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SHORELINES MASTER PROGRAM

Chelan County Regional Planning Council



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SECTION 1. TITLE

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

SECTION 2. PURPOSE

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

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

SECTION 3. RELATIONSHIP TO MASTER PROGRAM GOALS AND POLICIES

These Use Regulations are intended to implement the Goals and Policies of the Shorelines Master Program of Chelan.

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

The Shorelines Master Program of Chelan shall bear the following relationship to existing land development controls.

- 4.1 The Shorelines Master Program of Chelan shall, for the purposes of R.C.W. 35.63, (City Planning Enabling Act) or R.C.W. 36.70, (County Planning Enabling Act) be considered a supplement to the Comprehensive Plan of Chelan.
- 4.2 The Shoreline Master Program Use Regulations of Chelan shall, for the purposes of R.C.W. 35.63 or R.C.W. 36.70, be considered a set of use regulations applying only to shoreline areas in addition to the provisions of the Zoning Ordinance of Chelan.
- 4.3 The Subdivision Regulations of Chelan are hereby declared to continue in full force and effect as applies to the shoreline areas of Chelan.
- 4.4 Where a conflict between the provisions of any of the above documents is determined to exist as applied to shoreline areas, the more stringent provisions shall apply.

SECTION 5. APPLICABILITY AND COMPLIANCE

- 5.1 Applicability. These Use Regulations shall apply to all uses of and activities on the Shorelines, the Shorelines of State-wide Significance, and the associated Wetlands.
- 5.2 Use of Land and Structures. No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered except in compliance with the provisions of this and any other pertinent ordinance.
- 5.3 Maintenance of Minimum Requirements. No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimum required by this ordinance.
- 5.4 Subdivision of Land. The platting or development of land, whether by the adopted subdivision procedures of Chelan or as authorized in accordance with the Laws of Washington, shall comply with the minimum lot size in each Environment; and no plat or proposed subdivision of land in an Environment prohibiting such subdivision shall be considered by the (legis. Body) until after an application for Environmental designation change to an Environment permitting such development has been received and approved by the (Legis. Body) and the State Department of Ecology.

SECTION 6. SEVERABILITY

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

SECTION 7. DEFINITIONS

- 7.1 As used in this ordinance, the masculine includes the feminine and neuter, the singular includes the plural, the present includes the future, the word shall is mandatory and not permissive. Nothing in these definitions shall be construed to exempt any use or activity from complying with the provisions of other State and local regulations.
- 7.2 The following words and phrases, unless the context otherwise requires, shall mean:
- 7.2.1 Access. The means or way by which pedestrians or vehicles have entrance to and exit from a property or body of water.
- 7.2.2 Accessory structure or use. A structure or use, incidental, appropriate, and subordinate to the main use of the property, and which is located on the same lot or in the same building with the main use.
- 7.2.3 Act. The Shorelines Management Act of 1971 (R.C.W. 90.58) as amended.
- 7.2.4 Administrative Authority. The person designated by the Responsible Official.
- 7.2.5 Agriculture. The tilling of the soil, the raising of crops, horticulture, gardening, keeping or raising of livestock and poultry for commercial purposes, and any agricultural industry or business such as dairies, nurseries, greenhouses, or similar uses.
- 7.2.6 Aquaculture. The culture or farming of food or sport fish.
- 7.2.7 Alley. A narrow street which affords only a secondary means of access to property abutting thereon.
- 7.2.8 Automobile wrecking yard. An area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked vehicles or their parts or the storage of motor vehicles unable to be moved under the power of the vehicle.

- 7.2.9 Board. The Chelan Board of Adjustment.
- 7.2.10 Boathouse. Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
- 7.2.11 Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 7.2.12 Carport. An accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides.
- 7.2.13 Channel. A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water. Thus, channel flow is that water which is flowing within the limits of the defined channel.
- 7.2.14 City. The City of Chelan.
- 7.2.15 Commission. The Chelan Planning Commission.
- 7.2.16 Comprehensive Plan. Any map, plan or policy statement other than the Shorelines Master Program pertaining to the development of land use, streets and roads, or public utilities and facilities, for all or any portion of the territory of Chelan which has been officially adopted by the Planning Commission of Chelan and the (Legislative Body).
- 7.2.17 County. Chelan County, State of Washington.
- 7.2.18 Department. The Chelan Planning Department.
- 7.2.19 Development. The use consisting of the construction or exterior alteration of a structure or structures, dredging, drilling, dumping, filling, removal of natural resources, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature subject to regulation under the Act.
- 7.2.20 Dwelling, multi-family. A building containing three or more dwelling units.
- 7.2.21 Dwelling, single family. A detached building containing one dwelling unit.

