CITY OF WENATCHEE

SHORELINE MASTER PROGRAM

October 31, 2014

This report was funded in part through a grant from the Washington Department of Ecology.

CONTENTS

Reader's Guide ix
1 Authority and Purpose ..... - 1 -
1.1 The Shoreline Management Act ..... - 1 -
1.2 Authority ..... - 2 -
1.3 Applicability ..... - 3 -
1.4 Purpose and Intent ..... - 4 -
1.5 Relationship to Other Codes, Ordinances and Plans ..... - 4 -
1.6 Liberal Construction ..... - 5 -
1.7 Severability ..... - 5 -
1.8 Effective Date ..... - 5 -
2 Goals and Objectives ..... - 6 -
2.1 Economic Development Element ..... - 6 -
2.2 Public Access Element ..... - 6 -
2.3 Recreation Element ..... - 7 -
2.4 Circulation Element ..... - 7 -
2.5 Shoreline Use Element ..... - 8 -
2.6 Conservation Element ..... - 8 -
2.7 Historic, Cultural, Scientific, and Educational Element ..... - 8 -
2.8 Flood Hazard Prevention Element ..... - 9 -
3 Shoreline Jurisdiction and Environment Designations ..... - 10 -
3.1 Shoreline Jurisdiction ..... - 10 -
3.2 Environment Designations ..... - 10 -
3.2.1 Environment Designation System ..... - 10 -
3.2.2 Official Shoreline Maps and Unmapped or Undesignated Shorelines ..... - 11 -
3.2.3 Interpretation of Environment Designation Boundaries ..... - 12 -
3.2.4 Wenatchee Environment Designations ..... - 12 -
3.3 Shoreline Use Preferences ..... - 16 -
3.3.1 Use Preferences ..... - 16 -
3.3.2 Policies ..... - 16 -
3.3.3 Use Matrix and Development Standards ..... - 18 -
4 General Policies and Regulations ..... - 25 -
4.1 Archaeological and Historic Resources ..... - 25 -

4.1.1 Policies - 25 -
4.1.2 Regulations - 26 -
4.2 Ecological Protection and Critical Areas - 26 -
4.2.1 Policies - 26 -
4.2.2 Regulations - 27 -
4.3 Flood Hazard Reduction - 33 -
4.3.1 Policies - 34 -
4.3.2 Regulations - 35 -
4.4 Public Access - 37 -
4.4.1 Policies - 37 -
4.4.2 Regulations - 39 -
4.5 Vegetation Conservation and Shoreline Buffers - 41 -
4.5.1 Policies - 41 -
4.5.2 Regulations - 42 -
4.6 Water Quality, Stormwater and Nonpoint Pollution - 53 -
4.6.1 Policies - 53 -
4.6.2 Regulations - 54 -
5 Shoreline Modifications and Uses - 56 -
5.1 General Upland Shoreline Modification and Use Regulations - 56 -
5.1.1 Policies - 56 -
5.1.2 Regulations - 56 -
5.2 General Aquatic Shoreline Modification and Use Regulations - 58 -
5.2.1 Policies - 59 -
5.2.2 Regulations - 59 -
5.3 Agriculture - 61 -
5.3.1 Policies - 61 -
5.3.2 Regulations - 61 -
5.4 Aquaculture - 61 -
5.4.1 Policies - 61 -
5.4.2 Regulations - 62 -
5.5 Boating Facilities - 64 -
5.5.1 Policies - 65 -
5.5.2 Regulations - 65 -
5.6 Breakwaters, Jetties, Groins, Weirs, Barbs and other in-water structures. - 69 -
5.6.1 Policies - 69 -

5.6.2 Regulations - 70 -
5.7 Commercial Development - 71 -
5.7.1 Policies - 71 -
5.7.2 Regulations - 72 -
5.8 Dredging and Dredge Material Disposal - 72 -
5.8.1 Policies - 72 -
5.8.2 Regulations - 73 -
5.9 Fill and Excavation - 75 -
5.9.1 Policies - 75 -
5.9.2 Regulations - 75 -
5.10 Forest Practices - 76 -
5.11 Industry - 77 -
5.11.1 Policies - 77 -
5.11.2 Regulations - 77 -
5.12 Mining - 78 -
5.13 Recreational Development - 78 -
5.13.1 Policies - 78 -
5.13.2 Regulations - 78 -
5.14 Residential Development - 80 -
5.14.1 Policies - 80 -
5.14.2 Regulations - 80 -
5.15 Shoreline Habitat and Natural Systems Enhancement Projects - 81 -
5.15.1 Policies - 81 -
5.15.2 Regulations - 82 -
5.16 Shoreline Stabilization - 82 -
5.16.1 Policies - 84 -
5.16.2 Regulations - 85 -
5.17 Transportation and Parking - 93 -
5.17.1 Policies - 93 -
5.17.2 Regulations - 94 -
5.18 Utilities - 96 -
5.18.1 Policies - 96 -
5.18.2 Regulations - 96 -
5.19 Redevelopment, Repair, and Maintenance - 98 -
5.19.1 Policies - 98 -

5.19.2 Regulations - 98 -
6 Nonconforming Structures and Uses - 100 -
6.1 Nonconforming Uses, Structures, and Lots - 100 -
6.1.1 Policies - 100 -
6.1.2 Regulations - 100 -
7 Shoreline Permits, Procedures and Administration - 102 -
7.1 Roles and Responsibilities - 102 -
7.1.1 Shoreline Administrator - 102 -
7.1.2 SEPA Official - 103 -
7.1.3 Hearing Examiner - 103 -
7.1.4 Planning Commission - 103 -
7.1.5 City Council - 103 -
7.2 Interpretation - 103 -
7.3 Application Requirements - 104 -
7.3.1 Requirements - 104 -
7.4 Shoreline Substantial Development Permits - 106 -
7.4.1 Permit Required - 106 -
7.4.2 Permit Review Criteria - 106 -
7.5 Exemptions from Shoreline Substantial Development Permits - 106 -
7.5.1 Compliance with Applicable Regulations Required - 106 -
7.5.2 Interpretation of Exemptions - 106 -
7.5.3 Exemptions - 107 -
7.5.4 Letters of Exemption - 112 -
7.5.5 Letters of Exemption – Application - 112 -
7.6 Shoreline Conditional Use Permits - 112 -
7.6.1 Purpose - 112 -
7.6.2 Determinations of Conditional Use Permits - 112 -
7.6.3 Review Criteria - 113 -
7.7 Shoreline Variance Permits - 114 -
7.7.1 Purpose and Review Process - 114 -
7.7.2 Review Criteria - 114 -
7.8 Permit Conditions - 115 -
7.9 Duration of Permits - 115 -
7.9.1. Requirements - 115 -
7.10 Initiation of Development - 117 -

7.10.1. Timing - 117 -
7.11 Appeals - 117 -
7.11.1 Appeals of Shoreline Administrator Determinations and Decisions - 117 -
7.11.2 Appeals to Shorelines Hearings Board - 118 -
7.12 Amendments to Permits - 118 -
7.12.1 Revision – When Required - 118 -
7.12.2 Determination of Scope and Intent - 118 -
7.12.3 Filing of Revision - 119 -
7.12.4 Effective Date of Revised Permit - 119 -
7.12.5 Appeal of Revised Permit - 119 -
7.13 Enforcement - 119 -
7.13.1 Provisions - 119 -
7.14 Rescission and modification -120-
7.15 Amendments to Shoreline Master Program - 120 -
7.15.1 General - 120 -
7.15.2 Amendment Process and Criteria - 120 -
7.16 Permit, applicability, and definitions -121-
7.16.1 Purpose and applicability -121-
7.16.2 Definitions -121-
7.17 Application process -122-
7.17.1 Consolidated application process -122-
7.17.2 Plan Review -122-
7.17.3 Determination of completeness -123-
7.17.4 Application vesting -123-
7.15.5 Notice of application -124-
7.18 Application review -126-
7.18.1 Application review criteria -126-
7.18.2 Application review classification ;; -126-
7.18.3 Type 1 limited administrative review of applications -126-
7.18.4 Type 2 full administrative review of applications -126-
7.18.5 Quasi-judicial review of applications -127-

7.18.6 Legislative review of applications……-128-

7.18.7 Notice of final decision……-129-

7.19 Performance assurance and guarantee……-131-

7.19.1 Purpose……-131-

7.19.2Performance assurance……-131-

7.19.3 Criteria……-131-

8 Definitions……- 132 -

A - 132 -

B - 136 -

C - 138 -

D - 140 -

E - 142 -

F - 143 -

G - 146 -

H - 147 -

I - 147 -

J - 149 -

L - 149 -

M - 150 -

N - 152 -

O - 153 -

P - 153 -

Q - 155 -

R - 155 -

S - 157 -

T - 161 -

U - 161 -

V - 162 -

W - 162 -

Z - 165 -

Universal Note……- 165 -

Table 1 Shoreline Use and Modification Matrix for the City of Wenatchee. - 20 -
Table 2 Shoreline Development Standards Matrix for the City of Wenatchee. - 24 -
Table 3 Shoreline Mitigation Options - 32 -
Table 4 Tree Replacement Ratios - 44 -
Table 5 Shoreline Buffers by Environment Designation for the City of Wenatchee. - 46 -
Table 6 Waterfront Design and Maintenance Standards - 46 -

Figure 1 Soft Shoreline Stabilization Example - 91 -

Appendix A: Shoreline Jurisdiction Boundaries and Environment Designation Maps

Appendix B: Critical Areas Regulations

Appendix C: Restoration Plan

Appendix D: Vision Workshop Summary

Appendix E: Channel Migration Zone Maps

Appendix F: Public Access Plans

Appendix G: Inventory and Assessment

Appendix H: Cumulative Impact Analysis

SHORELINE MASTER PROGRAM

CITY OF WENATCHEE

READER'S GUIDE

Chelan County and its cities developed and adopted Shoreline Master Programs (SMPs) in 1975 for the purpose of "focusing comprehensive, coordinated planning attention at the critical land-water interface" (page 1). The current SMP (1975 SMP) was developed more than 30 years ago and much has changed along City of Wenatchee shorelines. In addition, knowledge of best development and conservation practices has evolved. There have also been changes in state laws and rules.

This SMP has been prepared to meet the requirements of the Shoreline Management Act of 1971 (RCW 90.58), the implementing state rules codified as Chapter 173-26 of the Washington Administrative Code (WAC) "State Master Program Approval/Amendment Procedures and Master Program Guidelines" that were revised in 2003, and other applicable local, state, and federal laws. As was the case in 1975 and today, the SMP is developed locally, but must meet the Shoreline Management Act and implementing state rules, and is subject to approval by the Washington State Department of Ecology (Ecology) before it can be implemented.

The SMP was prepared under a grant agreement with Ecology. For planning purposes and as part of the grant agreement, Chelan County and the cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee conducted nine Vision Workshops in fall 2008 to capture citizen questions, concerns, goals and aspirations regarding county and city shorelines. The Vision Workshop results have factored into the development of this SMP (see brief summary in Appendix D).

The contents of this Shoreline Master Program are structured as follows:

- Chapter 1 Authority and Purpose
- Chapter 2 Goals and Objectives
- Chapter 3 Shoreline Jurisdiction and Environment Designations
- Chapter 4 General Policies and Regulations
- Chapter 5 Shoreline Modifications and Uses
- Chapter 6 Nonconforming Structures and Uses
- Chapter 7 Shoreline Permits, Procedures and Administration
- Chapter 8 Definitions
- Appendix A: Shoreline Environment Designations Maps

- Appendix B: Critical Areas Regulations
- Appendix C: Restoration Plan
- Appendix D: Vision Workshop Summary
- Appendix E: Channel Migration Zones
- Appendix F: Public Access Plan
- Appendix G: Shoreline Inventory and Assessment
- Appendix H: Cumulative Impact Analysis

The appendices to the SMP are components of the Master Program providing either baseline data, information and processes utilized to develop and shape the form and function of the SMP; or are regulatory or programmatic components. Appendices A, the Shoreline jurisdiction boundaries and environment designation maps and Appendix B, the critical area regulations are both regulatory components of the Master Program. Appendices C through H are more programmatic in nature linked to policy and regulatory components in the SMP as a whole.

In the review and use of this SMP, the reader should keep in mind that policies are statements of principles that guide and determine present and future decisions. Regulations are rules that govern developments, uses, or activities.

When reading this SMP, it is useful to consider the definitions of the following terms:

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

In general, this SMP uses the word “should” in goals, objectives, and policies, and “shall” in the regulations; additional definitions are located in Chapter 8.

1 AUTHORITY AND PURPOSE

1.1 The Shoreline Management Act

Washington State's citizens voted to approve the Shoreline Management Act of 1971 in November 1972. The adoption of the Shoreline Management Act (Act) recognized "that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation" and that "coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest" (RCW 90.58.020). The Act seeks to provide environmental protection for shorelines, preserve and enhance shoreline public access, and encourage appropriate development that supports water-oriented uses as follows: (RCW 90.58.020)

> *The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*
>
> *It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*
>
> *The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*
>
> *(1) Recognize and protect the statewide interest over local interest;*

(2) Preserve the natural character of the shoreline;

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

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

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

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

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

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

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

1.2 Authority

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

A. The Shoreline Management Act of 1971, Chapter 90.58 RCW;
B. State master program approval/amendment procedures and master program guidelines, WAC 173-26; and
C. Shoreline management permit and enforcement procedures, Chapter 173-27 WAC.

1.3 Applicability

A. All proposed uses and development occurring within shoreline jurisdiction, except for items listed in B below, must conform to the intent and requirements of the laws and rules cited in Section 1.2 and this SMP whether or not a permit or other form of authorization is required. See Chapter 3 for the definition of shoreline jurisdiction and Chapter 8 for definitions of uses, activities, and development.
B. This SMP does not apply to the following activities:
    1. Interior building improvements that do not change the use or occupancy;
    2. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
    3. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections.
C. The shoreline permit procedures, policies and regulations established in this SMP shall apply to all nonfederal uses, activities, and development.
D. This SMP applies to lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership. Federal lands include, but are not limited to, National Forests, National Parks, National Wilderness Areas, and lands owned by the Federal Bureau of Land Management (BLM).. The following subsections shall guide the determination of SMP applicability on federal lands:
    1. Federal development on federally owned land is not subject to this SMP nor required to obtain a Shoreline permit, unless otherwise required by federal law or unless the state by statute has ceded all regulatory authority over the federal ownership;
    2. Federal development on a federally owned lease is not subject to this SMP nor required to obtain a Shoreline permit, unless otherwise required by federal law or unless the state by statute has ceded all regulatory authority over the federal ownership as long as the development is consistent with the purpose of the lease;
    3. Development on federally owned land under a federal lease or easement for a non-federal activity is subject to this SMP and must obtain a Shoreline permit; for example, the SMP applies to private activities on federal land such as leases where the private citizen owns the structure but the federal government owns the land;
    4. Non-federal development or use on federally owned land is subject to this SMP and must obtain a Shoreline permit;
    5. Development on non-federal land is subject to this SMP and must obtain a Shoreline permit, even if it is leased, rented, etc. to the federal government, or it is within the boundaries of federal ownership unless the state by statute has ceded all regulatory authority over the federal ownership.
E. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.

F. Where this Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply

1.4 Purpose and Intent

The purposes of this SMP are:

A. To promote the public health, safety, and general welfare of the community by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and
B. To further assume and carry out the local government responsibilities, including planning and administering regulatory program policies and provisions; and
C. Promote reasonable and appropriate use of the shorelines considering State and local interests defined in laws, rules, and plans as well as private property rights; and
D. Protect against significant adverse effects to the land, its vegetation and wildlife, and the waters and their aquatic life within jurisdictional shorelines; and
E. To give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas, as illustrated in use allowances of this SMP; and
F. Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline, such as through application of vegetation management, water quality, restoration and similar standards. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses in assigning permit types; and
G. Assure no net loss of ecological functions associated with the shoreline; and
H. Protect rights of navigation; and
I. Recognize private property rights and constitutional limitations on the regulation of private property and protect those rights while implementing this SMP; and
J. Maintain or recreate a high quality of environment along jurisdictional shorelines; and
K. Preserve and protect fragile natural resources and cultural significant features; and
L. Increase public access to publicly owned areas of the shorelines where increased use levels are desirable; and
M. Protect public and private properties from adverse effects of improper development in hazardous shoreline areas; and
N. Recognize the importance of an informed and responsible public observing basic rules of good behavior in the use and enjoyment of all shorelines; and
O. Recognize that this SMP does not alter existing law on access to or trespass on private property and does not give the general public any right to enter private property without the owner's permission.

1.5 Relationship to Other Codes, Ordinances and Plans

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.
B. The responsibility for determining applicable federal, state or special district statutes and regulations and complying with the same rests with the applicant/proponent or responsible person carrying out the activity, use, or development in question.

C. The goals, objectives and policies of this SMP shall be considered an element of the City of Wenatchee Urban Area Comprehensive Plan. All regulatory elements of this SMP, including but not limited to definitions and use regulations, shall be considered a part of the City of Wenatchee's development regulations..
D. All local development regulations including, but not limited to, zoning and subdivision rules shall apply in addition to this SMP. Provided that the SMP includes critical areas regulations applicable only in the shoreline jurisdiction, and shall control over the City of Wenatchee's critical area regulations adopted pursuant to the Growth Management Act.
E. In the event provisions of this SMP conflict with provisions of Federal, State, County or City regulations, the provision that is most protective of shoreline resources shall prevail, when consistent with policies set out in the Act.

1.6 Liberal Construction

This SMP is exempted from the rule of strict construction and shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies.

1.7 Severability

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

1.8 Effective Date

This SMP and all amendments thereto shall become effective 14 days from the date of issuance of the final action letter from Ecology.

2 GOALS AND OBJECTIVES

This section contains shoreline goals and objectives. Goals express the ultimate aim of the City of Wenatchee and citizens along their shorelines. An objective identifies a measurable step that moves toward achieving a long-term goal. Goals and objectives provide a framework upon which the more detailed SMP shoreline use environments, policies, regulations, and administrative procedures are based in subsequent chapters.

2.1 Economic Development Element

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

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

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

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

Objective ED-2.1. Promote environmental education.

2.2 Public Access Element

Goal PA-1. Ensure public access to shorelines:

- Is safe, convenient and diversified;
- Makes provisions for public access to publicly owned shoreline jurisdiction areas;
- Avoids endangering life or adverse effects on property or fragile natural features;
- Minimizes conflicts between the public and private property;
- Enables the public to enjoy the physical and aesthetic qualities of natural shorelines of the state which shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally;
- Is designed for persons with disabilities, where feasible, consistent with federal standards; and
- Maintains the natural conditions of the shorelines of the state except, in those limited instances where alteration may be allowed only when development provides an opportunity for a substantial number of people to enjoy the shorelines of the state.

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

Objective PA-1.2. Require public access as part of public shoreline development where appropriate.

Objective PA-1.3. Require and/or encourage public access as part of private shoreline development in accordance with adopted shoreline public access plans, where appropriate and in compliance with constitutional limitations.

Objective PA-1.4. Protect and enhance visual and physical access to shorelines.

Objective PA-1.5. Assure that public access improvements do not result in a net loss of shoreline ecological functions.

Goal PA-2. Goal Expand opportunities for public enjoyment of shoreline access.

Objective PA-2.1. Encourage development of public access by using tools such as acquisition of land, incentives, enhancement of existing public land where public access could be developed, etc.

Goal PA-3. Preserve and enhance Wenatchee's system of waterfront park and trails.

2.3 Recreation Element

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

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

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

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

2.4 Circulation Element

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

Objective CIRC-1.1. Encourage multiple modes of transportation.

Objective CIRC-1.2. Promote non-motorized travel and public access opportunities.

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

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

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

2.5 Shoreline Use Element

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

> **Objective LU-1.1.** Give preference along the shoreline to water-oriented and single-family residential uses, consistent with the control of pollution and prevention of damage to the natural environment.
>
> **Objective LU-1.2.** Encourage shoreline uses and development that enhance and/or increase public access to the shoreline or provide significant public benefit.

Goal LU-2. Protect current agricultural activities occurring on agricultural land. Provide for new agricultural uses that are located and designed to assure no net loss of ecological functions and that do not have a significant adverse impact on other shoreline resources and values..

Goal LU-3. Encourage positive redevelopment that enhances the community's most precious resource – its waterfront.

2.6 Conservation Element

Goal CONS-1. Protect shoreline resources by:

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

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

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

> **Objective CONS-2.1**. Ensure restoration and enhancement is consistent with and prioritized based on adopted watershed and basin plans. (Recognizes County and City watershed and restoration plans;)

Goal CONS-3. Upgrade the environmental quality of the shoreline and larger waterfront area.

2.7 Historic, Cultural, Scientific, and Educational Element

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

> **Objective HIST-1.1.** Work with property owners to preserve outstanding natural and scenic resources, environmentally sensitive areas, and documented significant historic and cultural resources.

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

Objective HIST-2.1. Protect sites in collaboration with appropriate tribal, state, federal, and local governments and affected property owners. Encourage cooperation among public and private parties in the identification, protection, and management of cultural resources.

Objective HIST-2.2. When and/or where appropriate, make access to such sites available to parties of interest. Design and manage access to such sites in a manner that gives maximum protection to the resource.

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

2.8 Flood Hazard Prevention Element

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

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

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

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

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

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

3 SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

3.1 Shoreline Jurisdiction

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the State plus their associated "shorelands." The waterbodies designated as shorelines of the State are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Certain shoreline waterbodies and their associated shorelands have elevated status under the Act if they are lakes equal to or larger than 1,000 acres or they are streams and rivers in Eastern Washington that are "…downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer" (RCW 90.58.) These waterbodies are considered to be "shorelines of statewide significance," and have unique supplemental provisions outlined in Section 3.4. The City of Wenatchee contains two shorelines: the Columbia River and the Wenatchee River; both water bodies are a Shoreline of Statewide Significance.

The City of Wenatchee has adopted the following jurisdictional shoreline boundary in this SMP:

> *Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark of the Columbia and Wenatchee rivers; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the Columbia and Wenatchee rivers which are subject to the provisions of the Shoreline Management Act and this SMP."*

The upstream extent of shoreline jurisdiction for streams and those lakes that meet shoreline criteria are indicated on the Official Shoreline Maps included in Appendix A. The purpose of the Official Shoreline Maps is to identify Environment Designations (Section 3.2 below). The maps only approximately identify or depict the lateral extent of shoreline jurisdiction. The actual lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands.

In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel and any use, activity or development on that portion of the parcel is subject to this Shoreline Master Program.

3.2 Environment Designations

3.2.1 Environment Designation System

This SMP is intended to meet the WAC requirements. It states that:

Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section.

This SMP is consistent with WAC requirements, deviating from specific WAC guidelines with respect only to some environment designation names, or the addition of new environment designations where such provides local government with opportunity to provide further, but complementary, designations consistent with existing land management plans. Each environment designation contains a purpose statement, designation criteria, and management policies components.

3.2.2 Official Shoreline Maps and Unmapped or Undesignated Shorelines

A. Appendix A (Shoreline Jurisdiction Boundaries and Environment Designations Maps) includes a hard copy of the Official Shoreline Maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and environment designations in the City of Wenatchee and the Wenatchee Urban Growth Area. The electronic files of the Official Shoreline Maps will be considered the official version and may be updated administratively or through an SMP amendment as indicated below. The Department of Ecology will be provided with electronic files of the Official Shoreline Maps when any updates are made.
B. As stated above, Appendix A includes shoreline jurisdiction and environmental designations for the Wenatchee Urban Growth Area (UGA). This is called pre-designation and is allowed under WAC 173-26-150. The intent of pre-designation is to complete the evaluation and analysis for the Urban Growth Areas during the SMP update. The benefit to property owners and the City is that during any annexation process a Shoreline Master Program update process will not have to be completed as required in WAC 173-26-160.
C. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline waterbody related to site-specific surveys of ordinary high water mark, floodway, and/or floodplain are automatically assigned the category of the contiguous waterward shoreline environment designation. In the event that mapping results in an undesignated associated wetland, that wetland shall be assigned an Urban Conservancy environment designation. Correction of these minor mapping inaccuracies may be made and incorporated into the Official Shoreline Maps without an SMP amendment.
D. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned an Urban Conservancy designation, until the shoreline designation can be changed through an SMP amendment process conducted consistent with WAC 173-26-100 and SMP Chapter 7.
E. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and ordinary high water mark determinations are valid for five years from the date the determination is made. Floodplain and floodway boundaries should be assessed using the most recently revised and locally adopted FEMA maps. If the City does not adopt FEMA maps, the most current, accurate and complete scientific and technical information available

and applicable shall be used. Revisions to the Official Shoreline Maps may be made using the information gathered per this Section without an SMP amendment.

F. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the OHWM or floodway, is no longer in floodplain as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this SMP. Revisions to the Official Shoreline Maps may be made as outlined in this Section E without an SMP amendment.

3.2.3 Interpretation of Environment Designation Boundaries

A. If disagreement develops as to the exact location of an environment designation boundary line, the Official Shoreline Maps shall prevail consistent with the following rules:
   1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
   2. In cases where boundary line adjustments or subdivisions occur, the designation applied to the parent parcel prior to the boundary line adjustment or subdivision shall not change as a result. The shoreline designation can only be changed through an SMP amendment.
   3. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow the nearest right-of-way edge.
   4. Boundaries indicated as approximately parallel to or extensions of features indicated in (1), (2), or (3) above shall be so construed.

B. In the event of an environment designation mapping error where the SMP update or amendment record, including the public hearing process, is clear in term of the correct environment designation to apply to a property, the Shoreline Administrator shall apply the environment designation approved through the SMP Update or Amendment process and correct the map. Appeals of such interpretations may be filed pursuant to Section 7.11. If the use environment criteria were misapplied, but the map does not show an unintentional error, a SMP amendment may be obtained consistent with WAC 173-26-100 and Chapter 7.

C. All shoreline areas waterward of the OHWM shall be designated Aquatic.

D. Upland environment designations shall apply to shorelands.

E. Only one environment designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature and the boundary shall be clearly noted on the map (for example: existing property lines).

3.2.4 Wenatchee Environment Designations

A. Urban Conservancy
   1. Purpose
      The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.
   2. Designation Criteria
      An "Urban Conservancy" environment designation will be assigned to shorelines that are within areas planned for development that are compatible with

maintaining or restoring the ecological functions of the area, and that are not generally suitable for water-dependent uses other than those uses that support public access and recreation that are suitable for water-related or water-enjoyment uses; that may be designated as open space, floodplain or other sensitive areas that should not be more intensively developed; and those that retain important ecological functions, even though partially developed.

3. Management Policies

   Development within the "Urban Conservancy" environment shall be consistent with the following policies:

   a. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
   b. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
   c. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
   d. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

B. Shoreline Residential

1. Purpose

   a. The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

2. Designation Criteria

   a. A "Shoreline Residential" environment designation will be assigned to shorelands if they are predominantly single-family or multi-family residential development or are planned for residential development.

3. Management Policies

   Development within the "Shoreline Residential" environment shall be consistent with the following policies:

   a. Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the "Shoreline Residential" environment.
   b. Water-oriented recreational uses should be allowed.
   c. Adequate land area and services should be provided.
   d. Land division and development should be permitted only 1) when adequate buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.

e. Development standards for buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
f. Multi-family and multi-lot residential and recreational developments should seek to provide public access to the shoreline and joint-use community recreational facilities.
g. New residential development should be located and designed so that future shoreline stabilization is not required.

C. Waterfront Park
1. Purpose
a. The purpose of the "Waterfront Park" environment is to ensure appropriate management and development of existing and future public parks and recreation areas.
2. Designation Criteria
a. A "Waterfront Park" environment designation will be assigned to existing or planned public parks or public lands intended to accommodate public access and recreational developments that are compatible with maintaining or restoring the ecological functions of the area, and that are not generally suitable for commercial or industrial water-dependent uses.
3. Management Policies
Development within the “Waterfront Park” environment shall be consistent with the following policies:
a. Public access and public recreation objectives should be implemented in parks or other public lands located within the City or its UGA whenever feasible and when any significant ecological impacts can be mitigated.
b. When considering park and urban recreational development proposals, water-oriented uses and their accessory uses should be given priority over nonwater-oriented uses. Nonwater-oriented uses should be allowed when located upland of other water-oriented uses or when the nonwater-oriented use would not conflict with or preclude implementation of planned water-oriented uses.
c. New or expanded development within the Waterfront Park designation should not result in a net loss of shoreline ecological functions or further degrade other shoreline values. Park-specific development standards should be established for vegetation conservation, water quality, and shoreline modifications.

D. High Intensity
1. Purpose
a. The purpose of the "High Intensity" environment is to provide for variety of urban uses such as high-intensity water-oriented commercial, transportation, industrial, and mixed uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.
2. Designation Criteria
a. A "High Intensity" environment designation will be assigned to shorelands designated for commercial, industrial, or mixed use within the City and its

UGA if they currently support or are suitable and planned for high-intensity commercial, industrial, institutional, or mixed commercial and residential uses that either include, or do not detract from, the potential for water-oriented uses, shoreline restoration and/or public access.

3. Management Policies

   Development within the "High Intensity" environment shall be consistent with the following policies:

   a. In the High Intensity environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses may be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline in accordance with this SMP.
   b. Where feasible, visual and physical shoreline public access should be required as provided for in Section 4.4 of this SMP.
   c. Aesthetic objectives should be actively implemented in development proposals by means of measures such as sign control regulations, appropriate site layout and orientation of buildings, and screening and architectural standards.
   d. No net loss of shoreline ecological functions should occur as a result of new development. When applicable, new development should include environmental cleanup and restoration of the shoreline.
   e. Full utilization of existing urban areas should be achieved before considering expanding this environment designation through future SMP amendments. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "High Intensity." During an analysis of shoreline uses, consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas. In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.
   f. The City has estimated economic development potential of its community as part of its waterfront planning efforts, and this provides an indication of utilization of urban areas. The City should update this analysis as part of its eight-year review of the SMP.

E. Aquatic

1. Purpose
   a. The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.
2. Designation Criteria
   a. An "Aquatic" environment designation will be assigned to shoreline areas waterward of the OHWM.
3. Management Polices

Development within the "Aquatic" environment shall be consistent with the following policies:

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

3.3 Shoreline Use Preferences

3.3.1 Use Preferences

The following order of preference shall be given to uses:

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

(2) Preserve the natural character of the shoreline;

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

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

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

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

(7) Provide for any other element as deemed appropriate or necessary.

Uses that are not consistent with these preferences should not be permitted on shorelines of statewide significance.

In the City of Wenatchee, the Wenatchee River and the Columbia River are Shorelines of Statewide Significance.

3.3.2 Policies

The following management and administrative policies are hereby adopted for this SMP. The City will base decisions administering this SMP in order of decreasing priority of the following policies:

A. Recognize and protect the state-wide interest over local interest.
    1. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating amendments to the Master Program, and any proposed amendments affecting Shorelines of Statewide Significance, to state agencies, affected Tribes, adjacent local governments' officials , citizen's advisory committees, and state-wide interest groups.
    2. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
    3. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
B. Preserve the natural character of the shoreline.
    1. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of human intrusions on shorelines.
    2. Restore, enhance, and/or redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
    3. Protect and restore existing diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
    4. Protect and restore habitats for State-listed "priority species."
C. Support actions that result in long-term benefits over short-term benefits.
    1. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
    2. Preserve resources and values of shorelines of statewide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
    3. Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, and unique environments.
D. Protect the resources and ecology of the shoreline.
    1. All shoreline development should be located, designed, constructed and managed consistent with mitigation sequencing provisions outlined in Section 4.2 to minimize adverse impacts to regionally important wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes and result in no net loss of shoreline ecosystems and ecosystem-wide processes.
    2. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
E. Increase public access to publicly owned areas of the shoreline.
    1. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines, especially those trail corridors that would be a regional recreational and transportation resource.

2. Locate development landward of the OHWM so that access is enhanced and opportunities for access are not precluded.
3. Increase public access opportunities for those with disabilities consistent with the Americans with Disabilities Act.
4. Provide incentives to landowners that provide shoreline public access, such as development incentives, tax reductions, or other measures.

F. Increase recreational opportunities for the public on the shoreline.
   1. Plan for and encourage development of facilities for public recreational use of the shoreline, including facilities for boating, swimming, fishing, and other water-oriented activities.
   2. Reserve areas for lodging and related facilities on uplands with provisions for appropriate public access to the shoreline.

