance so that they either blend with their surroundings or at a minimum do not detract from them.

### 17.3 Conservancy Environment

Commercial development in the Conservancy Environment shall be prohibited EXCEPT for those defined as water dependent and water related subject to the conditions of the Chelan County zoning resolution and those listed in these Use Regulations. Section 17.1.1, .2, .4, and .5 shall apply in the Conservancy Environment.

- 17.3.1 Commercial structures permitted in the Conservancy Environment shall not exceed twenty-five (25) feet in height above the average grade level and be of inconspicuous appearance so that they may either blend with their surroundings or at a minimum do not detract from them.

- 17.3.2 Parking lots may be permitted within a Conservancy Environment PROVIDED no parking lot shall be permitted which is closer than one hundred (100) feet of the ordinary high water mark EXCEPT that those commercial uses listed as water dependent in Section 7.2.800.1 of these Use Regulations may have parking lots which extend to within fifty (50) feet of the ordinary high water mark.

### 17.4 Natural Environment

Commercial development activity shall be prohibited in the Natural Environment.

## SECTION 18 SIGNS

- 18.1 Signs having any of the following characteristics are prohibited within any shoreline Environment:

- (a) Signs which significantly obstruct visual access to the water or to scenic vistas;
- (b) Signs which exceed the building setback requirements of the Chelan County zoning resolution and of Section 17 above;
- (c) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities;
- (d) Signs that are not reasonably clean and in good repair;
- (e) Signs that are not securely affixed to a substantial structure;

- (f) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device;
- (g) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;
- (h) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights;
- (i) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light being directed at any portion of a public street or body of water, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any boat or motor vehicle, or to otherwise interfere with any driver's operation of a boat or motor vehicle;
- (j) Signs which move or have any animated or moving parts;
- (k) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

18.2 Whenever any existing sign failing to conform to this Section is moved, replaced, or substantially altered, such sign shall be brought into conformance with this ordinance.

## SECTION 19. MARINAS AND BOATHOUSES

### 19.1 Urban Environment

- 19.1.1 Marinas which can be sited, designed and built in such a way as to minimize conflicts with other urban uses of shorelines may be permitted on Urban shorelines.
- 19.1.2 A permit for a marina development, construction, expansion and/or alteration or, any phase thereof which constitutes a complete project, may be granted subject to the following regulations.
  - a. The portions of the "Criteria Governing the Design of Marinas . . . for Protection of Fish and Shellfish Resources" adopted by the Washington State Department of Fisheries in 1971 which are applicable to fresh water, shall be utilized in preparation of conditions for granting a permit.
  - b. Parking lots for nine (9) or fewer vehicles shall be subject to the common line setback as defined in Section 7.2.170 of these Use Regulations.

- c. Parking lots with spaces for ten (10) or more vehicles shall not be located within fifty (50) feet of the ordinary high water mark.
- d. Sewage pump-out or dump stations approved by the Health District shall be installed at the beginning of operations of a new marina or of an expansion of an existing marina.
- e. The marina shall be designed so as to minimize spillage during fuel handling and storage and the permit application for a marina must indicate what precautions and methods will be utilized to accomplish this.

19.1.3 Boathouses shall be permitted subject to the applicable zoning ordinance, and subject to the same height restrictions for residential development delineated in Section 16 of these Use Regulations.

19.1.4 Boathouses which extend waterward of the required setback and/or which extend waterward of the ordinary high water mark may be permitted as a conditional use provided all of the following conditions are met:

- a. The applicant for said boathouse can demonstrate that because of unusual or unique circumstances, there is no other reasonable method for providing boat storage, AND
- b. The boathouse shall be no larger than necessary to accommodate the boat(s) to be stored, AND
- c. The boathouse shall not substantially obstruct the view from any property, AND
- d. The interior of the boathouse shall be used only for the storage of boats and boat related materials and tools, AND
- e. The boathouse shall not be converted to any other use.

## 19.2 Rural Environment

19.2.1 Marinas and boathouses which can be sited, designed and built in such a way as to minimize conflicts with other uses of Rural shorelines may be permitted on Rural Shorelines.

19.2.2 Section 19.1.2 through 19.1.4 shall apply.

## 19.3 Conservancy Environment

19.3.1 Marinas and boathouses may be permitted on Conservancy shorelines subject to 19.1.2a,d, and e, and Section 19.1.4 above.

- 19.3.2 Parking lots may be permitted PROVIDED no parking lot shall be permitted closer than one hundred (100) feet of the ordinary high water mark EXCEPT that those commercial uses listed as water dependent in Section 7.2.800.1 of these Use Regulations may have parking lots permitted that extend to fifty (50) feet of the ordinary high water mark.

#### 19.4 Natural Environment

- 19.4.1 Marinas and boathouses shall be prohibited on the Natural shorelines.

### SECTION 20 PORTS AND INDUSTRIES

#### 20.1 Urban Environment

- 20.1.1 Any person proposing a development, expansion or alteration or any phase thereof not exempted herein, of a port facility or industry, shall apply for a permit.
- 20.1.2 Port facilities, water dependent industries and water related industries as defined in Section 7.2.800. of these Use Regulations may be permitted subject to the Chelan County zoning resolution and the following regulations:
- a. The conditions of issuance of required federal and state permits may be considered in issuance of a permit.
  - b. Facilities and structures for ports and water-related industries of more than thirty-five (35) feet above average ground grade shall be designed to minimize obstruction of views from adjoining residential or recreational developments. (6-26-80; DOE requires that this reg. should have inc the reference to variances as in c. below)
  - c. Water dependent industries and port related facilities shall be constructed no closer than twenty (20) feet from the ordinary high water mark (EXCEPT that if such a structure must be closer than twenty (20) feet from the ordinary high water mark in order to facilitate operations that are specifically water dependent, the above setback requirement may be modified to fit the situation through the variance procedure (Section 29.2).)
  - d. Water related industries shall be constructed no closer than twenty (20) feet from the ordinary high water mark provided that the structure does not substantially reduce the view from adjacent properties.

- e. Industrial development shall be landscaped with appropriate vegetation in order to restore or enhance the natural scenic qualities and mitigate the destruction of habitat of the area. Wherever practical, pedestrian access and use of the shoreline shall be permitted.

20.1.3 Non-water related industries may be permitted on Urban shorelines provided that the development is proposed for a lot which is zoned industrial and subject to Section 20.1.2(a-e) above and shall be constructed no closer than fifty (50) feet from the ordinary high water mark, provided that construction does not substantially reduce the view from adjacent properties.

## 20.2 Rural Environment

20.2.1 Ports or water dependent industries and water related industries may be permitted on Rural shorelines, subject to Section 20.1.1 and 20.1.2, and provided that the development is proposed for a lot which is zoned industrial.

20.2.2 Non-water related industries may be permitted on Rural shorelines subject to Section 20.1.3 and provided that the development is proposed for a lot which is zoned industrial.

## 20.3 Conservancy Environment

20.3.1 Ports or water dependent industries may be permitted on Conservancy shorelines subject to Section 20.1.1, 20.1.2 and provided that the development is proposed for a lot which is zoned industrial.

## 20.4 Natural Environment

20.4.1 Ports and industries shall be prohibited on Natural shorelines.

# SHORELINE MODIFICATION USE ACTIVITIES

## ~~SECTION 21 SHORELINE WORKS AND STRUCTURES (SWS)~~

~~Construction of normal protective bulkheads common to single family residences at or near the ordinary high water line is exempt from the permit requirements of these regulations (R.C.W. 90.58.030(3)(e)(ii) and WAC 172-16-060(11). Private non-commercial docks costing less than two thousand five hundred (2,500) dollars for single family homes are also exempt from the permit requirements of these regulations (R.C.W. 90.50.303(3)(e)(vii). Where permitted, SWS shall comply with all applicable federal, state and local regulations.~~

## 21.1 Urban Environment

SWS may be permitted on Urban shorelines subject to the following regulations:

- 21.1.1 The portions of the criteria governing the design of bulkheads, landfills, and marinas for the protection of fish and shellfish resources adopted by the Washington State Department of Fisheries, 1971, may be utilized in preparation of conditions granting a permit.
- 21.1.2 The builder of any SWS shall be responsible for adverse effects on the property of others caused by his construction and shall take all necessary precautions to minimize such effects.
- 21.1.3 Joint use dock facilities shall be required for any subdivision, multi-family residences, or commercial and industrial enterprises in close proximity to each other which are initiated after the effective date of the resolution.
- 21.1.4 SWS shall be designed and constructed to blend with surrounding development insofar as feasible.
- 21.1.5 The use of car bodies, construction debris and/or discarded pieces of equipment or appliances for stabilization of shorelines or any other purpose is prohibited.

## \*21.2 Rural Environment

SWS may be permitted on Rural shorelines subject to the regulations given below; provided they do not substantially change the character of the Environment and are a part of a project defined as water dependent or water related.

- 21.2.1 Section 21.1.1 through .5 above shall apply on Rural shorelines.
- 21.2.2 Channelization of stream courses is prohibited except as provided in R.C.W. 90.58.030(3)(e).

## 21.2 Conservancy Environment

SWS may be permitted on Conservancy shorelines subject to the regulations given below, provided: They do not substantially change the character of the Environment; they are a part of a project defined as water dependent or water related; and the project would be rendered impossible or completely infeasible without the SWS.

- 21.2.1 In those limited instances where permitted, Sections 21.1.1 through .5 above shall apply on Conservancy shorelines.

AMENDED SECTIONS (9/24/93)  
CHELAN COUNTY SHORELINE MASTER PROGRAM AMENDMENT

Shoreline Modification Use Activities

SECTION 21 Shoreline Works and Structures (SWS)

Construction of normal protective bulkheads common to single family residences at or near the ordinary high water line is exempt from the permit requirements of these regulations (RCW 90.58.030(3)(e)(ii) and WAC 172-16-060(11). Where permitted, SWS shall comply with all applicable federal, state and local regulations.

NEW SECTION

SECTION 21.A Piers and Docks

21.A.1 Applicability

Piers and docks are structures which abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft. Piers are built on fixed platforms above the water, while docks float upon the water. Platforms constructed at or near the OHWM, having a length parallel to the shoreline that exceeds the dock width standards shall not be considered under Section 21.

Piers and docks are utilized for commercial, industrial and recreational purposes. Often they serve several uses. Because of this, regulations concerning specific uses that may employ a pier or dock will be located in that specific section.

21.A.2 Exemptions

Under the provisions of RCW 90.58.030(3)(e) the construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single and multiple family residence, the cost of which does not exceed two thousand five hundred dollars is exempt from the requirement to obtain a shoreline substantial development permit. Such developments are subject to compliance with the provisions of this program including the requirements for obtaining conditional use permits pursuant to Section 21.A.8 where appropriate.

21.A.3 REGULATIONS -- GENERAL DESIGN & CONSTRUCTION STANDARDS

21.A.3.1 Pilings must be structurally sound and cured prior to placement in the water.

21.A.3.2 Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.

21.A.3.3 All docks shall include stops which serve to keep the floats off the bottom of bedlands at low water levels.

ADOPTED BY:

WA STATE DEPARTMENT OF ECOLOGY

*Adopted*

*May 3, 1994 WR-94-10-081*

\* TYPOGRAPHIC  
ERROR. T&E

21.A.3.4 When plastics or other non-biodegradable materials are used in float, pier or dock construction precautions shall be taken to ensure their containment.