- 7.2.22 Dwelling, two-family. A detached building containing two dwelling units.
- 7.2.23 Dwelling Unit. A building or portion thereof designed for occupancy by one family having cooking and toilet facilities.
- 7.2.24 Environment. This term has two meanings in the Master Program. They are distinguished from one another as follows:
- 7.2.24.1 Environment. This is the more common usage of the term meaning the natural physical surroundings unique to a given location. In shoreline areas the term includes marshes, swamps, streamways and other wetlands directly interrelated and interdependent with the stream or lake proper.
- 7.2.24.2 Environment This usage is unique to the Act, the Master Program, and the Use Regulations and has quite specific meaning. This term is normally preceded by one of four words (Urban, Rural, Conservancy, or Natural) both of which are always capitalized herein. Each Environment represents a specific type of geographic area having common characteristics, defined boundaries, and specific regulations governing use activities; all as required by the Act.
- 7.2.24.3 Urban Environment - an area of high intensity land use including residential, commercial, and industrial development in addition to open space and public uses.
- 7.2.24.4 Rural Environment - an area characterized by intensive agricultural and recreational uses and those areas having a high capability to support active agricultural practices and intensive recreational development.
- 7.2.24.5 Conservancy Environment - an area characterized by a potential for diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands, and other related development.
- 7.2.24.6 Natural Environment - an area containing some unique natural or cultural features considered valuable in a natural or original condition which are relatively intolerant of intensive human uses.
- 7.2.25 Flood. A temporary rise in stream or riverflow or stage that results in water overtopping its banks, inundating areas adjacent to the channel. In all cases, the Intermediate Regional Flood (100 year flood) shall be the flood reference.

- 7.2.27 Garage, private. An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.
- 7.2.28 Grade (ground level). The average elevation of the finished ground level at the center of all walls of the building or in the case of an undeveloped lot, the average elevation of the building site.
- 7.2.29 Guidelines. The final guidelines (Chapter 173-16 WAC) adopted by the Department of Ecology pursuant to the Shorelines Management Act of 1971. (These guidelines were used in the preparation of the Shorelines Master Program of Chelan and these Use Regulations.)
- 7.2.30 Hearing Board. The Shorelines Hearings Board established by Chapter 90.58.R.C.W.
- 7.2.31 Height of Building. The vertical distance measured from the grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- 7.2.32 Hotel. A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation.
- 7.2.33 Junk Yard. An area where any person is engaged in breaking up, handling, packing, bailing, sorting, storing, distributing, buying, or selling of any scrap, waste material, or junk including but not limited to scrap metal, bones, rags, used cloth, used rubber, used rope, used bottles, old or used machinery, used tools, used appliances, used fixtures, used lumber, used pipe or pipe fittings, used tires, or other used manufactured goods.
- 7.2.34 Legislative Body. The _____ of Chelan.
- 7.2.35. Livestock. Domestic animals of types customarily raised or kept on farms for profit or other purposes.
- 7.2.36 Lot. A single parcel or tract of land located which at the time of application for a permit, is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under a single ownership or control.
- 7.2.37 Lot Area. The total area within the boundary lines of a lot exclusive of the following: Public and private road easements of vehicular access to other property.