3.3.3 Use Matrix and Development Standards

A. Table 1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process and SMP provisions as its primary use. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.
B. An accessory use shall not be established on a property prior to the establishment of its primary use.
C. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and in accordance with the policies and regulations of this SMP.
D. Any use, development or modification that is listed as a Conditional Use or is an unlisted/unclassified use pursuant to this SMP shall require a Conditional Use Permit. A determination as to whether the Conditional Use also requires a Substantial Development Permit shall be determined in conformance with Chapter 7 of this SMP.
E. Uses and modifications identified as "Permitted" may require either a Substantial Development Permit or may be exempt from the requirement to obtain a Substantial Development Permit, as outlined in Chapter 7, Shoreline Permits, Procedures and Administration. Exempted uses and modifications, however, are not exempt from the Act or this SMP, and must be consistent with the applicable policies and provisions.
F. If any part of a proposed development is not eligible for exemption, then a Shoreline Permit is required for the entire proposed development.
G. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding lot frontage, side setbacks, and height are provided in Table 2. In addition, shoreline developments shall comply with all density, lot area, setback and other dimensional requirements of the city's zoning and subdivision codes.
H. When a development or use is proposed that does not comply with the shoreline buffer, lot frontage, side yard setback, and other dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a Variance. Departures from the maximum height limit shall be subject to approval of a Shoreline Conditional Use Permit consistent with Section 5.1.2.

I. When locating a use in the aquatic environment, if the adjacent upland shoreline environment designation contains more restrictive standards for the same use, the most restrictive standard shall apply, see Table 1.

J. The permit processes indicated below for each use or modification applies to new, expanded, modified or replacement uses and modifications. In addition, the following also applies:

1. For those uses and modifications that meet one of the exemptions outlined in Section 7.6.3, Exemptions; a Shoreline Permit is not required if Table 1 indicates "P."
2. If "C" is listed for the use or modification, that use or modification requires a Conditional Use Permit regardless of exemption criteria.
3. Those structures installed to protect or restore ecological functions, such as woody debris installed in streams, may be processed as a Substantial Development Permit. See Section 4.5.2, 4.2.2., and Appendices B and C for what it means to restore ecological function.
4. When the use is also commercial, it is also subject to Commercial use standards and matrix allowances.

TABLE 1 SHORELINE USE AND MODIFICATION MATRIX FOR THE CITY OF WENATCHEE.

The chart is coded according to the following legend: P = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use ~ = Prohibited; the use is not eligible for a Variance or Conditional Use Permit (-) = Subject to use limitations in Chapter 5; otherwise prohibited n/a = This use is not applicable in the corresponding environment designation	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Park**	**High Intensity**	**Aquatic**
Resource Uses					
Agriculture	P	P	~	P	~
Aquaculture	C	~	~	P	P
Forest Practices	~	~	~	~	~
Mining					
Upland mining outside or inside of CMZ/ floodplain	~	~	~	~	~
In-water mining (commercial)	~	~	~	~	~
In-water mining (recreational)	~	~	~	~	~
Boating Facilities: Marinas and Boat Launches					
Joint use docks	~	~	~	~	~
Community piers/ docks	~	~	P	P	P
Marinas and commercial piers/ docks	P	~	P	P	P
Public boat launch	P	C	P	P	P
Commercial boat launch	C	~	P	P	P

The chart is coded according to the following legend: P = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use ~ = Prohibited; the use is not eligible for a Variance or Conditional Use Permit (-) = Subject to use limitations in Chapter 5; otherwise prohibited n/a = This use is not applicable in the corresponding environment designation	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Park**	**High Intensity**	**Aquatic**
Private community boat launch	C	C	C	C	C
Breakwaters/jetties/rock weirs/groins	C	C	C	C	C
Commercial Uses					
Water-oriented uses					
Mixed use residential	~	~	P	P	~
Mixed use commercial	~	~	P	P	~
Commercial Development	~	~	P	P	~
Non-water-oriented uses					
Commercial Development	~	~	P(-)	P(-)	~
Mixed use commercial	~	~	P(-)	P(-)	~
Mixed use residential	~	~	P(-)	P(-)	~
Dredging and dredge materials disposal					
Dredging	n/a	n/a	n/a	n/a	P(-)
In-water disposal	n/a	n/a	n/a	n/a	C
Upland disposal outside of CMZ/ floodplain	C	P	P	P	~

The chart is coded according to the following legend: P = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use ~ = Prohibited; the use is not eligible for a Variance or Conditional Use Permit (-) = Subject to use limitations in Chapter 5; otherwise prohibited n/a = This use is not applicable in the corresponding environment designation	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Park**	**High Intensity**	**Aquatic**
Upland disposal inside of CMZ/ floodplain	C	C	C	C	~
Fill					
Upland outside of CMZ/ floodplain	P	P	P	P	~
Upland inside of CMZ/ floodplain	C	C	C	C	~
Ecological restoration	P	P	P	P	P
Fill waterward of the ordinary high water mark	n/a	n/a	n/a	n/a	C
Industrial Uses					
Water-dependent Industrial Development	~	~	~	P	C
Water-related Industrial Development	~	~	~	P	~
Non-water-oriented uses	~	~	~	P(-)	~
Institutional/Public Facility	C	C	P	P	~
Essential Public Facilities	P	P	P	P	P
In-Water Structures	n/a	n/a	n/a	n/a	P
Recreational Uses					
Boat Clubs	P	~	P	P	~

The chart is coded according to the following legend: P = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use ~ = Prohibited; the use is not eligible for a Variance or Conditional Use Permit (-) = Subject to use limitations in Chapter 5; otherwise prohibited n/a = This use is not applicable in the corresponding environment designation	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Park**	**High Intensity**	**Aquatic**
Managed open space, parks	P	P	P	P	~
Natural open space	P	P	P	P	P
Recreational vehicle parks	~	~	P	P	~
Residential Uses					
Single-family	P	P	~	~	~
Multi-family, duplex or attached dwelling units	~	P	~	P	~
Manufactured/ Mobile Home Park	~	P	~	P	~
Over-water, Floating, Liveaboards	~	~	~	~	~
Shoreline habitat and natural systems enhancement projects	P	P	P	P	P
Shoreline Stabilization					
Hard structural shoreline stabilization	C	~	C	C	C
Soft structural shoreline stabilization	P	~	P	P	P
Flood Hazard Reduction					
Dikes, levees	C	C	C	C	~

The chart is coded according to the following legend: P = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use ~ = Prohibited; the use is not eligible for a Variance or Conditional Use Permit (-) = Subject to use limitations in Chapter 5; otherwise prohibited n/a = This use is not applicable in the corresponding environment designation	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Park**	**High Intensity**	**Aquatic**
Transportation and Parking					
Local and Regional Transportation	P(-)	P(-)	P(-)	P(-)	C
Transportation facilities serving a specific approved use	P	P	P	P	C
Parking facilities serving a specific approved use	C	C	P	P	~
Parking	~	~	~	~	~
Utilities					
Small Facility	P	P	P	P	C
Large Facility	P	P	P	P	C

TABLE 2 SHORELINE DEVELOPMENT STANDARDS MATRIX FOR THE CITY OF WENATCHEE.

Standard Note: All dimensions are in feet. n/a = not applicable	**Urban Conservancy**	**Shoreline Residential**	**Waterfront Park**	**High Intensity**	**Aquatic**
Shoreline Lot Frontage Minimum[a]	60	45	0	0	n/a

Standard Note: All dimensions are in feet. n/a = not applicable	Urban Conservancy	Shoreline Residential	Waterfront Park	High Intensity	Aquatic
Side Yard Setback Minimum[b]	5	5	0	0	n/a
Height Limit Maximum[c]	35	30/60[d]	50	90	35

[a] Shoreline frontages are based on the zoning code, though some of the underlying zones do not have lot width standards. 60 feet is based on the Residential Moderate lot width, and 45 feet is based on the Residential High standard. The City's shorelines are unlikely to see much new subdivision activity.

[b] The City's residential side setbacks generally range from 5 to 6 feet in the zoning code, except in the Waterfront Mixed Use zone they are zero.

[c] The City believes there are overriding considerations and that few residences would be affected by a greater height in certain areas of the City's Shoreline (See Height regulations in Section 5.1.2 and see Appendix G: Inventory and Assessment and Appendix G: Height Analysis – Figure 1).

[d] The lower range applies to single-family dwellings while the upper range applies to multi-family developments.

4 GENERAL POLICIES AND REGULATIONS

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

Each section includes policies and regulations. Policies are statements of principles that guide and determine present and future decisions. Regulations are rules that govern developments, uses, or activities.

Shoreline application requirements are found in Chapter 7 of this SMP. Chapter 4 may contain specific submittal requirements that must accompany certain applications.

4.1 Archaeological and Historic Resources

4.1.1 Policies

A. Preservation, Restoration, Education. Whenever possible, archeological or historic sites should be permanently preserved for scientific study and public observation.
B. Impact Avoidance. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and the Washington State Department of Archaeology and Historic Preservation, or that have been inadvertently uncovered.

C. Any proposed site development and/or associated site demolition work should be planned and carried out so as to avoid impacts to the cultural resource or to provide appropriate mitigation.
D. Consultation. Consultation with professional archaeologists and historians is encouraged to identify areas containing potentially valuable archaeological data, and to establish procedures for salvaging data. Appropriate agencies to consult include, but are not limited to, the Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Colville Reservation, and the Washington State Department of Archaeology and Historic Preservation (DAHP).
E. Adjacent Cultural Site. If development or demolition is proposed abutting an identified historic, cultural or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.

4.1.2 Regulations

A. An archaeological resource site inspection and/or evaluation is required by a professional archaeologist in coordination with affected Indian Tribes where known archaeological resources are present. Properties near a site known to contain historic, cultural, or archaeological resource(s) shall require a cultural resource site assessment.
B. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC, as well as the provisions of this Master Program.
C. Uncovered Archaeological Resources. Developers and property owners shall immediately stop work and notify the City of Wenatchee, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.
D. If a cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeological or historic preservation professional. In addition, a permit or other requirements administered by the Washington State Department of Archaeology and Historic Preservation pursuant to RCW 27.44 and RCW 27.53 may apply.

4.2 Ecological Protection and Critical Areas

4.2.1 Policies

A. No net loss of ecological functions. Shoreline use and development should prevent or mitigate adverse impacts, assure no net loss of ecological functions and processes relative to the existing condition, protect critical areas designated in Appendix B of this SMP and protect established shoreline buffers in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.
B. Evaluating potential for adverse impacts. In assessing the potential for new uses and developments to cause adverse impacts on ecological functions or processes, the City should take into account all of the following:
    1. Effects on ecological functions and ecosystem processes; and
    2. Effects that occur on-site and effects that may occur off-site; and

3. Short-term effects and long-term effects; and
4. Direct effects of the project and indirect effects; and
5. Individual effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
6. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.

C. Development standards should protect functions. Development standards for density, shoreline frontage, buffers, impervious surface, shoreline stabilization, vegetation conservation, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Shoreline Administrator should consider expected impacts associated with proposed shoreline development when assessing compliance with this policy.

4.2.2 Regulations

A. Identification and Analysis: All projects shall identify the ecological functions associated with and in the vicinity of the subject property (200 feet or extent of the adjoining critical area), including but not limited to critical areas and fresh water habitat. And, analyze potential adverse impacts to identified ecological functions. As part of the analysis of potential impacts, the applicant shall apply mitigation sequencing. In accordance with Appendix B, Critical Area Regulations, the applicant is required to coordinate with the city prior to application submittal and onsite development in order to determine the potential presence of critical areas and to prepare any required studies and plans

B. Mitigation sequencing. Applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines in the following sequence of steps listed in prioritized order:
   1. Avoiding the impact altogether by not taking a certain action or parts of an action;
   2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
   3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
   4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
   5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
   6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

C. Mitigation and Management Plan. Mitigation shall be required for all projects within shoreline jurisdiction that have adverse impacts resulting in a net loss of ecological functions, including those waterward of the OHWM. The following standards apply to projects that adversely impact any ecological function:

1. Where impacts to shoreline ecological functions are identified or proposed and after mitigation sequencing has been applied, mitigation shall be designed and documented in a mitigation and management plan to result in no net loss of ecological functions.
2. In determining the extent and type of mitigation appropriate for the development, the plan shall evaluate the ecological processes that affect and influence critical area structure and function within the watershed or sub-basin; the individual and cumulative effects of the action upon the functions of the critical area and associated watershed; and note observed or predicted trends regarding specific wetland types in the watershed, in light of natural and human processes.
3. Mitigation and management plans shall be prepared by a qualified professional with expertise in the effected ecological function, as defined by the SMP.
4. The mitigation and management plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the affected ecological functions, critical area or buffer.
5. Mitigation and management plans shall, at minimum, describe the following in detail:
   i. The existing and anticipated post-project conditions; and
   ii. The ecological functions impacted with the corresponding development action; and
   iii. The proposed actions that will ensure no net loss of identified ecological functions prior to mitigation; and
   iv. How mitigation sequencing was applied; and
   v. How the mitigation proposed will ensure no net loss of ecological functions to the maximum extent practicable; and
   vi. A mitigation and management plan should include a site maps and drawings that identify the above items discussed in i-v above. The site maps and drawings should follow the same requirements identified in the JARPA application guidance for site maps and drawings; and
   vii. A detailed discussion of surface and subsurface hydrologic features both on and adjacent to the site where the review authority determines appropriate; and
   viii. A description of the vegetation in the critical area, buffer or associated with the effected ecological function on the overall project site and adjacent to the site; and
   ix. A discussion of any federal, state or local management recommendations which have been developed for the species or habitats in the area; and
   x. A plan which explains how any adverse impacts created by the proposed development will be mitigated to ensure no net loss of ecological function; and
   xi. Where the provisions of Appendix B, Critical Area Regulations of this SMP or Section 4.5 Vegetation Conservation and Shoreline Buffers apply, a specific discussion of conformance with those standards and inclusion of any required studies as a component of the mitigation and management plan; and

xii. A detailed discussion of on-going management practices which will protect the ecological functions, critical area or buffer after the project site has been fully developed, including monitoring, contingency, maintenance and surety programs as provided for in Section 4.2.2C(14), Performance Standards; and

xiii. A narrative which addresses Section 4.2.2C(2-4).

6. Mitigation measures specified in the mitigation plan shall be maintained over the life of the use and/or development. Additionally, mitigation within designated critical areas and buffers is subject to the requirements of Appendix B, Critical Area Regulations.
7. Where opportunities to mitigate in kind and on site are not available or adequate, the mitigation and management plan may include off-site or out-of-kind mitigation, or a fee in lieu restoration. A fee in lieu maybe assessed through SEPA or RCW82.02.020 where appropriate. When off-site mitigation is proposed, projects included in the Restoration Plan found in Appendix C of this SMP shall be considered first.
8. All mitigation and management plans shall identify and permanently protect mitigation by means of a conservation easement or similar legal instrument that identifies the mitigation (such as an approved mitigation and management plan diagram/site plan) and is recorded with the County Auditor.
9. When a mitigation and management plan for approval of a buffer reduction is required, applicants must record a notice to title of the final plan and corresponding City permit number, in a form acceptable to the City and recorded with the County Auditor.
10. Alternative mitigation. Applicants may submit an alternative mitigation and management plan that demonstrates how an alternative mitigation approach meets the no net loss of ecological functions standard for the impacted ecological functions and critical areas. At a minimum, mitigation and management plans must contain information about existing and anticipated post-project conditions with a discussion of how the alternative mitigation approach is consistent with best available science, the SMA and this SMP.
11. Location of mitigation. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. Offsite mitigation within the watershed may be authorized if it would have a greater positive impact on ecological functions as demonstrated by an analysis of the Shoreline Restoration Plan and applicable provisions that may be in a WRIA or comprehensive resource management plans applicable to the area of impact.
    i. The City may accept previous restoration actions that meet the provisions established in the mitigation option chart, provided the previous action was: voluntary, occurred on the site within the previous five years and after the effective date of this SMP, and that all other provisions are completed. Mitigation shall be designed and documented in a mitigation and management plan per section 4.2.2(C). The reduction allowance for previously completed actions may only be applied once on the subject property. Mitigation credit for prior restoration activities shall be

determined upon application for the impacting project, and shall at a minimum, be commensurate with the proposed level of impact unless additional compensatory mitigation is provided.

ii. Previous actions (meeting measures identified in Table 3: Shoreline Mitigation Options) and mitigation measures may not be applied if they are required by federal, state, or the City either through specific regulation or as mitigation or are offered as mitigation for other actions or impacts.

12. Compensatory mitigation ratios. Compensatory mitigation shall be used when impacts to wetlands, aquatic habitat, shoreline or fish and wildlife habitat conservation area buffers are unavoidable. Compensatory mitigation shall restore, create rehabilitate or enhance equivalent or greater ecological functions. Minimum requirements for wetland compensatory mitigation are established in Appendix B, Critical Area Regulations. Onsite mitigation ratios, (mitigation amount:disturbed area), shall be at a minimum ratio of 1:1 for development within aquatic habitat and shoreline buffers. A ratio of 2:1 shall apply to native vegetation removal within those areas.

13. Mitigation for diverse, high quality habitat or offsite mitigation may require a higher level of mitigation. Minimum mitigation ratios have been established for tree removal under Section 4.5 Vegetation and Conservation and Shoreline Buffers. Mitigation and management plans shall evaluate the need for a higher mitigation ratio on a site by site basis, dependent upon the ecological functions and values provided by that habitat. Recommendations by resource agencies in evaluating appropriate mitigation shall be encouraged.

14. Performance Standards. The following performance standards shall apply to compensatory mitigation projects:

i. The mitigation site shall be maintained to ensure the management and mitigation plan objectives are successful. Maintenance shall ensure 100% survival after the first year and 80% survival during the following 4 years, for each canopy layer, (i.e. herb, shrubs/small trees, and trees).

ii. Mitigation must be installed no later than the next growing season after completion of site improvements, unless otherwise approved by the Administrator.

iii. Where necessary, a permanent means of irrigation shall be installed for the mitigation plantings that are designed by a landscape architect or equivalent professional, as approved by the Administrator. The design shall meet the specific needs of the native vegetation.

iv. Monitoring reports by a qualified professional must include verification that the planting areas have less than 20% total non-native /invasive plant cover consisting of exotic and/or invasive species. Exotic and invasive species may include any species on the state noxious weed list, or considered a noxious or problem weed by the Natural Conservation Services Department or local conservation districts. Site monitoring visits shall be completed between the time periods of June 1st - September 15th.

v. Onsite monitoring and monitoring reports shall be submitted to the City of Wenatchee Community and Economic Development Department 1 year after

mitigation installation; 3 years after mitigation installation; and 5 years after mitigation installation. The length of time involved in monitoring and monitoring reports may be increased by the Administrator for a development project on a case-by-case basis when longer monitoring time is necessary to establish or re-establish functions and values of the mitigation site. Monitoring reports shall be submitted by a qualified professional. The qualified professional must verify that the conditions of approval and provisions in the mitigation and management plan have been satisfied.

vi. Mitigation sites shall be maintained to ensure that the mitigation and management plan objectives are successful. Maintenance shall include corrective actions to rectify problems, include rigorous, as-needed elimination of undesirable plants; protection of shrubs and small trees from competition by grasses and herbaceous plants, and repair and replacement of any dead plants. If mitigation plantings are disturbed by beaver, corrective action will require the use of materials and approaches consistent with recommendations from the Washington State Department of Fish and Wildlife, WDFW.

vii. Sequential release of funds associated with the surety agreement shall be reviewed for conformance with the conditions of approval and the mitigation and management plan. Release of funds may occur in increments of 1/3 for substantial conformance with the plan and conditions of approval. Verification of conformance with the provisions of the mitigation and management plan and conditions of approval after 1 year of mitigation installation shall also allow for the full release of funds associated with irrigation systems, clearing and grubbing and any soil amendments. If the standards that are not met are only minimally out of compliance and contingency actions are actively being pursued by the property owner to bring the project into compliance, the City may choose to consider a partial release of the scheduled increment. Non-compliance can result in one or more of the following actions: carry over of the surety amount to the next review period; use of funds to remedy the nonconformance; scheduling a hearing with the Hearing Examiner to review conformance with the conditions of approval and to determine what actions may be appropriate.

D. Prior to site development and or building permit issuance, a performance surety agreement in conformance with Chapter 7 of this SMP, must be entered into by the property owner and the City of Wenatchee. The surety agreement must include the complete costs for the mitigation and monitoring which may include but not be limited to: the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and 3 monitoring visits and reports by a qualified professional, including Washington State Sales Tax. The City of Wenatchee must approve the quote for said improvements. Cumulative effects.

1. In review of applications for Shoreline Conditional Use Permits and Shoreline Variances, the City shall consider the cumulative impacts of individual uses and developments, including preferred uses and uses that are exempt from permit requirements, when determining whether a proposed use or development could cause a net loss of ecological functions. The geographic scope of the analysis shall include the shoreline waterbody potentially affected by the proposal within the bounds of the City's geographic authority, unless the Shoreline Administrator determines that a larger or smaller area of analysis is appropriate.

2. The City shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.
3. Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:
    a. Current ecological functions and human factors influencing shoreline natural processes; and
    b. Reasonably foreseeable future use and development of the shoreline; and
    c. Beneficial effects of any established regulatory programs under other local, state, and federal laws; and
    d. Mitigation measures implemented in conjunction with the proposed project must avoid, reduce, and/or compensate for adverse impacts.
4. The City shall add conditions as needed based on the findings of 1 – 3 above to address any adverse cumulative effects, and may prohibit any use or development that would result in unmitigated adverse cumulative impacts.

E. Restoration is not required. Developments shall not be required to provide mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and will not have a significant adverse impact on other shoreline functions fostered by the policy of the Act unless an impaired ecological function identified in the Inventory and Assessment Analysis in Appendix G is impacted.

F. Protection of critical areas and buffers. Any critical areas found within shoreline jurisdiction, such as wetlands, frequently flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas, shall be regulated by applicable provisions of this SMP and Appendix B, Critical Areas Regulations. Critical area and buffers located outside of shoreline jurisdiction are not regulated by this SMP, including Appendix B.

G. Shoreline Mitigation Options. When a mitigation and management plan is required, plan elements may include one or more of the mitigation options provided in the chart below to achieve an equal or greater protection of ecological functions as determined by a qualified professional.

TABLE 3 SHORELINE MITIGATION OPTIONS

Table 3 Shoreline Mitigation Options	
Water Related Conditions or Actions	
1	Presence of non-structural or soft structural shoreline stabilization measures located at, below, or within 5 feet landward of the OHWM along a percent of the linear shoreline frontage of the subject property. This can include the removal of an existing hard structural shoreline stabilization measure and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography and substrate composition. If this option is selected, the applicant is not eligible for future hard structural shoreline stabilization.
2	Opening and restoring of previously piped on-site watercourse with a native planted buffer on both sides of the stream and must not encumber adjacent properties without express written permission of the adjacent property owner. A qualified professional must

Table 3	Shoreline Mitigation Options
	design opened watercourses to support the length and width of the proposed open watercourse.
3	Existing hard structural shoreline stabilization measures are setback from the OHWM more than five (5) feet and/are sloped at a maximum 3 vertical (v): 1 horizontal (h) angle to provide dissipation of wave energy and increase the quality or quantity of near shore habitat.
4	Install large woody debris, plant and maintain aquatic emergent vegetation, or restore aquatic substrate depending on the site's particular ecological condition and needs.
5	Implement any other enhancement measure indicated by the Shoreline Restoration Plan, to an extent proportional to the proposed project's impacts.
Upland Related Conditions or Actions	
6	Develop and implement a City-approved shoreline native vegetation enhancement plan. The City may approve, on a case by case basis, enhancement plans that include the removal of terrestrial and aquatic invasive species provided that best management practices are taken to control erosion and minimize exposure of toxic materials.
7	Installation of pervious material for a percent of all new pollution generating surfaces such as driveways, parking or private roads that allows water to pass through at rates similar to pre-developed conditions.
8	Restoring or preserving native vegetation for a percent of the total lot area remaining outside of the reduced buffer, the developed footprint, and any critical areas and their associated buffers.
9	Implement any other enhancement measure indicated by the Shoreline Restoration Plan, to an extent proportional to the proposed project's impacts.

4.3 Flood Hazard Reduction

The following provisions apply only in shoreline jurisdiction to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as shoreline buffers, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Although some flood hazard reduction measures may serve a dual function as shoreline stabilization, their primary purpose is to control the location of flood waters directly. Alternatively, the primary purpose of shoreline stabilization measures is to prevent erosion of land from currents and waves originating in the shoreline waterbody (rather than upland sources of erosion), which is a more indirect control of the location of flood and non-flood water. Shoreline stabilization is addressed in Section 5.16.

The City of Wenatchee implements flood hazard reduction through the following means:

- Plans and Policies: Growth Management Act comprehensive plans, Multi-Jurisdiction Natural Hazard Mitigation Plan, watershed plans, and channel migration zone plans have been developed by Chelan County, the Cities, and other agencies and address flood hazard reduction policies, programs, restoration actions, and other capital improvements.
- Regulations: critical area, floodplain and stormwater regulations.

4.3.1 Policies

A. Implement flood hazard plans and regulations. The City should ensure public and private development applications site and design flood control measures consistent with appropriate engineering principles, including guidelines of the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, Chelan County Multi-Jurisdiction Natural Hazard Mitigation Plan, watershed plans, channel migration zone plans, restoration plans, critical area regulations, floodplain regulations, and stormwater management plans and regulations in order to prevent flood damage, maintain the natural hydraulic capacity of floodways, and conserve limited resources such as fish habitat, water, and soil.

B. No net loss of ecological functions. Flood protection measures should result in no net loss of ecological functions and ecosystem-wide processes associated with rivers, streams and lakes. Cumulative impacts associated with flood protection measures should be considered.

C. Non-structural methods preferred. Where feasible, non-structural methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural flood control works. Non-structural methods may include, but are not limited to, shoreline buffers, land use controls, use relocation, wetland restoration, dike removal, biotechnical measures, stormwater management programs, land or easement acquisition, voluntary protection and enhancement projects, or incentive programs.

D. Avoid structural flood control works. New or expanding development or uses in shoreline jurisdiction, including subdivision of land, that would likely require structural flood control works, such as dikes, levees, revetments, floodwalls, channel realignment, gabions or rip-rap, within a river, channel migration zone, floodway, or lake should not be allowed.

E. When non-structural flood control is infeasible. New structural flood control works should only be allowed in shoreline jurisdiction when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development or mitigate or resolve existing stormwater problems, that impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, that appropriate vegetation conservation actions are undertaken, and where non-structural flood hazard reduction measures are infeasible.

F. Bioengineered flood control works. The City should facilitate returning river and stream corridors to more natural hydrological conditions. Unless otherwise determined infeasible by federal or state agencies with permit authority or by the Shoreline Administrator, flood control works should be bioengineered to enhance ecological

functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management.

G. Avoid damage to other properties. Flood control works and shoreline uses, development, and modifications should be located, designed, constructed and maintained so their resultant effects on geo-hydraulic shoreline processes will not cause significant damage to other properties or shoreline resources, and so that the physical integrity of the shoreline corridor is maintained.

4.3.2 Regulations

A. Avoid increase in flood hazards. Development in floodplains within shoreline jurisdiction shall, consistent with adopted flood hazard plans and regulations, avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with all City of Wenatchee regulations including critical areas regulations (SMP Appendix B), stormwater regulations (Section 4.6), in-water structure regulations (Section 5.6), as well as guidelines of the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, and the Multi-Jurisdiction Natural Hazard Mitigation Plan

B. Channel migration zone (CMZ) Maps.
   1. Channel migration zone maps are included in Appendix E of this SMP. These maps show complete coverage of shoreline waterbodies in the City of Wenatchee that have potential for channel migration within shoreline jurisdiction. These maps shall be utilized in shoreline application reviews.
   2. Applicants for shoreline development or modification may submit a site-specific channel migration zone study if they do not agree with the mapping in Appendix E.

C. Documentation. Documentation of alternate channel migration zone boundaries may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification.

D. Uses and activities authorized in floodway or CMZ. The following uses and activities may be authorized in shoreline jurisdiction where appropriate and/or necessary within the channel migration zone (CMZ) or floodway:
   1. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
   2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
   3. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
   4. Bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs and the long-term maintenance or repair costs are not significantly different between options inside or outside of the floodway or channel migration zone. For the purposes of this section "unreasonable and disproportionate" means that locations outside of the floodway or channel migration zone would add more than 20% to the total project cost.

5. Repair and maintenance of an existing legally established use or structure, provided that channel migration is not further limited, or flood hazards to other uses increased, and provided that such actions do not cause significant ecological impacts.
6. New development in incorporated municipalities and designated urban growth areas, as defined in Chapter 36.70A RCW, located upland of existing structures that prevent active channel movement and flooding .
7. Modifications or additions to an existing nonagricultural legal use provided that channel migration is not further limited and provided that such actions do not cause significant ecological impacts.
8. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.

E. Structural flood hazard reduction measures. New structural flood hazard reduction measures in shoreline jurisdiction shall be allowed only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with this SMP. Structural flood hazard reduction measures shall be consistent with the City's comprehensive flood hazard management plan and/or Multi-Jurisdiction Natural Hazard Mitigation Plan.

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

G. New development and subdivisions. New development or subdivisions in shoreline jurisdiction shall only be approved when it can be reasonably foreseeable that the development or use would not require structural flood hazard reduction measures to be implemented within the channel migration zone or floodway during the life of the development or use consistent with the following:
   1. Floodway: New development and subdivisions shall be subject to applicable floodway regulations in Appendix B.
   2. Channel Migration Zone: New development and subdivision in shoreline jurisdiction on lots containing channel migration zones shall also be subject to Appendix B, Critical Areas Regulations for geologically hazardous areas, and Appendix E, Channel Migration Zone Maps.
      a. New development in the channel migration zone within shoreline jurisdiction is allowed subject to:
         i. Structures are located on an existing legal lot created prior to the effective date of this SMP.;

ii. A feasible alternative location outside of the channel migration zone is not available on-site; and

iii. To the extent feasible, the structure and supporting infrastructure is located the farthest distance from the OHWM, unless the applicant can demonstrate that an alternative location is the least subject to risk.

b. New subdivisions in the channel migration zone within shoreline jurisdiction may be approved subject to the following design standards:

i. Each lot created within the subdivision shall contain five-thousand square feet or more of buildable land either outside of the channel migration zone or inside the channel migration zone but outside of areas that might require new structural flood hazard protection measures; for the purposes of this section, buildable means capable of supporting a dwelling and necessary associated accessory structures and improvements such as access and septic facilities. Channel migration zone areas can be included in total lot area required by zoning provided the buildable area meets the criteria specified above.

a) Open Space Lots or Tracts: Open space lots or tracts are not subject to the minimum lot size in Section (1) above.

b) Boundary Line Adjustments: Boundary line adjustments in a channel migration zone shall not result in a lot, tract or parcel smaller than the minimum size required by the zoning and subdivision code and this SMP; provided that whenever any one or more lots involved in the proposed adjustment are smaller than the allowable minimum size, the change may be approved so long as the adjustment does not increase the existing nonconformity in consideration of applicable regulations and standards.

ii. Access to all lots that must cross the channel migration zone in shoreline jurisdiction shall be consolidated in a single location, and shall be accomplished using measures that have the least adverse impact on channel migration, such as a bridge; and

iii. All other infrastructure is located outside the channel migration zone except infrastructure may be allowed in the channel migration zone if feasible alternative location is not available on-site and the infrastructure is located the farthest distance from the OHWM.

H. The removal of gravel for flood control is only allowed if biological and geomorphological study demonstrates a long term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.

4.4 Public Access

4.4.1 Policies

A. Types of public access. Public access includes both physical and visual approaches to shorelines. Scattered, small access points with low levels of alteration are preferred by

some recreationalists for certain uses (e.g., fishing), but not others (e.g., RV camping, swim beaches, picnicking, event facilities).

B. Increase public access where appropriate. The City should seek to increase the amount and diversity of public access to shorelines consistent with shoreline public access plans, the natural shoreline character, property rights, public rights under the Public Trust Doctrine[1], and public safety.