21.A.3.5 Overhead wiring or plumbing is not permitted on piers or docks.

**21.A.4 Regulations – Community Recreational Piers and Docks**

21.A.4.1 All hotels, motels and multi-family residences proposing to provide moorage facilities shall be required to construct a single, community moorage facility provided that the County may authorize more than one community moorage facility if a single facility would be inappropriate or undesirable given the specific conditions of the site.

21.A.4.2 Proposals for community piers and docks shall document through contract or covenant that access is provided and adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties. The resulting documents must be recorded with the County Auditor before building permit approval.

**21.A.5 Regulations – Commercial/Industrial Facilities**

These standards apply to piers and docks intended for any commercial or industrial use other than commercial moorage of boats in marinas.

21.A.5.1 Piers and docks shall be permitted for water dependent and water related uses or for multiple use facilities if the majority use is water dependent or related and access can safely be provided. Maximum size of the pier or dock shall be no greater than necessary to serve the intended use and will be determined by the County on a case-by-case basis.

21.A.5.2 Bulk storage for gasoline, oil and other petroleum products for any use or purpose is prohibited on piers and docks. Bulk storage means non-portable storage in fixed tanks.

21.A.5.3 Storage for boat fueling facilities shall be located landward of the OHWM and meet the applicable policies and regulations for utilities (accessory and primary) commercial and industrial development.

21.A.5.4 Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

AM 21A5E DEPARTMENT OF ECOM

ADOPTED BY:

## 21.A.6 Regulations -- Residential

### 21.A.6.1 Amount

a) For shoreline lots legally created prior to (5/3/94) the date of adoption of this amendment, no more than one private, non-commercial dock or pier is allowed.

b) For all subdivisions, short subdivisions and all other divisions of land occurring after (5/3/94) the date of adoption of this amendment, community docks or piers shall be ~~preferred~~ encouraged and may be allowed where they are found to be consistent with the provisions of this program. No single use piers or docks may be authorized for any subdivision, short subdivision or other division of land nor for any lot within such subdivision, short subdivision or other division of land except in accordance with the provisions of Section 21.A.8.

### 21.A.6.2 Dimensional Standards for Residential Piers and Docks

a) Private, single use piers and docks.

Length: Not more than 40 feet from the OHWM provided that a greater length may be authorized up to the minimum length necessary to reach a depth of twelve feet below OHWM at the waterward end of the pier or dock.

Width: The maximum width of the walkway shall not exceed eight feet.

Area: The total area of the pier or dock shall not exceed 320 square feet provided that docks or piers in excess of 40 feet in length pursuant to the provisions above may add eight square feet for each one foot of length authorized up to a maximum of 450 square feet.

b) Community Piers and Docks.

Length: Not more than 40 feet from the OHWM plus 10 feet for each residential unit with use rights in excess of two residential units up to a maximum of 80 feet provided that a greater length may be authorized up to the minimum length necessary to reach a depth of twelve feet below OHWM at the waterward end of the pier or dock.

Width: The maximum width of the walkway shall not exceed eight feet.

**Area:** The total area of the pier or dock shall not exceed 320 square feet provided that docks or piers in excess of 40 feet in length pursuant to the provisions above may add eight square feet for each one foot of additional length authorized and may add 50 square feet for each residential unit with use rights in excess of one residential unit.

**21.A.6.4 Side Yard Setbacks.**

On lots with shoreline frontage, private and community docks and piers shall be setback a minimum of ten (10) feet from side property lines, EXCEPT that they may be located adjacent to or upon a side property line when mutually agreed to by contract/covenant with the owners of the adjacent property, a copy of which must be recorded with the County Auditor.

**21.A.6.5 Density.**

Community docks and piers shall include no more than one (1) permanent moorage space per dwelling unit or lot. Guest moorage shall be allowed on a case-by-case basis.

**21.A.7 Environmental Regulations.**

**21.A.7.1 Urban, Rural and Conservancy -- Permitted subject to standards.**

**21.A.7.2 Natural -- Prohibited**

**21.A.8 Conditional use -- Private, single use piers and docks.**

a) For subdivisions, short subdivisions and other divisions of land created or approved subsequent to (5-3-74) the date of adoption of these amendments, private, single use docks or piers may be allowed only upon approval of a shoreline conditional use permit provided that the proposal is found to be consistent with WAC 173-14-140 and all of the following criteria:

1. The width of the lots measured at the OHWM exceeds 70 feet.
2. Physical characteristics including pre-existing development in the vicinity preclude or significantly interfere with design of a safe and environmentally protective community pier or dock including consideration of the upland access and moorage characteristics and it is determined that allowing single use facilities for some or all of the lots will result in safer and more environmentally protective facilities.

(9/24/93)

3. Single use piers and docks authorized under this provision shall comply with the dimensional standards applicable to all other single use piers and docks pursuant to Section 21.A.6.2.

b) For two lot short subdivisions where one of the lots is already developed with a single family residence and private, single use dock and the second lot to be created contains inadequate lot width or area under current land use regulations to be further subdivided, a single use private dock or pier may be allowed upon approval of a shoreline conditional use permit provided that the proposal is found to be consistent with the provisions of WAC 173-14-140. Single use piers and docks authorized under this provision shall comply with the dimensional standards applicable to all other single use piers and docks pursuant to Section 21.A.6.2.

ADOPTED BY:

WA STATE DEPARTMENT OF ECOLOG

*Adopted*

*May 3, 1994*

*WSR 94-10-081*

ADOPTED BY:  
STATE DEPARTMENT OF ECOLOGY

21.3.2 Channelization of stream courses is prohibited except as provided in R.C.W. 90.58.030(3)(e).

#### 21.4 Natural Environment

SWS shall be prohibited on Natural shorelines except where necessary to protect or preserve the character of this Environment.

21.4.1 In those limited instances where permitted, Sections 21.1.1 through .5 above shall apply on Natural shorelines.

21.4.2 Channelization of stream courses is prohibited except as provided in R.C.W. 90.58.030(3)(e).

### SECTION 22 LANDFILLS

Disposal of solid wastes is not considered landfilling for the purposes of this section (see Section 24 below). Where permitted, landfills shall comply with applicable federal, state and local regulations.

#### 22.1 Urban Environment

Landfills both landward and waterward of the ordinary high water mark may be permitted on Urban shorelines subject to the following regulations:

22.1.1 General provisions for landfills in the Urban Environment are:

- a. The portions of the criteria governing the design of landfills for protection of fish and shellfish resources applicable to fresh water adopted by the Washington State Department of Fisheries in 1971 may be utilized in preparation of conditions for granting a permit.
- b. Landfills shall consist of clean materials with a minimum potential for degrading water quality. Landfills shall be protected against erosion with retaining walls or other mechanisms to deter erosion or in the case of fills above the ordinary high water line by adequate retaining vegetation established during the first growing season following completion of the landfill.
- c. In all cases adequate precautions shall be required to insure compliance with state water quality standards.

22.1.2 Residential Uses: Minimum sites on lots. The intent of this subsection is to permit reasonable residential use of property, minimize private taking of public water surface, and minimize navigational restrictions. There are properties on the shoreline of Chelan County, e.g., Lake Chelan, where water level is artificially regulated for hydroelectric power generation, where landfills which extend beyond the ordinary high water mark are appropriate PROVIDED the proposed project meets the following conditions:

- DOE believes  
that 70%  
is excessive  
(6-26-80)
- a. The property upon which the landfill is to be constructed is ~~not more than seventy (70) percent submerged (waterward of the ordinary high water mark) and not less than thirty (30) percent contiguous upland area (landward of the ordinary high water mark) AND~~
  - b. All submerged property upon which the landfill is to be constructed is legally owned by the applicant, AND
  - c. The property landward of the ordinary high water mark contains no minimum building site (as defined in Section 7.2.490 of these Use Regulations) upon which a residence could be built even should reasonable variances be granted from setback regulations, AND
  - d. Either a public sewer system serves the property OR there is in existence prior to land filling a suitable area for an on-site sewage disposal system approved by the Chelan Douglas Health District, AND
  - e. That the dimensions of the fill shall be the minimum necessary to provide one (1) site suitable for building and that said building site shall be no more than two thousand (2,000) square feet, AND
  - f. Where a landfill legally exists adjacent to the proposed landfill, the new landfill shall be physically connected to the pre-existing landfill. The waterward edge of the new landfill shall be located as near to the contours of the natural shoreline as possible, and shall be located so as to reasonably blend with the artificial shoreline.

22.1.3 Residential Uses: Minimal Landfilling Consequent to Bulkheading: The construction of a normal protective bulkhead common to a single family residence at or near the ordinary high water mark sometimes requires a minimal amount of fill, and sometimes requires a slight extension beyond the ordinary high water mark. Such minimal filling shall be permitted PROVIDED all of the following conditions are met:

- a. All submerged property upon which the landfill is to be constructed is legally owned by the applicant AND

- b. The minimal fill associated with a residential bulkhead is expressly for the purpose of regularizing the natural contours of the shoreline edge AND where there is no other practical or possible alternative methods of bulkheading which does not require the filling of natural contours of the shoreline edge, AND
- c. The landfill associated with the residential bulkhead is estimated to consist of no more than four (4) cubic feet of fill material per lineal foot of bulkhead, AND
- d. The edge of the bulkhead is parallel to the water body and physically connected to the original upland area at a minimum of two points AND
- e. The area to be filled which lies beyond the ordinary high water mark is not deemed to be an important fish and wildlife habitat by the State Department of Game.

22.1.4 Non-Residential Uses: The intent of this subsection is to facilitate the reasonable development of water-dependent uses, to minimize private taking of public water surface, and to minimize navigational restrictions. Landfills below the ordinary high water mark which are the only possible way of accommodating a development which can be classified as water dependent under Section 7.2.800.1 of these Use Regulations may be permitted, provided the proposed project meets all of the following conditions:

- a. The landfill shall be constructed on underwater property legally owned by the applicant.
- b. The dimensions of the landfill (area, total height above ordinary high water mark, width, depth, and volume) shall be the minimum necessary to accommodate the water dependent use.
- c. Where a landfill legally exists adjacent to the proposed landfill, the new landfill shall be physically tied to the pre-existing landfill. The waterward edge of the new landfill shall be located as near to the contours of the natural shoreline as possible, and shall be located so as to reasonably blend with the artificial shoreline.

22.1.5 Reclamation of Eroded Land: Landfills for the purpose of reclaiming land may be permitted PROVIDED that the land to be reclaimed cannot have been eroded more than five (5) years prior to the date of application for said landfill, and subject to the following:

*DOE requires a conditional use permit for this activity (6-26-80)*

- a. If permitted, the proposed landfill shall have no harmful effects on nearby property.
- b. The dimensions of the proposed landfill shall be the minimum consistent with reclaiming eroded land.
- c. The landfill is proposed for underwater property which is legally owned by the applicant.

## 22.2 Rural Environment

Landfills may be permitted on Rural shorelines subject to the regulations of Section 22.1 above.