- 7.2.38 Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
- 7.2.39 Lot Line. The property line bounding a lot.
- 7.2.40 Lot Line, Front. The property line separating the lot from the street other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.
- 7.2.41 Lot Line, Rear. A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.
- 7.2.42 Lot Line, Side. Any property line not a front or rear lot line.
- 7.2.43 Lot Width. The average horizontal distance between the side lot lines, ordinarily measured at the front building line.
- 7.2.44 Marina. A dock or basin providing moorage for watercraft and offering supply, repair, or other support facilities. A marina may be either open to the public or for the exclusive use of a group.
- 7.2.45 Master Program shall mean the comprehensive use plan for Chelan and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals, policies and standards developed in accordance with the Act.
- 7.2.46 Motel or Auto Court. A building or group of buildings on the same lot, in which lodging is offered for compensation primarily for the accommodation of transient automobile travelers.
- 7.2.47 Motorized Vehicular Race Track includes racing accommodations for motorized vehicles such as automobiles, snowmobiles, motorcycles, go-carts and other similar motorized vehicles.
- 7.2.48 Nonconforming Structure. A legally established structure existing at the time this resolution or any amendment thereto becomes effective which does not conform to the requirements of the appropriate zoning district or Environment.
- 7.2.49 Nonconforming Use. A legally established use or condition existing at the time this resolution or any amendment thereto becomes effective which does not conform to the use requirements of the zoning district or Environment in which it is located.
- 7.2.50 Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge,

conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

- 7.2.51 Official Newspaper. A newspaper of general circulation within Chelan.
- 7.2.52 Off-street Parking Space. An off-street enclosed or unenclosed surfaced area of not less than nine (9) feet by twenty (20) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street by a surfaced driveway which affords ingress and egress for automobiles.
- 7.2.53 Ordinary High Water Line. The line on all lakes and streams which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary highwater mark shall be the line of mean high water.
- 7.2.54 Ordinary Low-Water Line. The line representing mean low water.
- 7.2.55 Permanent Structure. A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for four years or more.
- 7.2.56 Permit. That permit required by the Shorelines Act of 1971 (R.C.W. 90.58) as amended, for Substantial Development on shorelines, to be issued by the Administrative Authority subject to review by the Department of Ecology and the Attorney General's Office.
- 7.2.57 Person. An individual, firm, partnership, association, public or private corporation, estate, trust, receiver, syndicate, branch of government, social or fraternal organization, or any group or combination acting as a legal entity, and including any representative thereof.

- 7.2.58 Planning Commission. The Planning Commission of Chelan.
- 7.2.59 Responsible Official. The duly constituted (County of City Commission or Mayor) of Chelan.
- 7.2.60 SWS (Shoreline Works and Structures). The term includes bulkheads, seawalls, protective structures, piers, levees, dikes, channelization, docks, rip-rapping, and similar structures.
- 7.2.61 Setback from Water. The minimum horizontal distance from the ordinary high water line of a body of water to the nearest part of structure.
- 7.2.62 Shorelines. Shorelines means all of the water areas of Chelan including reservoirs and associated Wetlands, together with the lands underlying them EXCEPT:
1. Shorelines of Statewide Significance;
 2. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the Wetlands associated with such upstream segments; and
 3. Shorelines on lakes less than 20 acres in size and Wetlands associated with such small lakes.
- 7.2.63 Shorelines of Statewide Significance.
1. The lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water line and associated Wetlands.
 2. Those streams, whether natural, artificial or a combination thereof, downstream of a point where the mean annual flow is measured at 200 cubic feet per second or more, or downstream from the first 300 square miles of drainage area; whichever is the longer, and associated Wetlands.
- 7.2.65 Sign. An identification, description, illustration, or device which is affixed to or located directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.
- 7.2.66 State Master Program. The cumulative total of all Master Programs approved or adopted by the Department of Ecology.
- 7.2.67 Street. A public right-of-way for roadway, sidewalk, and utility installation.
- 7.2.68 Structural Alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in exterior walls.

7.2.69 Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground. Not included are residential fences, ornamental rockeries, and similar improvements of a minor character.

7.2.70 Substantial Development. This term means any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state, except that the following shall not be considered substantial development for the purpose of these regulations:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
2. Construction of the normal protective bulkhead common to single family residences;
3. Emergency construction necessary to protect property from damage by the elements;
4. Construction of a barn or similar agricultural structure on wetlands;
5. Construction or modification of a navigational aide such as channel markers and anchor buoys;
6. Construction on Wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.
7. Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars.

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7.2.71 Temporary Structure. A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life of four years or less or is built for a purpose that would commonly be expected to be relatively short term.