C. Priorities. Public access should be maintained, enhanced, and increased in accordance with the following priorities unless found infeasible or unconstitutional:
   1. Maintain existing public access sites and facilities, rights of way, and easements.
   2. Provide new or enhance existing public access opportunities on existing public lands and easements.
   3. Acquire property or easements to add public access opportunities to implement adopted public access plans and/or to recognize opportunities to protect areas that hold unique value for public enjoyment.
   4. Encourage public access and public view corridors to shorelines as part of shoreline development activities.

D. Findings. The City should require public access in private development projects where the City can demonstrate nexus, proportionality and reasonable necessity for the public access requirement.

E. Implementation. The City should implement the shoreline public access plan contained in Appendix F to meet growing resident and tourist populations. Implementation strategies should address public access and recreation standards and a capital improvement program. The City should periodically review the shoreline public access plan, at a minimum every eight years. (RCW 90.58.080)

F. Public access exceptions. Public access should not be required where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

G. Willing property owners. Local governments and other agencies should seek willing property owners to participate in public access projects, such as through voluntary agreements such as conservation easements and trail easements.

H. Respect private property. Public access does not include the right to enter upon or cross private property, except on dedicated public rights-of-way or easements or where development is specifically designed to accommodate public access. The design of public access should minimize potential impacts to private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, and may be achieved by providing signage, adequate space, and/or through screening with landscape planting or fences.

I. Safety and environment. Public access should be designed consistent with public safety objectives. Public access design should also conserve or protect natural amenities. Where public access is determined to be incompatible due to reasons of safety, security, or impact to the shoreline, the proponent should consider alternate methods of

[1] The "public trust doctrine" is a common law principle holding that "the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses." While the doctrine "protect(s) public use of navigable water bodies below the ordinary high water mark," the doctrine "does not allow the public to trespass over privately owned uplands to access the tidelands." See: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/public_trust.html.

providing public access, such as offsite improvements, viewing platforms, separation of uses through site planning and design and restricting hours of public access. Off-site public access improvements may be allowed if such improvements would provide a greater public benefit and reduce safety and environmental impacts.

J. Visual access. As views to shorelines contribute to quality of life, tourism economy, and property values, the following should be considered:
   1. The City of Wenatchee should provide visual access to the water whenever possible by developing viewpoints where the topography prevents direct access.
   2. New development should consider the following:
      a. Views from Public Properties and Significant Numbers of Single Family Dwellings: Flexible development standards, such as height, bulk, scale, setbacks, lighting, and view corridors, should be established to assure preservation of unique, fragile, and scenic elements and to protect existing views from public property or large numbers of residences, particularly where development would exceed three stories in height.
      b. Private views of the shoreline are not expressly protected, particularly when development is less than 35 feet in height. Property owners concerned with the protection of views from private properties are encouraged to obtain view easements, purchase intervening property, or seek other means of minimizing view obstruction.

K. Roads, streets, and alleys abutting bodies of water. Roads, streets, and alleys abutting bodies of water should be preserved, maintained, consolidated enhanced, and/or created for public access. Vacations of roads, streets, and alleys should be discouraged and only allowed in strict compliance with RCW 35.79.035 (Streets and Alleys).

L. Accessibility. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.

M. Waterfront Area. The City of Wenatchee should recognize that the Wenatchee waterfront is a unique regional recreational resource and enhance waterfront activities and amenities specifically related to the shoreline environment.

N. Waterfront Subarea Plan. The City of Wenatchee should implement the adopted Waterfront Sub Area Plan policies and projects for parks, trails, and public access.

O. Waterfront Park. The City of Wenatchee should protect the environmental integrity of the waterfront trail and park. Specifically:
   1. Minimize the loss of open space and landscaped areas within the park.
   2. Expand and improve the waterfront trail, where necessary, to support usage and minimize conflicts between different types of users.
   3. Design park improvements to complement and enhance surrounding park features.

4.4.2 Regulations

A. The City's shoreline public access plan provides for a connected network of parks and open space connected by trails. The City's public access planning process provided in Appendix F provides more effective public access than individual project requirements for public access. The City shall review shoreline developments for consistency with the Shoreline Public Access Plan in Appendix F.

B. Public Access. Where existing public access is not consistent with the Shoreline Public Access Plan, shoreline public access shall be required for the following types of shoreline land uses and activities:
   1. Shoreline recreation pursuant to Section 5.13;
   2. New structural public flood hazard reduction measures, such as dikes and levees;
   3. Shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts; and
   4. New marinas when water-enjoyment uses are associated with the marina.
   5. Residential subdivisions creating five or more lots or multifamily developments of five or more units;
   6. Nonwater-oriented commercial uses; and/or
   7. Nonwater-oriented industrial uses.

C. Exceptions: Public access shall not be required for applicant(s)/proponent(s) that demonstrate to the satisfaction of the City at least two of the following criteria are met and that alternatives have been considered per criteria 7.
   1. The development consists of less than five dwellings or lots;
   2. Unavoidable health or safety hazards to the public exist and cannot be prevented by any practical means;
   3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
   4. Significant environmental impacts will result from the public access that cannot be mitigated;
   5. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated;
   6. The subject site is separated from the shoreline waterbody by intervening public or private improvements such as highways, railroads, existing structures, or similar significant intervening improvements;
   7. Except in the case of 1 and 6 above, all feasible alternatives have been exhausted, including, but not limited to:
      a. Where physical access is not feasible, providing for visual access instead;
      b. Regulating access by such means as limiting hours of use to daylight hours;
      c. Designing separation of uses and activities, i.e., fences, terracing, hedges, landscaping, signage, etc.; or
      d. Provision of an off-site public access or a fee-in-lieu pursuant to Section D below that allows public access at a site physically separated from, but capable of serving the proposal.

D. Off-site Public Access or Fee-in-Lieu.
   1. Off-site public access may be permitted by the City where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, or feasibility are present. Off-site public access may be visual or physical in nature. Off-site public access may include, but is not limited to, enhancing a nearby public property (e.g. existing public recreation site; existing public access; road, street or alley abutting a body of water; or similar) in accordance with City standards; providing, improving or enhancing public access on another property under the control of the applicant/proponent; or another equivalent measure.

2. Instead of on-site or off-site public access improvements, the City may require or an applicant may propose a fee-in-lieu. A fee-in-lieu may be assessed through the SEPA process or RCW 82.02.020, where appropriate, such as where the off-site improvement is best accomplished by the City at a later date or better implements the City's Shoreline Public Access Plan in Appendix F. The cost of providing the off-site public access shall be proportionate to the total long-term cost of the proposed development. The fee-in-lieu agreements or mitigation measures shall address the responsibility and cost for operation and maintenance.

E. Design Standards. Public access shall be designed in accordance with City of Wenatchee Parks and Recreation Department Park Design Standards and Development Policies. Public Access standards to be used most frequently in shoreline areas are trails. The following are the trail standards anticipated to be used the most:
   1. Primary Trails. A primary trail is paved and has a minimum improved surface width of 10 feet with a one foot clear area on each side of the paved surface.
   2. Pathway. A pathway has a minimum width of four (4) feet.

F. Buffering Private Property. Public access facilities shall be compatible with adjacent private properties through the use of buffering or other techniques to define the separation between public and private space, including by not limited to: natural elements such as logs, vegetation, and elevation separations.

G. Connectivity. Physical public access shall be designed to connect to existing or future public access features on adjacent or abutting properties, or shall connect to existing public rights-of-way, consistent with design and safety standards.

H. Roads, Streets, and Alleys. The City may not vacate any road, street, or alley abutting a body of water except as provided under RCW 35.79.035.

I. Conditions of Approval. The City may condition public access proposals to ensure compatibility with the Shoreline Public Access Plan in Appendix F, compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, and compatibility with adjacent properties. Conditions may include but are not limited to the following:
   1. Use materials appropriate to the character and environmental condition;
   2. Include barrier free designs to meet Americans with Disabilities Act;
   3. Provide auxiliary facilities such as parking, restrooms, refuse containers or other amenities;
   4. Provide landscaping;
   5. Provide signage with the appropriate identification and hours of access;
   6. Establish operation and maintenance responsibilities;
   7. Identify dedication and recording requirements;
   8. Determine timing of public access installation in relation to the construction of the proposal; and
   9. Determine ongoing availability to the public or community for which it is designed.

4.5 Vegetation Conservation and Shoreline Buffers

4.5.1 Policies

A. Conserve shoreline vegetation. Where new developments, uses and/or redevelopments are proposed, shoreline vegetation, both upland and waterward of the OHWM, should

be conserved to maintain shoreline ecological functions and processes. Vegetation conservation and restoration should be used to mitigate the direct, indirect and cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:

1. Providing shade necessary to maintain water temperatures required by salmonids and other organisms that require cool water for all or a portion of their life cycles.
2. Regulating microclimate in riparian and near shore areas.
3. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.
4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence and severity of landslides.
5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase structural diversity for salmonids and other species.
8. Providing habitat elements for riparian-associated and aquatic species, including downed wood, snags, migratory corridors, breeding and rearing sites, food, and/or cover.

A. Shoreline buffers. Regulations for shoreline buffers should be developed consistent with SMA objectives to protect existing ecological functions, accommodate water-oriented and preferred uses, recognize existing development patterns, and minimize creation of non-conforming uses and developments.

B. Native plant list. The City should maintain a list of suggested native plants to be utilized in restoration or mitigation plantings. Property owners may choose species from this list when native plants are desired or required, or may use other native species identified by the Washington Native Plant Society, Washington Department of Natural Resources Natural Heritage Program, Washington Department of Fish and Wildlife, or other agency or entity that has expertise.

C. Noxious and invasive weeds. Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality. Use of non-toxic or natural controls is preferred.

4.5.2 Regulations

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

B. Adverse impacts on vegetation. Adverse impacts to shoreline vegetation are considered to occur when vegetation is removed that would reduce the performance of any of the functions listed in SMP Section 4.5.1.A.

1. For example, the following actions would be considered an adverse impact, except when part of an approved restoration plan:
    a. Removal or alteration of native plant communities in shoreline jurisdiction;
    b. Removal of native or non-native trees that overhang the stream, river or lake shoreline water body;
    c. Removal of native or non-native vegetation on slopes if that vegetation supports maintenance of slope stability and prevents surface erosion; or
    d. Removal of vegetation followed by supplemental grading and alteration of existing drainage patterns.
2. For example, the following vegetation alteration actions would not be considered an adverse impact when they occur outside of a shoreline buffer as established in in this Section below:
    a. Removal of existing lawn, landscaping or other non-native vegetation associated with existing uses, provided any impervious surfaces that replace removed vegetation are infiltrated, treated, and/or detained as necessary to control potential adverse impacts to water quality or quantity;
    b. Removal of vegetation, which doesn't provide an identified function in SMP Section 4.5.1.A, on lots upland of an improved road, railroad or other development , provided any new impervious surfaces that replace removed vegetation are infiltrated, treated, and/or detained as necessary to control potential adverse impacts to water quality or quantity; or
    c. Removal of invasive or noxious plant species.

C. Tree Pruning, Retention, and Removal. To maintain the ecological functions that trees provide to the shoreline environment, the applicant should be encouraged to retain all viable trees within shoreline jurisdiction.
1. Selective pruning of trees for safety is allowed if consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas.
2. Noxious and invasive trees are encouraged to be removed from shoreline jurisdiction and the removal area planted with shoreline appropriate trees and/or other vegetation.
3. Within any shoreline buffer, significant trees shall be retained to the maximum extent possible, except where the tree is dead, diseased, dying or where a healthy tree creates a hazard situation.
    a. Where trees pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional, they may be removed if the hazard cannot be mitigated by topping or other techniques that maintain some habitat function. Stumps should be retained in the ground to provide soil stabilization unless another soil stabilization technique is utilized immediately after stump removal.
4. For removal of a non-hazard significant tree in the shoreline buffer, an approved mitigation and management plan, public access, or view corridor is required.
5. Within shoreline jurisdiction, unauthorized tree activities, including, but not limited to:
    a. Significant trees shall not be removed or topped for the purpose of creating views; or
    b. Clearing, damaging or poisoning resulting in an unhealthy or dead tree; or
    c. Removal of at least half of the live crown; or

d. Damage to roots or trunk that is likely to destroy the tree's structural integrity.

6. Tree removal in shoreline jurisdiction, proposed as part of an approved use or development, shall be minimized through site design and mitigated if the tree removal has an adverse impact as outlined in SMP Section 4.5.2.B. When required and provided that no invasive or noxious trees are allowed, tree replacement shall occur as follows:
   a. Native trees with a similar native tree.
   b. Non-native trees with a native tree or another non-native tree.
   c. Noxious and invasive trees with a native or non-native tree.
7. When tree replacement is required, the following replacement standards are applicable:
   a. A planting plan showing the location, size, and species of the new trees.
   b. The required minimum size of the replacement tree(s) shall be five (5) feet tall for a conifer and 1 ¾ inch caliper for a deciduous or broad-leaf evergreen tree.
   c. All replacement trees in the shoreline buffer must be appropriate to that shoreline area and approved by the shoreline administrator.
   d. Replacement ratios are as follows:

TABLE 4 TREE REPLACEMENT RATIOS

Tree Type removed	Replacement Ratio Required
Invasive, noxious, dead, diseased, dying or hazardous tree	one-for-one replacement
Non-Hazard significant Tree	two-for-one replacement
All other tree removal	one-for-one replacement

D. Non-native vegetation. With the exception of hand removal or spot-spraying of invasive or noxious weeds, the determination of whether non-native vegetation removal may be allowed in a shoreline buffer or critical area buffer must be evaluated in conformance with Section 4.2, Ecological Protection and Critical Areas. Non-native vegetation removal outside of shoreline buffers or critical area buffers does not require mitigation, except as noted under Subsections C and F, but must incorporate necessary erosion control measures.

E. Unauthorized vegetation removal. Vegetation removal within shoreline jurisdiction that is not allowed under this Section and is conducted without the appropriate review and approvals is subject to enforcement provisions in Section 7.13 and requires the submittal and approval of a restoration plan prepared by a qualified professional, and shall be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas and appropriate requirements of Appendix B, Critical Areas Regulations. The restoration plan shall utilize only native vegetation, and shall be designed to compensate for temporal loss of function and address the specific functions adversely impacted by the unauthorized vegetation removal.

F. Private View Corridors. The development or maintenance of view corridors can provide opportunities for visual access to waterbodies associated with privately owned waterfront lots. One view corridor, limited to 25 percent of the width of the lot frontage, or 25 feet, whichever distance is less, may be permitted per privately owned lot, when consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas;

Appendix B, Critical Areas Regulations; and this Section. A mitigation and management plan, as required by section 4.2 Ecological Protection and Critical Areas, must be submitted for review and approval.

1. In addition to the submittal of a complete mitigation and management plan, an applicant must submit the following materials:
    a. A graphic and/or site photos for the entire shoreline frontage which demonstrates that the existing or proposed development does not or will not have a view corridor of the waterbody, taking into account site topography and the location of existing shoreline vegetation on the parcel.
    b. Demonstration that the view corridor will include the existing shoreline physical access corridor to minimize alteration of the shoreline buffer.
2. Corridors must also be consistent with the following standards:
    a. Native vegetation removal shall be prohibited, unless the entire shoreline buffer between the primary structure or use and the shoreline waterbody consists of native vegetation and only when local topography prevents pruning or topping from providing the use or development with a view. Under those circumstances, native vegetation removal may be allowed only as needed to create or maintain the view corridor and provided that the view corridor is located to minimize removal of native trees and shrubs, in that order.
    b. Pruning of native trees shall be conducted by or under the supervision of a qualified professional such that the tree's long-term health shall not be compromised. Native shrubs shall not be pruned to a height less than four (4) feet. Tree topping is discouraged. Pruning of vegetation waterward of the OHWM is prohibited.
    c. Non-native vegetation within a view corridor may be removed when the mitigation and management plan can demonstrate a net gain in site ecological functions, and where any impacts are mitigated.
    d. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.
    e. A view corridor may be issued once for a property. No additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from regrowth. Limitations and guidelines for this maintenance shall be established in the mitigation and management plan.

G. Conflicts with flood hazard reduction measures. The applicant shall submit documentation of conflicting provisions with any shoreline permit applications, and shall comply with all other provisions of this SMP that are not strictly prohibited by certifying or licensing agencies.

H. Establishment of Buffers. The Table below establishes buffers to be measured landward in a horizontal and perpendicular direction to the OHWM of the shoreline waterbody. The following shoreline buffers shall apply to all new development on previously undeveloped sites, changes in use, and modifications of existing development. When environment designations are parallel, the buffer of the waterward environment extends only to the upland edge of that environment. The buffer for the landward environment would apply to uses and modifications in that upland environment. All buffer measurements for all environment designations are measured from the OHWM.

TABLE 5 SHORELINE BUFFERS BY ENVIRONMENT DESIGNATION FOR THE CITY OF WENATCHEE.

Environment Designation	Shoreline Buffer		
Urban Conservancy	100′		
Shoreline Residential	100′		
Waterfront Park	Not applicable on public property – see Section 1 below. This buffer applies to development on private property: 60′		
High Intensity	60′		

[1] See J below for criteria guiding buffer reductions.

I. Waterfront Park Design and Maintenance Standards.

1. In recognition of the existing condition of current shoreline parks and recreation facilities located along Wenatchee's shoreline, the following standards shall guide new development and redevelopment of public properties within the Waterfront Park Environment Designation. The City shall review and condition the project to fully implement the standards below.

TABLE 6 WATERFRONT DESIGN AND MAINTENANCE STANDARDS

Design Element	Design and Management Standards
a. Category of Use Preference	• The following use preferences apply in priority order: i. Water-dependent uses located immediately upland of the OHWM ii. Water-related and/or water-enjoyment uses located upland of water-dependent uses. Water-related and water-enjoyment uses shall not displace existing or planned water-dependent uses. If water-dependent uses are not feasible, then water-related or water-enjoyment uses are allowed immediately upland of the OHWM. iii. Nonwater-oriented recreation uses located upland of water-oriented recreation uses iv. Accessory, nonwater-oriented uses located upland of water-oriented uses. However, parking for those with disabilities, when no other location is feasible, may be located per "d" below.
b. Use Allowances	• Only water-oriented uses shall be located immediately upland of the OHWM. Water-oriented uses may be expanded. • Accessory and primary nonwater-oriented uses shall be located upland of a water-oriented use except that parking for those with disabilities when no other location is feasible may be located per "d" below. [The City may establish a setback for the nonwater-oriented use based on unique conditions] • Existing primary nonwater-oriented uses may only expand if they are located upland of water-oriented uses and if the expansion does not displace water-oriented uses.

Design Element	Design and Management Standards
	• Existing water-enjoyment uses may be expanded. • Existing water-oriented uses may not be converted to a nonwater-oriented use.
c. Impervious Surface and Stormwater Management	• New and expanded pollution-generating impervious surfaces (e.g., surfaces used predominantly by vehicles, such as parking areas, roads) must provide water quality treatment before discharging stormwater through use of oil-water separators, bio-swales, or other approved technique. This provision does not apply to boat launches. • Runoff from pollution-generating and non-pollution-generating impervious surfaces shall be infiltrated or otherwise treated and discharged in accordance with water quality standards of the City of Wenatchee, unless infeasibility is demonstrated. • New or expanded pollution-generating impervious surfaces within 30 feet of the OHWM shall be limited to those necessary to provide public access to boat launches, to improve existing informal parking areas, to expand existing parking, or to provide ADA parking. • Existing trail systems may only be expanded in response to increased demand, and shall be expanded in the following order of preference, with number 1 being the most preferred: 1) upland, 2) landward of existing trail, 3) laterally, and 4) waterward.
d. Parking	• New parking accessory to shoreline parks shall be at least 45 feet upland of the OHWM, except where a minimum number of parking spaces are provided closer than 45 feet to accommodate those with disabilities or where parking is provided within already disturbed areas. • Existing parking closer than 45 feet upland of the OHWM may only be expanded in response to increased demand. Expanded parking shall be expanded in the following order of preference, with 1) being the most preferred: 1) upland, 2) landward of existing parking and 3) laterally of the existing parking.
e. Vegetation Management	• New and expanded uses in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as avoid tree and shrub removal. • Tree removal shall follow the standards in Section C above. • Shrubs removed in the shoreline buffer shall be replaced at a 2:1 ratio. • Landscape designs for new, expanded, or modified recreation facilities shall incorporate the following. i. Select species that are suitable to the local climate, having minimal demands for water, minimal vulnerability to pests, and minimal demands for fertilizers. Native species shall comprise 50 percent of the landscaped area, not counting lawn area. If lawn areas are not currently established, the existing riparian vegetation shall be maintained, unless a mitigation and management plan demonstrates improved ecological function. ii. Preserve existing soil and vegetation (especially trees) where possible. Amend disturbed soils with compost. Mulch existing and proposed landscapes regularly with wood chips, coarse bark, leaves or compost.

Design Element	Design and Management Standards
	iii. Group plants by water need, use more efficient irrigation methods like drip and soakers under mulch, and design and maintain irrigation systems to reduce waste. iv. Place vegetation to maximize the following benefits: a. development or supplementation of a native vegetated wildlife corridor, b. development or supplementation of riparian vegetation adjacent to the water's edge, c. screening parking areas from views from the water or the park, and/or d. discouragement of wildlife that may directly or indirectly interfere with park use or human health (e.g., geese),
f. Chemical Applications for Lawn and Landscaping	• A lawn and landscape management strategy for any allowed uses in the shoreline buffer shall be developed that incorporates the following: i. A site-specific plan for use of integrated pest management technique, if applicable. ii. A detailed plan identifying anticipated use of fertilizers, herbicides and pesticides, to include method of application that ensures these materials will not enter the water. Phosphorus-containing fertilizer treatments shall not be applied to turf or landscaping within 30 feet of the OHWM. Natural applications such as bio-control methods, and hand removal are preferred over synthetic applications.
g. Pools	• Pools and other upland recreational uses that utilize chemically treated water must either be connected to a sewer system or must collect the water for later discharge into a sewer system. • Pools and other upland recreational uses that utilize chemically treated water shall be located a minimum of 75 feet upland of the OHWM.
h. Lighting	• Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky; except for: i. Temporary seasonal lighting or special event lighting that is removed within a 60-day period does not have to, but is encouraged to be shielded or aimed downward. ii. Flag pole lighting must be limited to the minimum lighting necessary for illumination of the flag. • Outdoor lighting fixtures and accent lighting shall not directly illuminate the stream or river, unless it is a navigational light subject to state or federal regulations.

2. Application requirements. Applicants shall submit a management plan that addresses compliance with each of the above standards and the following:

a. Drawings of existing facilities, including a narrative that identifies area (sq. feet or sq. meters) and description of uses, structures, trails, parking, riparian vegetation, campsites, recreational facilities (ball parks, picnic table, grilling areas), upland vegetation and lawn areas.
b. Drawings of proposed facilities, including a narrative that identifies area (sq. feet or sq. meters) and description of uses, structures, trails, parking, riparian vegetation, campsites, recreational facilities (ball parks, picnic table, grilling areas), upland vegetation and lawn areas.
c. Any increases in impervious surfaces (trail size, parking facilities, recreational facilities, etc.) shall be accompanied by a needs analysis that addressed the requirement for increased public facilities, what size facilities are needed by existing and projected users, and the nearest locations of similar facilities.
d. Expansion of public access/facilities shall be accompanied by a mitigation plan that addresses the design elements and the design and management standards above, addresses critical area impacts, and addresses the incorporation of applicable SMP restoration goals that have been accomplished by the development, and demonstrates a net improvement in ecological shoreline functions. (For the purposed of this section, expansion means the outward enlargement or increase in size of the existing public access/facility outside of the existing defined area; e.g. the park boundaries are expanded from existing, or the enlargement of a facility goes beyond existing park boundaries, or conversely, facilities enlarged within existing park boundaries are not considered expansion.)

J. Shoreline Buffer Reduction. Shoreline buffers may be administratively modified as outlined below:
1. Roads(right-or-way), Railways (right-of-way), or an intervening legal lot of record under separate ownership. Where a legally established road, railway, or legal lot of record crosses a shoreline or critical area buffer and is wider than 20 feet measured perpendicularly from the OHWM of the shoreline, the Shoreline Administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved road, railway, or legal lot of record. Approval of this modification by the Administrator may only occur if the part of the buffer on the upland side of the road, railway, or intervening legal lot of record sought to be reduced:
   a. Does not provide additional protection of the shoreline water body or stream; and
   b. Provides insignificant biological, geological or hydrological buffer functions relating to the waterward portion of the buffer adjacent to the shoreline water body or stream; and
   c. Separates the subject upland property from the water body due to their width or depth; and
   d. The intervening right-of-way or legal lot of record is developed.

2. Administrative Shoreline Buffer Reduction. Reductions of up to twenty-five (25) percent of the shoreline buffer may be approved if the applicant demonstrates to the satisfaction of the Shoreline Administrator that:

a. A mitigation and management plan pursuant to Section 4.2.2 indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features such as downed logs or snags, or other means) will result in a reduced buffer that functions at a higher level than the existing shoreline buffer. A mitigation and management plan is not necessary when the applicant or qualified professional submits a report describing:
b. How the proposed development does not result in a net loss of ecological functions compared to the existing condition;
c. A site plan illustrating the elements of the existing and proposed condition that support b.; and
d. How the project will prevent potential short-term construction-related impacts. This should include a description of how the proposal incorporates mitigation sequencing and how the design considers mitigation sequencing outlined in Section 4.2.2.

3. Common line shoreline buffer: A common line shoreline buffer may be utilized for the construction of a residential dwelling unit(s) on an undeveloped lot to accommodate shoreline views that are similar, yet not necessarily equal, to those from adjoining properties. Common line shoreline buffers may be allowed on lots that are adjacent to lots that have residential dwelling unit(s) on one or both adjoining shoreline lots. The required setback is measured from the residences foundation corners closes to the ordinary high water mark; not from decks, patios, porches, or other residential appurtenances.

a. The common line buffer/setback shall be determined by:
i. Existing residential dwelling units on both sides: Where there are existing residential dwelling units on both sides of the proposed residential dwelling unit(s), the setback shall be calculated the average of adjacent residential dwelling units' existing buffer/setback from the OHWM.
ii. Existing residential dwelling unit(s) on one side: Where there is an existing residential dwelling unit(s) within 150 feet of one side of the proposed residential dwelling unit(s), the setback shall be determined as a common line calculated by the adjacent residential dwelling unit's buffer/setback, as measured landward from the OHWM and the default buffer for the adjacent vacant lot.
b. A mitigation and management plan prepared by a qualified professional shall be submitted and approved which demonstrates no net loss of ecological functions for the site in conformance with Section 4.2 Ecological Protection and Critical Areas.

K. Developments or Uses Allowed in Buffers. The following developments or uses are allowed within the shoreline buffer without having to comply with the requirements of section J above.
1. Those portions of public access development that require improvements or uses adjacent to the water's edge, such as fuel stations for retail establishments providing boat gas sales, haul-out areas for retail establishments providing boat

and motor repair and service, boat launch ramps for boat launch facilities, swimming beaches or other similar activities. Any adverse ecological impacts must be mitigated. Vegetation mitigation may only be required when the alteration removes significant trees or other native vegetation.

2. Native landscaping may be installed in the shoreline buffer, provided existing native vegetation is not removed. Non-native landscaping may only be authorized when specifically permitted under other provisions of the SMP. Use of noxious or invasive species is strictly prohibited. Chemical treatment of landscaping in shoreline buffers is discouraged, and any application of chemicals must be in strict conformance to the manufacturer's instructions.
3. Shoreline residential access. A private access pathway constructed of pervious materials may be installed, a maximum of four (4) feet wide or some other standard consistent with Americans with Disabilities Act (ADA), through the shoreline buffer to the OHWM. Impervious materials may be used only as needed to construct a safe, tiered pathway down a slope using standards that are consistent with ADA. A railing may be installed on one edge of the pathway, a maximum of 36 inches tall and of open construction. Pathways to the shoreline should take the most direct route feasible consistent with any applicable ADA standards.
4. Water-dependent or water related uses. Consistent with the use allowances for each environment designation, water-dependent and water related uses and activities may be located at the water's edge. Uses, developments and activities accessory to water-dependent and water related uses should be located outside any applicable standard or reduced shoreline buffer unless at least one of the following is met:
    a. A location in the shoreline buffer is necessary for operation of the water-dependent or water related use or activity (e.g., a road to a boat launch facility);
    b. In parks or on other public lands that are already legally established and whose use is primarily related to access to, enjoyment and use of the water, and they do not conflict with or limit opportunities for other water-oriented uses; or
    c. The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

    In these circumstances above, uses and modifications accessory to water-dependent or water related uses must be designed and located to minimize intrusion into the shoreline buffer.

    d. All other accessory uses, developments and activities proposed to be located in a shoreline buffer must obtain a Shoreline Variance unless otherwise allowed by other regulations in this SMP. Applicants are encouraged to consider the buffer reduction options and implement mitigation sequencing prior to applying for a Shoreline Variance.
5. Public facilities and other water-oriented uses. As allowed by the use chart in this SMP, other essential public facilities as defined by RCW 36.70A.200, public access and recreation facilities, and their accessory uses and developments may be

located in the shoreline buffer. This allowance is contingent on a demonstration that the use or activity cannot be reasonably accommodated or accomplished outside of the standard or reduced shoreline buffer and that alternative sites are not available. These uses and modifications must be designed and located to minimize intrusion into the buffer and must be consistent with this SMP.

6. Passive allowed activities. Education, scientific research, and passive recreational activities, including, but not limited to: fishing, bird watching, hiking, boating, horseback riding, snowshoe or cross-country skiing, swimming, canoeing, and bicycling, are allowed within shoreline buffers without a shoreline permit. This allowance is contingent upon the activity not including elements that meet the definition of "development." For example, hiking along a shoreline is allowed outright and does not require a permit; however, new trail construction on which to hike would constitute a development that requires permitting subject to the provisions of this SMP.
7. Site investigation allowed. Site investigative work necessary for land use application submittals such as surveys, soil logs, drainage tests and other related activities, may occur within shoreline buffers established by this SMP. In every case, buffer impacts should be avoided and/or minimized and disturbed areas shall be immediately restored.
8. Trails. Trails and associated facilities may be permitted in shoreline buffers, but should conform to design guidelines found in Public Access section of this SMP.
9. Siting of roads. Road crossings, where necessary, shall cross shoreline and critical area buffers as near perpendicular as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands or geologically hazardous areas
10. Utilities. Where no other practical alternative exists to the excavation for and placement of wells, tunnels, utilities, or on-site septic systems in a shoreline buffer, these uses may be permitted if also allowed under Section 5.19

L. Existing Developments and Uses.

1. Existing uses may continue. Vegetation conservation standards shall not apply retroactively to existing, legally established uses and developments. Existing developments and uses, including residential appurtenances, may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline buffers established in this SMP. In the absence of a development proposal, existing, lawfully established landscaping and gardens may be maintained in their existing condition including but not limited to, mowing lawns, weeding, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species.
2. Landward of Shoreline Buffer. Existing developments and uses located landward of the shoreline buffer may redevelop or expand to the edge of the shoreline buffer consistent with the following:
    a. Where such redevelopment results in removal of native vegetation, removal of native vegetation must be compensated at a 1:1 ratio with supplemental native shrub and groundcover plantings in the buffer waterward of the removal area.
    b. Where such redevelopment results in removal of significant trees, compensation shall be provided as outlined in Subsection C above.

c. If compensation is inside the buffer and the buffer would not benefit from enhancement, compensatory plantings may be installed in a corridor perpendicular to the OHWM and extending upland of the buffer outside of the development footprint.

3. Waterward of the Shoreline Buffer. Existing developments and uses located waterward of the shoreline buffer may expand vertically or landward of the development.
   a. Expansions waterward are prohibited unless the applicant obtains an administrative reduction under J above or a Shoreline Variance.
   b. Expansions within the shoreline buffer laterally toward the side lot lines may be allowed, provided that there is no increase in runoff and water quality treatment is provided using the NPDES stormwater permit and the Eastern Washington Stormwater Management Manual, as amended, and that the administrative reduction provisions under J above are approved.