## 22.3 Conservancy Environment

Landfilling shall be prohibited on Conservancy shorelines EXCEPT that landfilling may be permitted in the following circumstances:

- (a) Landfills which are landward of the ordinary high water mark may be permitted subject to Section 22.1.1a through c.
- (b) When the proposed landfill is needed in order to provide a minimum building site for a single family dwelling in which case Section 22.1.2 shall apply.
- (c) When a water dependent use which is of a recreational nature cannot be accommodated except by landfilling, Section 22.1.4 of these Use Regulations shall apply.

## 22.4 Natural Environment

Landfills shall be prohibited on Natural shorelines

## SECTION 23 DREDGING

Dredging solely to obtain fill materials is prohibited in all Environments.

### 23.1 Urban Environment

Dredging operations may be permitted on Urban shorelines subject to the following regulations.

- 23.1.1 Proposed projects which do not require a state or federal permit may nonetheless have conditions imposed upon them which are similar to state and federal regulations required for similar projects.

- 23.1.2 Dredge spoils exceeding the Environmental Protection Agency criteria for toxic sediment shall be disposed of on land. The results of chemical and physical analysis of the spoil material shall be forwarded to the Administrative Official prior to the beginning of dredging operations.
- 23.1.3 Dredge spoils disposed of on land shall be placed only in areas selected to minimize detrimental effects on the shoreline environment. In particular, dredge spoils may be placed on wetlands only when there is no other alternative disposal site.
- 23.1.4 Dredge spoil disposal sites shall be completely enclosed by dikes of sufficient capacity to allow for the settling of sediments before entrapped water leaves the diked area. The outside face of the dikes shall be sloped at 1 1/2 to 1 (horizontal to vertical) or less and seeded with grass or otherwise protected to prevent erosion. Outlet structures in dikes shall be placed so that water discharged within the dikes will take the longest possible time to reach the outlet and shall be designed so that only the clearest water is allowed to return to the receiving waters.
- 23.1.5 Disposal sites which have been completely filled shall be drained, tilled, and planted by the second growing season following filling unless specific plans for other uses of the filled land are submitted to the Administrative Authority within one year of filling.
- 23.1.6 Placing of dredge spoils waterward of the ordinary high water mark shall be prohibited except for improvement of fish habitat.

## 23.2 Rural Environment

Dredging operations necessary for a project defined as water dependent may be permitted on Rural shorelines subject to Section 23.

## 23.3 Conservancy Environment

Dredging operations necessary for a project defined as water dependent may be permitted on Conservancy shorelines subject to Section above.

## 23.4 Natural Environment

Dredging operations shall be prohibited on Natural shorelines.

## SERVICE USE ACTIVITIES

### SECTION 24 SOLID WASTE DISPOSAL

#### 24.1 All Environments

The disposal of solid waste on wetlands shall be prohibited.

### SECTION 25 UTILITIES

#### 25.1 All Environments

25.1.1 Underground utility systems, such as pipelines, sewer lines, water lines, and similar facilities may be permitted on all shorelines; PROVIDED all such facilities shall be designed and constructed to sound engineering standards to prevent future environmental degradation.

25.1.2 A permit may be granted subject to the following regulations:

- a. All utility systems shall be underground except where the presence of bedrock or other obstructions makes undergrounding prohibitive; PROVIDED electric transmission lines in excess of 15 KV are exempt from undergrounding.
- b. Where such utility systems cross shoreline 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.
- c. Upon completion of installation of such utility systems or of any maintenance project which disrupts the environment, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide an attractive, harmonious vegetative cover.
- d. The applicant for an underwater utility corridor must show that provisions have been made to insure against substantial or permanent damage to the affected waterway.

### SECTION 26 ROADS AND RAILROADS

(a) Where permitted in shorelines areas, road alignments shall be set back from the ordinary high water line in a sufficient distance to leave a useable shoreline area in its natural condition unless it is technically and economically infeasible.

(b) Logging roads, being a special category of roads, are regulated in Section 14 on Forest Management.

(c) The construction standards of the appropriate jurisdiction shall be conditions for granting a permit subject to the regulations of this section.

(d) Issuance of a permit for public roads shall be contingent upon provisions of adequate visual access to scenic vistas. Adequate visual access may include turn-outs, rest areas and picnic areas.

(e) Stream crossings to be used by the public shall be designed so as to meet the approval of the County Engineer or licensed structural engineer. All stream crossings must, in addition, be designed so as to minimize erosion and disruption to the stream or lake bed beneath it.

(f) Stream crossings which are to be used solely for access to private property shall, wherever possible, be designed, located and constructed so as to provide access to more than one lot or parcel of property.

#### 26.1 Urban Environment

Where unavoidable, and/or where necessary to cross a body of water, construction of public roads and bridges may be permitted on Urban shorelines.

#### 26.2 Rural Environment

Section 26.1 above shall apply to Rural shorelines.

#### 26.3 Conservancy Environment

Section 26.1 above shall apply to Conservancy shorelines.

#### 26.4 Natural Environment

Roads other than access roads to private residences shall be prohibited on Natural shorelines except where unavoidably necessary to cross a body of water or wetlands.

### LEISURE USE ACTIVITIES

#### SECTION 27 ARCHEOLOGICAL AREAS AND HISTORICAL SITES

The following regulations shall apply to all four Environments:

27.1 Where a professional archeologist or historian, recognized by the State of Washington, has identified an area or site as having significant value, or where an area or site is listed in either

national or state historical registers, issuance of a substantial development permit which poses a threat to the site may be postponed. The period of postponement shall be of reasonable length to allow investigation of public acquisition potential and/or retrieval and preservation of significant data.

- 27.2 Issuance of a permit for any proposed development which poses a threat to an archeological or historical site may be postponed at the discretion of the Administrative Authority in order to accommodate retrieval and/or preservation of significant data, and/or to allow an investigation of public acquisition of the site.
- 27.3 Any retrieval, preservation, or site development related to sites or areas identified under Section 27.1 above which exceed one thousand (1,000) dollars in total cost, not falling under Section 27.2 above shall require a permit. Issuance of a permit shall be contingent upon compliance with all provisions of this resolution.
- 27.4 Developers shall notify local governments of any possible archeological data uncovered during excavations.

## SECTION 28 RECREATION

(a) A permit may be issued subject to the regulations of these Use Regulations and a determination of the capacity of the local environment to withstand the increased use pressures involved. This determination shall be made by the applicant to the satisfaction of the Administrative Authority.

(b) Except for those facilities which require a location adjacent to a body of water, for normal use, and which are defined as water dependent uses under Section 7.2.800 of these Use Regulations, setback and height regulations shall be identical to those for residential development for all recreational facilities, (Section 16).

### 28.1 Urban Environment

Any recreational use may be permitted on Urban shorelines subject to the following regulations:

- 28.1.1 Parking lots for nine or fewer vehicles shall be subject to the common line setback as defined in Section 7.2.170 of these Use Regulations.
- 28.1.2 Parking lots with spaces for ten or more vehicles shall not be located within fifty (50) feet of the ordinary high water mark.

- 28.1.3 A recreational facility or structure which markedly changes or detracts from the character of the local environment shall be prohibited.
- 28.1.4 Access roads to recreational facilities shall be subject to the regulations for roads in Section 26.
- 28.1.5 Access roads and parking lots shall be paved.
- 28.1.6 The design, construction and operation of recreational facilities shall be such that undue adverse impacts on adjacent properties are minimized.

## 28.2 Rural Environment

Medium intensity recreational uses such as golf courses, fully developed campgrounds, swimming beaches, picnic facilities, etc., may be permitted on Rural shorelines, subject to the following regulations:

- 28.2.1 Section 28.1.1 through 28.1.6 above shall apply.

## 28.3 Conservancy Environment

Low intensity recreational uses, such as nature trails, unimproved beaches, semi-developed vehicular access campgrounds etc, may be permitted on Conservancy shorelines, subject to the following regulations:

- 28.3.1 Section 28.1.3, 28.1.4 and 28.1.6 above shall apply.
- 28.3.2 A recreational facility or structure which detracts from the character of the local environment shall be prohibited.
- 28.3.3 Parking facilities for ten (10) or more vehicles shall remain outside the wetland area.

## 28.4 Natural Environment

- 28.4.1 Very low intensity, diffuse recreational uses, such as primitive campgrounds, trails and hunting areas, etc., may be permitted on Natural shorelines subject to Section 28.1.3 and 28.1.6 above.
- 28.4.2 Roads and parking facilities shall not be located within the wetland area.

## PROCEDURAL REQUIREMENTS

### SECTION 29 REVIEW CRITERIA

The following criteria shall be utilized in all reviews by the Administrative Authority and/or the Board of Adjustment when making decisions regarding the compliance of a proposed project with these Use Regulations.

Any proposed project associated with any wetlands of Chelan County which is reviewed by the local government shall be examined for compliance with these Use Regulations and other applicable ordinances or laws. The local government shall inform the proponent of the necessary procedures which must be undertaken.

Proposed projects which are exempt may be regulated by other sections of these Use Regulations.

#### 29.1 Review Criteria for Substantial Development Permits

The purpose of a substantial development permit is to facilitate environmentally sound utilization and coordinated planning of the shorelines of Chelan County. A substantial development permit shall be granted only when the proposed project is consistent with all of the following:

- (a) The provisions of the Shoreline Management Act R.C.W. 90.58.
- (b) The applicable provisions of the Washington Administrative Code.
- (c) The Chelan County Shoreline Master Program.

#### 29.2 Review Criteria for Variance Permits

29.2.1 The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in these Use Regulations, where there are extraordinary or unique circumstances relating to the property such that the strict implementation of these Use Regulations would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act.

29.2.2 Variance permits may be granted provided the applicant can demonstrate all of the following:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable permitted use of the property.

- b. That the hardship is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program and not for example from deed restrictions or the applicant's own actions.
- c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
- d. That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.
- e. That the public interest will suffer no substantial detrimental effect.
- f. That the public rights of navigation and the use of the shorelines will not be adversely affected by the granting of the variance.

29.2.3 In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of the Shoreline Management Act.

### 29.3 Review Criteria for Conditional Use Permits

- 29.3.1 The purpose of a conditional use permit is to allow greater flexibility in administering these Use Regulations in a manner consistent with the policies of the Shoreline Management Act. In authorizing a conditional use, special conditions may be attached to the permit by the Administrative Authority/Board of Adjustment or the department to prevent undesirable effects of the proposed use.
- 29.3.2 Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:
  - a. That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the master program.

- b. That the proposed use will not interfere with the normal public use of public shorelines.
- c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
- d. That the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is to be located.
- e. That the public interest suffers no substantial detrimental effect.

29.3.3 Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

29.3.4 In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of the Shoreline Management Act and should not produce substantial adverse effects to the shoreline environment.

#### 29.4 Review Criteria for Shorelines of Statewide Significance

29.4.1 The Shoreline Management Act clearly establishes that Shorelines of Statewide Significance should receive additional attention and scrutiny (R.C.W. 90.58.020, WAC 173-16-040(5)), and should be utilized in accordance with the following principles:

- a. Recognize and protect the interest of all Washington State residents equally;
- b. Preserve the natural character of the shoreline;
- c. Consider results in long term over short term benefits;
- d. Protect the resources and ecology of the shoreline;
- e. Increase public access to publicly owned areas of the shoreline;
- f. Increase recreational opportunities for the public.

- 29.4.2 All permit applications for a proposed development along Shorelines of Statewide Significance must be shown to be consistent with the intent and spirit of the above-mentioned principles.

#### SECTION 30. SHORELINE PERMITS AND FEES

- 30.1 Fees for shoreline permits, conditional use permits and variances are established by Resolution 79-163.
- 30.2 If more than one permit is required for an activity or development, the applicant shall be charged all fees.
- 30.3 Permit Procedures: Substantial Development Permit
- 30.3.1 An applicant shall apply for a permit on forms provided by the Administrative Authority. If it is determined that the project is exempt from the substantial development procedure AND if the proposed project is subject to a U.S. Corps of Engineers Section 10 permit under the Federal Water Pollution Control Act of 1972, the Administrative Authority shall send a letter notifying the regional office of the U.S. Corps of Engineers of the exemption.
- 30.3.2 If it is determined that the proposed project does require a substantial development permit, the application shall be examined for completeness. The proposal shall also be examined for compliance with the State Environmental Policy Act (SEPA). Once satisfied that the application meets all SEPA requirements, the Administrative Authority shall place public notice of the application in the official newspaper. The notice shall appear on the same day for two consecutive weeks and contain the information required by WAC 173-14-070. In addition, the Administrative Authority shall send notice of the application to all property owners within three hundred (300) feet of the boundaries of the property.
- 30.3.3 Starting from the day of the second notice in the official newspaper, a thirty (30) day review period will commence during which the Administrative Authority shall evaluate the application and collect all relevant data and communications from persons and agencies wishing to express views on the application.
- 30.3.4 The Administrative Authority shall refer a substantial development permit to the Chelan County Board of Adjustment at the end of the thirty (30) day review period under any of the following circumstances:

- a. The proposed project involves unusual procedures, unusual mitigating circumstances, or the possibility of public controversy.
  - b. The applicant requests that the permit application be heard by the Board of Adjustment.
- 30.3.5 If the permit application is not referred to the Board of Adjustment, the Administrative Authority shall hold a hearing. At this hearing interested persons may present their views on the proposed project. The Administrative Authority is empowered to recommend approval, denial, or conditional approval of the substantial development permit. Special conditions may be attached to insure compliance with the Shoreline Management Act and these Use Regulations.
- 30.3.6 The Board of Adjustment shall hold a hearing on a permit application referred by the Administrative Authority. Interested persons may present their views on the proposed project. The Board of Adjustment is empowered to approve, deny, or approve with conditions any substantial development permit. Special conditions may be attached to insure compliance with the Shoreline Management Act and these Use Regulations.
- 30.3.7 All hearings shall be advertised and conducted in accordance with the hearing procedures of Title 11, Chelan County Zoning Resolution.
- 30.3.8 Within five (5) days of an approval, denial, or conditional approval of a substantial development permit, the Administrative Authority shall send written notice of said decision to the applicant, the Department of Ecology, the Attorney General, and interested parties. The date upon which such notice is received by the Department of Ecology shall be known as the "Date of Filing".
- 30.3.9 Construction may begin and is authorized pursuant to an approved or conditionally approved substantial development permit no earlier than thirty (30) days from the date of filing of the final decision, PROVIDED no appeals have been filed contesting the decision.
- 30.3.10 Substantial progress toward construction of a project for which a permit has been granted must be accomplished within two (2) years of the granting of the permit.

30.3.11 If a project which has been granted a permit is not completed within five (5) years of the issuance of a permit, the Administrative Authority may extend the permit for one additional year.

#### 30.4 Permit Procedures: Conditional Use Permits and Variances

30.4.1 Conditional use permits and variance applications shall be processed in the same manner as substantial development permits except as follows:

- a. The department, within thirty (30) days of the date of filing (Section 3.3.8) shall make a final decision on whether to approve, deny, or approve with conditions any decision made by the Board of Adjustment or the Administrative Authority. The department shall send notice of its final decision to the Administrative Authority, the applicant and interested parties of the final decision.
- b. Construction may begin and is authorized pursuant to an approved or conditionally approved conditional use permit or variance permit no earlier than thirty (30) days from the date of filing of the final decision with the Administrative Authority provided no appeals have been filed contesting the decision on the permit.

#### SECTION 31 APPEALS

- 31.1 Any final decision or recommendation for approval, denial, or conditional approval of any permit may be appealed by any person or agency.
- 31.2 Appeals may be registered by the initial applicant, affected property owners, interested citizens or groups appealing on the basis of class action, the local unit of government, the state or other affected units of government.
- 31.3 Any final decision or recommended decision on a permit which has been heard by the Administrative Authority may be appealed to the Board of Adjustment provided such an appeal is filed with the Chelan County Planning Department within ten (10) days of said final decision or recommended decision. Any decision which has thus been appealed shall be heard by the Board of Adjustment in the manner described in 30.4 if the disputed decision pertains to a conditional use permit or a variance.
- 31.4 An appeal by any aggrieved person on any final decision made by the Board of Adjustment or the Department must be filed with the State Shoreline Hearings Board within thirty (30) days of the applicant's receipt of the final decision. Copies of the appeal must also be filed with the Department of Ecology, the Attorney General and the Administrative Authority.

- 31.5 An appeal by the Department or by the State Attorney General regarding a final decision by the Board of Adjustment on a substantial development permit must be filed with the State Shoreline Hearings Board within thirty (30) days of the date of filing of the final decision by the Administrative Authority.
- 31.6 The State Shoreline Hearings Board shall determine if it will hear an appeal regarding any permit within thirty (30) days of the date of filing of said appeal. If the State Shoreline Hearings Board decides not to hear an appeal, the final decision remains as it stands.
- 31.7 If the State Shoreline Hearings Board decides not to hear an appeal, or if an aggrieved person wishes to appeal a decision by the State Shoreline Hearings Board, the case may be brought before the Superior Court of the State of Washington in and for the County of Chelan.
- 31.8 If an appeal is filed with the State Shoreline Hearings Board, no construction pursuant to the permit(s) in question may begin until
- (a) Either the State Shoreline Hearings Board determines that it will NOT hear an appeal on a granted permit in question OR thirty (30) days after the date of filing of the original final decision, whichever is later OR
  - (b) The State Shoreline Hearings Board determines it will hear an appeal on the permit(s) in question AND decides thereto that construction may begin on the proposed projects.
- 31.9 Action by the State Shoreline Hearings Board, the Department of Ecology, and/or the Attorney General on all such appeals shall proceed according to the Shoreline Management Act of 1971, R.C.W. 90.58.180.

## SECTION 32 ADMINISTRATION AND ENFORCEMENT

- 32.1 It shall be the duty of the Administrative Authority to administer the provisions of these regulations.
- 32.2 The Prosecuting Attorney, at the request of the Administrative Authority, may institute any legal proceedings to enforce the provisions of these regulations.

### SECTION 33 VIOLATION AND PENALTIES

Violators of this resolution shall be guilty of a gross misdemeanor punishable by a fine of not less than twenty-five (25) nor more than one thousand (1,000) dollars or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment; PROVIDED that the fine for the third and all subsequent violations in any five year period shall not be less than five hundred (\$500) dollars nor more than ten thousand (10,000) dollars. Each day of violation after proper notice shall be considered a separate and separately punishable offense.

### SECTION 34 AMENDMENTS AND BOUNDARY CHANGES *Doe requires that the new revisions be reflected in the updated program (6-26)*

34.1 Any of the provisions of the Master Program, including goals, policies, use regulations, and Environmental boundary lines, may be amended.

34.2 Such changes and amendments may be proposed by:

- 34.2.1 Washington State Department of Ecology;
- 34.2.2 Washington State Attorney General;
- 34.2.3 The Responsible Official;
- 34.2.4 The Administrative Authority;
- 34.2.5 Petition of the property owners affected, or their authorized agent;
- 34.2.6 Concerned citizens or groups, except in the case of Environment boundary changes.

34.3 An application for a change from one Environment to another must be signed by the owners of not less than fifty (50) percent of the property within the proposed Environment change area and accompanied by a fee double that of a substantial development permit.

34.4 Each signer of an application for a change of Environment designation shall give his address and the description of his property as shown on the assessment and tax roll showing the extent of his shorelines ownership.

34.5 Any such proposed amendments or boundary changes to the Master Program shall be processed in the same manner as a change in the applicable zoning resolution or map except as provided in 34.6 below.

34.6 When the legislative body has acted, the proposed amendment will be sent to the Department of Ecology for its review. The Department's review period shall be forty-five (45) days. If the Department approved the change, it shall become effective thirty (30) days from the date of official Department approval. Failure by the Department to act within forty-five (45) days shall constitute Department concurrence with the proposed amendment.

## SECTION 35 INTERPRETATION

- 35.1 Where the provisions of these Use Regulations may be unclear in special circumstances or where judgements must be made because of the nature of the language used, the Administrative Authority or Board of Adjustment shall make such interpretations and judgments. A separate record of all such actions taken shall be kept. To avoid arbitrariness, an earlier interpretation or judgement which may relate to a pending action shall be examined by the Administrative Authority or Board of Adjustment for its effect or influence on the pending action, and a finding shall be made indicating whether or not the earlier action was considered, why not, and if so considered, the fashion it was used shall be made public record and kept.
- 35.2 Each Environmental designation as shown on the Shoreline Environment Map for Chelan County shall be interpreted according to the rules established in Section 8.2.

## SECTION 36 EFFECTIVE DATE

The Chelan County Shoreline Master Program, including goals, policies, Shoreline Environment Map, and Use Regulations is hereby declared necessary to meet obligations and responsibilities now upon Chelan County and is hereby adopted and shall take effect on the 22 day of April, 1975.

The amended Master Program, including Goals and Policies, Shoreline Environment Map and Use Regulations is hereby adopted and shall take effect immediately from and after its passage.

## SECTION 37 LIBERAL CONSTRUCTION

This Master Program is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

## A P P E N D I X    A

### ENVIRONMENT BOUNDARY DESCRIPTIONS

#### INTRODUCTION:

The following notations describe the Environment designations and boundary locations for shorelines covered by the Shorelines Management Act of 1971 in Chelan County. The shoreline locations, beginning with Section, Township, and Range refer to Environment boundary lines, and the terms Urban, Rural, Conservancy, and Natural, which appear between successive boundary descriptions, refer to the appropriate Environment designations for that portion of the shoreline. In the case of rivers and streams the descriptions begin with the farthest downstream point and progress upstream. In the case of Lake Chelan and Lake Wenatchee, the descriptions begin at the outlet and progress uplake to the inlet. Simple descriptions cover the smaller lakes. In the upper reaches of several drainages, National Forest and non-federal ownerships are often intermixed. In such cases, the furthest point of non-federal ownership is listed as the Environment boundary, however the included federal portions are excluded from the provisions of the Act.