M. New Structures and Development.
   1. New structures or developments prohibited. New structures or developments, including, but not limited to, pools, decks, patios, additions, sheds, fences, or other appurtenances, are not permitted in shoreline buffers except as specifically allowed in this section and the non-conforming chapter (Chapter 6).
   2. New structures and developments located landward of shoreline buffers are allowed in shoreline jurisdiction on undeveloped sites and shall be sited to minimize removal of existing significant trees and native vegetation.
      a. Removal of significant trees shall be compensated as outlined in Subsection C above.
      b. Removal of other native vegetation must be compensated at a 1:1 ratio with supplemental native shrub and groundcover plantings waterward of the removal area.
      c. If compensation is inside the buffer and the buffer would not benefit from enhancement, compensatory plantings may be installed in a corridor perpendicular to the OHWM and extending upland of the buffer outside of the development footprint.

N. Water-oriented uses and developments in public park areas, recreational improvement projects shall place an emphasis on shoreline restoration/enhancement. This emphasis shall not require the removal of existing lawn areas, but should place an emphasis on incorporation of riparian plantings if the public access area is underutilized or public access would not be impaired by the plantings.

O. Filling, clearing and grading. Filling, clearing and grading in shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development and shall also be in conformance with the provisions of Section 5.9. All earth-altering activities shall utilize best management practices to minimize and control erosion.

4.6 Water Quality, Stormwater and Nonpoint Pollution

4.6.1 Policies

A. Do not degrade waters. The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and groundwater over the long term.

B. Assess and mitigate stormwater impacts. New developments or expansions or retrofits of existing developments should assess the effects of additional stormwater runoff volumes and velocities, and mitigate potential adverse effects on shorelines through design and implementation of appropriate stormwater management measures.
C. Low impact development. Use of low impact development (LID) techniques for minimization of impervious surfaces and management of stormwater runoff is encouraged.
D. Minimize need for synthetic chemical applications. Shoreline use and development, including invasive or noxious weed control, should minimize the need for synthetic chemical fertilizers, pesticides or other similar synthetic chemical treatments to prevent contamination of surface and ground water and/or soils and adverse effects on shoreline ecological functions and values. Use of natural and non-synthetic applications is encouraged when treatment is necessary.
E. Provide and maintain buffers. As established in Chapter 4.5.2, buffers along all wetlands, streams, and lakes should be maintained for new development in a manner that implements best management practices and avoids the need for chemical treatment for vegetation management.
F. Existing development. For existing development, implementation of management plans that minimize or avoid the need for chemical treatments of vegetation in shoreline buffers is encouraged. When lands owned by the City of Wenatchee or other local government are leased to private parties, a vegetation management plan should be negotiated during lease renewal.

4.6.2 Regulations

A. Do not degrade waters. Shoreline use and development shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws.
B. New development and redevelopment. New development and redevelopment shall manage stormwater to avoid and minimize potential adverse effects on shoreline ecological functions, such as water quality and water quantity, through compliance with the Stormwater Management Manual for Eastern Washington in effect at the time without using any exceptions or applicability provisions. Deviations from the manual may be approved where it can be demonstrated that proposed deviations would provide equivalent or better treatment, retention, and/or detention. New development is encouraged to implement low impact development (LID) techniques.
C. Maintain storm drainage facilities. Maintaining stormwater facilities is important to protecting shoreline areas. The following measures are to ensure maintenance and improve protections when feasible:
    1. The maintenance of storm drainage facilities is the responsibility of the property owner(s) or approved entity.
    2. The responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.
    3. Existing stormwater management systems and facilities shall be retrofitted and improved to incorporate LID techniques whenever feasible.

D. Use BMPs. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through an approved temporary erosion and sediment control (TESC) plan, identified in the Stormwater Management Manual for Eastern Washington, as amended or the most recent adopted stormwater manual, or administrative conditions, in accordance with the current federal, state, and/or local stormwater management standards in effect at the time.
E. Use LIDs. Low Impact Development (LID) techniques shall be considered and implemented to the greatest extent practicable throughout the various stages of all development including site assessment, planning and design, vegetation conservation, site preparation, retrofitting and built-out management techniques.
F. Sewage management. All development within shoreline jurisdiction shall connect to the City of Wenatchee sewer system if not currently connected.
G. Materials requirements. All materials that may come in contact with water shall be constructed of materials, such as untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state or federal agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote or pentachlorophenol is prohibited in shoreline waterbodies and other waters..

5 SHORELINE MODIFICATIONS AND USES

Chapter 5 presents specific policies and regulations that apply to particular developments, uses, or activities within the shoreline jurisdiction.

Each section includes policies and regulations. Policies are statements of principles that guide and determine present and future decisions. Regulations are rules that govern developments, uses, or activities.

Shoreline application requirements are found in Section 7.4 of this SMP. Chapter 5 may contain specific submittal requirements for a particular use or modification beyond those stated in Section 7.4. Chapter 5 also contains performance standards for shoreline modifications and uses.

5.1 General Upland Shoreline Modification and Use Regulations

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

5.1.1 Policies

A. Shoreline modifications should be allowed only where they are demonstrated to be necessary to support or protect an allowed primary use or structure, or a legally existing shoreline use or structure.
B. Shoreline modifications should be designed to avoid sensitive areas.
C. Location of Nonwater-Oriented Accessory Uses. Nonwater-oriented accessory development or use that does not require a shoreline location should be located landward of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or unless the site is physically separated from the shoreline by another property or public ROW.
D. Minimize Impacts on Shoreline and Upland Uses. Development should be located, designed, and managed to minimize impacts on shoreline or upland uses through bulk and scale restrictions, setbacks, buffers, light shielding, noise attenuation, limited signage, and other measures.
E. Vistas and Viewpoints. Vistas and viewpoints from public properties and rights of way should not be degraded or impaired.

5.1.2 Regulations

A. Design features for compatibility. Shoreline use and development activities shall be designed to complement the character and setting of the property, minimize noise and glare, and avoid impacts to view corridors. Development and uses shall be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation, both upland and aquatic; minimize impervious surfaces and runoff; protect riparian, nearshore, aquatic and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values. Shoreline applicants shall demonstrate efforts to minimize potential impacts to the extent feasible, including:
    1. Building mechanical equipment shall be incorporated into building architectural features to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided

consistent with building exterior materials that obstructs views of such equipment.

2. Outdoor storage shall be screened from public view through techniques such as landscaping, berming, fencing and/or other equivalent visual screening measures.
3. Property screening in the form of fences or berms shall be subject to Section 5.1.2.E below.

B. Preference for water-oriented facility location. Shoreline developments shall locate the water-oriented portions of their developments along the shoreline and place all other facilities landward or outside shoreline jurisdiction, unless the site is physically separated from the shoreline by another property or public ROW. Uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs, and materials storage shall be located landward of shoreline, riparian and/or wetland buffers and landward of water-oriented developments and/or other approved uses, unless the site is physically separated from the shoreline by another property or public ROW.

C. Minimize changes to topography. To the extent feasible, developmental design shall conform to natural contours and minimize disturbance to soils and native vegetation and natural features.

D. Soil disturbance. All disturbed areas shall be restored and protected from erosion using vegetation and other means.

E. Height Analysis.

1. Heights greater than 35 feet may be allowed within the Height Analysis area (see Inventory and Assessment for Height Analysis) provided applicants proposing building or structure heights above 35 feet accomplish the following:
    a. The height proposal must be consistent with the underlying zoning height requirements.
    b. Apply for a Substantial Development Permit.
    c. Demonstrate that the development will not cause a view obstruction from public properties or substantial number of residences for an area greater than 1,000 feet from the development boundaries.
    d. If an impact to a substantial number of residences or a view obstruction from public properties or a large number of residences is found, a view analysis shall be required (see 2. b below).
2. Heights greater than 35 Feet outside the Height Analysis area (See Inventory and Assessment for Height Analysis): Per WAC 173-27-180, applicants for structures exceeding 35 feet in height shall provide a view analysis:
    a. In the case of building heights above 35 feet, but inconsistent with this SMP and the underlying zoning, a Shoreline Conditional Use Permit authorization and a view analysis shall be required.
    b. View Analysis: The applicant shall prepare a view analysis as follows:
        i. A cumulative view obstruction analysis within a 1,000-foot radius of the proposed development combined with those of other developments that exceed 35-feet in height in the same radius shall be accomplished.
        ii. The cumulative impact analysis shall address overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained

iii. The applicant shall demonstrate through photographs, videos, photo-based simulations, and/or computer-generated simulations that the proposed development will obstruct less than 30% of the view of the shoreline enjoyed by a substantial number of residences on areas adjoining such shorelines

iv. For phased developments, the view analysis shall be prepared in the first phase and include all proposed buildings.

F. Lighting. Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties or public areas; prevent glare on adjacent properties, public areas, or roadways; avoid infringing on the use and enjoyment of such areas; to prevent hazards; and prevent illumination of the Wenatchee or Columbia Rivers. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening. Lighting shall be directed away from shoreline areas.

G. Sign regulations.

1. Views: Signs shall not significantly obstruct visual access to the water or scenic vistas nor impair driver vision.
2. Natural Features: Signs shall not be posted or painted on natural features such as trees, rocks, and hillsides, etc. within shoreline jurisdiction.
3. Pennants, banners and other devices of seasonal, holiday, or special event character may be utilized on a temporary basis based on the City's zoning code and sign standards.
4. Moved Signs: Signs that are moved, replaced, or substantially altered shall conform to SMP requirements and City regulations. For the purposes of this section, "substantial alterations" includes modifying structural elements of the sign.
5. Signs required by law shall not be subject to limitations with respect to the number, location, and/or size, provided that they are the minimum necessary to achieve the intended purpose. Signs required by law include, but are not limited to, official or legal notices issued and posted by any public agency or court, or traffic directional or warning signs.
6. Readerboards/electronic message center signs shall not be visible from or project light onto the aquatic environment.
7. Reader board/electronic message centers, projecting signs, wall signs, freestanding and off-site signs, monument signs, and on-site portable signs are prohibited in the Urban Conservancy Environment Designation.
8. Illuminated signs and signs with effects shall not project light onto or be visible from the aquatic environment. A sign with "effects" is considered to have design components or features which move mechanically, electrically, or by any other means to easily rotate, alternate, or move messages, images, graphics, lighting or any portion of a sign or sign feature.

5.2 General Aquatic Shoreline Modification and Use Regulations

These policies and regulations apply to all modifications and uses taking place waterward of the OHWM, whether or not a shoreline permit or written statement of exemption is required.

5.2.1 Policies

A. Protect beneficial uses, including ecological functions and water-dependent uses. Shoreline modifications and uses should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Modifications should not be permitted where they would result in a net loss of shoreline ecological functions, adversely affect the quality or extent of habitat for native species, adversely impact other habitat conservation areas, or interfere with navigation or other water-dependent uses.
B. Minimize and mitigate unavoidable impacts. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and then mitigate in accordance with Chapter 4.2 Ecological Protection.
C. Protect water quality and hydrology. Shoreline modifications and uses should be designed and managed to prevent degradation of water quality and alteration of natural hydrological conditions.

5.2.2 Regulations

The following regulations shall apply to in-water work, including, but not limited to, installation of new structures, repair or maintenance of existing structures, replacement projects, restoration projects, and aquatic vegetation removal:

A. Siting and design requirements. In-water structures and activities shall be sited and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration to watershed functions and processes, with special emphasis on protecting and restoring priority habitat and species. Modifications and uses located in the Aquatic environment shall be the minimum size necessary.
B. Required permits. Projects involving in-water work must obtain all applicable state and federal permits or approvals, including, but not limited to, those from the U.S. Army Corps of Engineers, Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and/or Chelan County Public Utility District.
C. Timing restrictions. Projects involving in-water work shall comply with timing restrictions as set forth by state and federal project approvals.
D. Structure removal. Removal of existing structures shall be accomplished so the structure and associated material does not re-enter the waterbody.
E. Disposal of waste material. Waste material, such as construction debris, silt, excess dirt or overburden resulting from in-water structure installation, shall be deposited outside of shoreline jurisdiction in an approved upland disposal site. Proposals to temporarily store waste material or re-use waste materials within shoreline jurisdiction may be approved provided that use of best management practices is adequate to prevent erosion or water quality degradation and that an on-site location outside of shoreline jurisdiction is not available.
F. Hazardous materials. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the waterbody during in-water activities. Necessary refueling of motorized equipment, other than watercraft, shall be conducted outside of shoreline buffers and a minimum of 50 feet from the OHWM if feasible. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery.

G. Prevent siltation of adjacent areas. In-water work shall be conducted in a manner that causes little or no siltation to adjacent areas. A sediment control curtain shall be deployed in those instances where siltation is expected. The curtain shall be maintained in a functional manner that contains suspended sediments during project installation.
H. Below-OHWM excavations. Any trenches, depressions, or holes created below the OHWM shall be backfilled prior to inundation by high water or wave action.
I. Concrete management. Fresh concrete or concrete by-products shall not be allowed to enter the waterbody at any time during in-water installation. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the waterbody.
J. Protection of bank and vegetation. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work. All disturbed areas shall be restored and protected from erosion using vegetation or other means.
K. Trash and unauthorized fill removal required. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, and paper, found below the OHWM at the time of project implementation shall be removed within the scope of the project. Where the trash or fill is providing some habitat or ecological function, consultation with Washington Department of Ecology, Washington Department of Fish and Wildlife and/or the U.S. Army Corps of Engineers should occur to determine if removal should be performed. Disposal should occur in an approved upland disposal location, outside of shoreline jurisdiction if feasible, but at a minimum landward of the OHWM and the channel migration zone.
L. Notification of water quality problems or when fish harmed. If at any time as a result of project work, water quality problems develop or fish are observed to be in distress or killed, immediate notification shall be made to appropriate local, state, and federal agency(ies), including the Washington Department of Fish and Wildlife, Washington State Department of Ecology, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.
M. Retain natural features. Natural in-water features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are actually causing bank erosion, higher flood stages, or a hazard to navigation or human safety.
N. Floatation materials. Floatation material (floats, buoys) are currently prohibited in this SMP. Any use for emergency situations, as defined in Chapter 8, must be encapsulated within a commercially manufactured shell, typically polyethylene or another material specifically approved for use in aquatic environments, which prevents breakup or loss of the floatation material into the water, and is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance, existing un-encapsulated floatation material must be replaced.
O. Tire use. Tires shall not be allowed as part of above- or below-water structures or modified for use as floatation devices or where tires could potentially come in contact with the water (e.g., floatation, fenders). Existing tires used for floatation should be replaced with inert or encapsulated materials such as plastic or encased foam during maintenance or repair of the structure.
P. Anchors. Floats, rafts, and mooring buoys are not allowed in this SMP. Any use for emergency situations (see definition in Chapter 8)must use helical screw anchors or

other embedded anchors and midline floats or other technologies to prevent anchors or lines from dragging or scouring.

5.3 Agriculture

5.3.1 Policies

A. Maintain Agriculturally Productive Lands. Lands well suited for agriculture may be maintained in agricultural production.
B. Encourage Vegetative Buffer. The maintenance of a buffer of permanent vegetation along the shoreline in agricultural areas should be encouraged in order to retard surface runoff, reduce siltation, and provide sanctuary for fish and other wildlife.
C. Avoid Water Pollution. Agricultural activities should be conducted and buildings designed to avoid surface or groundwater pollution.
D. Avoid Structures in Floodplains. Agricultural structures should be located outside of the floodway. Agricultural structures should be discouraged in the 100-year floodplain unless no other suitable location is available and adequate protective measures are implemented.
E. Manage Water Resources. Water resources should be managed in accordance with federal and state laws and adopted County watershed plans.

5.3.2 Regulations

A. Existing Agriculture. The provisions of this SMP do not limit or require modification of agricultural activities on agricultural lands as of the date of adoption of the SMP.
B. Applicability. SMP provisions shall apply in the following cases:
    1. New agricultural activities on land not meeting the definition of agricultural land;
    2. Expansion of agricultural activities on non-agricultural lands or conversion of non-agricultural lands to agricultural activities;
    3. Conversion of agricultural lands to other uses;
    4. Other development on agricultural land that does not meet the definition of agricultural activities; and
    5. Agricultural development and uses not specifically exempted by the Act.
C. Development Standards.
    1. A Substantial Development Permit shall be required for activities in Section B above and for all agricultural development not specifically exempt by the provisions of Section 7.5.3, Exemptions.
    2. Agricultural-Commercial Uses. Agricultural-commercial uses are allowed where specified in environment designations indicated in the use chart and when consistent with Commercial use standards in Section 5.7.

5.4 Aquaculture

5.4.1 Policies

A. Water-dependent and preferred use. Aquaculture is a water-dependent use and, when consistent with control of pollution, avoidance of adverse impacts to the environment and preservation of habitat for resident or anadromous native species, is a preferred use of the shoreline.

B. Recognize limited availability of suitable locations. Potential locations for aquaculture activities should be recognized as relatively restricted because of specific requirements related to water quality, temperature, oxygen content, currents, adjacent land use, wind protection and navigation.
C. Recognize and facilitate non-commercial aquaculture. Non-commercial aquaculture should be recognized and facilitated. The goals and objectives of non-commercial aquaculture include, but are not limited to, supplementation, conservation, restoration, mitigation, recreation, education, reintroduction, research, and harvest. Permitting should be streamlined for facilities that support propagation and acclimation of desirable salmonid species, particularly those covered by the Upper Columbia Salmon Recovery Plan.
D. Preference for lower-impact methods. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts, and lesser impacts to native plant and animal species. In general, preference should be given as follows:
    1. Projects that require either no structures or submerged structures are preferred over those that involve substantial floating structures.
    2. Projects that involve little or no substrate modification are preferred over those that involve substantial modification.
    3. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.
E. Protect functions and Prevent adverse effects. Aquaculture activities should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Aquaculture activities should prevent cumulative adverse effects.
F. Consult with stakeholders. Substantive comment on any shoreline permit application for aquaculture should be sought from all appropriate Federal, State, Tribal and local agencies, surrounding property owners/residents, and the general public regarding potential adverse impacts.
G. Coordinate with Tribes. The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant and the tribe should be encouraged.
H. Consider beneficial and adverse impacts. Consideration should be given to both the potential beneficial impacts and potential adverse impacts that aquaculture development might have on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.
I. Restrictions on experimental aquaculture. Some latitude should be given when implementing the regulations of this section in the development of experimental aquaculture use. Experimental aquaculture projects in water bodies should be limited in scale and should be approved for a limited period of time; regulatory agencies should be consulted on appropriate time periods.

5.4.2 Regulations

A. Location.
    1. Water-dependent portions of commercial and non-commercial aquaculture facilities and their necessary accessories may be located waterward of the OHWM or in the shoreline buffer. Water intakes and discharge structures, water and

power conveyances, and fish collection and discharge structures are all considered water-dependent or accessory to water-dependent.

2. All other elements of commercial and non-commercial facilities shall be located outside the shoreline buffer, unless proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose.
3. Sites shall be selected to avoid and minimize the need for and degree of floodplain or floodway alteration, channel migration zone alteration, shoreline stabilization, native vegetation removal, and/or wetland alteration. Non-commercial aquaculture operations may be required to submit a site alternatives analysis. Recognizing the limited number of sites that are suitable for non-commercial aquaculture, applicants for non-commercial aquaculture operations shall only be required to demonstrate that the location of the proposed facilities on the available site avoids and minimizes impacts to any on-site critical areas and habitats to the maximum extent feasible.

B. Substrate modification. Aquaculture that involves substantial aquatic substrate modification or sedimentation through dredging, trenching, digging, or other similar mechanisms, shall not be permitted in areas where the proposal would have long-term adverse impacts on important fish or wildlife habitats. If substrate modification will not have long-term adverse impacts or the adverse impacts will be short-term, the applicant shall further demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations at the site.

C. Mitigation. Aquaculture practices shall be designed to minimize use of artificial substances and shall use chemical compounds that are least persistent and have the least impact on plants, animals and water quality. In addition, new aquaculture proposals shall comply with mitigation requirements outlined in Section 4.2.

D. Agency review. All aquaculture projects shall be reviewed by local, State and Federal agencies, and FERC-licensed hydro-projects.

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

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

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

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

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

J. Potential impacts. If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and for all experimental aquaculture activities, baseline and periodic operational monitoring by a qualified professional may be required, at the

applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Aquaculture operators may submit monitoring reports prepared by qualified professional as part of monitoring required by other state or federal agencies. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

K. Over-water structures. For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than 3 feet in height, as measured from the surface of the raft or dock; provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials that are not necessary for the immediate and regular operation of the facility shall be stored outside of the shoreline buffer if feasible.

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

M. Product processing. No processing of any aquaculture product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be subject to this SMP when located within shoreline jurisdiction.

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

O. Construction, maintenance and bonding. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and/or equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the City may require the posting of a bond commensurate with the cost of removal or repair. The City may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in thirty (30) days and may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.

5.5 Boating Facilities

Public, community or boating facilities, including marinas, community docks, public docks, fishing docks, and boat launch facilities, shall be subject to the policies and regulations of this Section. Buoys associated with these facilities used for protection of the facilities, navigation, and not for moorage are also subject to these policies and regulations.

All boating facilities that extend onto State-owned aquatic lands must also comply with Washington Department of Natural Resources standards and regulations.

5.5.1 Policies

A. Recognize that boating facilities are water-dependent uses. Boating facilities, including marinas and public boat launch facilities, are water-dependent uses. These uses should be given priority for shoreline location when facilitating public access or providing an opportunity for substantial numbers of people to enjoy the shoreline. Shorelines particularly suitable for marinas and public boat launch facilities are limited and should be identified and reserved to prevent irreversible commitment for other uses having less stringent site requirements.
B. Plan and coordinate marinas regionally. Regional needs for marina and boat launch facilities should be carefully considered in reviewing new proposals as well as in allocating shorelines for such development. Such facilities should be coordinated with park and recreation plans and, where feasible, collocated with other compatible water-dependent uses. Review of such facilities should be coordinated with recreation providers, local governments, and State agencies to efficiently provide recreational resources, avoid unnecessary duplication, and minimize adverse impacts to shoreline ecological functions and processes.
C. Minimize modifications. Boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover are preferred.
D. Balance public access and ecological functions. New marinas should provide physical and/or visual public shoreline access, particularly where water-enjoyment uses are associated with the marina,
E. Limitations on accessory uses. Accessory uses at boating facilities should be limited to water-oriented uses. Nonwater-dependent accessory uses should be located outside of shoreline jurisdiction or outside of the shoreline buffer whenever possible.
F. Protect other water-dependent uses. Boating facilities should be located, designed, constructed and operated so that other appropriate water-dependent uses are not adversely affected; and adverse impacts such as noise, light and glare, aesthetic impacts to adjacent land uses, and impacts to public visual access to the shoreline are avoided.
G. Site facilities appropriately. New boating facilities should be located only at sites where suitable environmental conditions, shoreline configuration, access, and compatible or similar uses are present.
H. Consider navigation and other recreation opportunities. Boating facilities should not unduly obstruct navigable waters and should consider adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing.

5.5.2 Regulations

A. Location Standards.
    1. Boating facilities shall not be permitted within the below listed shoreline habitats because of their scarcity, biological productivity and sensitivity. However, a boating facility may be permitted provided: no alternative location is feasible; the project results in a net enhancement of shoreline ecological functions; the project is otherwise consistent with this SMP; and the project receives a Shoreline Conditional Use Permit.
        a. Native aquatic vegetation or wetlands with emergent vegetation (marsh type areas), or

    b. Spawning and holding areas for priority anadromous or priority resident fish.
2. New boating facilities shall not be permitted in channel migration zones, or areas where dredging will be required to create or maintain the new facility, where a flood hazard will be created, or where impacts to shoreline ecological functions and processes cannot be mitigated. To the extent feasible, expansions of existing boating facilities shall be designed to minimize the need for new or maintenance dredging.
3. New or expanded boating facilities shall be designed such that any moored boats will be located in water depths which prevent prop scour, unless the applicant can demonstrate that prop scour will not adversely impact aquatic vegetation or increase suspended sediment loads.
4. Boating facilities shall be located and designed in a manner that eliminates the need for shoreline stabilization. When the need for stabilization is unavoidable, as indicated by a study prepared consistent with SMP Section 5.10, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms shall be permitted.
5. Boating facilities shall not be located within 200 feet of beaches commonly used for public swimming, valuable public fishing areas, aquaculture facilities, or commercial navigation areas unless no alternative location exists and appropriate measures are installed or best management practices are implemented to minimize impacts to such areas and protect the public health, safety and welfare. For example, clearly delineating swimming, fishing or boating areas through upland signage, wake limit buoys, and/or floating swim area marker ropes.
6. Launch ramps shall be located where:
    a. There is adequate water mixing and flushing;
    b. They will not adversely affect flood channel capacity or otherwise create a flood hazard;
    c. Water depths are adequate to eliminate or minimize the need for dredging or filling; and
    d. Critical areas, active channel migration areas, and salmonid spawning habitat are not present.
7. Boating facilities shall be located only where adequate utility services that are necessary to meet applicable health, safety and welfare requirements, such as water, power and/or wastewater collection and treatment, are available or where they can be provided concurrent with the development.
8. Long-term boat storage located landward of the OHWM is regulated as a nonwater-oriented commercial use under Section 5.7, unless it is equipped with a boat launch facility (launch ramp, crane, hoist or similar device). If the storage use is equipped with a boat launch facility, it is regulated as a water-related commercial use. The dry boat storage portion shall be located landward of the shoreline buffer, unless there are site constraints that prevent the boats from being moved inland. In all cases, boat storage shall comply with applicable height restrictions.

B. Facility Design.
1. All boating facilities shall be no larger than the minimum size necessary to accommodate the anticipated demand. Specifically, the amount of overwater

coverage, the size and number of in-water structures, the waterward length of the facility, and the extent of any necessary associated shoreline stabilization or modification shall be minimized. Specific sizing of all private and public boating facility components shall be based on the results of the analyses conducted under Subsection F, Submittal Requirements, below, with the following limitations for specific boating facilities:

a. Marinas and docks shall be no longer than 250 feet.
b. New boating facilities with overwater structures (marinas or docks) on the Columbia River shall include grating materials that have been recognized and approved by state and federal resource agencies as the best currently available, unless the applicant can demonstrate that the height, orientation and width of the overwater structure results in illumination of the area below the overwater structure.

2. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration for site-specific conditions and the particular needs of that use outlined in the submittal requirements in F below. At a minimum, they shall minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.
3. New over-water residences, including floating homes, shall be prohibited.
4. Replacement of Existing Boating Facilities. Proposals involving replacement of the entire existing over-water facility or 75 percent or more of dock support piles, when applicable, or 75 percent or more of an existing boat launch are considered a new boating facility and must be designed consistent with any dimensional, materials and mitigation standards for new boating facilities, except the Shoreline Administrator may approve an alternative design without a Shoreline Variance if it meets all of the following criteria:
   a. All appropriate Federal agencies have approved the proposal; and
   b. The total square footage of the replacement facility is no larger than the existing facility.
5. Additions to Boating Facilities. Proposals involving the modification and/or enlargement of existing boating facilities must comply with the following measures:
   a. The applicant must demonstrate to the satisfaction of the Shoreline Administrator that there is a need for the enlargement of an existing boating facility. Proposals that demonstrate an enlargement is necessary due to increased or changed use or demand, safety concerns, or inadequate depth of water will be considered.
   b. Enlarged portions of boating facilities must comply with applicable dimensional, design, materials and mitigation standards for new boating facilities.
6. Repair of Existing Boating Facility.
   a. Repair proposals which replace 75 percent or greater of the existing dock-support piles or boat launch area are considered replacements and must comply with requirements for replacement facilities.
   b. Other repairs to existing legally established boating facilities are permitted consistent with all other applicable codes and regulations.

C. Site Design and Operation.
   1. Boating facilities shall be designed so that lawfully existing or planned public shoreline access is not blocked, obstructed nor made dangerous.
   2. New marinas shall provide physical and/or visual public access for as many water-oriented recreational uses as possible, commensurate with the scale of the proposal and compatible with shoreline ecological functions and processes and adjacent shoreline use. Features for access could include, but are not limited to, walk-on access, fishing platforms, and underwater diving and viewing platforms.
   3. Covered moorage, including watercraft lift canopies, is prohibited.
   4. Accessory uses at boating facilities shall be limited to water-oriented uses or uses that support physical or visual shoreline public access. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where necessary to support the water-oriented use.

D. Parking and Vehicle Access. Public boat launch facilities shall include parking facilities commensurate with projected demand to include spaces for boat trailers.

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

F. Submittal Requirements.
   1. In addition to other requirements of this SMP, applicants shall provide an assessment of demand for new or expanded boating facilities, including, but not limited to, the following:
      a. The total amount of moorage proposed (except for boat launch facility proposals);
      b. For new or expanded facilities proposing permanent or temporary moorage, the existing supply of temporary or permanent moorage spaces within the service range of the proposed facility, including vacancies or waiting lists at existing facilities. The service range is a site-specific determination made by the applicant considering the proposed facility location and proximity to other locations within either boating or driving distance;

c. For new or expanded boat launch ramps, identification of the nearest existing boat launch facility, the expected or current level of use of the new or expanded boat launch ramp, and any other relevant factors related to the need for safe or efficient access to public waters, if that information supports justification for specific design elements;
d. The expected service population and boat ownership characteristics of the population, if that information supports justification for specific design elements related to facility length or necessary water depth; and/or
e. Existing approved facilities, or pending applications, within the service range of the proposed new facility.

2. Applicants for new or expanded boating facilities shall provide a mitigation and management plan as required by Section 4.2. In addition to Section 4.2, the mitigation plan shall discuss how the proposed project avoids and minimizes impacts consistent with the facility's sizing needs, which are to be based on the results of any critical area study and the demand analysis prepared. A slope bathymetry (under water topography) map may be required when deemed beneficial by the Shoreline Administrator for the review of the project proposal.
3. Applicants for new or expanded boating facilities shall provide an assessment of existing water-dependent uses in the vicinity, including, but not limited to, navigation, fishing, hunting, pleasure boating, swimming, beach walking, picnicking and shoreline viewing, and document potential impacts and mitigating measures. Specific conditions to avoid or minimize impacts to the identified uses shall be imposed.
4. New boat launch facilities shall be approved only if they provide public access to public waters that are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity. Prior to providing boat launch facilities at a new location, documentation shall be provided demonstrating that expansion of existing launch facilities would not be adequate to meet demand.

5.6 Breakwaters, Jetties, Groins, Weirs, Barbs and other in-water structures.

A. In-water structures (such as breakwaters, jetties, weirs, and barbs) include those placed by humans within streams, rivers and lakes for hydroelectric generation, irrigation, water supply, flood control, transportation, utilities, fish habitat enhancement, recreation, or other purpose.
B. Breakwaters, jetties, groins, weirs and barbs are generally intended to protect harbors, moorages, navigation activity, or stream banks or bed from wave and wind action or stream flow by creating slow or stillwater areas along shore. A secondary purpose is to protect shorelines from wave or flow caused erosion.
C. In-water structures have the potential to cause water impoundment or the diversion, obstruction, or modification of water, and are therefore regulated by this section.

5.6.1 Policies

A. In-water structures should be planned to be compatible with appropriate multiple uses of resources over the long-term, especially in Shorelines of Statewide Significance.

Appropriate multiple uses include, but are not limited to, public access, recreation, and fish migration.

B. Siting and design. In-water structures should be sited and designed consistent with appropriate engineering principles, including, but not limited to, guidelines of the Washington Department of Fish and Wildlife, Natural Resources Conservation Service, and the U.S. Army Corps of Engineers. Planning and design of in-water structures should be consistent with and incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.
C. Allowed Circumstances. The location, design, construction and maintenance of in-water structures should be allowed only where it is necessary to support water-dependent uses, protect watershed processes, provide public access, and prevent damage to other properties and other shoreline resources from alterations to geologic and hydrologic processes, and ecological functions, with special emphasis on protecting and restoring priority habitats and species.
D. Regional benefit and no net loss of ecological functions. Breakwaters, jetties, groins weirs and barbs should be permitted only for water-dependent uses when the benefits to the region outweigh short-term resource losses from such works, and only where mitigated to provide no net loss of shoreline ecological functions and processes.
E. Use less-impacting alternatives. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to in-water structures. Alternative structures, including floating, portable or submerged breakwater structures, or several smaller discontinuous structures, should be considered where physical conditions make such alternatives with less impact feasible. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
F. Enhance ecological function. In-water structure proposals should incorporate native vegetation to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management. Such features include vegetated berms; vegetative stabilization including brush matting and buffer strips; and retention of existing trees, shrubs and grasses on stream banks, if possible.
G. Soil stabilization. Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be stabilized with bioengineering approaches.
H. Water quality. In-water structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City shall require reasonable conditions to achieve this objective.