#### Rivers and Streams

1. Chelan River Gorge
  - a. East Shoreline
    - S.29, T.27N, R.23E - B.N.R.R. Bridge across Chelan River  
Rural
    - S.30, T.27N, R.23E - Intersection of River with County Road No. 325  
Conservancy
    - S.19, T.27N, R.23E - South line of the NE/4 SE/4  
Rural
    - S.13, T.27N, R.22E - East line of Section 13  
Urban
    - S.13, T.27N, R.22E - Lake Chelan Dam
  - b. West Shoreline
    - S.29, T.27N, R.23E - Confluence with Columbia River  
Rural
    - S.29, T.27N, R.23E - Intersection of River with County Road No 325  
Conservancy
    - S.19, T.27N, R.23E - S. line of the NE/4 SE/4  
Rural
    - S.13, T.27N, R.22E - East line of Section 13  
Urban
    - S.13, T.27N, R.22E - Lake Chelan Dam
2. Chiwawa River
  - a. West Shoreline
    - S.36, T.27N, R.17E - Confluence with Wenatchee River  
Conservancy
    - S.31, T.27N, R.18E - West Section Line  
Rural
    - S.30, T.27N, R.18E - South Section Line  
Conservancy
    - \* S.27, T.30N, R.16E - Patented claim at Trinity  
Natural
    - \* S.27, T.30N, R.16E - All property excluding federal ownership

- b. East Shoreline
    - S.01, T.26N, R.17E - Confluence with Wenatchee River Conservancy
    - \* S.27, T.30N, R.16E - All shoreline excluding federal ownership
- \* 3. Chiwaukum Creek
  - a. Both Shorelines
    - S.05, T.25N, R.17E - East Section line Natural
    - S.31, T.26N, R.17E - South Section line Conservancy
    - S.35, T.26N, R.17E - West Section line
- \* 4. Chiwaukum Creek, south fork
  - a. Both Shorelines
    - S.03, T.25N, R.16E - North Section line Conservancy
    - S.03, T.25N, R.16E - Confluence with Painter Creek
- 5. Chumstick Creek
  - a. East Shoreline
    - S.06, T.24N, R.18E - Confluence with Wenatchee River Conservancy
    - S.31, T.25N, R.18E - Confluence with Eagle Creek
  - b. West Shoreline
    - S.06, T.24N, R.18E - Confluence with Wenatchee River Urban
    - S.01, T.24N, R.17E - Intersection of Creek with North Road Conservancy
    - S.31, T.25N, R.18E - Line opposite confluence with Eagle Creek
- 6. Columbia River
  - a. West Shoreline only
    - S.32, T.21N, R.22E - Intersection of Columbia River with Chelan County line Conservancy
    - S.04, T.21N, R.22E - West Section line Rural
    - S.30, T.22N, R.22E - West Section line Conservancy
    - S.27, T.22N, R.21E - West Section line Rural
    - S.24, T.22N, R.20E - West line of S. 24 Urban
    - S.34, T.23N, R.20E - A line due East to the Columbia River from the Intersection of Miller Street and E. Hawley St. Natural
    - S.27, T.23N, R.20E - West Section line Rural
    - S.15, T.23N, R.20E - North Section line Conservancy
    - S.03, T.23N, R.20E - East Section line Rural
    - S.35, T.24N, R.20E - A direct line between the Columbia River and the extreme northern end of the viewpoint turnout-around Conservancy
    - S.25, T.24N, R.20E - West Section line Rural
    - S.18, T.24N, R.21E - North line S/2 Conservancy

- S.07, T.24N, R.21E - North line S/2  
Rural
- S.06, T.24N, R.21E - South line NE/4 NE/4  
Conservancy
- S.17, T.25N, R.21E - The confluence with the Entiat River  
Urban
- S.33, T.26N, R.21E - Intersection of the P.U.D. transmission line  
with Columbia River  
Conservancy
- S.29, T.26N, R.21E - N. Line SW/4 SE/4  
Rural
- S.06, T.26N, R.22E - East line NW/4 SW/4  
Conservancy
- S.08, T.26N, R.22E - Bottom of unnamed drainage intersecting the  
Columbia River  
Rural
- S.10, T.26N, R.22E - The North section line  
Conservancy
- S.01, T.26N, R.22E - The East Section line  
Rural
- S.16, T.27N, R.23E - N. line SW/4  
Conservancy
- S.09, T.27N, R.23E - West line NE/4  
Rural
- S.26, T.28N, R.23E - South Section line  
Conservancy
- S.23, T.28N, R.23E - South Section line  
Rural
- S.06, T.28N, R.24E - The Chelan County line
- \* 7. Eight mile Creek
  - a. Southeast shoreline
    - S.19, T.24N, R.16E - Confluence with Icicle Creek  
Conservancy
    - S.25, T.24N, R.16E - North Section line  
Natural
    - S.25, T.24N, R.16E - West Section line
  - b. Northwest Shoreline
    - S.19, T.24N, R.16E - Confluence with Icicle Creek  
Conservancy
    - S.25, T.24N, R.16E - West Section line
- 8. Entiat River
  - a. North Shoreline
    - S.17, T.25N, R.21E - Confluence with Columbia River  
Urban
    - S.17, T.25N, R.21E - West line of the E/2  
Rural
    - S.13, T.25N, R.20E - Intersection of River and Entiat River Road  
Conservancy
    - S.11, T.25N, R.20E - Intersection of River and Entiat River Road  
Rural
    - S.18, T.26N, R.20E - Mud Creek  
Conservancy
    - S.01, T.26N, R.19E - South Section line  
Rural

- S.35, T.27N, R.19E - South Section line  
Conservancy  
The North - South Center section line
- \* S.29, T.28N, R.19E - All property excluding federal ownership
- b. South Shoreline
  - S.17, T.25N, R.21E - Confluence with Columbia River  
Conservancy
  - S.18, T.25N, R.21E - East Section line  
Rural
  - S.03, T.25N, R.20E - West Section line  
Conservancy
  - S.20, T.26N, R.20E - South Section line  
Rural
  - S.19, T.26N, R.20E - Northern line of Plat of Ardenvoir  
Conservancy
- \* S.29, T.28N, R.19E - All property excluding federal ownership
- 9. Icicle Creek
  - a. Northwest Shoreline
    - S.13, T.24N, R.17E - Confluence with Wenatchee River  
Conservancy
    - S.05, T.24N, R.16E - All property excluding federal ownership
  - b. Southeast Shoreline
    - S.13, T.24N, R.17E - Confluence with Wenatchee River  
Conservancy
    - S.05, T.24N, R.16E - All property excluding federal ownership
- \* 10. Ingalls Creek
  - a. Both Shorelines
    - S.25, T.23N, R.17E - Confluence with Peshastin Creek  
Conservancy
    - S.27, T.23N, R.17E - East Section line  
Natural
    - S.29, T.23N, R.17E - East Section line  
Conservancy  
West section line
    - S.31, T.23N, R.17E - All property excluding federal ownership
- 11. Little Wenatchee River
  - a. North Shoreline
    - S.23, T.27N, R.16E - Confluence with Lake Wenatchee  
Natural
    - \* S.17, T.27N, R.16E - All property excluding federal ownership  
Conservancy
    - \* S.10, T.27N, R.15E - All property excluding federal ownership
  - b. South Shoreline
    - S.23, T.27N, R.16E - Confluence with Lake Wenatchee  
Natural
    - \* S.17, T.27N, R.16E - All property excluding federal ownership  
Conservancy
    - \* S.10, T.27N, R.15E - All property excluding federal ownership
- 12. Mad River
  - a. Both Shorelines
    - S.20, T.26N, R.20E - Confluence with Entiat River  
Rural
    - S.19, T.26N, R.20E - Wenatchee National Forest Boundary
    - S.13, T.26N, R.19E - South Section line  
Conservancy
    - S.13, T.26N, R.19E - West Section line
    - S.16, T.27N, R.18E - East Section line  
Natural
    - S.16, T.27N, R.18E - All property excluding federal ownership

13. Mission Creek
  - a. East Shoreline
    - S.04, T.23N, R.19E - Confluence with Wenatchee River  
Urban
    - S.09, T.23N, R.19E - North Section line  
Rural
    - S.29, T.23N, R.19E - North Section line  
Conservancy
    - S.31, T.23N, R.19E - All property excluding federal ownership
  - b. West Shoreline
    - S.05, T.23N, R.19E - Confluence with Wenatchee River  
Urban
    - S8&9, T.23N, R.19E - North Section line of Sections 8 & 9  
Rural
    - S.29, T.23N, R.19E - North Section line  
Conservancy
    - S.31, T.23N, R.19E - All property excluding federal ownership
14. Napeequa River
  - a. Both Shorelines
    - S.18, T.28N, R.16E - Confluence with White River  
Natural
    - S.17, T.28N, R.16E - All properties excluding federal ownership
15. Nason Creek
  - \* a. South and East Shoreline
    - S.28, T.27N, R.17E - Confluence with Wenatchee River  
Conservancy
    - S.06, T.26N, R.15E - All properties excluding federal ownership
  - \* b. North and West Shoreline
    - S.28, T.27N, R.17E - 200 foot setback from confluence with Wenatchee River  
Conservancy
    - S.06, T.26N, R.15E - All properties excluding federal ownership
16. Peshastin Creek
  - a. East Shoreline
    - S.22, T.24N, R.18E - Confluence with Wenatchee River  
Rural
    - S.21, T.24N, R.18E - Intersection of Creek with U.S. Highway 2  
Conservancy
    - \* S.13, T.23N, R.17E - North line of the S/2 of the SE/4 of Section 13  
Rural
    - \* S.24, T.23N, R.17E - Bridge to Ingalls Creek trailhead  
Conservancy
    - \* S.25, T.23N, R.17E - South Section line
  - b. West Shoreline
    - S.22, T.24N, R.18E - Confluence with Wenatchee River  
Rural
    - S.29, T.24N, R.18E - South line of the NE/4 of Section 29  
Conservancy
    - \* S.13, T.23N, R.17E - North line of the S/2 of the SE/4 of Section 13  
Rural
    - \* S.24, T.23N, R.17E - Bridge to Ingalls Creek trailhead  
Conservancy
    - \* S.25, T.23N, R.17E - South Section line

- \* 17. Phelps Creek
  - a. Both Shorelines
    - S.27, T.30N, R.16E - Confluence with Chiwawa River  
Conservancy
    - S.14, T.30N, R.16E - All properties excluding federal ownerships  
Natural
    - S.10, T.30N, R.16E - All properties excluding federal ownerships
- \* 18. Railroad Creek
  - a. Both Shorelines
    - S.10, T.31N, R.18E - Mouth at Lake Chelan  
Conservancy
    - S. 7, T.31N, R.17E - All properties excluding federal ownerships
- \* 19. Stehekin River
  - a. North Shoreline
    - S.36, T.33N, R.17E - Confluence with Lake Chelan  
Conservancy
    - S. 7, T.33N, R.17E - All properties excluding federal ownerships
  - b. South Shoreline
    - S.36, T.33N, R.17E - Confluence with Lake Chelan  
Conservancy
    - S. 8, T.33N, R.17E - Opposite confluence of first creek upstream  
from McGregor Meadows  
Natural
    - S. 7, T.33N, R.17E - All properties excluding federal ownerships
- \* 20. Twenty-five Mile Creek
  - a. Both Shorelines
    - S.19, T.29N, R.21E - Mouth at Lake Chelan  
Conservancy
    - S.25, T.29N, R.20E - West Line of E 1/2 of Section 25  
Natural
    - S.36, T.29N, R.20E - South Section Line
- 21. Wenatchee River
  - a. North-East Shoreline
    - S.27, T.23N, R.20E - Confluence with Columbia River  
Rural
    - S.27, T.23N, R.20E - Wenatchee River Bridge U.S. #2 and #97  
Conservancy
    - S.20, T.23N, R.20E - West Section Line  
Rural
    - S.19, T.23N, R.20E - West Line of the SE 1/4 NE 1/4  
Conservancy
    - S.13, T.23N, R.19E - West Line E 1/2  
Rural
    - S.14, T.23N, R.19E - Bridge crossing of Old Hwy #2  
Conservancy
    - S.11, T.23N, R.19E - Old Monitor Road crossing of Wenatchee River  
Rural
    - S.33, T.24N, R.19E - The Division St. Bridge crossing of the  
Wenatchee River  
Conservancy
    - S.32, T.24N, R.19E - The Wenatchee River Bridge Goodwin Rd. crossing  
Rural
    - S.35, T.24N, R.18E - Intersection of Ollala Canyon Drainage with  
Wenatchee River  
Conservancy

S.26, T.24N, R.18E -	Confluence of Williams Canyon Drainage with Wenatchee River Rural
S.27, T.24N, R.18E -	Intersection of Main Street with Wenatchee River Urban
S.27, T.24N, R.18E -	South Line of the NW 1/4 of the NE 1/4 of - Section 27 Conservancy
S.22, T.24N, R.18E -	West Section Line Rural
S.16, T.24N, R.18E -	The East boundary of Peshastin Orchard Plat Urban
S.17, T.24N, R.18E -	South Line N 1/2 of the NE 1/4 Rural
S. 8, T.24N, R.18E -	West Section Line Conservancy
S. 6, T.24N, R.18E -	Confluence with Chumstick Creek Urban
S.12, T.24N, R.17E -	The horizontal half-section line Conservancy
S.14, T.24N, R.17E -	The intersection of the Icicle River Road with the Wenatchee River Urban
S.11, T.24N, R.17E -	North Line S 1/2 SW 1/4 SE 1/4 Section 11 Conservancy (All properties excluding federal ownership)
S. 9, T.25N, R.17E -	Intersection of U.S. Highway 2 with Wenatche River Natural (All properties excluding federal ownership)
S.35, T.26N, R. 17E -	The vertical half-section line Conservancy
S.25, T.26N, R.17E -	The North Section Line Rural
S.24, T.26N, R.17E -	The North Section Line Conservancy
S.13, T.26N, R.17E -	The North Section Line Rural
S.12, T.26N, R.17E -	Intersection of State Route 209 with Wenatch River Conservancy
S.36, T.27N, R.17E -	The East Section Line Rural
S.36, T.27N, R.17E -	The East Section Line in North part of Secti Conservancy
S.28, T.27N, R.17E -	Intersection of State Route 207 with Wenatch River Rural
S.28, T.27N, R.17E -	Outlet of Lake Wenatchee
b. S.28, T.23N, R.20E -	East Section Line Conservancy

- S.28, T.23N, R.20E - Highline Canal Crossing  
Rural
- \* S.29, T.23N, R.20E - West Line of the NE 1/4 of NE 1/4 of Section 29  
Conservancy
- S.13, T.23N, R.19E - West Line of the Se 1/4 of Section 13  
Rural
- S.14, T.23N, R.19E - Extension of Strutzel Road  
Conservancy
- S.11, T.23N, R.19E - The North Line of the S 1/2 of the SE 1/4  
SW 1/4 of Section 11  
Rural
- S.10, T.23N, R.19E - The West line of the SE 1/4 of the NE 1/4  
of Section 10
- S.10, T.23N, R.19E - West Line NE 1/4 NW 1/4 Section 10  
Urban
- S.32, T.24N, R.19E - West Section Line  
Conservancy
- S.35, T.24N, R.18E - Intersection of U.S. Highway 2 with river  
Rural
- S.27, T.24N, R.18E - Intersection of Main Street with river  
Urban
- S.27, T.24N, R.18E - Intersection of U.S. Highway #2 with River  
Conservancy
- S.22, T.24N, R.18E - South Section Line  
Rural
- S.21, T.24N, R.18E - West Section Line  
Conservancy
- S.17, T.24N, R.18E - North Section Line  
Rural
- S. 7, T.24N, R.18E - Aquaduct crossing  
Urban
- S.12, T.24N, R.17E - Southern boundary intersection of East Leavenwort  
Plat with river  
Rural
- S.12, T.24N, R.17E - North Line of SW 1/4  
Conservancy
- S.11, T.24N, R.17E - Vertical half-section line  
Natural (All properties excluding federal ownersh
- S. 9, T.25N, R.17E - intersection of U.S. Highway 2 with river  
Conservancy
- S.35, T.26N, R.17E - West boundary of Wenatchee River Ranches Plat  
Rural
- S.36, T.26N, R.17E - North Section Line  
Conservancy
- S.24, T.26N, R.17E - The vertical half-section line  
Rural
- S.13, T.26N, R.17E - The unimproved road approximately one-quarter  
mile North of South Section Line  
Conservancy
- S.28, T.27N, R.17E - Confluence of Nason Creek and Wenatchee River  
Rural
- S.28, T.27N, R.17E - Mouth of Lake Wenatchee

S.28, T.23N, R.20E - Highline Canal Crossing  
 Rural  
 S.29, T.23N, R.20E - West Line of the NE 1/4 of NE 1/4 of Section 2  
 Conservancy  
 S.13, T.23N, R.19E - West Line of the Se 1/4 of Section 13  
 Rural  
 S.14, T.23N, R.19E - Extension of Strutzel Road  
 Conservancy  
 S.11, T.23N, R.19E - The North Line of the S 1/2 of the SE 1/4  
 SW 1/4 of Section 11  
 Rural  
 \* S.10, T.23N, R.19E - The West line of the SE 1/4 of the NE 1/4  
 of Section 10  
 S.10, T.23N, R.19E - West Line NE 1/4 NW 1/4 Section 10  
 Urban  
 S.32, T.24N, R.19E - West Section Line  
 Conservancy  
 S.35, T.24N, R.18E - Intersection of U.S. Highway 2 with river  
 Rural  
 S.27, T.24N, R.18E - Intersection of Main Street with river  
 Urban  
 S.27, T.24N, R.18E - Intersection of U.S. Highway #2 with River  
 Conservancy  
 S.22, T.24N, R.18E - South Section Line  
 Rural  
 S.21, T.24N, R.18E - West Section Line  
 Conservancy  
 S.17, T.24N, R.18E - North Section Line  
 Rural  
 S. 7, T.24N, R.18E - Aquaduct crossing  
 Urban  
 S.12, T.24N, R.17E - Southern boundary intersection of East Leavenworth  
 Plat with river  
 Rural  
 S.12, T.24N, R.17E - North Line of SW 1/4  
 Conservancy  
 S.11, T.24N, R.17E - Vertical half-section line  
 Natural (All properties excluding federal owner)  
 S. 9, T.25N, R.17E - intersection of U.S. Highway 2 with river  
 Conservancy  
 S.35, T.26N, R.17E - West boundary of Wenatchee River Ranches Plat  
 Rural  
 S.36, T.26N, R.17E - North Section Line  
 Conservancy  
 S.24, T.26N, R.17E - The vertical half-section line  
 Rural  
 S.13, T.26N, R.17E - The unimproved road approximately one-quarter  
 mile North of South Section Line  
 Conservancy  
 S.28, T.27N, R.17E - Confluence of Nason Creek and Wenatchee River  
 Rural  
 S.28, T.27N, R.17E - Mouth of Lake Wenatchee

22. White River
  - a. Both Shorelines
    - S.14, T.27N, R.16E - Mouth  
Natural
    - S.18, T.28N, R.16E - All properties excluding federal ownerships
- \* 23. White Pine Creek
  - a. Both Shorelines
    - S. 1, T.26N, R.14E - Confluence with Nason Creek  
Natural
    - S.11, T.26N, R.14E - All property excluding federal ownerships

#### Lakes

1. Antillon Lake
  - a. All Shorelines
    - Sections 25, 36, and 35, T.29N, R.21E - All property excluding Section 20  
Conservancy
- \* 2. Black Lake (Wheeler Hill Reservoir)
  - a. All Shorelines
    - S.21, T.21N, R.20E - All property  
Conservancy
3. Chiwaukum Lake
  - a. All Shorelines
    - S.29, T.26N, R.16E - All property excluding federal ownership  
Natural
4. Colchuck Lake
  - a. All Shorelines
    - S.15, T.23N, R.16E - All property excluding federal ownership  
Natural
5. Cortez Lake
  - a. All Shorelines
    - S.29, T.22N, R.21E - All property  
Rural
6. Dry Lake
  - a. All Shorelines
    - Sections 22 and 23, T.28N, R.28E - All property  
Rural
7. Eight Mile Lake
  - a. All Shorelines
    - S.33, T.24N, R.16E - All property excluding federal ownership  
Natural
8. Fish Lake
  - S.16, T.27N, R.16E - East Section Line  
Conservancy
  - S.16, T.27N, R.16E - South Line of Carsten's Summer Homes  
Natural
  - S.16, T.27N, R.16E - South Section Line
  - S.22, T.27N, R.16E - All Shorelines In Section 22  
Conservancy
9. Klonauqua Lakes
  - S. 3, T.24N, R.14E - All property excluding federal ownerships  
Natural

10. Lake Chelan

a. North Shoreline

- S.13, T.27N, R.22E - From Lake Chelan Dam  
Urban
- S.11, T.27N, R.22E - West Line SE 1/4  
Rural
- S.35, T.28N, R.21E - Southern Boundary of Lowline No. 2 in Section  
Urban
- S.34, T.28N, R.21E - Northern-most line of Lowline No.2 below  
North sectionline  
Rural
- S.34, T.29N, R.21E - All property excluding federal ownership  
Conservancy
- S.36, T.33N, R.17E - Mouth of Stehekin River  
All property excluding federal ownership

b. South Shoreline

- S.13, T.27N, R.22E - From Lake Chelan Dam  
Urban
- S.15, T.27N, R.22E - Drainage of intermittent stream East of  
corporate limits at date of adoption  
Rural
- S.16, T.27N, R.22E - East section line  
Urban
- S. 8, T.27N, R.22E - East boundary of Minneapolis Beach Subdivisic  
Rural
- S.11, T.27N, R.21E - East section line  
Conservancy
- S.10, T.27N, R.21E - North section line  
Rural
- S.19, T.29N, R.21E - West section line section 19 (all property  
excluding federal ownership)  
Conservancy
- S.36, T.33N, R.17E - Mouth of Stehekin River

11. Lake Wenatchee

a. North Shoreline

- S.28, T.27N, R.17E - Confluence with Wenatchee River  
Rural
- S.14, T.27N, R.16E - Western Boundary of Lake View Summer Homes  
Natural
- S.14, T.27N, R.16E - Confluence with White River

b. South Shoreline

- S.28, T.27N, R.17E - Confluence with Wenatchee River  
Rural
- S.29, T.27N, R.17E - East section line  
Conservancy
- S.22, T.27N, R.16E - East section line  
Natural
- S.14, T.27N, R.16E - Confluence with White River

12. Loch Eileen

a. All Shorelines

- S.19, T.26N, R.16E - All property excluding federal ownership  
Natural

13. Meadow Lake
  - a. All Shorelines  
Sections 23, 25, and 26, T.28, R.21E. - All property  
Rural
14. Roses Lake
  - a. All Shorelines  
Sections 23, 25, and 26, T.28N, R.21E - All property  
Rural
15. Snow Lakes
  - a. All Shorelines  
Sections 17 and 19, T.23N, R.17E - All property excluding  
Federal ownership  
Natural
16. Upper Wheeler Reservoir
  - a. All shorelines  
Sections 19, 20, 29, and 30, T.21N, R.20E - All property  
Conservancy
- \* 17. Victoria Lake
  - a. All Shorelines  
S. 9, T.24N, R.16E - All property  
Natural
18. Wapato Lake
  - a. All Shorelines  
Sections 14, 15, 22, and 23, T.28N, R.21E - All property  
Rural

Note:

All islands managed by the Department of Natural Resources are in the Natural Environment except Blackbird Island in the Wenatchee River which is in the Rural Environment.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 753-2800

July 15, 1981

Mr. E. C. Loidhamer  
Director  
Chelan County Planning Department  
411 Washington Street  
Wenatchee, Washington 98801

Dear Mr. Loidhamer:

The department has completed its review of the proposed amendment to Chelan County's Shoreline Master Program. This amendment revises the shoreline environment designation from "Natural" to "Rural" on property belonging to Two Rivers, Inc., along the north side of the Little Wenatchee River.