5.6.2 Regulations

A. Prohibited projects and structures. Channelization projects that damage fish and wildlife resources; degrade recreation and aesthetic resources; result in a net loss of ecological functions; or result in high flood stages and velocities are prohibited. No motor vehicles, appliances, other similar structures or parts thereof; nor structure demolition debris; nor any other solid waste shall be used as in-water structures
B. Limitations on groins. Groins are prohibited except as a component of a professionally designed community or public beach management program that encompasses an entire

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

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

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

E. Conditional Use Permit required. All new in-water structures shall require a Conditional Use Permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams, engineered log jams, or habitat-forming rock weirs installed in streams.

F. Professional design. All in-water structures shall be designed and certified by a qualified professional including an engineer, hydrologist, or geomorphologist. In-water structures shall allow for natural groundwater movement and surface runoff, and shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided channels. In-water structures shall not be a safety hazard or obstruct water navigation as determined by the Shoreline Administrator

G. State-owned aquatic lands. Proposals for breakwaters shall be consistent with the Washington Department of Natural Resources Aquatic Land Management standards.

H. Public access. Design of in-water structures by public entities, including local governments, state agencies, and public utility districts, shall include access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, or ecological impacts that cannot be mitigated, unavoidable conflicts with proposed uses. At a minimum, in-water structures should not decrease public access or use potential of shorelines.

I. Natural features. Natural in water features such as snags, uprooted trees, or stumps shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.

5.7 Commercial Development

5.7.1 Policies

A. Encourage water-oriented uses. Water-oriented commercial developments should be encouraged to locate near the water. Nonwater-oriented commercial development should be encouraged to locate landward or outside shoreline jurisdiction. Commercial uses should be located in the following preferred order:
   1. Water Dependent
   2. Water-Related
   3. Water-Enjoyment
   4. Nonwater-Oriented

B. Design. New commercial development should be designed to provide economic activity meeting the needs of residents, businesses, and tourists, protect the public's health, safety, and welfare, protect shoreline ecological functions, and provide public access where feasible and consistent with constitutional limits.

C. The City should continue to implement the Wenatchee Waterfront Subarea Plan. Specifically, encourage mixed use development on the waterfront.

5.7.2 Regulations

A. Water-oriented uses allowed. Water-dependent, water-related, and water-enjoyment uses are permitted where allowed by zoning and this SMP. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment uses. The applicant shall demonstrate to the satisfaction of the City that proposed uses meet the definitions of water-dependent, water-related or water-enjoyment (water-oriented use).

B. Nonwater-oriented commercial uses limited. In areas designated for commercial use, nonwater-oriented commercial uses are allowed if the site is physically separated from the shoreline by another property or public right of way. On properties fronting the shoreline, new nonwater-oriented commercial development is prohibited in shoreline jurisdiction, except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration and meets one of the following conditions:
   1. The use is part of a mixed-use project that includes water-dependent uses; or
   2. Navigability is severely limited at the proposed site, such as not available for commercial navigation.

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

D. Accessory uses to water-oriented commercial activities. Accessory commercial development that does not require a shoreline location shall be located landward of the water-oriented portions of the development and comply with shoreline buffers for nonwater-oriented uses. Accessory uses may be allowed in existing structures or where necessary in support of water-oriented uses. Accessory development includes, but is not limited to, parking, storage and service areas, and circulation.

5.8 Dredging and Dredge Material Disposal

This section is not intended to cover other excavations waterward of the ordinary high water mark (OHWM) that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement).

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

5.8.1 Policies

A. Except as provided in this section, in the City of Wenatchee and its UGA, all dredging should be prohibited except as necessary to conduct environmental cleanup. Under those circumstances where the cleanup results in water depth conditions that are favorable to a marina or other over-water development allowed by this Master Program, such use may be allowed to locate over the dredged area. Dredging as part of flood hazard abatement, ecological restoration or enhancement, beach nourishment, public access or public recreation should be permitted if consistent with this SMP.

B. Disposal. Spoil disposal on land outside of shoreline jurisdiction is generally preferred over open water disposal. Disposal of dredged material on shorelands or wetlands within a river's channel migration zone should be discouraged.
C. Cooperative management programs. Long-term cooperative management programs that rely primarily on natural processes, and involve land owners and applicable local, State and Federal agencies and tribes, should be pursued to prevent or minimize conditions which make dredging necessary.
D. Ecological impacts. Dredging and dredge material disposal should avoid or minimize adverse ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
E. Navigation channels and basins. Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized locations, depths and widths.
F. New development should be sited and designed to avoid or where avoidance is not possible to minimize the need for new and/or maintenance dredging.
G. Dredging should be permitted for water-dependant uses of economic importance to the region and/or essential public facilities only when necessary and when alternatives are infeasible or less consistent with the SMP.

5.8.2 Regulations

A. Allowed dredging activities. Dredging shall only be permitted through a Conditional Use Permit for the following activities:
    1. Dredging identified as a necessary component for environmental cleanup of a property. Cleanup that results in water depth conditions favorable to a marina or other over-water development allowed by this SMP, such use may be allowed to locate over the dredged area.
    2. Development of essential public facilities when there are no feasible alternatives.
    3. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes. The City may approve five-year management plans addressing maintenance dredging, use of best management practices, and other measures to assure no-net-loss of shoreline ecological functions.
    4. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality, water quantity such as flood storage, and/or fish and wildlife habitat.
    5. Trenching to allow the installation of underground utilities (excluding "accessory utilities" associated with a primary use) if no practicable alternative exists, and:
        a. Impacts to fish and wildlife habitat are minimized to the maximum extent possible.
        b. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
        c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

6. Development of new or expanded wet moorages where there is no feasible alternatives or other alternatives may have greater ecological impact.
7. Maintenance dredging for the purposes of restoring lawfully established development.

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

C. Circumstances when open water dredge disposal is allowed. Dredge material disposal in open waters may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA); and when one of the following conditions apply:
   1. Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or
   2. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

D. Submittal requirements. In addition to other provisions of this SMP, the following information shall be required for all dredging applications:
   1. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this SMP.
   2. An analysis of the existing shoreline including the following:
      a. A site plan map outlining the perimeter of the proposed dredge area. The map must include the existing bathymetry and have data points at a minimum of 2-foot depth increments.
      b. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged. This description should include information on the stability of bedlands adjacent to proposed dredging and spoils disposal areas.
      c. Compliance with Section 4.2
   3. A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:
      a. Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).
      b. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).
      c. Biological analysis of material to be dredged.
   4. A description of the method of materials removal, including facilities for settlement and movement.
   5. Dredging procedure, including the estimated length of time it will take to complete dredging, method of dredging, and amount of materials removed.
   6. Frequency and quantity of project maintenance dredging.
   7. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:

a. Dredge material disposal area;
b. Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
c. Size and capacity of disposal site;
d. Means of transportation to the disposal site;
e. Proposed dewatering and stabilization of dredged material;
f. Methods of controlling erosion and sedimentation; and
g. Future use of the site and conformance with land use policies and regulations.

8. Plan for disposal of maintenance spoils for at least a 50-year period, if applicable.
9. Hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

5.9 Fill and Excavation

Fill regulations in this section apply to fills anywhere in shoreline jurisdiction, in both aquatic and upland environments. "Fill" is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Excavation regulations in this section apply to excavation anywhere in shoreline jurisdiction above the OHWM. All fill and excavation on state-owned aquatic lands must also comply with Washington Department of Natural Resources standards and regulations.

5.9.1 Policies

A. Minimize fill and excavation. Fill and excavation should only be permitted to the minimum extent necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes.
B. Location. Fills and excavation should be located and developed so that water quality, hydrologic and runoff patterns are not altered.
C. Shoreline stabilization. Fill should not be allowed where shoreline stabilization would be required to maintain the materials placed.
D. Restoration. Excavation and grading landward of the OHWM of a waterbody for projects with the primary purpose of restoring ecological functions and natural character should be permitted outright.
E. Creation of uplands. Fill in waterbodies, floodways, channel migration zones, and/or wetlands should not be permitted for creation of new uplands, unless it is part of an approved ecological restoration activity or provides some other public benefit.
F. Benefits and impacts. The predicted economic benefits of fills and excavation should be weighed against long-term cumulative impacts on ecological processes and functions.

5.9.2 Regulations

A. Fill and excavation shall be minimized to the maximum extent practicable and necessary to accommodate an approved shoreline use or development. Enhancement and voluntary restoration of landforms and habitat are encouraged. Fills necessary to protect historic or cultural resources may be permitted when consistent with Section 4.1 Archaeological and Historic Resources and all applicable provisions of the SMP. Fill shall be permitted in limited instances to restore uplands where recent erosion has

rapidly reduced upland area, to build protective berms and nourish beaches for shore stabilization or recreation, to restore or enhance degraded shoreline ecological functions and processes, or to facilitate upland development otherwise allowed by and consistent with this SMP.

B. Permissible fill and excavation.
   1. Fill and excavation within wetlands, floodways, channel migration zones, or waterward of the OHWM shall only be permitted when state or federal permits have been obtained and in limited instances for the following purposes:
      a. Water-dependent uses, public access, and cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
      b. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers;
      c. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible;
      d. Ecological restoration or enhancement, including, but not limited to, beach nourishment, habitat creation, culvert upgrades to improve fish and flow passage, or bank restoration when consistent with an approved restoration plan; or
      e. Protection of cultural or historic resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills must be coordinated with any affected Indian tribes.

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

D. Physical and visual consistency. Fills, beach nourishment and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long term appropriate use including lawful access and enjoyment of scenery.

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

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

G. Fills waterward of the ordinary high water mark for any use except ecological restoration shall require a shoreline conditional use permit.

5.10 Forest Practices

There are no Forested areas within the City of Wenatchee or the City of Wenatchee Urban Growth Area inside shoreline jurisdiction. This SMP addresses tree removal, replacement, and pruning regulations in Section 4.5.

5.11 Industry

5.11.1 Policies

A. Industrial use preference. Industries are an appropriate land use along shorelines where compatible with existing land use plans and zoning. However, first priority should be given to water-dependent industries over nonwater-dependent uses, and second priority, to water-related industries over nonwater-oriented uses.
B. Environmental limitations. Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.
C. Water and wastewater facilities. Sewage treatment and potable water facilities should be located with consideration for economic operation and compatibility with surrounding uses, designed to assure no net loss of ecological functions, and designed not to have significant adverse impacts to other shoreline resources and values.
D. Cleanup and restoration. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.
E. Maintain and protect the viability of Wenatchee's limited industrial areas by restricting incompatible development adjacent to these uses.

5.11.2 Regulations

A. Water-dependent or water-related uses allowed. Industrial facilities and structures that are water-dependent or water-related are permitted where allowed by zoning and this SMP. The applicant shall demonstrate to the satisfaction of the City that proposed uses are water-dependent and/or water-related.
B. Nonwater-oriented industrial uses limited. In areas designated for industrial use, nonwater-oriented industrial uses are allowed only if the site is physically separated from the shoreline by another property or public right-of-way or railroad prior to the effective date of this SMP.. On properties fronting the shoreline, new nonwater-oriented industrial development is prohibited in shoreline jurisdiction, except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access and/or ecological restoration, and meets one of the following conditions:
    1. The use is part of a mixed-use project that includes water-dependent uses; or
    2. Navigability is severely limited at the proposed site such as not available for commercial navigation.
C. Accessory uses to water-dependent or water-related industrial activities. Accessory industrial development that does not require a shoreline location shall be located upland of the water-dependent or water-related portions of the development. Accessory development includes, but is not limited to, parking, warehousing, open-air storage, waste storage and treatment, and transportation corridors.
D. Clean up and Restoration. Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be

incorporated. Federal and state requirements for hazardous materials clean up or management shall be addressed.

5.12 Mining

Mining is prohibited by this SMP.

5.13 Recreational Development

5.13.1 Policies

A. Promote recreation and public access. Developments and uses should be designed and operated to provide the public with recreational areas, facilities, and access to the shorelines. Waterfront parks should be developed and used for activities and interests specifically related to the shoreline environment.
B. Implement adopted Waterfront Sub Area Plan including recognition of the Wenatchee waterfront as a unique regional recreational resource.
C. Support facilities and access. Recreational areas should be supported by multi-use trails and parking to prevent undue concentration and pressure on fragile natural areas. Parking is not a preferred shoreline use, and should be located only as necessary to support an authorized use, minimizing environmental and visual impacts. Waterfront trails, waterfront access and water related activities should be expanded when feasible.
D. Pedestrian-oriented. Opportunities for pedestrian access should be provided where terrain and shore conditions permit. Direct access to the water should be via paths, walkways, or other pedestrian-oriented features. Vehicular traffic on beaches and fragile shorelines should be prohibited.
E. Public acquisition. To reduce overcrowding of current facilities, avoid adverse impacts on adjacent properties, and meet the current and future needs for public recreation access, the increased public acquisition and dedication of land for shoreline parks and recreation areas is encouraged. As an economical alternative to new acquisition by the City, the use of State and Federal lands for recreational facilities should be considered.
F. Grounds management. The use of fertilizers, herbicides, and pesticides to maintain recreational facilities such as golf courses and playfields should be closely monitored to prevent contamination of waterbodies by runoff. Management that utilizes organic treatments, integrated pest management, or non-synthetic chemicals is preferred where feasible and practical over management that utilizes synthetic chemicals.
G. Prevent impact to private property. The location, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby private properties.
H. Protect the environmental integrity of the waterfront trail and park. Specifically:
    1. Minimize the loss of open space and landscaped areas within the park.
    2. Expand and improve the waterfront trail, where necessary, to support usage and minimize conflicts between different types of users.
    3. Design park improvements to complement and enhance surrounding park features.

5.13.2 Regulations

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

B. Use consistency. Proposed recreation uses shall be designed, located and operated consistent with the purpose and intensity of the shoreline environment designation and environmental conditions.
C. Accessory uses. Accessory uses and support facilities such as maintenance facilities and parking lots shall be consolidated and located in upland areas outside shoreline, wetland and shoreline buffers to the extent feasible, except for access to water-dependent facilities such as boat launches.
D. Public access. See SMP Section 4.4. Provide visual access to the water whenever possible. Develop viewpoints where the topography prevents direct access. Where recreation facilities for public access include overwater structures, such as public view or fishing platforms, those overwater structures should comply with relevant requirements of this SMP.
E. Fertilizer and chemical management. For recreation developments such as golf courses and playfields that use fertilizers, pesticides, or other chemicals, the applicant shall submit plans demonstrating the best management practices and methods to be used to prevent these chemical applications and resultant leachate from entering adjacent waterbodies. Management that utilizes organic treatments, integrated pest management, or non-synthetic chemicals are preferred over management that utilizes synthetic chemicals where feasible and practical.
F. Adequate utilities and services. Proposals for recreational development shall include adequate facilities for water supply, wastewater, and garbage disposal in conformance with City of Wenatchee standards.
G. Management Plans. In order to simplify the review of exempt and non-exempt activities that are ongoing, a 5-year recreation management plan addressing public recreation facility operations and maintenance, use of best management practices, and other measures to assure no net loss of shoreline ecological function may be used.
    1. The plan shall minimally contain the following categories when applicable:
        a. Description of in-stream or in-lake habitat protection measures, and commitment to implement mitigation for any new or expanded development that has adverse impacts;
        b. Description of riparian and wetland protection measures, and commitment to implement mitigation for any new or expanded development that has adverse impacts;
        c. Description of site-appropriate water use management activities, including use of less water-dependent landscaping, maximizing the efficiency of the application system, and reducing the area irrigated;
        d. Description of stormwater management practices to treat stormwater runoff to reduce both water quantity and water quality impacts, including maximizing use of infiltration, bio-filtration, and detention;
        e. Description of erosion and sediment control practices that prevent off-site movement of sediment for new construction, stored soils, and potential surface erosion areas; and
        f. Description of chemical and nutrient use and containment practices that demonstrate minimization of overall inputs of these contaminants, restrict the type of inputs, and develop an acceptable method of application through a comprehensive management program, such as Integrated Pest Management (IPM).

2. Each category specified in 1 above shall be comprised of one to several standards. Each standard should describe the management objective or desired outcome for habitat conditions, specific performance requirements for each standard, and corrective actions that would be implemented if the performance requirement(s) is not met.

5.14 Residential Development

5.14.1 Policies

A. Compatibility with shoreline. All subdivisions and residential development, where allowed, should be designed at a level of site coverage and density compatible with the physical capabilities of the shoreline and water in order to minimize probabilities of damage to life, property and the environment.
B. A variety of housing types along the waterfront should be provided to increase pedestrian activity and vitality, increase the market for area businesses, and accommodate a significant share of the city's projected population growth.
C. Encourage restoration and environmental design. Ecological restoration and measures to minimize environmental impacts, such as low impact development and vegetation conservation and enhancement, should be encouraged. , ,
D. Overwater residential development. New over-water residential development should be prohibited.
E. Floating homes. New floating homes shall be prohibited.
F. Provide public access. Residential developments should be encouraged to provide public access to shorelines within the development and to minimize impacts of vehicular use and parking upon shoreline aesthetics.
G. Mixed Use: Residential development should be encouraged to be included in a mixed use development.

5.14.2 Regulations

A. Residential uses shall be allowed in conformance with City zoning requirements and the provisions of this SMP.
B. Subdivisions and plats. Where allowed by the City's Zoning Code, residential subdivisions and plats shall:
    1. Comply with all applicable subdivision, critical area, and zoning regulations.
    2. Be designed to prevent the need for new hard or soft shoreline stabilization or flood hazard reduction measures per Section 4.3. A note limiting shoreline stabilization shall be placed on the face of the plat at the time of subdivision.
    3. Be required to cluster residential units and structures where necessary and when allowed by the City to avoid critical areas and to preserve natural features and minimize physical impacts.
    4. If public or community access is provided, then it shall be clearly identified and otherwise be consistent with Section 4.4.
    5. Lots shall be configured in a way so as not to require a Shoreline Variance in the future for residential development. Lot configurations shall plan for building sites behind the required shoreline buffer. Shoreline buffer reductions shall be determined at the time of residential development; not at the time of subdivision.

C. Environmental protection. Residential development including accessory uses and appurtenant structures shall:
    1. Be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.
D. Over-water residences, liveaboards, and floating homes. Over-water residences, liveaboards, and floating homes shall be prohibited.
E. Accessory uses. Residential accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized in Vegetation Conservation standards. Residential accessory uses shall be prohibited over the water unless clearly water-dependent for recreational or personal use.
F. Underground Utilities. All utilities shall be placed underground; See Section 5.18.

5.15 Shoreline Habitat and Natural Systems Enhancement Projects

Shoreline habitat and natural systems enhancement and restoration projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines. Examples of shoreline habitat and natural systems enhancement projects include floodplain restoration projects, fish passage barrier removal or improvement, and projects to increase shoreline habitat complexity, among others. Stabilization of eroding banks may be considered under this section provided that the purpose of the project is clearly restoration of the natural character and ecological functions of the shoreline, and the project uses bioengineering approaches, including limited use of rock as a stabilization only at the toe of the bank as necessary, and with primary emphasis on using native vegetation to control erosive forces. Projects that qualify as streamlined fish enhancement projects per RCW 77.55.181 will be considered under this section.

5.15.1 Policies

A. Design. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
B. Improve shoreline ecological functions. Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.
C. Pursue funding. The City and private entities are encouraged to seek funding from State, Federal, private and other sources to implement restoration, enhancement, and acquisition projects, particularly those that are identified in the Restoration Plan of this SMP or the local watershed plans.
D. Streamline review. The City should develop processing guidelines that will streamline the review of restoration-only projects. RCW 77.55.181
E. Coordination. Restoration and enhancement projects should be coordinated with local public utility and conservation districts.
F. Alternative mechanisms. Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage

restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

5.15.2 Regulations

A. Permitted. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments; provided the project's purpose is the restoration of the natural character and/or ecological functions of the shoreline.
B. Approved plan. Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan or where opportunities arise for improving shoreline ecological functions.
C. Protect adjacent resources. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.
D. Maintenance and monitoring. Long-term maintenance and monitoring (minimum of three years, but preferably longer) shall be arranged by the project applicant and included in restoration or enhancement proposals.
E. Use of best information and BMPs. Shoreline restoration and enhancement projects shall be designed using the best available scientific and technical information, and implemented using best management practices.
F. Public use of waters. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state, as determined by the Shoreline Administrator, without appropriate mitigation. For projects on state-owned aquatic lands, prior to the solicitation of permits from regulatory agencies, project proponents must coordinate with the Washington Department of Natural Resources to ensure the project will be appropriately located.

5.16 Shoreline Stabilization

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

Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks. The impacts of hardening any one property may be minimal, but cumulatively the impact of this shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:

(1) Beach starvation. Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.
(2) Habitat degradation. Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.

(3) Sediment impoundment. As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become coarser, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.
(4) Exacerbation of erosion. The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.
(5) Groundwater impacts. Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.
(6) Hydraulic impacts. Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.
(7) Loss of shoreline vegetation. Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.
(8) Loss of large woody debris. Changed hydraulic regimes and the loss of the upper beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.
(9) Restriction of channel movement and creation of side channels. Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.

Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. In time, the substrate of the beach coarsens and scours down to bedrock or hard clay. The footings of bulkheads are exposed, leading to undermining and failure. This process is exacerbated when the original cause of the erosion and "need" for the bulkhead was from upland water drainage problems. Failed bulkheads and walls adversely impact beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include: vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, gravel placement, rock revetments, gabions, concrete groins, retaining walls, bluff walls, and bulkheads.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Structural shoreline stabilization often results in vegetation removal and damage to near-shore habitat and shoreline corridors. Therefore, master program shoreline stabilization provisions shall also be consistent with SMP Section 4.5, Vegetation Conservation and Shoreline Buffers, and where applicable, the City of Wenatchee's critical areas regulations found in Appendix B.

In order to avoid or mitigate adverse impacts to shoreline ecological functions where shoreline alterations are necessary to protect single-family residences and primary appurtenant structures in

danger from active shoreline erosion, the SMP includes standards setting forth the circumstances under which alteration of the shoreline is permitted, and for the design and type of protective measures and devices.

5.16.1 Policies

A. Ecological functions and processes. Shoreline stabilization should be located, designed, and maintained to protect and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features. Ongoing stream or lake processes and the probable effects of proposed shoreline stabilization on other properties and shoreline features should be considered. Shoreline stabilization should not be developed for the purpose of filling shorelines or creating additional property.

B. Alternatives. Structural shoreline stabilization measures should only be used when more natural, flexible, non-structural methods such as placing the development farther from the OHWM, planting vegetation, or installing on-site drainage improvements, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
   1. No action. Allow the shoreline to retreat naturally, increase buffers, and relocate structures.
   2. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms, large woody debris, or vegetative stabilization.
   3. Rigid works constructed of artificial materials such as riprap or concrete.

C. Future stabilization. Structures should be located and designed to avoid the need for future shoreline stabilization where feasible. Land subdivisions should be designed to assure that future development of the created lots will not require shoreline stabilization for reasonable development to occur.

D. Protect existing structures. New or expanded structural shoreline stabilization should only be permitted where demonstrated to be necessary to protect an existing primary structure, including residences, that is in danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

E. Enhancement, restoration and remediation. New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, native vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.

F. Site-specific design. Shoreline stabilization on streams should be located and designed to fit the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.

G. Public access and other uses. Shoreline stabilization should not be permitted when it interferes with public access to shorelines of the state, nor with other appropriate shoreline uses including, but not limited to, navigation or private recreation.

H. Non-regulatory methods. In addition to conformance with the regulations in this section, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shore stabilization. Non-regulatory methods may include public facility and resource planning, technical

assistance, education, voluntary enhancement and restoration projects, or other incentive programs.

I. Coordination. Shoreline stabilization should be developed in a coordinated manner among affected property owners and public agencies, particularly those that cross boundaries between local governments or other entities with authority over specific land or water areas, to address ecological and geo-hydraulic processes, sediment conveyance, and beach management issues. Where beach erosion threatens existing development, a comprehensive program for shoreline management should be established by the multiple affected property owners.

J. Public or quasi-public developments. Provisions for multiple use, restoration, and/or public shoreline access should be incorporated into the location, design and maintenance of shoreline stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shoreline stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline. For the purposes of this section, a 'quasi-public development' shall mean a privately-owned development with a public mandate and/or public funding.

K. Materials. Materials used for construction of shoreline stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shoreline features including aesthetic values, and flexibility for future uses.

L. Adjacent properties. New development that would require shoreline stabilization which causes adverse impacts to adjacent or down-current properties and shoreline areas should not be allowed.

5.16.2 Regulations

A. General. The purpose of this section is to provide standards for the location and design of hard structural and soft structural shoreline stabilization measures that have the potential to adversely impact the shoreline natural environment. New development, however, shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Land subdivisions shall be designed to assure that future development of the created lots will not require shoreline stabilization for reasonable development to occur. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed. In all cases, soft structural shoreline stabilization is preferred to hard structural stabilization. Shoreline stabilization shall be designed so that net loss of ecological functions does not occur.

B. Nonconforming shoreline stabilization. Nonconforming shoreline stabilization measures are not governed by nonconforming structure provisions in Chapter 6; instead, they are governed by this section.

C. New or enlarged structural shoreline stabilization. New structural shoreline stabilization measures, including both hard and soft structural shoreline stabilization measures, shall include measures installed to address erosion impacts. Enlargement of an existing structural shoreline stabilization shall include additions to or increases in size (such as height, width, length, or depth) to existing shoreline stabilization measures

and these enlargements shall be considered new structures. New or enlarged structural stabilization measures shall not be allowed, except as follows:

1. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.
2. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:
    a. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.
    b. Nonstructural measures, such as placing the proposed development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion impacts.
    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical analysis. The damage must be caused by natural processes, such as currents or waves.
3. In support of water-dependent development when all of the conditions below apply:
    a. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.
    b. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.
    c. The need to protect primary structures, including residences, from damage due to erosion is demonstrated through a geotechnical analysis.
4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to RCW Chapter 70.105D when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.
5. To protect cultural or historic resources when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient to avoid continued degradation, disturbance or erosion of a site. Cultural resource protection projects shall be coordinated with any affected Indian tribes and comply with applicable provisions of Section 4.1 of this SMP.

D. Repair of existing shoreline stabilization measures. This section allows repair and maintenance of existing shoreline stabilization measures, subject to all of the following standards. [Note: repair of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but they are not exempt from the policies and regulations of this Section or the SMP.]

1. Maintenance and repair shall include modifications or improvements to an existing shoreline stabilization measure that are designed to ensure the continued

function of the stabilization measure by preventing failure of any part of the stabilization measure.

2. Modifications or improvements that include additions to or increase in size of existing shoreline stabilization measures shall be considered new structures, and are not maintenance and/or repair.
3. Replacement of greater than 50 percent or 35 feet, whichever is smaller, of linear length of existing shoreline stabilization on a waterfront parcel is not considered a repair or maintenance for purposes of these regulations, and must be designed and reviewed as a replacement subject to the provisions contained in E below. For shoreline stabilization projects, "replacement" occurs when the existing structure, including its footing or bottom course of rock, is removed prior to placement of new shoreline stabilization materials. Repairs and maintenance that involve only removal of material above the footing or bottom course of rock are not considered replacements. Replacement of existing shoreline stabilization may still qualify for an exemption from a Shoreline Substantial Development Permit as listed in Section 7.5.3 of this SMP.
4. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
5. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure shall be considered a new structure, and is not maintenance or repair.

E. Replacement. The following standards apply to replacement of existing hard and soft structural shoreline stabilization measures [Note: repair of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but they are not exempt from the policies and regulations of this Section or the SMP]:

1. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall also be considered new structures.
2. Replacement shall be treated as a new shoreline stabilization measure subject to the restrictions of C above, as well as the submittal requirements of H below, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by waves or other natural processes operating at or waterward of the OHWM.
3. Replacement hard structural shoreline stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the primary residence was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut (attached to and waterward of) the existing shoreline stabilization structure. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.

4. Fill associated with hard and soft shoreline stabilization measures may be allowed waterward of the OHWM to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.

F. General design standards. When a hard or soft structural shoreline stabilization measure is demonstrated to be necessary, the following design standards shall be incorporated into the stabilization design:

1. Soft structural shoreline stabilization measures shall be used to the maximum extent practicable for new, enlarged, or replacement shoreline stabilization measures, limiting hard structural shoreline stabilization measures to the portion or portions of the site where necessary to protect or support existing shoreline structures or trees, or where necessary to connect to existing shoreline stabilization measures on adjacent properties. Hard structural shoreline stabilization transition areas between the applicant's otherwise soft shoreline measure and the adjacent hardened shoreline, when needed on the subject property to prevent destabilization of adjacent hardened shorelines, should be minimized and extend into the subject property from the property line no more than 10 feet.
2. For enlarged or replacement soft and hard structural shoreline stabilization measures, the following location and design standards are preferred in descending order:
   a. Conduct excavation and fill activities associated with the soft or hard structural shoreline stabilization landward of the existing OHWM to the maximum extent practicable.
   b. Where a, above, is not practicable because of overriding safety or environmental concerns, conduct necessary excavation and fill activities waterward of the existing OHWM as needed to implement a soft structural shoreline stabilization technique or to mitigate the impacts of hard structural shoreline stabilization. Fill material waterward of the OHWM may be sand, gravel, cobble or boulders provided the placement of boulders does not effectively present a continuous wall or face to oncoming waves (also known as rip rap).
3. All approved new, enlarged, repair, or replacement shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities, consistent with Section 4.2, Ecological Protection and Critical Areas and Appendix B, Critical Areas Regulations. Impact minimization techniques may include compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.
4. All new, enlarged, or replacement hard structural shoreline stabilization measures shall minimize any long-term adverse impacts to ecological functions by incorporating the following measures into the design:
   a. Limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass.
   b. Shifting the hard structural shoreline stabilization landward and/or sloping the hard structural shoreline stabilization landward to provide some

dissipation of wave energy and increase the quality or quantity of near shore shallow-water habitat.

5. Approved new and enlarged shoreline stabilization measures shall mitigate any adverse impacts to ecological functions by incorporating the following measures at a minimum into the design if appropriate for local conditions:
    a. Restoration of appropriate substrate conditions waterward of the OHWM, to include substrate composition and gradient. The material should be sized and placed to remain stable during a two-year flood event on rivers and under typical boat- and wind-driven wave conditions on lakes, including storm events.
    b. Plant native riparian vegetation, as necessary, along at least 75 percent of the shoreline linear frontage affected by the new or enlarged stabilization, located along the water's edge. The vegetated portion of the shoreline buffer shall average 10 feet in depth from the OHWM, but may be a minimum of 5 feet wide to allow for variation in landscape bed shape and plant placement. Restoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. At least 3 trees per 100 linear feet of shoreline must be included in the plan. Plant materials must be native to the ecosystem of the project area. An alternative planting plan or mitigation measure in lieu of meeting these requirements may be allowed if approved by other State and Federal agencies.
    c. Additional mitigation measures may be required by the City, or State or Federal agencies, depending on the level of impact.
6. The shoreline stabilization measure shall be designed to not significantly interfere with normal surface and/or subsurface drainage into the adjacent waterbody.
7. The shoreline stabilization measure shall be designed so as not to constitute a hazard to navigation.
8. Stairs or other water access measures may be incorporated into the shoreline stabilization (e.g., steps integrated into the bulkhead, coved area with shallow entry), but shall not extend waterward of the shoreline stabilization measure and the OHWM.
9. The shoreline stabilization measure shall be designed to ensure that it does not restrict appropriate public access to the shoreline. When a structural shoreline stabilization measure is required at a public access site, provisions for safe access to the water shall be incorporated into the shoreline stabilization structure design (e.g., steps integrated into the bulkhead, coved area with shallow entry). Access measures should not extend farther waterward than the face of the shoreline stabilization measure and the OHWM.
10. Shoreline stabilization measures shall not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.
11. When repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location, any buffers from the OHWM or lot area for the purposes of calculating lot coverage shall be measured from the pre-modification location. The pre-modification OHWM shall be recorded in a form approved by the City and recorded at the Chelan County Auditor's Office.