This action resembles the classic spot zone, however, we recognize that past activities in this immediate area have included logging and mining and have set the property apart from the surrounding land and shoreline area. It appears the master program did not recognize this historical use and incorrectly designated the site during the original inventory. We, therefore, conclude that the proposed program amendment is consistent with policies of the Shoreline Management Act and Final Guidelines, and hereby approve the environment designation change.

We also note that the proposed gravel mining operation will be located partially within the shoreline area. The project should include adequate diking and buffer zones between the pit site and river to mitigate potential impacts to the shoreline and fisheries resources. These measures can be addressed at the time a shoreline permit application is made.

If you have any questions regarding this approval, please contact Mr. Michael Rundlett, Shorelands Division (206) 753-4388.

Sincerely,

John F. Spencer  
Deputy Director

JFS:kb



JOHN SPELLMAN  
Governor



DONALD W. MOOS  
Director

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 753-2800

October 1, 1981

Mr. E.C. Loidhamer  
Director  
Chelan County Planning Department  
411 Washington Street  
Wenatchee, Washington 98801

Dear Mr. Loidhamer:

The Department of Ecology has completed its review of Chelan County's proposed shoreline master program amendment. This amendment redesignates from "Natural" to "Rural" a small segment of shorelines at the north end of Lake Wenatchee.

We find the changes consistent with the policies and requirements of the Shoreline Act and Final Guidelines. Your amendment is, therefore, approved.

Thank you for your continued support of shoreline management in Chelan County. We look forward to working with you again on future shoreline matters.

If you have any questions regarding this approval, please contact Mr. Michael Rundlett in Olympia at (206) 459-6276.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donald W. Moos".  
Donald W. Moos  
Director

DWM:kb

CD-12840

EXHIBIT "A"

IN THE COUNTY OF CHELAN, STATE OF WASHINGTON

All that portion of the following described property lying South of County Road No. 22;

All of Lot 3 and that part of Lot 2, Section 14, Township 27 North, Range 16, E.W.M., described as follows:

Beginning on the West line of said Lot 2, 550 feet South of the Northwest corner thereof; thence East 165 feet; thence South 261.3 feet; thence East 65 feet; thence South to the South line of said Lot 2; thence Westerly along the South line of said Lot 2 to the Southwest corner thereof; thence North to the Point of Beginning, EXCEPT the West 350 feet of said Lot 3. Together with second class shorelands adjoining said property.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 459-6000

October 13, 1983

Mr. E. C. Loidhamer  
Director of Planning  
Chelan County Planning Department  
411 Washington Street  
Wenatchee, WA 98801

Dear Mr. Loidhamer:

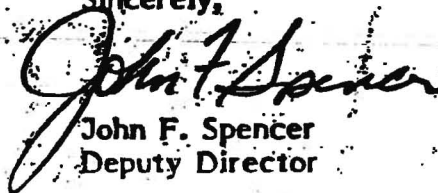
The Department of Ecology has completed its review of Chelan County's proposed Shoreline Master Program amendment.

The revision would change a Natural environment designation to Rural and Conservancy for an area along the north shore of the Little Wenatchee River, ranging from approximately one mile to two and one-half miles west of Wenatchee Lake.

Because of the intensive logging activities that have historically occurred in this area and the gravel mining operations on portions of this shoreline, the proposed redesignations are considered appropriate for the area.

In view of this consideration, the department hereby approves the change. The amendment will become effective 30 days after filing with the state Code Reviser.

Sincerely,

  
John F. Spencer  
Deputy Director

.JFS:kb





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

June 5, 1998

Chelan County Board of Commissioners  
350 Orondo Street  
Wenatchee, WA 98801

Dear Commissioners:

RE: Chelan County Shoreline Master Program Revision Proposal

Washington Department of Ecology (Ecology) has received a proposal to amend the Chelan County Shoreline Master Program (CCSMP), to delete Chumstick Creek from the inventory of shorelines of the state, as currently listed.


As required by law, Ecology reviewed the best available data and determined that Chumstick Creek exceeds the minimum mean annual flow criteria which designate shorelines of the state, as defined in RCW 90.58.030. However, current legal and judicial interpretation of the Shoreline Management Act holds that local government and Ecology may not implement provisions of the Act on streams and shorelands not listed in Washington Administrative Code (WAC) 173-18. Since Chumstick Creek is not listed in WAC 173-18-0080, Ecology will not oppose your proposal to remove Chumstick Creek from jurisdiction of the CCSMP.

Ecology is currently undertaking a comprehensive revision of WAC 173-18. As a result of careful analysis of the recently produced data, Chumstick Creek will be listed in the revision of WAC 173-18-080. At that time, Chelan County and Ecology will be obligated to implement the full provisions of the Chelan County Shoreline Master Program and Shoreline Management Act for Chumstick Creek.

Following internal review and a public comment period which ended May 5, 1998, Ecology finds this proposal by Chelan County is consistent with current legal and judicial interpretation of the Shoreline Management Act, and WAC 173-26. This letter therefore constitutes final action by Ecology, approving the amendment as proposed.

Should any questions arise regarding this final action, please contact Doug Pineo at (509) 456-2796, in Ecology's Eastern Regional Office in Spokane.

Sincerely,

  
Tom Fitzsimmons  
Director



**Chapter 173-27 WAC**  
**SHORELINE MANAGEMENT PERMIT AND ENFORCEMENT PROCEDURES**

**Last Update: 9/30/96**

**WAC**

**PART I**  
**PERMITS FOR DEVELOPMENT ON SHORELINES OF THE STATE**

- 173-27-010 Authority.
- 173-27-020 Purpose.
- 173-27-030 Definitions.
- 173-27-040 Developments exempt from substantial development permit requirement.
- 173-27-050 Letter of exemption.
- 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies.  
agencies.
- 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the
- 173-27-080 Nonconforming use and development standards.
- 173-27-090 Time requirements of permit.
- 173-27-100 Revisions to permits.
- 173-27-110 Notice required.
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- 173-27-130 Filing with department.
- 173-27-140 Review criteria for all development.
- 173-27-150 Review criteria for substantial development
- 173-27-160 Review criteria for conditional use permits.
- 173-27-170 Review criteria for variance permits.
- 173-27-180 Application requirements for substantial development, conditional use, or variance permit.
- 173-27-190 Permits for substantial development, conditional use, or variance.  
variance.
- 173-27-200 Department review of conditional use and variance permits.
- 173-27-210 Minimum standards for conditional use and variance permits.  
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**PART II**  
**SHORELINE MANAGEMENT ACT ENFORCEMENT**

- 173-27-240 Authority and purpose.
- 173-27-250 Definitions.
- 173-27-260 Policy.
- 173-27-270 Order to cease and desist.
- 173-27-280 Civil penalty.
- 173-27-290 Appeal of civil penalty.

173-27-300 Criminal penalty.

173-27-310 Oil or natural gas exploration --  
Penalty.

173-27-990 Appendix A.

**WAC 173-27-010 Authority.** The provisions of this part implement the requirements of chapter 90.58 RCW, the Shoreline Management Act. Specifically, RCW 90.58.200 authorizes the adoption of rules as necessary to implement the provisions of the act and RCW 90.58.140(3) requires that the department adopt rules for administration and enforcement of the permit system established by the act.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-010, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-020 Purpose.** RCW 90.58.140(3) requires local governments to establish a program, consistent with rules adopted by the department of ecology, for the administration and enforcement of the permit system for shoreline management. The local program should be integrated with other local government systems for administration and enforcement of land use regulations. It is the intent of these regulations to provide minimum procedural requirements as necessary to comply with statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances. It is also the intent of these regulations to provide for integration of the shoreline permit into a consolidated environmental review and permit process.

This regulation is drafted to also reflect RCW 90.58.050 which provides that the Shoreline Management Act is intended to establish a cooperative program between local government and the state.

According to this provision, local government shall have the primary responsibility for initiating the planning required by the act and administering the regulatory program of shoreline management consistent with the policy and provisions of the act, whereas the department shall act primarily in a supportive and review capacity with an emphasis on providing assistance to local government and on insuring compliance with the policies and provisions of the Shoreline Management Act.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-020, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-030 Definitions.** The following definitions shall apply:

- (1) "Act" means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended;
- (2) "Applicable master program" means the master program approved or adopted by the department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government;
- (3) "Average grade level" means 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;
- (4) "Conditional use" means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program;
- (5) "Department" means the department of ecology;
- (6) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; 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 overlying lands subject to the act at any stage of water level;
- (7) "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 , and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program;
- (8) "Fair market value" of a development is 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;
- (9) "Height" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation;
- (10) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to chapter 90.58 RCW;
- (11) "Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;
- (12) "Party of record" includes all persons, agencies or organizations who have submitted written 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;

(13) "Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW;

(14) "Public interest" means 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 including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development;

(15) "Structure" means 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;

(16) "Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination;

(17) "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline;

(18) "Vessel" includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water;

(19) The definitions and concepts set forth in RCW 90.58.030, and chapters 173-25 and 173-26 WAC also apply as used in this chapter.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-030, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-040 Developments exempt from substantial development permit requirement. (1)**  
Application and 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 substantial development permit process.

(b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

(c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

(d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. 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 ordinary high water mark 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 ordinary high water mark 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 ordinary high water mark. 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, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local 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 an emergency;

(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, by or under the authority of the Coast Guard or a designated port management authority, 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 jurisdiction thereof. "Single-family residence" means a detached dwelling designed for and

occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; 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 ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(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;

(k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 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;

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

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) 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;

(iii) 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;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(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 herein. Local government 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 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.

(i) "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 miles of streamreach, in which less than twenty-five 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;

(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 ordinary high water mark of the stream.

(ii) "Watershed restoration plan" means 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;

(p) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and

(iii) The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

(3) Hazardous substance remedial actions. The procedural requirements of chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department shall, in consultation with the appropriate local government, assure that such projects comply with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-040, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-050 Letter of exemption.** Some projects conducted on shorelines of the state also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology's coordination of local actions, with regard to exempt development, with federal permit review.

(1) The local government shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the

following federal permit requirements:

(a) A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or

(b) A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)

(2) The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.

(3) Local government may specify other developments not described within subsection (1) of this section as requiring a letter of exemption prior to commencement of the development.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-050, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-060 Applicability of chapter 90.58 RCW to federal lands and agencies.** The policies and provisions of chapter 90.58 RCW including the permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act for shorelines of the state.

(1) Within the coastal counties.

Direct federal agency actions and projects shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program subject to certain limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

The Shoreline Management Act is incorporated into the Washington state coastal zone management plan and, thereby, those direct federal actions occurring on lands subject to the act must be consistent to the maximum practicable extent with the act, regulations adopted pursuant to the act and with the local master program. Local government is in the best position to determine the appropriate procedure for review of federal development activities at the local level while the state must take action on federal consistency determinations submitted to it.

(a) When the department receives a consistency determination for a development proposed by the federal government on land subject to the act, it shall request that local government review the proposal and respond in writing that the local government:

(i) Can not make a determination of the consistency of the project with the master program without reviewing the project in the regular permit process; or

(ii) Has reviewed the project for consistency with the local master program without using the permit system. Local government may recommend that the project be approved, approved only under certain specified conditions or denied.

(iii) Defers review of the project to the state.

(b) Upon receipt of a response from local government that a permit is required to make a determination, the department shall inform the requesting agency of the local government finding and shall indicate that concurrence with the consistency determination cannot be granted until a permit is issued. If the local government chooses to review and make a recommendation without using the permit system it shall so notify the department and submit its recommendation to the department within thirty days unless a longer period of time is agreed to by the federal agency and the department. If no response is received from local government within thirty days they shall be deemed to have deferred review of the project.

(c) Nothing in this section shall be deemed to preclude independent review of the project by the state pursuant to any appropriate authority consistent with the approved coastal zone management plan.

(d) The coastal counties, as established in Washington's approved coastal zone management plan, consist of the following counties: Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, Jefferson, Clallam, Grays Harbor, Pacific and Wahkiakum.

(2) Outside of the coastal counties.

(a) Direct federal agency actions that are reasonably likely to affect any coastal use or resource shall be consistent with the approved coastal zone management plan to the maximum extent practicable subject to limitations set forth in the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq. (CZMA) and regulations adopted pursuant thereto. Other applicable federal law governing the federal agency actions may determine whether the permit system of chapter 90.58 RCW is applicable.

(b) Except as provided in (a) of this subsection, federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government or on easements obtained by the federal government for a specified purpose where the proposed development is consistent with the specified purpose, unless under either circumstance the federal government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.

(c) Except as provided in (a) of this subsection, the permit system shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership, to the federal government.

(3) The policies and provisions of chapter 90.58 RCW, including the permit system, shall apply statewide 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.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-060, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-070 Application of the permit system to substantial development undertaken prior to the effective date of the act.** (1) Substantial development undertaken on the shorelines of the state prior to the effective date of the act shall not require a permit except under the following circumstances:

(a) When the activity was unlawful prior to the effective date of the act.

(b) When there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.

(c) When the development is not completed within two years after the effective date of the act.

(d) When substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

(e) Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.

(2) When a change in the area subject to the jurisdiction of the act occurs as a result of a determination of jurisdiction by the department based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the department provides written notice of the change to the local government(s) in which the affected area is located.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-070, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-080 Nonconforming use and development standards.** When nonconforming use and development standards do not exist in the applicable master program, the following definitions and

standards shall apply:

(1) "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

(2) Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

(3) Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimension standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.

(4) A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

(5) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

(6) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

(a) No reasonable alternative conforming use is practical; and

(b) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

(7) A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

(8) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

(9) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

(10) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-080, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-090 Time requirements of permit.** The following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit.

(1) Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit: "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

(2) Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:

(a) Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit. Provided, that local government 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 and notice of the proposed extension is given to parties of record and the department.

(b) Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government 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 and notice of the proposed extension is given to parties of record and the department.

(3) The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

(4) When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: Provided, That an alternative compliance limit may be specified in the permit.

(5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (2) of this section: Provided, That this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-090, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-100 Revisions to permits.** 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, the master program 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, local government shall request from the applicant detailed plans and text describing the proposed changes.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;

(d) Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;

(e) The use authorized pursuant to the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after original permit authorization has expired under WAC 173-27-080(2). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

(6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

(7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.

(8) Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. 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. 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.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-100, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-110 Notice required.** (1) Local government shall develop and adopt a system which provides for notification of the public, the department and other agencies with jurisdiction of applications for a shoreline management substantial development, conditional use, or variance permit. Notification pursuant to this section may be carried out as a part of an integrated local permit notification procedure.

(2) The system shall assure that notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70B.070 and WAC 173-27-180, and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) The notification system shall assure that notice to the general public and property owners in the vicinity of such application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

(5) The notification system shall provide for timely notification of individuals and organizations that request such notice in writing.

(6) The notification system shall provide notice to all agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-110, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-120 Special procedures for limited utility extensions and bulkheads.** (1) An application for a substantial development permit for a limited utility extension or for the construction of

a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

(a) The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(b) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and

(c) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(2) For purposes of this section, a limited utility extension means 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 this chapter; and

(c) Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-120, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-130 Filing with department.** (1) All applications for a permit or a permit revision shall be submitted to the department upon a final decision by local government. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

(2) When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

(3) A complete submittal shall consist of the following documents and information:

(a) A copy of the complete application pursuant to WAC 173-27-180;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;

(c) The final decision of the local government;

(d) The permit data sheet required by WAC 173-27-190; and

(e) Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(4) When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

(5) Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections (3) and (4) of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. The submittal and permit are void unless and until the material requested in writing is submitted to the department.

(6) "Date of filing" of a local government final decision involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, is the date of actual receipt of a complete submittal by the department.

(7) "Date of filing" of a permit for a conditional use or variance approved by local government, and such permits which also involve concurrent submittal by local government of a substantial development

permit, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.

(8) The department shall provide a written notice to the local government and the applicant of the "date of filing."

(9) When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided to the local government and the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection (3) of this section to the department for completion of the file on the permit. The purpose of this provision is to assure that the local and department files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-130, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-140 Review criteria for all development.** (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-140, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-150 Review criteria for substantial development permits.** (1) A substantial development permit shall be granted only when the development proposed is consistent with:

- (a) The policies and procedures of the act;
- (b) The provisions of this regulation; and
- (c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-150, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-160 Review criteria for conditional use permits.** The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;  
 (c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if 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.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-160, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-170 Review criteria for variance permits.** The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary 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 RCW 90.58.020.

(1) 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. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

(b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

(e) That the variance requested is the minimum necessary to afford relief; and

(f) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (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 can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-170, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-180 Application requirements for substantial development, conditional use, or variance permit.** A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:

(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 applicant's representative if other than the applicant.

(3) The name, address and phone number of the property owner, if other than the applicant.

(4) 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.

(5) 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.

(6) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

(7) A general description of the property as it now exists including its physical characteristics and improvements and structures.

(8) 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.

(9) A site development plan consisting of maps and elevation drawings, drawn to an appropriate 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 ordinary high water mark 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 ordinary high water mark 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 ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

(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, 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.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-180, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-190 Permits for substantial development, conditional use, or variance.** (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

(2) Permits for substantial development, conditional use, or variance may be in any form prescribed and used by local government including a combined permit application form. Such forms will be supplied by local government.

(3) A permit data sheet shall be submitted to the department with each shoreline permit. The permit data sheet form shall be as provided in Appendix A of this regulation.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-190, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-200 Department review of conditional use and variance permits.** (1) After local government approval of a conditional use or variance permit, local government shall submit the permit to the department for the department's approval, approval with conditions, or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-27-110.

(2) The department shall review the complete file submitted by local government on conditional use and variance permits and any other information submitted or available that is relevant to the application. The department shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the act and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

(3) Local government shall provide timely notification of the department's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-200, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-210 Minimum standards for conditional use and variance permits.** Pursuant to

RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-27-160 and 173-27-170 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where they exist in approved and adopted master programs.

[Statutory Authority: RCW 90.58.140(3) and 90.58.200. 96-20-075 (Order 95-17), § 173-27-210, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-220 Requests for review.** All requests for review of any final permit decisions under chapter 90.58 RCW and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

[Statutory Authority: RCW 90.58.140(3) and 90.58.200. 96-20-075 (Order 95-17), § 173-27-220, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-240 Authority and purpose.** This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

[Statutory Authority: RCW 90.58.140(3) and 90.58.200. 96-20-075 (Order 95-17), § 173-27-240, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-250 Definitions.** The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

(1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

(2) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

[Statutory Authority: RCW 90.58.140(3) and 90.58.200. 96-20-075 (Order 95-17), § 173-27-250, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-260 Policy.** These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

[Statutory Authority: RCW 90.58.140(3) and 90.58.200. 96-20-075 (Order 95-17), § 173-27-260, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-270 Order to cease and desist.** Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

(1) Content of order. The order shall set forth and contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200, 96-20-075 (Order 95-17), § 173-27-270, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-280 Civil penalty.** (1) A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by local government. The department may impose a penalty jointly with local government, or alone only upon an additional finding that a person:

(a) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) Has been given previous notice of the same or similar type of violation of the same statute or rule; or

(c) The violation has a probability of placing a person in danger of death or bodily harm; or

(d) Has a probability of causing more than minor environmental harm; or

(e) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

(2) In the alternative, a penalty may be issued to a person by the department alone, or jointly with local government for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

(4) Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail

with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-280, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-290 Appeal of civil penalty.** (1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

(b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-290, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-300 Criminal penalty.** The procedures for criminal penalties shall be governed by RCW 90.58.220.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-300, filed 9/30/96, effective 10/31/96.]

**WAC 173-27-310 Oil or natural gas exploration -- Penalty.** Persons violating the provisions of

RCW 90.58.550 or chapter 173-15 WAC shall be subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. The procedures for oil or natural gas exploration penalties shall be governed by RCW 90.58.560.

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-310, filed 9/30/96, effective 10/31/96.]

## WAC 173-27-990 Appendix A.

### Appendix A Shoreline Management Act Permit Data Sheet and Transmittal Letter

From: (local government) To: (appropriate Ecology office)

Date of Transmittal:

Date of Receipt: (provided by Ecology)

Type of Permit: (Indicate all that apply)

Substantial Development ; Conditional Use ; Variance ; Revision ; Other .

Local Government Decision: Approval ; Conditional Approval ; Denial :

Applicant Information:

Applicant's Representative: (if primary contact)

Name:

Name:

Address:

Address:

Phone(s):

Phone(s):

Is the applicant the property owner? yes no

Location of the Property: (Section Township and Range to the nearest 1/4, 1/4 Section or latitude and longitude, and a street address where available)

Water Body Name:

Shoreline of Statewide Significance: Yes No .

Environment Designation:

Description of the Project: (Summary of the intended use or project purpose)

Notice of Application Date:

Final Decision Date:

By: (Local Government Primary Contact on this Application)

Phone No:

[Statutory Authority: RCW 90.58.140(3) and [90.58.200. 96-20-075 (Order 95-17), § 173-27-990, filed 9/30/96, effective 10/31/96.]

E R R A T A

Chelan County Shoreline Master Program

- Page 33 - Section 7.2.800.2 - Strike item g. Gift Shops.
- Page 45 - Section 15.4. Natural Environment - Strike entire paragraph.
- Page 52 - Section 20.1.2 Strike entire paragraph b.
- Page 56 - Section 22.1.2 Strike entire paragraph a.
- Page 57 - Section 22.1.5 Strike entire section including paragraphs a, b, and c.

E R R A T A

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