12. If repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location and result in expansion of the shoreline jurisdiction on any property other than the subject property, the plan shall not be approved until the applicant submits a copy of a statement signed by the property owners of all affected properties, in a form approved by the City and recorded at the Chelan County Auditor's Office, consenting to the shoreline jurisdiction creation and/or increase on such property.

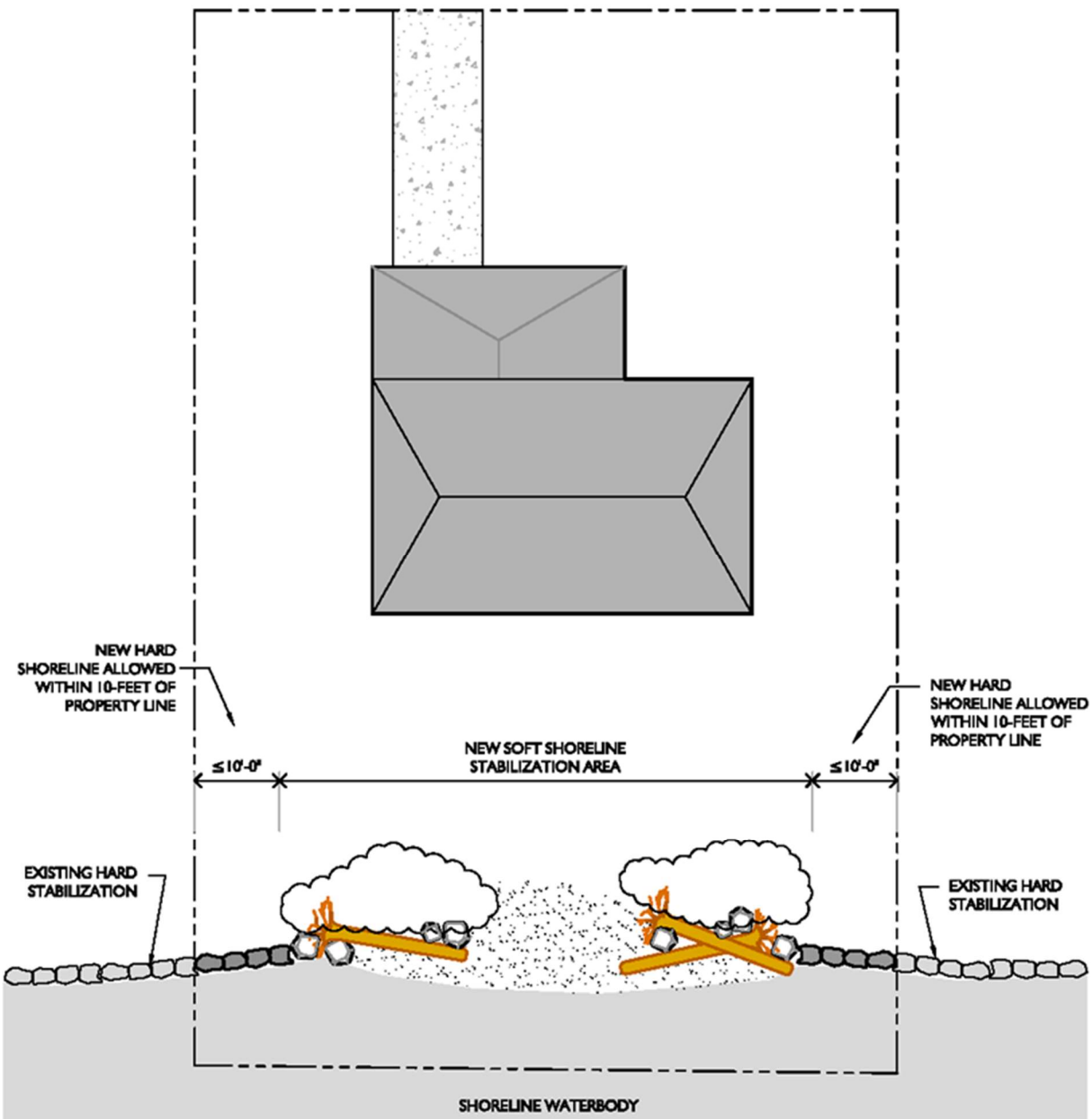
G. Specific hard structural shoreline stabilization design standards. In those limited instances when hard structural shoreline stabilization measures, such as bulkheads, are demonstrated to be necessary as outlined in I below, the following standards shall be incorporated into the design:
   1. In those limited cases when hard structural shoreline stabilization is proposed on a site where hard structural shoreline stabilization is not located on adjacent properties, the construction of hard structural shoreline stabilization shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization would not cause erosion of the adjoining properties.
   2. When hard structural shoreline stabilization is proposed on a site where hard structural shoreline stabilization is located on adjacent properties, the proposed stabilization may tie in flush with existing stabilization measures on adjoining properties, provided that the new stabilization does not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization, and does not extend onto the adjacent property. In such circumstances, the remaining portion of the stabilization shall be placed landward of the existing OHWM such that no net intrusion into the waterbody occurs nor does net creation of uplands occur. The length of hard structural shoreline stabilization transition area to adjacent properties should be minimized to the maximum extent practicable, and extend into the subject property from adjacent properties no more than 10 feet.
   3. Fill behind hard structural shoreline stabilization shall be limited to 1 cubic yard per running foot of stabilization. Any filling in excess of this amount shall be considered a regulated activity subject to the regulations in this Chapter pertaining to fill activities and the requirement for obtaining a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit.

H. Specific soft structural shoreline stabilization design standards. In addition to applicable general design standards and hard structural shoreline stabilization standards above, the following standards shall be incorporated into the design:
   1. The soft shoreline stabilization design shall provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line, provided the stabilization measure does not extend onto the adjacent property. Soft shoreline stabilization projects that include necessary use of hard structural shoreline stabilization measures, as indicated by the appropriate study prepared per I below, only near the property lines to tie in with adjacent properties shall be permitted as soft shoreline stabilization measures. The length of hard structural shoreline stabilization transition area to adjacent properties shall be minimized to the maximum extent practicable, and extend into the subject property from adjacent

properties no more than 10 feet (see Figure 1 below). The hard structural shoreline stabilization transition area shall not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization, and shall not extend onto the adjacent property.

2. The soft shoreline stabilization design shall size and arrange any gravels, cobbles, logs, and boulders so that the project remains stable during a two-year flood event on rivers and under typical boat- and wind-driven wave conditions on lakes, including storm events, and dissipates wave and current energy, without presenting extended linear faces to oncoming waves or currents.

FIGURE 1 SOFT SHORELINE STABILIZATION EXAMPLE



I. Submittal requirements. In addition to submitting an application for the appropriate shoreline permit, the applicant shall submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:
   1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical analysis prepared by a qualified professional with an engineering license. The analysis shall include the following:
      a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation. New hard structural shoreline stabilization measures shall not be authorized, except when an analysis confirms that that there is a significant possibility that an existing structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years that analysis may still be used to justify more immediate authorization to protect against erosion using soft measures.
      b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM.
      c. An assessment of alternative measures to shoreline stabilization, including:
         i. Placing the structure farther from the OHWM.
         ii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.
      d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
      e. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.
   2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need shall consist of the following:
      a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.
      b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.
      c. An assessment of alternative measures to shoreline stabilization, including:
         i. Relocating the development farther from the OHWM.

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

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

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

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

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

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

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

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

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

iii. Minimize or eliminate juvenile salmon predator habitat.

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

i. Goals and objectives of the shoreline stabilization plan;

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

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

iv. A performance standard of 100 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year; and

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

5.17 Transportation and Parking

5.17.1 Policies

A. Circulation. Public agencies and developments should provide circulation facilities including roads, streets, alleys, pedestrian, bicycle, and public transportation facilities, consistent with federal, state, or local standards and sufficient to meet adopted levels of service.

1. Minimize traffic impacts of trains on the waterfront access.

B. Essential public facilities. Comprehensive Plans, which include Shoreline Master Programs, may not preclude the siting of essential public facilities, which include state or regional transportation facilities as defined in RCW 47.06.140.

C. Minimize land consumption. When transportation facilities must be located along shorelines, 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.

D. Erosion and groundwater. Roads in shoreline areas should be designed and maintained to prevent erosion and to permit a natural movement of groundwater.

E. Protect shorelands. Transportation facilities and parking facilities should be planned, located, and designed where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.

F. Fit topography. Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.

G. Scenic highways and bridges. Scenic highways and major bridge crossings should have provisions for safe pedestrian and other non-motorized travel. Also, provision should be made for sufficient viewpoints, rest areas and picnic areas along shorelines of the state, if feasible.

H. General maintenance and reconstruction. Road maintenance and reconstruction should be allowed in accordance with best management practices adopted by the City and the State of Washington Department of Transportation.

I. Trails. Multi-purpose trails should be encouraged in shoreline jurisdiction consistent with public access policies and regulations in Section 4.4.

J. Coordinate land use and transportation. Since land use and transportation facilities are so highly interrelated, the plans for each should be closely coordinated and consider shoreline goals, objectives, policies, and standards.
   1. Encourage the development of new roadways, where necessary, to facilitate desired development and enhance waterfront access.
   2. Link and integrate the waterfront's development nodes.
   3. Create visible and attractive gateways that promote the waterfront and create a sense of identity.

K. Parking. Parking facilities in shorelines are not a preferred use and should be allowed only as necessary to support an authorized use. Parking facilities should be located as far inland as possible from the OHWM.
   1. Provide on-street parking opportunities, where possible, on existing and new streets to support waterfront land uses and calm traffic.

5.17.2 Regulations

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

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

1. Minimize possible adverse effects on unique or fragile shoreline features;
2. Implement Section 4.2 and Section 4.5;
3. Set back from the OHWM to the maximum extent feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses.

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

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

E. Trails. See public access standards in Section 4.4.

F. Parking facilities. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use and when minimizing environmental and visual impacts. For the purposes of this section, authorized means a use or activity included in the use matrix and associated definitions in Chapter 8. New or expanded parking areas shall:

1. Be sited outside of shoreline jurisdiction unless no feasible alternative location exists; for example where a property does not extend outside jurisdiction;
2. Be landscaped to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas. The Shoreline Administrator may condition proposals to incorporate the following performance standards:
    a. Select species that are suitable to the local climate, having minimal demands for water, minimal vulnerability to pests, and minimal demands for fertilizers; and
    b. Incorporate native species.
3. Observe shoreline buffers. Parking shall be located outside shoreline buffers unless one of the following is met:
    a. ADA parking requirements are not met and placing the limited number of needed ADA parking spaces within the shoreline buffer facilitates better and safer public access to the shoreline.
    b. Parking is located on a parcel landward of allowed uses and the applicant's lot/site has topographical constraints where no other location outside the buffer yet within the proposed development is feasible (e.g., the use or activity is located on a parcel entirely or substantially encumbered by the required buffer)

    In the above cases, parking shall be located as far upland from the OHWM as feasible and parking allowed in a buffer shall follow mitigation sequencing pursuant to Section 4.2; and
4. Be designed to incorporate low-impact development practices, such as pervious surfaces and bioswales, to the extent feasible.

G. Modifications of Existing Roads and Parking Areas: Existing roads and parking areas that are of a non-paved surface (e.g. gravel) may be paved provided such facilities comply with all applicable requirements of this SMP. Roadways or paved parking areas shall be designed to incorporate low-impact development practices, such as pervious surfaces and bioswales, to the extent feasible.

H. Private Driveways: A driveway for an individual single family home is considered a residential appurtenance and is considered part of the primary use, and subject to Residential standards of this SMP. Private driveways or private roads serving more than one home are subject to the standards of this section.
I. Maintenance Standards for New or Expanded Road or Parking Facility: When a new or expanded roadway or new or expanded parking facility is proposed, the City may condition the proposal to provide a maintenance plan that promotes best management practices to achieve no-net-loss of shoreline ecological function. For example, maintenance standards may include restrictions on the use of herbicides, hazardous substances, sealants or other liquid oily substances, or de-icing practices adjacent to shoreline buffers or critical areas and their buffers.

5.18 Utilities

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

5.18.1 Policies

A. Meet demand for utilities. Utilities should be located to meet the needs of current underserved areas or future growth.
B. Use existing corridors. Intensified use of existing utility corridors should be encouraged, as opposed to the addition of new corridors.
C. Minimize visual impact. 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.
D. Upland and underwater utilities. 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.
E. Restoration of disturbed areas. Upon completion of installation or maintenance projects on shorelines, all disturbed areas within shoreline jurisdiction should be restored to pre-project configuration where feasible, replanted with suitable plant species, and maintained until the newly planted vegetation is established consistent with Vegetation Conservation policies and standards in Section 4.5.
F. Outfalls. Site outfalls to avoid impacts to critical areas. Design outfalls to reduce impacts to aquatic vegetation and water quality.

5.18.2 Regulations

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

1. Are designed and constructed to meet all applicable engineering standards of the City of Wenatchee;
2. Avoid paralleling the shoreline or following a down-valley course near the channel, except where located in an existing road or easement footprint;
3. Do not alter processes affecting the rate of channel migration or shoreline erosion; the Shoreline Administrator may require a monitoring plan and adaptive management measures prepared by a qualified professional as appropriate; and
4. Joint use of utility corridors is recommended consistent with prudent utility practice.

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

C. Undergrounding. All new permanent utility systems shall be underground except where environmental or geological conditions makes undergrounding prohibitive; provided that facilities which are temporary or infeasible to underground are exempt from undergrounding, including but not limited to electric transmission lines in excess of 15kV, utilities attached to undersides of bridges, and public stormwater facilities, outfalls, and associated structures.

D. Reasonable screening and/or architecturally compatible integration of all new above-ground utility facilities, such as a substation, shall be required.

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

F. Restoration of disturbed areas. Upon completion of utility system installation, or any maintenance project, the disturbed area shall be graded to compatibility with the natural terrain and replanted to prevent erosion.

G. Underwater utilities. If an underwater location is necessary, the following performance standards apply:
1. The design, installation and operation shall minimize impacts to the waterway or the resident aquatic ecosystems.
2. Seasonal work windows may be made a condition of approval.
3. All federal or state permits must be obtained.
4. A maintenance schedule and emergency repair protocol shall be prepared and recorded.

H. New Nonwater-oriented processing and production facilities. New nonwater-oriented utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented, shall not be allowed in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

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

qualified professional to determine the diffuser or discharge point. The outfall pipe shall be subsurface within the near shore.

5.19 Redevelopment, Repair, and Maintenance

5.19.1 Policies

A. The SMP should recognize existing uses and developments in the shoreline and allow them to continue consistent with their lawfully established condition.
B. The City should apply relevant SMP provisions in proportion to the shoreline use or development proposed.

5.19.2 Regulations

A. SMP provisions shall not apply retroactively to existing lawfully established uses and developments.
B. Existing legally established uses and developments may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline buffers established in this SMP. Normal maintenance and repair, as specified in Section 7.5.3, Exemptions, do not require shoreline permits.
C. Consistent with provisions of Section 1.3, SMP standards shall apply to expansions or alterations of uses or developments and to new development or redevelopment of a property as follows:
    1. The Shoreline Administrator shall determine the extent of compliance with SMP provisions.
    2. The required provisions shall be related to and in proportion to the proposal. For example, if an upper story is added to a structure, requirements related to building heights and views may apply. If vegetation is removed beyond normal maintenance pursuant to 7.5.3.B, vegetation conservation and shoreline buffer standards may apply.
D. Maintenance or repair activities which exceed the specifications of Section 7.5.3.B in Exemptions or which are required for new development or re-development may be authorized through the establishment of multi-year maintenance or repair plans, as follows:
    1. Five-year management plans consistent with Section 5.15.
    2. Multi-year plan(s) for other maintenance or repair activities that are used to establish best management practices or protocols to ensure no-net-loss of shoreline ecological function such as for roadways, utilities, or other facilities shall address the following:
        a. Description of proposed maintenance activities and best management practices;
        b. Type, methods, and frequency of maintenance or repair activities;
        c. Description of in-stream or in-lake habitat protection measures;
        d. Description of riparian and wetland protection measures;
        e. Description of stormwater management practices to reduce both water quantity and water quality impacts;
        f. Description of erosion and sediment control practices that prevent off-site movement;

g. Description of re-vegetation or restoration activities following maintenance or repair; and
h. Description of chemical and nutrient use and containment practices such as Integrated Pest Management (IPM).

6 NONCONFORMING STRUCTURES AND USES

6.1 Nonconforming Uses, Structures, and Lots

6.1.1 Policies

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

A. Continuation of nonconforming uses and structures. Nonconforming existing legal uses and structures may continue according to City of Wenatchee standards.
B. Transition to conforming uses. Transitions from nonconforming uses to conforming uses should be encouraged.
C. Expansion of nonconforming structures. Owners of nonconforming structures that wish to expand the structure should not increase the nonconformity according to the City's standards.
D. No-net-loss of ecological function. The SMP no-net-loss of ecological function objective should guide review of proposed expansions or other changes to nonconforming uses and new development on nonconforming vacant lots. This objective may be addressed in an area-wide manner consistent with the SMP cumulative impacts analysis.
E. Balance historic character. The City of Wenatchee should consider balancing historic character of the community with conformity to SMP rules when considering changes to nonconforming uses, structures, and lots.

6.1.2 Regulations

The following nonconforming standards shall apply to nonconforming uses and structures, with the exception of Boating Facilities (Section 5.5) and shoreline stabilization structures (Section 5.16).

A. Nonconforming uses
    1. A legal nonconforming use in existence as of the effective date of this SMP may be continued but shall not be enlarged upon, expanded, increased in intensity or be extended; provided, however, the extension of the nonconforming use of a structure that was originally arranged or designed for such nonconforming use, on or before the effective date of this SMP, shall not be deemed the extension of a nonconforming use.
    2. A nonconforming use, if changed to a conforming use, may not thereafter be changed to a nonconforming use.
    3. No nonconforming use shall be enlarged, increased or extended to occupy a greater gross floor area or land coverage than was occupied on the effective date of this SMP.
    4. 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 hazard.

5. Uses and developments that were legally established and are nonconforming with regard to the use regulations of this SMP 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 dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances, as defined in Chapter 8 of this SMP, upon approval of a conditional use permit.
6. 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.

B. Nonconforming structures: For the purposes of this section, signs shall be considered as structures.
    1. A structure which is legally nonconforming as of the effective date of the SMP by reason of restrictions on area, lot coverage, height, required setbacks or other requirements concerning structures may be continued so long as it remains otherwise lawful.
    2. A structure with one or more nonconforming setbacks (not to be confused with buffers) may be extended when said addition or extension would be no less conforming as to setback distance than the existing structure; and provided, that the addition shall be no longer in linear feet along the nonconforming setback than 50 percent of the length of the existing nonconformity.
    3. A nonconforming structure shall not be altered, extended, enlarged, or otherwise physically changed in any manner that would have the effect of increasing its amount or degree of nonconformity.
    4. A nonconforming structure destroyed by any cause to an extent exceeding 50 percent of its cost of replacement using new materials shall only be replaced with a structure conforming to the provisions of this SMP.
    5. Nothing in this SMP shall be deemed to prevent the normal maintenance and repair of a nonconforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety.
C. Nonconforming lots
    1. An undeveloped lot, tract, parcel, or division of land located landward of the ordinary high water mark and was of record on the effective date of this SMP, or amendment thereto, which contain less than the required width, depth, or area as required by this SMP, shall be considered buildable in all respects. However, this is contingent upon any proposed structures and uses to be developed must be permitted under City regulations and conform to all other requirements of this SMP.

7 SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

Sections:

7.1 Roles and Responsibilities
7.2 Interpretation
7.3 Application Requirements
7.4 Shoreline Substantial Development Permits
7.5Exemptions from Shoreline Substantial Development Permits
7.6 Shoreline Conditional Use Permits
7.7 Shoreline Variances
7.8 Permit Conditions
7.9 Duration of Permits
7.10 Initiation of Development
7.11 Appeals
7.12 Amendments to Permits
7.13 Enforcement
7.14 Rescission and Modifications
7.15 Amendments to Shoreline Master Program
7.16 Purpose, Applicability and Definitions
7.17 Application Process
7.18 Application Review
7.19 Performance Assurance and Guarantee

7.1 Roles and Responsibilities

The City shall administer this Shoreline Master Program according to the following roles and responsibilities.

7.1.1 Shoreline Administrator

The Shoreline Administrator in the City of Wenatchee is the Community and Economic Development Director or assigned designee and shall have overall administrative responsibility of the SMP. The Shoreline Administrator or his/her designee is hereby vested with the authority to:

A. Administrate this SMP.
B. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP per Section 7.5.3.
C. Authorize, approve or deny, or revise Shoreline Substantial Development Permits, except those that the Administrator designates the Hearing Examiner as the decision maker. The Hearing Examiner shall review any shoreline substantial development permit associated with a shoreline conditional use permit or shoreline variance.
D. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
E. Make written recommendations to the Hearing Examiner, Planning Commission, or City Council as appropriate.

F. Provide interested persons and prospective applicants guidance as to the administrative procedures and related components of this SMP.
G. Authorize, approve or deny revisions to shoreline conditional use permits, or shoreline variances, except those that the Administrator designates the Hearing Examiner as the decision maker.
H. Collect fees for all necessary permits as provided in City of Wenatchee ordinances or resolutions. The determination of which fees are required shall be made by the City.
I. Make administrative decisions and interpretations of the policies and regulations of this SMP and the Act.

7.1.2 SEPA Official

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

7.1.3 Hearing Examiner

In the City of Wenatchee, the Hearing Examiner shall have the authority to:

A. Decide on Shoreline Substantial Development Permits that the Hearing Examiner is the designated decision maker by the Administrator, or that are associated with a shoreline conditional use permit or shoreline variance.
B. Appeals from administrative decisions issued by the Administrator of this SMP.
C. Grant or deny shoreline conditional uses under this SMP.
D. Grant or deny shoreline variances from this SMP.
E. Grant or deny revisions to shoreline conditional uses or shoreline variances that the Hearing Examiner is the designated decision maker by the Administrator.

7.1.4 Planning Commission

The Planning Commission is vested with the responsibility to review the Shoreline Master Program as part of regular SMP updates required by RCW 90.58.080 as a major element of the City's planning and regulatory program, and make recommendations for amendments thereof to the City Council.

7.1.5 City Council

The Wenatchee City Council shall maintain a policy role and is vested with authority to:

A. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.
B. Adopt all amendments to this SMP, after consideration of the recommendation of the planning commission. Amendments shall become effective 14 days from the date of issuance of Ecology's final action letter by Ecology.

7.2 Interpretation

Upon request or as determined necessary the Administrator shall interpret the meaning or application of the provisions of the SMP and issue a written

interpretation. Interpretation requests shall be processed in the same manner as a letter of exemption under sections 7.5.4-5 under the processing and review standards of sections 7.16-7.18 of this Chapter. The Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and 173-26 WAC

7.3 Application Requirements

The Joint Aquatic Resource Permit Application (JARPA) in its current iteration shall be the application form used for permit submittals.

7.3.1 Requirements

A. A complete JARPA for an Exemption, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance shall provide, at a minimum, the following:
   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 thorough description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
   7. A thorough description of the property as it now exists including its physical characteristics and improvements and structures.
   8. A thorough 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, photographs, and text which shall include:
      a. The site plan drawn to an appropriate scale to clearly depict all required information. The scale must be at minimum 1 to 100.
      b. The boundary of the parcel(s) of land upon which the development is proposed.
      c. 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.

d. 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.
e. A delineation of all wetland areas that will be altered or used as a part of the development.
f. A thorough indication of the character of vegetation found on the site.
g. The dimensions and locations of all existing and proposed structures and improvements including but not limited to:
    i. Impervious surfaces; buildings, paved or graveled areas, roads;
    ii. Utilities, septic tanks and drainfields (if applicable),and stormwater management facilities;
    iii. Location of material stockpiles or surcharge, storage areas, and staging areas;
    iv. Existing and/or proposed view corridors;
    v. Wildfire defensible space;
    vi. Existing and/or proposed water access trail(s)/routes; and
    vii. Show area calculations for each of the above.
h. Where applicable, the project landscaping plans.
i. 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.
j. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
k. Quantity, composition and destination of any excavated or dredged material.
l. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
m. Where applicable, a depiction of the impacts to views from existing residential uses and public areas consistent with this SMP.

10. On all variance applications the plans shall clearly indicate the following:
    a. Where development could occur without approval of a variance;
    b. The physical features and circumstances on the property that provide a basis for the request;
    c. The location of adjacent structures and uses;
    d. An assessment of the existing ecological functions and/or processes provided by topographic, physical and vegetation characteristics of the site, any impacts to those functions and/or processes; and

e. When the project results in adverse impacts to ecological function and/or processes, a mitigation and management plan in conformance with Section 4.2.2 must be provided that describes how proposed mitigation compensates for the lost functions or process.

11. The location of any mapped channel migration zone, floodplain, and/or floodway boundary and critical areas, if known, and respective setback/buffer areas on and within 200 ft. of the vicinity of the project site and all applicable buffers.

B. The Shoreline Administrator may vary or waive these application requirements according to administrative application requirements on a case by case basis. The Shoreline Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other city requirements, and the provisions of this SMP.

7.4 Shoreline Substantial Development Permits

7.4.1 Permit Required

A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 7.5.

7.4.2 Permit Review Criteria

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

A. How is the proposal consistent with the policies and procedures of the Shoreline Management Act?
B. How is the proposal consistent with the provisions of WAC 173-27-140, "Review criteria for all development", and WAC 173-27-150, "Review criteria for substantial developments". ?
C. How is the proposal consistent with this SMP?

7.5 Exemptions from Shoreline Substantial Development Permits

7.5.1Compliance with Applicable Regulations Required

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

7.5.2 Interpretation of Exemptions

A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.
B. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk,

dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.

C. The burden of proof that a development or use is exempt from the permit process is on the applicant. The City may require the applicant to provide additional documentation to support their exemption request.
D. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.
E. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.
F. Except for the exemption based on fair market value in 7.5.3.A, activities consistent with the exemptions listed in 7.5.3 are exempt regardless of the value of the project.

7.5.3 Exemptions

The City shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below. Written Letters of Exemption or other written documentation may be required for exempt activities and can be issued consistent with Section 7.5.4.

A. Any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred sixteen dollars ($6,416.00) or dollar value as amended by the State of Washington Office of Financial Management provided such development does not materially interfere with the normal public use of the water or shorelines of the state.
B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
C. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the

existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual OHWM. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

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

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

H. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. 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 in fresh waters the fair market value of the dock does not exceed ten thousand dollars ($10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars ($2,500) occurs

within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Shoreline Master Program.

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 September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
L. Any project with a certification from the governor pursuant to chapter 80.50 RCW, Energy Facilities -Site Locations;
M. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
    1. The activity does not interfere with the normal public use of the surface waters;
    2. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
    3. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
    4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the City to ensure that the site is restored to preexisting conditions; and
    5. The activity is not subject to the permit requirements of RCW 90.58.550, Oil or natural gas exploration in marine waters;
N. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;
O. Watershed restoration projects as defined below. The City 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.
    1. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
        a. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings; or

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

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

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

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

1. The project has been approved in writing by the State of Washington department of Fish and wildlife;
2. The project has received hydraulic project approval by the State of Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and
3. The City has determined that the project is substantially consistent with the local shoreline master program. The City shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows.

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

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

(a) Elimination of human-made fish passage barriers, including culvert repair and replacement; or

(b) Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project

review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

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

(a) By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW; or

(b) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW; or

(c) By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project; or

(d) Through the review and approval process for the jobs for the environment program; or

(e) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service; or

(f) Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and

(g) Through other formal review and approval processes established by the legislature.

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

c. A hydraulic project approval permit is required for projects that meet the criteria of P.3.a of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the

conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

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

e. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of P.3.a of this subsection and that are reviewed and approved according to the provisions of this section.

7.5.4 Letters of Exemption

Letters of exemption shall be issued by the City when required by the provisions of WAC 173-27-050.

No statement of exemption shall be required for other uses or developments exempt pursuant to WAC 173-27-050 unless the Administrator has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption, the Administrator determines there is a likelihood of adverse impacts to shoreline ecological functions or values; or a review process is required by the SMP requiring approval by the Administrator that is not associated with a shoreline substantial development permit, shoreline conditional use permit or shoreline variance.

7.5.5 Letters of Exemption – Application

Applications for proposals that meet shoreline exemptions shall contain, at a minimum, the information listed in Section 7.3.1 above, unless waived by the Shoreline Administrator as unnecessary to determine applicability of SMP provisions.

7.6 Shoreline Conditional Use Permits

7.6.1Purpose

This section provides procedures and criteria guiding the review of shoreline conditional use permits, which require careful review to ensure the use can be properly installed and operated in a manner that meets the goals of the Act and this SMP in accordance with any needed performance standards.

7.6.2 Determinations of Conditional Use Permits

A. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the Hearing Examiner of the City of Wenatchee and by the Department of Ecology in accordance with WAC 173-27-200.

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

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

7.6.3 Review Criteria

A. Conditional use criteria. An applicant proposing a conditional use shall affirmatively demonstrate compliance with review criteria below or as thereafter amended in WAC 173-27-160.
   1. How is the proposed use consistent with the policies of RCW 90.58.020 and this SMP?
   2. How will the proposed use avoid interference with the normal public use of public shorelines?
   3. How will the proposed use of the site and design of the project be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP?
   4. How will the proposed use cause no significant adverse effects to the shoreline environment in which it is to be located?
   5. How will the public interest suffer no substantial detrimental effect?

B. Criteria for exceeding maximum height. Applicants proposing to exceed maximum height limits and that are required to receive a Conditional Use Permit pursuant to Section 5.1.2, shall affirmatively comply with the following criteria:
   1. Does the application thoroughly provide and demonstrate all of the requirements identified in Section 5.1.2.(E)(2).
   2. Has the applicant located and oriented structures on the subject property in a manner that diminishes the potential view impact? For example, side yard setbacks may need to be increased. No side yard setbacks shall be reduced to accommodate the proposed structure.
   3. Has the applicant demonstrated extraordinary circumstances?
   4. To address "overriding considerations of the public", has the applicant prepared a cumulative impacts analysis that documents the public benefits served by issuance of a Conditional Use Permit?

C. Consideration of cumulative impact. 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.
   1. The applicant shall prepare a cumulative impact analysis by a qualified professional for the type of application proposed that:
      a. Documents other properties or uses on the same waterbody that are similarly situated and could request a similar conditional use permit;
      b. Demonstrates consistency with the policies of RCW 90.58.020 (Legislative findings); and
      c. Demonstrates no substantial adverse effects to the shoreline environment and achievement of no-net-loss of ecological function.

      The City shall determine whether the additional potential for conditional use permits will produce substantial adverse effects to the shoreline environment considering the characteristics of the proposed use, the ability to achieve no-net-

loss of ecological function principles, and capability of accommodating preferred shoreline uses in the future if the conditional use and cumulative potential requests occur.

2. For requests to exceed maximum height requirements Section 5.1.2 shall be followed.

7.7. Shoreline Variances

7.7.1 Purpose and Review Process

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

After a Shoreline Variance application has been approved by the City, Ecology shall review the permit and make its final decision, in accordance with WAC 173-27-200.

7.7.2 Review Criteria

Shoreline Variances may be authorized provided the applicant can demonstrate compliance with the following criteria or as thereafter amended in WAC 173-27-170.

A. General provisions. Shoreline Variances should be granted in circumstances where denial of the variance would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist and the public interest shall suffer no substantial detrimental effect.
B. Shoreline variances landward of the OHWM. Shoreline Variances for development and/or uses that will be located landward of the OHWM and/or landward of any wetland as defined in Chapter 8, may be authorized provided the applicant demonstrates affirmatively all of the following:
    1. How would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude or significantly interfere with reasonable use of the property?
    2. How the hardship is described in B.1 above specifically related to the property, and is the hardship the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example, from deed restrictions or the applicant's own actions?
    3. How is the design of the project compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will the project design not cause adverse impacts to the shoreline environment?
    4. How will the variance not constitute a grant of special privilege not enjoyed by the other properties in the area?
    5. How the requested variance is the minimum necessary to afford relief?
    6. How will the public interest suffer no substantial detrimental effect?

C. Shoreline variances waterward of OHWM. Shoreline Variances for development and/or uses that will be located waterward of the OHWM, may be authorized provided the applicant demonstrates affirmatively all of the following:
   1. How would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude all reasonable use of the property?
   2. How is the proposal consistent with the criteria established under subsection 7.7.2.B.2 through B.6 of this section?
   3. How will the public rights of navigation and use of the shorelines not be adversely affected?

D. Cumulative impacts. In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The applicant shall submit a cumulative impact analysis prepared by a qualified professional for the subject of the variance:
   1. Documenting other properties or uses on the same waterbody that are similarly situated and could request a similar variance;
   2. Demonstrating consistency with the policies of RCW 90.58.020; and
   3. Demonstrating no substantial adverse effects to the shoreline environment and achievement of no-net-loss of shoreline ecological function.

   For example if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of the Act and shall not cause substantial adverse effects to the shoreline environment.

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

7.8 Permit Conditions

In granting, revising, or extending a shoreline permit, the City and/or DOE may attach such conditions, modifications, or restrictions thereto regarding the location, character, and other elements of the proposed development or activity deemed necessary to prevent undesirable effects of the proposed development or activity and to assure that the development or activity will be consistent with the policy and provisions of the Act and this SMP, as well as the supplemental authority provided in RCW 43.21C, as applicable. In cases involving unusual circumstances or uncertain effects, a condition may be imposed to require monitoring with future review or re-evaluation to assure conformance with the Act and this SMP. If the monitoring plan is not implemented, the permittee may be found to be noncompliant and the permit may be rescinded.

7.9 Duration of Permits

7.9.1 Requirements

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

A. General provisions. The time requirements of this section shall apply to all Shoreline Substantial Development Permits and to any development authorized pursuant to a

Shoreline Conditional Use Permit or Shoreline Variance authorized by this Chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP and this chapter, the City may adopt different time limits from those set forth in Subsections 7.9.1.B and C of this section as a part of an action on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance.

B. Commencement. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. Commencement means taking the action on the shoreline project for which the permit was granted shall begin. For example, beginning actual construction or entering into binding agreements or contractual obligations to undertake a program of actual construction. However, the City 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 with a complete extension application submittal before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance and to Ecology.

C. Termination. Authorization to conduct development activities shall terminate five years after the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. However, the City 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 on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance, and to Ecology.

D. Effective date. The effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in subsections B and C of this section do not include the time during which a use or activity was not actually pursued due to pending administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. The applicant shall be responsible for informing the City of the pendency of other permit applications filed with agencies other than the City of Wenatchee 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 by the applicant to the City prior to the date of the last action by the City to grant permits and approvals necessary to authorize the development to proceed, including administrative and legal actions of the City of Wenatchee, and actions under other City development regulations, the date of the last action by the City shall be the effective date.

E. Revisions. Revisions to permits under Section 7.12 may be authorized after original permit authorization has expired, 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.

F. Notification to Ecology. The City shall notify Ecology 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 RCW 90.58.143as amended shall require a new permit application.

7.10 Initiation of Development

7.10.1 Timing

A. Authorization to begin construction. Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance, issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of receipt of the decision, except as provided in RCW 90.58.140 (5)(a) and (b). The date of receipt for a Substantial Development Permit means that date the applicant receives written notice from Ecology that it has received the decision. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, the date of receipt means the date the City of Wenatchee or the applicant receives the written decision of Ecology.
B. Forms. Permits for Substantial Development, Shoreline Conditional use, or Shoreline Variance may be in any form prescribed and used by the City including a combined permit application form. Such forms will be supplied by the City.
C. Data sheet. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.
D. Construction Prior to Expiration of Appeal Deadline. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

7.11 Appeals

7.11.1 Appeals of Shoreline Administrator Determinations and Decisions

A. Administrative review decisions by the Administrator that are not a Substantial Development Permit decision (See Section 7.11.2), but are based on provisions of this SMP, may be the subject of an appeal to the Hearing Examiner by any aggrieved person. Such appeals shall be an open record hearing before the Hearing Examiner.
B. Appeals of exemptions are allowed only for exemptions where a letter is required pursuant to Section 7.5.4, Letters of Exemption, of this SMP or is requested by the applicant.
C. Appeals must be submitted within fourteen (14) calendar days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:
    1. The decision or interpretation being appealed, including the file number reference and the specific objections in the decision document;
    2. The name and address of the appellant and his/her interest(s) in the application or proposed development;
    3. The specific reasons why the appellant believes the decision or interpretation to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision or interpretation is erroneous;

4. The specific relief sought by the appellant; and
5. The appeal fee established by the City.

D. Per WAC 173-27-120, the City shall comply with the special procedures for limited utility extensions and bulkheads. 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.

7.11.2 Appeals to Shorelines Hearings Board

Appeals to the Shoreline Hearings Board of a final decision on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within twenty-one (21) days of receipt of the final decision by the City or by Ecology\

7.12 Amendments to Permits

7.12.1 Revision – When Required

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

When an applicant seeks to revise a permit, the City shall request from the applicant detailed plans and text describing the proposed changes. Proposed changes must be within the scope and intent of the original permit, otherwise a new permit may be required, pursuant to Section 7.12.2.

7.12.2 Determination of Scope and Intent

If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this SMP and the Act, the City of Wenatchee may approve a revision.

"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 (500) square feet or ten percent (10%) from the provisions of the original permit, whichever is less;
B. Ground area coverage and height may be increased a maximum of ten percent (10%) 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 this SMP except as authorized under a Shoreline 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 this SMP;
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.

7.12.3 Filing of Revision

A. The revision approval, including the revised site plans and text consistent with the provisions of Section 7.3 and 7.12 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the City shall notify parties of record of their action.
B. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the City of Wenatchee shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the City and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the City of Wenatchee. The City of Wenatchee shall notify parties of record of Ecology's final decision.

7.12.4 Effective Date of Revised Permit

The revised permit is effective immediately upon final decision by the City of Wenatchee or, when appropriate under Subsection 7.12.3, upon final action by Ecology. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

7.12.5Appeal of Revised Permit

A. Filing. Appeals of a revised permit shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the City's action by Ecology or, when appropriate under Subsections 7.6 and 7.7, the date Ecology's final decision is transmitted to the City and the applicant.
B. Basis of appeals. Appeals shall be based only upon contentions of noncompliance with the provisions of Subsection 7.12.1. Appeals shall be based on the revised portion of the permit.
C. Risk. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.
D. Scope of decision. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.13 Enforcement

7.13.1 Provisions

A. The City shall apply 173-27 WAC Part II, Shoreline Management Act Enforcement, to enforce the provisions of this SMP.
B. SMP violations include, but are not limited to, development activities that violate:
    1. Any provision of the act or other regulation promulgated under the act; or
    2. Any provision of this master program.

7.14 Rescission and modification

A. Any shoreline permit granted pursuant to this SMP may be rescinded or modified upon a finding by the Hearing Examiner that the permittee or his/her successors in interest have not complied with conditions attached thereto. The results of a monitoring plan may show a development to be out of compliance with specific performance standards, which may be the basis for findings of non-compliance.
B. The Administrator shall initiate rescission or modification proceedings by serving written notice of non-compliance to the permittee or his/her successors and notifying parties of record at the original address provided in application review files. Service of the written notice shall be by both regular first class mail and certified mail, return receipt requested.
C. The Hearing Examiner shall hold a public hearing no sooner than fifteen (15) days following such service of notice, unless the applicant/proponent files notice of intent to comply and the Administrator grants a specific schedule for compliance. If compliance is not achieved, the Administrator shall schedule a public hearing before the Hearing Examiner. Upon considering written and oral testimony taken at the hearing, the Hearing Examiner shall make a decision in accordance with the above procedure for shoreline permits.
D. These provisions do not limit the Administrator, the City of Wenatchee Prosecuting Attorney, the Department of Ecology or the Attorney General from administrative, civil, injunctive, declaratory or other remedies provided by law, or from abatement or other remedies.

7.15 Amendments to Shoreline Master Program

7.15.1 General

A. This Shoreline Master Program carries out the policies of the Shoreline Management Act for the City of Wenatchee. It shall be reviewed and amended as appropriate in accordance with the review periods required in the Act and in order to:
    1. To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
    2. To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.
B. This SMP and all amendments thereto shall become effective 14 days from the date of issuance of the final action letter from Ecology
C. The SMP may be amended annually or more frequently as needed pursuant to the Growth Management Act. **Note:** Department of Ecology approval timeline will impact the frequency of amendments.

7.15.2 Amendment Process and Criteria

A. Initiation. Future amendments to this Shoreline Master Program may be initiated by the City Council by its own authority, or upon recommendation of the Shoreline Administrator or Planning Commission, as appropriate.

B. Petition. Petitions for shoreline master program amendments may be submitted to the City Council. Petitions shall specify the changes requested and any and all reasons therefore. Petitions shall be made on forms specified by the City. Such petitions shall contain information specified in the City's procedures for Comprehensive Plan and development regulation amendments pursuant to RCW 36.70A, the Growth Management Act, and information necessary to meet minimum public review procedures in Subsection C.

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

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

E. Finding. Prior to approval, the City shall make a finding that the amendment would accomplish #1 or #2, and must accomplish #3:
   1. The proposed amendment would make this SMP more consistent with the Act and/or any applicable Department of Ecology Guidelines;
   2. The proposed amendment would make this SMP more equitable in its application to persons or property due to changed conditions in an area;
   3. This SMP and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the effective date of this SMP

F. After approval or disapproval of a Shoreline Master Program amendment by the Department of Ecology as provided in RCW 90.58.090, the City shall publish a notice that the Shoreline Master Program amendment has been approved or disapproved by Ecology pursuant to the notice publication requirements of RCW 36.70A.290.

7.16 Permit, applicability, and definitions

7.16.1 Purpose and applicability

1. The purpose of sections 7.16-7.18 of this Chapter are to enact the processes and timelines for shoreline development permitting in concert with the requirements of this Chapter and the SMP. The objectives of this chapter are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, and to provide the development community with a standardized process and predictability.
2. Sections 7.16-7.18 of this Chapter shall apply to permit applications for shoreline development regulated by the City of Wenatchee Shoreline Master Program.

7.16.2 Definitions

Unless the context clearly requires otherwise, the definitions in this sub-section apply within sections 7.16-7.18 of this Chapter:

1. "Application" means a request for a shoreline permit required from the local jurisdiction for proposed development or action, including, without limitation, building permits, shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits, and shoreline variances.
2. "Closed record appeal" means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.
3. "Department" means the City of Wenatchee Community and Economic Development Department.
4. "Open record hearing" means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.
5. "Public meeting" means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.

7.17 Application process

The application process shall consist of the following components:

1. Plan review;
2. Determination of completeness;
3. Notice of application;
4. Application review;
5. Notice of final decision.

7.17.1 Consolidated application process

1. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.
2. Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.
3. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedure, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.
4. If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed.

7.17.2 Plan review

1. A plan review shall be conducted to determine if the application is complete. Plan review shall determine if adequate information is provided in or with the application in order to begin

processing the application and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

2. The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with this SMP, applicable comprehensive plans, development regulations and other applicable regulations. Department staff will coordinate the involvement of agencies responsible for the review of the proposed development.

7.17.3 Determination of completeness

1. Within twenty-eight days after receiving an application, the department shall complete the plan review of the application and provide the applicant a written determination that the application is complete or incomplete.
2. An application shall be determined complete only when it contains all of the following information and materials:
    a. A fully completed and signed application;
    b. Applicable review fees;
    c. All information and materials required by the application form and the provisions of this SMP;
    d. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act;
    e. A plot plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.;
    f. Any additional information and materials identified at the pre-application meeting or required by applicable development standards, plans, policies or any other federal, state or local laws; and
    g. Any supplemental information or special studies identified by the department.
3. For applications determined to be incomplete, the department shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within fourteen days after its receipt of the additional requirements, information or materials, the department shall issue a determination of completeness or identify the additional requirements, information or materials still necessary for completeness.
4. A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.
5. A determination of completeness shall not preclude the department from requesting additional information or studies if new information is required or a change in the proposed development occurs.

7.17.4 Application vesting

An application shall become vested on the date a determination of completeness is made. Thereafter the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed

development after a determination of completeness, as determined by the department, the application shall not be considered vested until a new determination of completeness on the changes is made.

7.17.5 Notice of application

1. Within fourteen days after issuing a determination of completeness, the department shall issue a notice of application. The notice shall include, but not be limited to the following:
    a. The date of application, the date of the determination of completeness, and the date of the notice of application;
    b. A description of the proposed project action, a list of permits required for the application, and if applicable, a list of any studies requested;
    c. The identification of other required permits not included in the application, to the extent known by the department;
    d. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;
    e. A statement of the public comment period, which shall be thirty days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights;
    f. The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;
    g. A statement of the preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development; and
    h. Any other information determined by the department to be appropriate.
2. Informing the public.
    a. The notice of application shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred and fifty feet of the boundary of the property upon which the development is proposed; and
    b. The notice of application shall be posted on the subject property by the city for the duration of the public comment period. The location and manner of posting shall be determined by the city. The city will post the notice of application upon payment of all applicable fees. It shall be the responsibility of the applicant to maintain the posting at the location and in good condition throughout the entire public comment period. After the public comment period, the city staff person responsible for posting the notice of application shall remove the posting and sign an affidavit of posting before a notary public, using the form adopted by the city, and the affidavit of posting shall be placed in the application file; and
    c. It shall be posted on the city's official website; and
    d. A referral shall be sent to all other agencies with jurisdiction
3. The notice of application is not a substitute for any required notice of a public hearing. It may serve as the notice of public hearing, provided it contains all of the information required for a public hearing notice and complies with all other public notice requirements for the type of action being sought.

4. A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:
    a. Application for a commercial, multi-family, industrial and/or office building permit, single-family residence, accessory uses or other minor construction building permits;
    b. Application for a lot line adjustment;
    c. Any application for which a Type 1 limited administrative review is determined applicable;

    All shoreline substantial development and shoreline conditional use permits shall require a notice of application, regardless of Sub-section 7.17.5(4)(a-c).
5. A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application.

7.18 Application review

7.18.1 Application review criteria

Review of an application and proposed development shall be governed by and be consistent with the fundamental policies and choices which have been made in the adopted SMP, the comprehensive plans and development regulations. The review process shall consider the type of use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with adopted plans and regulations. In the absence of applicable development regulations or policies in this Master Program, the applicable requirements of the Act, RCW 90.58, and WAC 173-26 &27 shall be determinative.

7.18.2 Application review classification

1. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels: Type 1 limited administrative review, Type 2 full administrative review, quasi-judicial review and legislative review.
2. If this SMP provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly. If this chapter does not provide for a specific type of review or if a different review procedure is not required by law, then the department shall determine the type of review to be used for the type and intensity of the proposed development.
3. Any public meeting or required open hearing may be combined by the Department with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the jurisdiction and within the time limits of this Chapter and RCW 36.70B.

7.18.3 Type 1 limited administrative review of applications

Limited administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of review are single-family building permits, commercial, multi-family, industrial and/or office building permits which are exempt from SEPA review, accessory dwelling units, and shoreline exemptions which do not require a letter of exemption. The department may approve, approve with conditions, or deny the application after the date the application is accepted as complete, without public notice. The decision of the department is final. There is no administrative appeal of a limited administrative review decision.

7.18.4 Type 2 Full administrative review of applications

1. Full administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about non-technical

issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included within this type of review are applications for administrative interpretations, shoreline exemptions which require a letter of exemption, administrative shoreline substantial development permits, administrative shoreline conditional use permits, short subdivisions, multifamily, commercial, and industrial and/or office building permits.

2. This review procedure under full administrative review shall be as follows:
    a. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period required in the notice of application.
    b. Upon the completion of the public comment period and the comment period required by SEPA, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:
        (1) A statement of the applicable criteria and standards in the development codes and other applicable law;
        (2) A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;
        (3) The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws;
        (4) A statement that the decision is final unless appealed as provided in Chapter 7 of this Master Program. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal;
        (5) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the department's representative to contact to arrange inspection.
    c. The decision may be appealed to the hearing examiner or city council pursuant to the process established in Chapter 7 of this Master Program.

7.18.5 Quasi-judicial review of applications

1. Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for shoreline conditional use permits, and shoreline variances and other similar applications. Shoreline substantial development permits associated with a conditional use permit or variance, or that are assigned by the Administrator to the Hearing Examiner shall also be subject to quasi- judicial review.
2. The review procedure under quasi-judicial review shall be as follows:
    a. A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.
    b. The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

c. At least ten days before the date of a public hearing the department shall issue public notice of the date, time, location and purpose of the hearing.
d. At least seven days before the date of the public hearing, the department shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.
e. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded. If for any reason, the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.
f. Within ten working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).
g. The hearing body may approve, approve with conditions or deny the application and shall mail the notice of its decision to the department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:
    (1) A statement of the applicable criteria, standards and law;
    (2) A statement of the findings the hearing body made showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards;
    (3) A statement that the decision is final unless appealed pursuant to Chapter 7 of this Master Program. The appeal closing date shall be listed;
    (4) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the Department representative to contact to arrange inspection.

7.18.6 Legislative review of applications

1. Legislative review shall be used to review and amend this master program.
2. Legislative review shall be conducted as follows:
    a. Legislative review requires at least one public hearing before the planning commission and one public meeting before the Legislative authority of the jurisdiction.
    b. The application shall contain all information and material requirements required by the appropriate application form.
    c. At least ten days before the date of the first planning commission hearing the department shall issue public notice of the date, time, location and purpose of the hearing. The notice shall include notice of the SEPA threshold determination issued by the department.
    d. At least seven days prior to the hearing the department shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and planning commission

members. The department shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.

e. Following the public hearing and in accordance with RCW 36.70.630, the recommendation of the planning commission shall be forwarded to the legislative authority of the jurisdiction. Upon receiving the recommendation from the planning commission, the legislative authority shall set a public meeting to consider the proposal, at which the board may either accept or reject the recommendation.

f. The legislative authority must hold a public hearing to consider any changes to the recommendation of the planning commission. The legislative authority may approve, approve with conditions, deny or remand the proposal back to the planning commission for further review after such public hearing. The final decision of the legislative authority shall be adopted by resolution.

g. The final decision of the legislative authority shall be in writing and include:
    (1) A statement of the applicable criteria and law;
    (2) A statement of the findings indicating the application's or proposed development's compliance or noncompliance with each applicable approval criterion;
    (3) The decision to approve, condition or reject the planning commission recommendation or remand for further review;
    (4) A statement that the decision is final unless appealed pursuant to the process in Chapter 7 of this Master Program. The appeal closing date shall be listed.
    (5) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the department representative to contact to arrange inspection.

7.18.7 Notice of final decision

1. A notice of final decision on an application shall be issued within one hundred twenty days after the date of the declaration of completeness. In determining the number of days that have elapsed, the following periods shall be excluded:
    a. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department;
    b. If the department determines the information submitted by the applicant under 7.18.7.1 of this section is insufficient, it shall again notify the applicant of deficiencies, and the procedures of this section shall apply to the request for information;
    c. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to RCW 43.21C;
    d. Any period for administrative appeals, which shall not exceed ninety days for open record appeals and sixty days for closed record appeals;
    e. Any extension of time mutually agreed upon by the applicant and the department.
2. The time limit by which the jurisdiction must issue a notice of final decision does not apply if an application:
    a. Requires an amendment to a comprehensive plan or development regulation;

b. Requires approval of an essential public facility as provided in RCW Chapter 36.70A;
c. Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.

3. If the department is unable to issue its final decision within the time limits provided for in this chapter, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.
4. In accordance with state law, the local jurisdiction is not liable for damages which may result from the failure to issue a timely notice of final decision.
5. The City shall file the final decision with the Department of Ecology in accordance with WAC 173-27-130, as amended.

7.19 Performance assurance and guarantee

7.19.1 Purpose

The purpose of this sub-section is to allow individuals developing property to post a performance assurance device in a sufficient amount to guarantee and warranty the construction of required improvements, and protect public property.

7.19.2 Performance assurance

Except where specified by this SMP, all improvements shall be fully completed prior to the final approval of a development permit, land divisions, issuance of a certificate of occupancy or actual occupancy, as directed by applicable codes or regulations, unless an alternative performance assurance device, a contractual agreement, an agreement and partial funding for a local improvement district (LID), or bond between the developer and the city has been executed and approved in accordance with this section.

7.19.3 Criteria

A. The performance assurance device shall be approved by the department as appropriate and shall be in a form acceptable to the City of Wenatchee Attorney.
B. Except where specified by this SMP, the performance assurance device shall be for a period of not more than one year for each phase of the development, unless a time schedule for the performance assurance device is approved by the review authority. The time period may be extended depending on the type of project and phasing schedule.
C. If a performance assurance device or evidence of a similar device is required under 7.19.3 A or B of this section, the review authority shall determine the specific type of assurance device required in order to insure completion of the required conditions of approval. The value of the device shall equal at least one hundred twenty-five percent of the estimated cost of the required improvements and shall be utilized by the city to perform any necessary work, to reimburse the city for performing any necessary work, and to reimburse the city for documented administrative costs associated with action on the device. If costs incurred by the city exceed

the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit.

D. If the performance device or evidence of a similar device is required the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date(s) identified in the assurance device.

E. Upon completion of the required work by the property owner and approval by the city, at or prior to expiration of the completion date(s) identified in the assurance device, the city shall promptly release the device or evidence thereof.

F. If bonds or securities are to be used, the review authority shall determine the specific type of assurance device required. The value of this device shall equal at least one hundred twenty-five percent of the estimated cost of the improvement to be performed. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the property for the excess amount.

8 DEFINITIONS

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

A

ACCESSORY. Any use or development incidental to and subordinate to a primary use of a shoreline use or development. See also APPURTENANCE, RESIDENTIAL.

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

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

ADJACENT. Means, for the purpose of critical areas, within 200 feet of a critical area.

ADMINISTRATOR OR SHORELINE ADMINISTRATOR. Administrator or Shoreline Administrator means the director of the City of Wenatchee's Community and Economic Development Department or his/her designated representative, who is vested with the duty of administering Shoreline Master Program regulations within the City's area of authority.

ADVERSE IMPACT. An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment. See also SIGNIFICANT ECOLOGICAL IMPACT

AGRICULTURAL ACTIVITIES. Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; and maintaining agricultural lands under production or cultivation. See also EXISTING AND ONGOING AGRICULTURAL ACTIVITIES.

AGRICULTURAL-COMMERCIAL. The following activities are considered agricultural-commercial activities:

A. "Agricultural tourism" refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.
B. "Nursery" means land or structures, such as greenhouses, used to raise plants, flowers and shrubs for sale.
C. "Roadside stand" means a temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and non-food items. This use is to be seasonal in duration, open for the duration of the harvest season. For existing roadside stands see AGRICULTURAL ACTIVITIES and AGRICULTURAL EQUIPMENT and AGRICULTURAL FACILITIES.
D. "Value added operation" means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value added operations may include bagging, packaging, bundling, pre-cutting, food and beverage service, etc.
E. "Winery" means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area.

AGRICULTURAL EQUIPMENT AND AGRICULTURAL FACILITIES. Include, but are not limited to:

A. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
B. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
C. Farm residences and associated equipment, lands, and facilities; and
D. Roadside stands and on-farm markets for marketing fruit or vegetables.

AGRICULTURAL LAND. Areas on which agricultural activities are conducted as of the date of adoption of this SMP pursuant to the State Shoreline Guidelines as evidenced by aerial photography or other documentation. After the effective date of this SMP, land converted to agricultural use is subject to compliance with the requirements herein.

AGRICULTURAL PRODUCTS. Includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty (20) years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, poultry and poultry products, and dairy products.

ALTERATION. Any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

AMENDMENT. A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program or to a permit as appropriate.

ANADROMOUS FISH. Fish species that spend most of their lifecycle in saltwater, but return to freshwater to reproduce.APPLICABLE. The shoreline goal, objective, policy, or standard is relevant or appropriate, or the shoreline development meets the threshold upon which a requirement is based as determined by the authority responsible to determine compliance with the Shoreline Master Program per Chapter 7.

APPROVAL, SHORELINE MASTER PROGRAM. An official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

APPROVAL, PERMIT. Approval of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, revision, or Shoreline Variance Permit or any combination thereof.

APPURTENANCE, RESIDENTIAL. An improvement necessarily connected to the use and enjoyment of a single-family residence when located landward of the OHWM or, the perimeter of a wetland and outside their corresponding required buffers. Appurtenances may include, but are not limited to, a garage and/or shop; driveway; utilities; water craft storage (upland); swimming pools; hot tubs; sport courts; shoreline stabilization ; retaining walls when necessary to protect the residence and associated structures from erosion; fences; yards; saunas; cabanas; antennas; decks; walkways; and installation of a septic tank and drainfield; and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. [2]

AQUATIC. Pertaining to those areas waterward of the OHWM.

AQUACULTURE. Aquaculture is defined as the propagation and rearing of aquatic organisms in controlled or selected aquatic environments for any commercial, recreational, or public purpose. The broad term "aquaculture" refers to the breeding, rearing, and harvesting of plants and animals in all types of water environments, including ponds, rivers, and lakes. Aquaculture can take place in the natural environment or in a manmade environment. Using aquacultural techniques and technologies, researchers and the aquaculture industry are "growing," "producing," "culturing," "ranching", and "farming" all types of freshwater species. Aquaculture can be classified as either commercial aquaculture or non-commercial aquaculture.

A. Commercial Aquaculture: Commercial aquaculture is defined as the rearing of aquatic organisms, including the incidental preparation of these products for human use, with the goal of maximizing profit.
B. Non-Commercial Aquaculture: Non-commercial aquaculture is location dependent because of the requirement for natal waters. Non-commercial aquaculture is defined as fish and wildlife activities that are not primarily for profit and are supported by a recognized federal, tribal, or state resource manager.

1. Low Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture, including well and water supply development, surveys, ground disturbance of less than 10 cubic yards, no permanent structures, and minimal land clearing.
2. Medium Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture, including well and water supply development, surveys, development of acclimation ponds or other acclimation vessels, and removable/portable structures.
3. High Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture including well and water supply development, surveys, development of acclimation ponds, and permanent structures.

In addition to commercial and non-commercial aquaculture, experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington. The technology associated with some forms of aquaculture is still experimental and in formative stages.

AQUIFER. A geological formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

AQUIFER SUSCEPTIBILITY. The ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the

ARCHAEOLOGICAL OBJECT. An object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, graves, skeletal remains and technological by-products.

ARCHAEOLOGICAL RESOURCES/SITE. A geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state's authority, that contains archaeological objects.

ARCHAEOLOGICAL. Having to do with the scientific study of material remains of past human life and activities.

ARCHAEOLOGIST, PROFESSIONAL. A person who meets qualification standards promulgated by DAHP and the National Park Service and published in 36 CFR Part 61 and which define minimum education and experience required to perform identification, evaluation, registration and treatment activities for archaeological sites. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved.

ASSOCIATED WETLANDS. Wetlands that are in proximity to tidal waters, lakes, rivers or streams that are subject to the Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline waterbody, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

AUTHORIZED USE. Any use allowed in shoreline jurisdiction either by appropriate shoreline permit or exemption.

AVERAGE GRADE LEVEL. The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure."

B

BARB. Used primarily in streams, barbs are low relief projections from a bank, angled upstream, to redirect flow away from the bank towards the center of the channel. As opposed to groins or jetties, barbs are not barrier types of structures; they function by re-directing flows that pass over the top of the structure.

BEACH. The zone of unconsolidated material that is moved by waves and wind currents, including areas both above and below the OHWM.

BEACH ENHANCEMENT/RESTORATION. Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable. See also ENHANCEMENT.

BERM. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the OHWM. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

BEST AVAILABLE SCIENCE.

A. Critical area site analysis, reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation and protection measures necessary to preserve or enhance their functions and values.

B. The best available science is that scientific information applicable to the critical area. These data must be prepared by local, state, or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

C. In the context of critical area protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions, and in developing critical area policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the permit review process is reliable scientific information, the administrator or his designee shall determine whether the source of the information displays the characteristics of a valid scientific process. Such characteristics are as follows:
    1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information

have addressed the criticism of the peer reviewers. Publication in a referred scientific journal usually indicates that the information has been appropriately peer reviewed.

2. Methods. The methods used to obtain the information are clearly stated and reproducible. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer reviewed to assure their reliability and validity.
3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.
4. Quantitative Analysis. The data has been analyzed using appropriate statistical or quantitative methods.
5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent existing information.
6. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

BEST MANAGEMENT PRACTICES. Conservation practices or systems of practices and management measures, often promulgated by state and federal agencies or the City, that:

A. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
B. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats;
C. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.

BIOENGINEERING. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

BIOFILTRATION SYSTEM. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

BOAT CLUB means a private or public membership facility designed for boating activities, such as kayak storage and docks usages for similar purposes.

BOATHOUSE. Any roofed and enclosed structure built over water for storage of watercraft or float planes. See also COVERED MOORAGE.

BOATING FACILITIES. Developments and uses that support access to shoreline waters for purposes of boating, including marinas, community docks serving more than four single-family residences or multi-family units, public piers, and community or public boat launch facilities.

BOAT LAUNCH FACILITY. Any structure or apparatus used for transferring watercraft between uplands and the water. Boat launches are typically launch ramps, but may also include other mechanisms such as a hoist or crane often used at dry storage locations. See also LAUNCH RAMP.

BOG. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

BREAKWATER. An aquatic structure that is generally built parallel to shore, but may be built perpendicular to the shoreline, that may or may not be connected to land, and may be floating or stationary. The primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. See also JETTIES.

BUFFER OR SHORELINE BUFFER. The area adjacent to a shoreline that separates and protects the waterbody from adverse impacts associated with adjacent land uses. It is designed and designated to remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, to afford limited public or private access, and to accommodate certain other specified uses that benefit from a shoreline location. Buffers are distinct from setbacks. The dimensions of the shoreline buffer are established in the Vegetation Conservation and Shoreline Buffers sections of this SMP.

BUILDING. Any combination of materials constructed, placed or erected permanently on the ground or attached to something having a permanent location on the ground, for the purpose of shelter, support or enclosure of persons, animals or property, or when supporting any use, occupancy or function. Excluded from this definition are structures waterward of the OHWM, all forms of vehicles even though immobilized, residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor nature. Docks and bulkheads are not buildings under this definition. For structures waterward of the OHWM, see OVER-WATER STRUCTURES.

BULKHEAD. A solid wall erected generally parallel to and at or near the OHWM for the purpose of protecting adjacent uplands from waves or current action. A bulkhead is an example of hard structural shoreline stabilization.

BUOY, MOORING. An anchored float for the purpose of mooring vessels.

BUOY, NAVIGATION. An anchored float for the purpose of identifying navigational hazards or directing watercraft traffic.

C

CHANNEL MIGRATION ZONE (CMZ). The area along a river or stream within which the channel(s) can reasonably be expected to migrate over time as a result of natural and normally

occurring hydrological and related processes when considered with the characteristics of the river or stream and its surroundings. It encompasses that area of current and historic lateral stream channel movement that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion.

CHANNELIZATION. The straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

CITY. The City of Wenatchee.

CLEARING. The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

COMMERCIAL DEVELOPMENT. Those developments whose primary use is for retail, service or other commercial business activities. Included in this definition are developments including but not limited to hotels, motels, bed and breakfast establishments, or other commercial accommodations, shops, restaurants, banks, professional offices, grocery stores, laundromats, recreational vehicle parks, and indoor or outdoor commercial recreation facilities.

COMMERCIAL USES. Commercial uses are those activities engaged in commerce and trade and involving the exchange of money, including but not limited to, retail, services, wholesale, or business trade activities. Examples include, but are not limited to, hotels, motels, or other commercial accommodations, grocery stores, restaurants, shops, commercial recreation facilities, and offices.

COMMUNITY ACCESS. The ability of all property owners or members of a residential development to reach and use the waters of the State, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or community corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing platforms, and other community sites or facilities. Community access is not intended for the general public.

COMMUNITY DOCK. A private water-dependent facility designed for moorage of pleasure craft as its primary use that serves a specified residential development of more than four single-family residences or multi-family units. Other water-enjoyment uses, such as fishing or viewing, may occur on community docks. Community docks are different from marinas.

COMPENSATORY MITIGATION. Means a mitigation project for the purpose of replacing, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration and relocation, rehabilitation; and buffer enhancement.

CONDITIONAL USE, SHORELINE. A use, development, or substantial development which is classified as a Conditional Use or is not classified within this SMP. Those activities identified as conditional uses or not classified in this SMP must be treated according to the review criteria established in WAC 173-27-160.

CONSERVATION. The prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

CONSERVATION EASEMENT. A legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.

CONTAMINANT. Any chemical, physical, biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels.

COUNTY. Chelan County, Washington.

COVERED MOORAGE. Boat moorage, with or without walls, that has a roof to protect the vessel. See also BOATHOUSE.

CRITICAL AQUIFER RECHARGE AREA. Areas that are determined to have a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduce recharge.

CRITICAL AREAS. The following areas as designated in critical area standards as established in Appendix B:

A. Critical aquifer recharge areas
B. Wetlands
C. Geologically hazardous areas
D. Frequently flooded areas
E. Fish and wildlife habitat conservation areas

CRITICAL HABITAT. Habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified in reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with authority for such designations.

D

DAHP. The State of Washington Department of Archaeology and Historic Preservation.

DATA MAPS. Means that series of maps maintained by the Wenatchee Department of Community and Economic Development for the purpose of graphically depicting the boundaries of critical areas.

DEPARTMENT OF ECOLOGY or ECOLOGY. The Washington State Department of Ecology.

DEVELOPMENT. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, minerals or vegetation; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. Development does not include the following activities:

A. Interior building improvements that do not change the use or occupancy;
B. Exterior structure maintenance activities, including painting and roofing as long as it does not expand the existing footprint of the structure;
C. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
D. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; and individual utility service connections.

DEVELOPMENT REGULATIONS. The controls placed on development or land uses by the City of Wenatchee, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

DIKE. An artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

DOCK. All platform structures or anchored devices in, suspended over, or floating on waterbodies to provide moorage for pleasure craft (including watercraft and float planes) or landing for water-dependent recreation including, but not limited to, piers, floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps. Docks often consist of a nearshore pier with a ramp to an offshore float. See also PIER.

DOCUMENT OF RECORD. The most current shoreline master program officially approved or adopted by rule by the Department of Ecology for a given local government, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

DREDGING. Excavation or displacement of the bottom or shoreline of a waterbody (waterward of the OHWM) for purposes of flood control, navigation, utility installation (excluding on-site utility features serving a primary use, which are "accessory utilities" and shall be considered a part of the primary use), the construction or modification of essential public facilities and regional transportation facilities, and/or restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose). Dredging, as regulated in this SMP under Section 5.8, is not intended to cover other excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., , bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement).

DWELLING UNIT. Means a building or portion thereof designed exclusively for residential purposes on a permanent basis; to be used, rented, leased, or hired out to be occupied for living

purposes having independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling unit.

DWELLING-SINGLE FAMILY. Means a building containing one dwelling unit on one lot, other than an accessory dwelling, and those structures and developments within a contiguous ownership which are a normal appurtenance. A single-family dwelling unit can be either attached or a detached unit, provided each unit is located on a separate lot. Multiple cottage housing units built on one lot are each considered a single family dwelling unit.

DWELLING-TWO FAMILY (Duplex). Means a building containing two attached dwelling units on one lot, other than an accessory dwelling.

DWELLING-MULTI-FAMILY. Means a building containing three or more dwelling units.

E

ECOLOGICAL FUNCTIONS (OR SHORELINE FUNCTIONS). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

ECOLOGY. See DEPARTMENT OF ECOLOGY.

ECOSYSTEM-WIDE PROCESSES. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

EMBANKMENT. A wall or bank of earth or stone built to prevent a river flooding an area.

EMERGENCY/EMERGENCY CONSTRUCTION. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

ENHANCEMENT. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions. Enhancements are to be distinguished from resource creation or restoration projects. See also BEACH ENHANCEMENT/RESTORATION.

ENVIRONMENTAL IMPACT STATEMENT (EIS). An environmental impact statement is a document that must be prepared in accordance with the State Environmental Policy Act or National Environmental Policy Act when the lead agency determines a proposal is likely to have significant adverse environmental impacts. The EIS provides an impartial discussion of significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid or minimize adverse impacts. A draft EIS is issued with a comment period to allow other agencies, tribes, and the public to comment on the environmental analysis and conclusions. The lead agency uses these comments to finalize the environmental analysis and issue a final EIS.

EROSION. The wearing away of land by the action of natural forces.

ESSENTIAL PUBLIC FACILITIES: Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities, as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 30 71.09.020.

EXCAVATION. The disturbance or displacement of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material. In addition to upland excavation, this definition covers excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement). See also DREDGING.

EXEMPTION. Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the Shoreline Substantial Development Permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and this SMP. Conditional use and/or variance permits may also still be required even though the activity does not need a Shoreline Substantial Development Permit.

EXISTING AND ONGOING AGRICULTURAL ACTIVITIES. Those activities conducted on lands defined in RCW 36.70A.030 and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that result in the filling of an area or bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use, or has lain idle for more than five (5) years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition. See also AGRICULTURAL ACTIVITIES.

F

FAIR MARKET VALUE. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the

development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

FEASIBLE. For the purpose of this master program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
B. The action provides a reasonable likelihood of achieving its intended purpose. Reasonable means acceptable and according to common sense or normal practice.
C. The action does not physically preclude achieving the project's primary intended use.)

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. See INFEASIBLE

FEED LOT. A confined area or structure for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods.

FILL. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

FINGERS OR DOCK FINGERS. Narrow extensions of piers perpendicular to the pier or float that provide additional watercraft moorage.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS. Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. These areas include:

A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
B. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the State Department of Fish and Wildlife;
C. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;
D. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface water and watercourses within the authority of the state of Washington; and
E. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; state natural area preserves and natural resources conservation areas.
F. State natural area preserves, natural resource conservation areas, and state wildlife areas.

FLOATING HOMES. Any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating homes" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating home, not a vessel.

FLOATS. A detached, anchored platform that is free to rise and fall with water levels, used for boat mooring, swimming (including a SWIM FLOAT) or similar recreational activities that is not anchored to the shoreline or accessed directly from the shoreline.

FLOAT, SWIM. A floating platform designed and intended expressly for facilitating safe swimming. Swim floats are anchored in deeper waters, are not connected to uplands, and are not motorized. Water ski/wake board jumps are also considered swim floats.

FLOOD CONTROL WORKS. Methods or facilities designed to reduce flooding of adjacent lands, to control or divert stream flow, to retard bank erosion, or to create a reservoir.

A. Nonstructural measures include, but are not limited to, shoreline buffers, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, storm water management programs, land or easement acquisition, voluntary protection and enhancement projects, or incentive programs.
B. Structural measures include, but are not limited to, dikes, levees, revetments, floodwalls, channel realignment, or embankments.

FLOODPLAIN. Synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

FLOODWAY. The area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative groundcover condition. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

FOREST PRACTICES. Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning and fire protection; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. Forest practices do not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

FREQUENTLY FLOODED AREA. Means an area subject to flooding, as defined by the Flood Insurance Rate Maps (FIRM), once every one hundred years, also known as the floodplain.

G

GEOLOGICALLY HAZARDOUS AREA. Areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events. Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

GEOTECHNICAL ANALYSIS. A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes.

GEOTECHNICAL REPORT. See GEOTECHNICAL ANALYSIS.

GRADE. See AVERAGE GRADE LEVEL.

GRADING. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

GRASSY SWALE. A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

GRAY WATER. Sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

GROINS. A barrier type of structure extending from the backshore or stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. In lake environments, groins are typically used to trap sediment for the purpose of preserving a depositional feature, such as a beach. In a stream environment, groins may serve a variety of functions, including bank protection, pool formation, and increased roughness, and may include rock structures, debris jams, or pilings that collect wood debris. See also BARB and WEIR.

GROUNDWATER. All water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves .

GROWTH MANAGEMENT ACT. RCW 36.70A and 36.70B, as amended.GUIDELINES. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC)

to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

H

HABITAT. The place, including physical and biotic conditions, where a plant or animal usually occurs or could occur and is fundamentally linked to the actual or potential distribution and abundance of species. A species may use a habitat or a structural component of the habitat for all or part of its lifecycle, and may adapt to use various habitats. Habitat is scale-dependent and refers to a large geographic area, a species' home range, a local setting, or a site-specific feature. Habitat may perform a specific function for a species or multiple species, and may include those elements necessary for one or more species to feed, migrate, breed, or travel.

HARD STRUCTURAL SHORELINE STABILIZATION. Shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures. HEIGHT. The vertical dimension measured from average grade to the highest point of a structure; provided that, antennas, chimneys, and similar appurtenances shall not be used in calculating height, unless such appurtenance obstructs the view of a substantial number of adjacent residences. Temporary construction equipment is excluded in this calculation. Average grade shall be defined consistent with the definition of average grade level, and shall be the grade existing as of effective date of this SMP or pursuant to any legal alterations consistent with the SMP and applicable federal, state, or local laws. [3]

HISTORIC PRESERVATION PROFESSIONAL. Individuals who meet standards promulgated by the DAHP as well as the National Park Service and published in 36 CFR Part 61. These standards address minimum education and experience required to perform identification, evaluation, registration and treatment activities for historic properties. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved. HISTORIC SITE. Sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the City of Wenatchee.

HYDROLOGICAL. Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

I

IMPACT. See SIGNIFICANT ECOLOGICAL IMPACT.

IMPERVIOUS SURFACE. A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which

---

[3]

causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. For purposes of determining whether thresholds for application of core elements are exceeded, open, uncovered retention or detention facilities shall not be considered as impervious surfaces. Open, uncovered retention or detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

INDUSTRIAL DEVELOPMENT. Facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including onsite processing of raw materials, and off site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

INDUSTRIAL PARK. A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses with special attention to circulation, parking, utility needs and compatibility.

INDUSTRIAL USES. The production, processing, manufacturing, or fabrication of goods or materials, including warehousing and storage of materials or production.

INFEASIBLE. To determine that an action, such as a development project, mitigation, or preservation requirement, is infeasible, the following conditions are found:

A. The action cannot be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently not available or unlikely to achieve the intended results.
B. The action does not have a reasonable likelihood of achieving its intended purpose. Reasonable means acceptable and according to common sense or normal practice.
C. The action precludes achieving the project's primary intended use.
D. The action's relative public costs and public benefits, considered in the short- and long-term time frames, show the costs far outweigh the benefits.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. See FEASIBLE.

INFILTRATION. The passage or movement of water into the soil surface.

INSTITUTIONAL. Those public and/or private facilities including, but not limited to, police and fire stations, libraries, activity centers, schools, educational centers, museums, water-oriented research facilities, and similar uses. These may also be called public facilities.

IN-WATER STRUCTURE. Structure placed by humans within a stream, river or lake waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, recreation (e.g., docks, boatlifts), or other purpose. Note that the listed recreation-related in-water structures have a very limited capacity to affect water flows and are exclusively regulated under SMP Section 5.5 (Boating Facilities).

INVASIVE SPECIES. A species that is 1) non-native (or alien) to Chelan County and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes).

J

JETTIES. A barrier type of structure generally built singly or in pairs perpendicular to the shoreline at harbor entrances or river mouths to prevent sediment from depositing in the harbor or channel. They also protect channels and inlets from crosscurrents and storm waves. See also BREAKWATERS.

JOINT-USE DOCKS. Those constructed and utilized by two, three or four property owners, whether on adjacent lots as single-family residences or as multi-family units, or by a homeowner's association. Marinas, public docks and community docks that serve more than four single-family residences or multi-family units are regulated as Boating Facilities under Section 5.5 of this SMP. New residential joint-use docks are prohibited under this SMP.

L

LAKE. A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the OHWM or, where a stream enters a lake, the extension of the elevation of the lake's OHWM within the stream. Where the OHWM cannot be found, it shall be the line of mean high water.

LANDSLIDE. A general term covering a wide variety of mass movement landforms and processes involving the down slope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

LARGE WOODY DEBRIS. Logs, limbs, or root wads 4 inches or larger in diameter, delivered to waterbodies from adjacent riparian or upslope areas or from upstream areas. Large woody debris also includes logs, limbs, or root wads 4 inches or larger that are placed in a waterbody for the purpose of providing habitat and/or mitigation.

LAUNCH RAMP. An inclined slab, set of pads, rails, planks, or graded slope which extends waterward of the OHWM, and is used for transferring watercraft between uplands and the water with trailers or occasionally by hand. See also BOAT LAUNCH FACILITY.

LEGALLY ESTABLISHED. A use or structure in compliance with the laws and rules in effect at the time of creation of the use or structure.

LETTERS OF EXEMPTION. A letter prepared by the City of Wenatchee addressed to the applicant, where required by WAC 173-27-050. A written statement of exemption may be required in accordance with Section 7.6.4. Letters of exemption for development determined by the City to be exempt from the substantial development permit process according to the exemption provisions of this Shoreline Master Program. Also see EXEMPTION.

LEVEE. A natural or artificial embankment on the bank of a stream or river for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

LIMITED UTILITY EXTENSION. For the purposes of Section 7.11.1.D, the extension of a utility service that:

A. Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;
B. Will serve an existing use in compliance with WAC 173-27; and
C. Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

LIVEABOARD. A floating vessel that serves as a residence, and is self-powered by sail or motor.

LOCAL GOVERNMENT. Any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW. For the purposes of this SMP, this means the City of Wenatchee.

LOW IMPACT DEVELOPMENT, (LID). LID is an evolving approach to land development and stormwater management using the natural features of a site and specifically designed best management practices to manage stormwater. LID involves assessing and understanding the site, protecting native vegetation and soils, and minimizing and managing stormwater at the source. LID practices are appropriate for a variety of development types.

M

MAINTENANCE, NORMAL. Those usual acts to prevent a decline, lapse, or cessation from a legally established condition. See REPAIR, NORMAL.

MANAGED OPEN SPACE means a landscaped area maintained in a manner for the purpose of human activity and not of a commercial or retail nature, including, but not limited to, parks, bridle paths, playfields, arboretums, botanical gardens, equestrian facilities, and other similar uses, including accessory uses such as parking and restroom facilities. Managed open space does not include nurseries, commercial agriculture, pastures and similar activities.

MARINA. A public or private water-dependent wet moorage facility for pleasure craft and/or commercial craft where goods, moorage or services related to boating may be sold commercially or provided for a fee, e.g. yacht club, etc. Dry storage and launching facilities, either launch ramp, crane or hoist, may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership. Community docks that do not provide nonwater-oriented uses or water-oriented commercial services, other than to the specific residential community served by the community dock, are not considered marinas.

MARSH. A low flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

MAY. Refers to actions that are acceptable, provided they conform to the provisions of this master program and the Act.

MINERAL EXTRACTION. The removal of topsoil, gravel, rock, minerals, clay, sand or other earth materials, including accessory activities such as washing, sorting, screening, crushing and stockpiling for commercial and other uses. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this SMP.

MITIGATION (OR MITIGATION SEQUENCING). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. The following sequence of steps is listed in prioritized order:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;
B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
F. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

MIXED USE. A combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.

MIXED USE COMMERCIAL. Developments that include water-dependent commercial uses combined with water-related, water-enjoyment uses and/or nonwater-oriented commercial uses. Mixed-use developments can be a tool for water-dependent activities, civic revitalization, and public access to the shoreline.

MIXED USE RESIDENTIAL. Developments that include water-dependent uses combined with water-related, water-enjoyment uses and/or nonwater-oriented uses together with single-family or multi-family uses while promoting public access for significant numbers of the public and/or providing an ecological restoration resulting in a public benefit. This mix of uses is intended to reduce transportation trips, use land efficiently, and provide for waterfront commerce and housing options.

MODIFICATION. A change or alteration in existing materials, including structures, plans and uses.

MODIFICATION, SHORELINE. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

MONITORING. Evaluating the impacts of development proposals on the biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures. This may be done through the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.

MOORAGE FACILITY. Any device or structure used to secure a boat or a vessel, including docks, piers, floats, piles, watercraft lifts or buoys.

MOORAGE PILE. A permanent vertical column generally located in open waters, often in close proximity to a dock or pier, to which the vessel is tied to prevent it from excessive movement generated by wind, or wind- or boat-driven waves.

MULTI-FAMILY DWELLING (OR RESIDENCE). See DWELLING MULTI-FAMILYMUST. A mandate; the action is required. See SHALL.

N

NATURAL OPEN SPACE means an unimproved and undeveloped area naturally vegetated and not artificially landscaped or maintained for human activity. Natural Open Space includes but is not limited to riparian vegetation area or areas that are left for ecological functions to take place.

NAVIGABLE WATERS. Navigable waters of the United States are those waters that are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

NECESSARY. A word describing an element that is essential, indispensable or needed to achieve a certain result or effect.

NO NET LOSS. A public policy goal and requirement to maintain the aggregate total of the County's shoreline ecological functions at its current level of environmental resource productivity. For purposes of reviewing and approving this SMP, "current" is equivalent to the date of the Final Shoreline Inventory and Analysis Report . As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

NONCONFORMING USE OR DEVELOPMENT. A shoreline use or development which was lawfully constructed or established prior to the effective date of the Act (June 1, 1971; RCW 90.58.920) or the effective date of this SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP.

NONPOINT POLLUTION. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

NONWATER-ORIENTED USES. Those uses that are not water-dependent, water-related, or water-enjoyment.

NORMAL MAINTENANCE. See MAINTENANCE, NORMAL and REPAIR, NORMAL"

NORMAL PROTECTIVE BULKHEAD. Those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

NORMAL REPAIR. See REPAIR, NORMAL and MAINTENANCE, NORMAL

NOXIOUS WEEDS. A special sub-class of invasive plant species listed as Class A or B by the Chelan County Noxious Weed Control Board.

O

OFF-SITE REPLACEMENT/MITIGATION. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

ORDINARY HIGH WATER MARK (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

OVERWATER STRUCTURES. Any structure located above the water surface waterward of the OHWM. Common examples include, but are not limited to, residential docks, marinas, and pedestrian or vehicular bridges over waterways.

P

PARKING. A place where vehicles are temporarily stored while an activity is being conducted. Local parking is located onsite as accessory use or offsite as a primary use. Regional parking is a parking area intended to support a district with multiple uses.

PARTY OF RECORD. All persons, agencies, or organizations who have submitted written or verbal comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail or email.

PERIODIC. Occurring at regular intervals.

PERSON. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

PIER. Fixed platform above the water and supported by piles, usually perpendicular to the shoreline. See also DOCK.

PRIMARY USE. Uses or activities on a shoreline site that is identified as serving the main purpose of the site in terms of its land occupancy or use intensity, and any other uses within the site are supportive or accessory to it.

PRIORITY HABITAT. A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife

PRIORITY SPECIES. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below:

A. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered threatened or sensitive State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
C. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
D. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered .

PROVISIONS. Policies, regulations, standards, guideline criteria or designations.

PUBLIC ACCESS. The public's ability to reach and use the State's public waters, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and visual

access facilitated by means such as scenic roads and overlooks, viewing platform, and other public sites or facilities. See also COMMUNITY ACCESS.

PUBLIC FACILITIES. Facilities that include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools .

PUBLIC INTEREST. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Q

QUALIFIED PROFESSIONAL. A person with expertise and training appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, hydrology, geomorphology or related field, and at least five years of related work experience. Specific qualified professionals must also meet the following criteria, or any other criteria included in Appendix B, Critical Areas Regulations:

A. A qualified professional providing a geotechnical analysis as required under Section 5.16 of this Master Program must be a licensed engineer in the State of Washington, with specific training in geology, hydrology and/or geomorphology.
B. A qualified professional providing a demonstration of need as required under Section 5.16 of this Master Program must have a M.S. or equivalent degree in geology, hydrology, or geomorphology.
C. A qualified professional for wetlands means a biologist who has a degree in biology, ecology, botany, or a closely related field, or has been certified as a Professional Wetland Scientist, and a minimum of five (5) years of professional experience in wetland identification and assessment in Eastern Washington.
D. A qualified professional for habitat conservation areas means a biologist who has a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five (5) years professional experience related to the subject species/habitat type.
E. A qualified professional for geologically hazardous areas must be an engineer or engineering geologist licensed in the state of Washington. An engineer must be licensed as a civil engineer pursuant to Chapter 18.43 RCW, to qualify. An engineering geologist must be a practicing geologist licensed as a professional geologist pursuant to Chapter 18.22, RCW.
F. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydro-geologist, geologist, or engineer.
G. A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.

R

RAMP. Walkway that connects a pier or land to a float, often used in areas where water levels change due to seasonal variations. LAUNCH RAMP is defined above.

RCW. Revised Code of Washington.

REASONABLE. Reasonable means acceptable and according to common sense or normal practice.

RECREATION. An experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based outdoor recreation such as: fishing, hunting, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

RECREATIONAL USES. Uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, viewpoint platforms, trails, public access facilities, public parks and athletic fields (e.g. ballfields), hunting blinds, and other low-intensity use outdoor recreation areas. Recreational Uses that do not require a shoreline location, nor are related to the water, nor provide significant public access, are considered nonwater-oriented. For example, a recreation use solely offering indoor activities would be considered nonwater-oriented. Common accessory uses are those uses and amenities that support recreational water-enjoyment uses, including, but not limited to: restrooms, picnic shelters, access roads, grilling facilities or barbecue pits, and grassy and riparian open areas.

RECREATIONAL, VEHICLE PARK means any lot or parcel of land upon which two or more recreational vehicles sites are located, established, or maintained as temporary living quarters for recreation or vacation purposes. Such facilities may include sites for camping.

REPAIR, NORMAL. To restore a development or structure to a state comparable to its original, legally established condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. See also MAINTENANCE, NORMAL.

RESIDENTIAL USES. Buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, manufactured homes, modular homes, and other structures that serve to house people. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, accessory dwelling units, home occupations, family day care homes, and adult care homes.

RESTORE (RESTORATION OR ECOLOGICAL RESTORATION). Reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

REVETMENT. Facing of rock, concrete, etc., built to protect a steep slope, cliff, embankment, or shore structure against erosion by waves or currents.

RIPARIAN VEGETATION. Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

RIPRAP. A layer, facing, or protective mound of dense, hard, angular rock used to prevent erosion, scour, or sloughing of a structure or embankment for revetments, armoring or hardening of shorelines, or other flood/erosion control works.

ROAD. Road shall mean and include contiguous streets, alleys, sidewalks, curbs and gutters, planting strips, roads, highways, thoroughfares, parkways, bridges, viaducts, public grounds and public improvements within the city limits. Lands for public right of ways are reserved for use and maintenance of the road system. Bridges are roads which cross over water. Sidewalks or paths independent of the rest of typical roadway cross-sections shall be considered trails.

RUNOFF. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

S

SANITARY SEWER. A system designed to accept sewage to be deposited into and carried off by a system of lateral sewers, drains, and pipes to a common point, or points, for transfer to treatment or disposal.

SEDIMENT. The fine grained material deposited by water or wind.

SEPA (STATE ENVIRONMENTAL POLICY ACT). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, environmental impact statements (EISs) may be required to be prepared and public comments solicited.

SETBACK. The distance between property line and the foundation wall or load-bearing member of the primary structure. Meaning is distinct from BUFFER.

SETBACK, SIDE. The distance between side lot line and the foundation wall of the primary structure.

SEWAGE. Any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

SHALL. A mandate; the action must be done. See also MUST.

SHORELANDS OR SHORELAND AREAS. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and

all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

SHORELINE AREAS. All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

SHORELINE BUFFER. SEE BUFFER OR SHORELINE BUFFER.

SHORELINE ENVIRONMENT DESIGNATIONS. The classifications of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

SHORELINE FUNCTIONS. See ecological functions.

SHORELINE JURISDICTION. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. Also, such areas within a specified local government's authority under the SMA. See SHORELINES, SHORELINES OF THE STATE, SHORELINES OF STATE-WIDE SIGNIFICANCE and WETLANDS. See also Section 3.1 of this SMP.

SHORELINE MANAGEMENT ACT. Washington's Shoreline Management Act was passed by the State Legislature in 1971 and adopted by voters in 1972. The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." There are three basic policy areas to the Act: shoreline use, environmental protection and public access. The Act emphasizes accommodation of appropriate uses that require a shoreline location, protection of shoreline environmental resources and protection of the public's right to access and use the shorelines (RCW 90.58.020). Under the Shoreline Management Act (SMA), each city and county with "shorelines of the state" must prepare and adopt a Shoreline Master Program (SMP) that is based on state laws and rules but is tailored to the specific geographic, economic and environmental needs of the community.

SHORELINE MASTER PROGRAM, MASTER PROGRAM, OR SMP. A comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies articulated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

SHORELINE PERMIT. A Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, revision, or Shoreline Variance or any combination thereof.

SHORELINE PROPERTY. An individual property wholly or partially within shoreline jurisdiction.

SHORELINE STABILIZATION. Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM.

SHORELINES HEARINGS BOARD (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

SHORELINES OF STATEWIDE SIGNIFICANCE. A select category of shorelines of the state, defined in Chapter 1where special policies apply. This includes lakes over 1,000 acres in area and all associated shorelands and rivers that have either a mean annual flow of 200 cubic feet per second or more, or; the portion downstream from the first 300 square miles of drainage areas.

SHORELINES OF THE STATE. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

SHORELINES. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

SHOULD. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this SMP, against taking the action.

SIGN. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

SIGNIFICANT ECOLOGICAL IMPACT. An effect or consequence of an action if any of the following apply:

A. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
B. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes under foreseeable conditions.
C. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

SIGNIFICANT TREE. A significant tree means a living and/or dead standing tree greater than 10 inches in diameter at 4.5 feet above the ground. Invasive or noxious tree species are not to be considered a significant tree.

SIGNIFICANT VEGETATION REMOVAL. The removal or alteration of trees, shrubs, and/or groundcover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

SINGLE-FAMILY RESIDENCE (SFR). See "Dwelling-single family".

SITE ANALYSIS/REPORT. For the purposes of critical areas review under Appendix B, a review by a qualified professional of the applicable critical area and the impacts from the proposed development using best available science to determine necessary measures to avoid, reduce, and/or mitigate critical area impacts. The site analysis shall include at minimum:

A. A site plan depicting the boundaries of the critical area and associated property(s) to a discernable scale
B. A detailed description of the critical area.
C. For areas off site of the project site, estimate conditions within 200 feet of the project boundaries using the best available information
D. Required studies, information and materials identified within Appendix B.
E. Analysis of any likely impacts to the critical area, and any potential impacts to the development or surrounding existing development associated with the critical area.
F. Available measures to avoid, reduce, and/or mitigate impacts
G. Recommendations

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

SMP. See SHORELINE MASTER PROGRAM.

SOFT STRUCTURAL SHORELINE STABILIZATION. Shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement. Linear, vertical faces are an indicator of HARD STRUCTURAL SHORELINE STABILIZATION

SPECIES OF LOCAL IMPORTANCE. Those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

STATE MASTER PROGRAM. The cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

STORM WATER. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

STORMWATER FACILITY. A constructed component of a stormwater drainage system designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

STREAM. Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water mark of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been

altered by humans. A shoreline stream is a naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels

STRUCTURE. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

SUBDIVISION. The division or redivision of land, including short subdivision, for the purpose of sale, lease or conveyance.

SUBSTANTIAL DEVELOPMENT, SHORELINE. Any development which meets the criteria of RCW 90.58.030(3)(e). See also DEVELOPMENT and EXEMPTION.

SUBSTANTIALLY DEGRADE. See SIGNIFICANT ECOLOGICAL IMPACT

SURFACE WATER. All water that exists on the land surface, including streams, lakes or reservoirs, or other bodies of water within the boundaries of the state.

SWAMP. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

T

TERRESTRIAL. Of or relating to land as distinct from air or water.

TRAIL. Trails are clearly identified paved, semi-paved or unpaved but defined (e.g. gravel) pathways for pedestrians in a natural or urban setting used for recreational or circulation purposes. A trail by itself is not considered a road.

TRANSPORTATION FACILITIES. Roads and railways, including their related bridges and culverts, transportation structures, public transit and bus facilities, pedestrian transportation including foot bridges over rivers/streams and trails, fills, embankments, causeways, truck terminals and rail switchyards, sidings, spurs, air fields and other associated minor facilities. Not included are, highway rest areas, ship terminals, nor logging roads. Local transportation refers to facilities provide direct access to abutting land and to higher order roads. Regional transportation refers to facilities serving more than one city or community or major destinations.

U

UNAVOIDABLE. Adverse impacts that remain after all appropriate mitigation sequencing measures have been implemented.

UPLAND. Generally described as the dry land area above and landward of the OHWM.UTILITIES. Lines and facilities related to the provision, distribution, collection, transmission or disposal of water, stormwater, sanitary sewage, oil, gas, power, wireless communication facilities and telephone cable, and includes facilities for the generation of electricity.

A. "Large facilities" serve more than one community (e.g. more than one neighborhood, town, city or other defined place) or major attractions. Examples include, but are not limited to, 230 kv power transmission lines, natural gas transmission lines, and regional water storage tanks and reservoirs, regional water transmission lines or regional sewer collectors and interceptors. Large facilities may also include facilities serving an entire community, such as subregional switching stations (one hundred fifteen (115) kv and smaller), and municipal sewer, water, and storm water facilities.
B. "Small facilities" serve adjacent properties and include, but are not limited to, power lines not specified under "large facilities," water, sanitary sewer, and storm water facilities, fiber optic cable, wireless communication facilities, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way. On-site utility features serving primary use such as a water, sewer, or gas line to a residence are accessory utilities and shall be considered part of the primary use.

V

VARIANCE, SHORELINE. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this master program where there are 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 this SMP and RCW 90.58.020; variance is not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the Administrator and the Department of Ecology.

VESSEL. A floating structure that is designed primarily for navigation, is normally capable of self-propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

VIEW ANALYSIS. An analysis to evaluate the ability of the general public to view the water and the shoreline from adjacent locations such as public places or from substantial numbers of residences.

VISUAL ACCESS. The ability of the general public to view the water and the shoreline from adjacent locations.

VIEW CORRIDOR. The line of sight (identified as to height, width, and distance) of an observer looking toward shoreline from upland locations, public spaces, such as parks, trails, or streets that have particular significance in preserving the unique character of the shoreline.

W

WAC. Washington Administrative Code.

WASTE STORAGE AND TREATMENT. Facilities for collecting and treating, as an accessory use only, garbage, solid waste or sewage generated by the development and its users. This definition does not include municipal sewage treatment facilities.

WATERBODY. A body of still or flowing water, fresh or marine, bounded by the OHWM.

WATERCRAFT LIFT. An in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water. A watercraft lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a pier or float, and may be floating or ground-based. Watercraft lifts include, but are not limited to, lifts for motorized boats, kayaks, canoes, jet skis, and float planes. A watercraft lift is different from a hoist or crane used for the launching of vessels.

WATER-DEPENDENT USE. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include but are not limited to ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boating facilities, private moorage facilities, aquaculture, float plane facilities, sewer outfalls, hydroelectric generating plants and water diversion facilities, such as agricultural pumphouses. (examples based on Shoreline Inventory and Analysis Report)

WATER-ENJOYMENT USE. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, viewing and walking piers and other improvements facilitating public access to the shorelines of the State, including public view or fishing platforms; and general water-enjoyment uses may include, but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels (as part of mixed use development or with significant public access or restoration components), and mixed-use commercial/office. (examples based on Shoreline Inventory and Analysis Report)

WATERFRONT. A parcel of property with upland characteristics which includes within its boundary a physical interface with the existing shoreline of a body of water.

WATER-ORIENTED USE. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

WATER QUALITY. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this master program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

WATER-RELATED USE. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

B. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, , gravel storage when transported by barge, oil refineries where transport is by tanker, log storage, and agriculturally related water transportation systems. (examples based on Shoreline Inventory and Analysis Report)

WATERSHED. A geographic region within which water drains into a particular river, stream or body of water.

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

WATERSHED RESTORATION PROJECT. A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

A. A project that involves less than 10 miles of stream or lake reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings; or
B. A project for the restoration of an eroded or unstable stream bank or lake shore that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of wave energy; or
C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure (e.g., project equipment shed), other than a bridge or culvert or in-water habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream or lake.

WEIR. A structure generally built across a stream channel for the purpose of diverting water or trapping sediment or other moving objects transported by water.

WETLAND OR WETLANDS. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support—and that under normal circumstances do support—a prevalence of vegetation typically adapted for life in marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands

created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Z

ZONING. The system of land use and development regulations and related provisions of the City of Wenatchee.

UNIVERSAL NOTE. In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.