RCW 90.58.030**Definitions and concepts.**

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments 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 segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta – from DeWolf Bight to Tatsolo Point,

(B) Birch Bay -- from Point Whitehorn to Birch Point,

(C) Hood Canal -- from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area -- from Brown Point to Yokeko Point, and

(E) Padilla Bay -- from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range 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;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means 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. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area 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 ground cover condition. 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;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the 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 enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. 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;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above

average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) 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 and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) 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 for the irrigation of lands;

(ix) 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;

(x) 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;

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

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

(B) 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;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

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

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

(xii) The process of removing or controlling an aquatic noxious weed, 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 jointly with other state agencies under chapter 43.21C RCW.

[2002 c 230 § 2; 1996 c 265 § 1. Prior: 1995 c 382 § 10; 1995 c 255 § 5; 1995 c 237 § 1; 1987 c 474 § 1; 1986 c 292 § 1; 1982 1st ex.s. c 13 § 2; 1980 c 2 § 3; 1979 ex.s. c 84 § 3; 1975 1st ex.s. c 182 § 1; 1973 1st ex.s. c 203 § 1; 1971 ex.s. c 286 § 3.]

NOTES:

Finding -- Intent -- 2002 c 230: "The legislature finds that the dollar threshold for what constitutes substantial

development under the shoreline management act has not been changed since 1986. The legislature recognizes that the effects of inflation have brought in many activities under the jurisdiction of chapter 90.58 RCW that would have been exempted under its original provisions. It is the intent of the legislature to modify the current dollar threshold for what constitutes substantial development under the shoreline management act, and to have this threshold readjusted on a five-year basis." [2002 c 230 § 1.]

Severability -- Effective date -- 1995 c 255: See RCW 17.26.900 and 17.26.901.

Severability -- 1986 c 292: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 292 § 5.]

Intent -- 1980 c 2; 1979 ex.s. c 84: "The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, it is the intent of 1979 ex.s. c 84 to authorize the department of transportation to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas and to design and reconstruct a permanent bridge at the site of the original Hood Canal bridge. The department of transportation is directed to proceed with such actions in an environmentally responsible manner that would meet the substantive objectives of the state environmental policy act and the shorelines management act, and shall consult with the department of ecology in the planning process. The exemptions from the state environmental policy act and the shorelines management act contained in RCW 43.21C.032 and 90.58.030 are intended to approve and ratify the timely actions of the department of transportation taken and to be taken to restore interim transportation services and to reconstruct a permanent Hood Canal bridge without procedural delays." [1980 c 2 § 1; 1979 ex.s. c 84 § 1.]

7.2.72 Travel Trailers. A structure or vehicle designed for highway transport which is less than 35 feet in length and 8 feet wide and constructed to permit occupancy for dwelling or sleeping purposes.

7.2.73 Travel Trailer Court. A lot upon which two or more travel trailers, occupied for dwelling or sleeping purposes, are located.

7.2.74 Use. Purpose for which land or a structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained.

7.2.75 Water Dependency. The degree of dependency of any use of the land upon a shoreline location. This dependency is expressed as follows:

7.2.75.1 Water Dependent Uses. All uses that cannot exist in any other location and require a location on the shoreline by reason of the intrinsic nature of their operations, such as:

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

7.2.75.2 Water Related Uses. Those uses which do not depend upon a waterfront location to continue their operation but whose operation may be facilitated or enhanced by a shoreline location, such as:

- a. Any industries which receive or ship materials by water
 - b. Restaurants)
 - c. Motels)
 - d. Hotels)
 - e. Resorts)
 - f. Single and Multi-family residences)
 - g. Processing plants which require large volumes of water
- which, by their design and aesthetic appearance, facilitate use and enjoyment of a shoreline location

- h. Thermal power plants
- i. Sewage treatment plants

7.2.75.3 Non-water Related Uses. Those uses which do not need a waterfront location to operate though they may need easements or utility corridors for access to the water such as:

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

7.2.74.4 Prohibited Uses. Those uses which have no relation to the water and whose operation is intrinsically harmful to the shorelines, such as:

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

7.2.76 Wetlands. Those lands extending landward for 200 horizontal feet from the ordinary high water line on natural and/or artificial lakes, swamps, marshes, bogs, streams, and either to the landward edge of the 100 year floodplain or 200 feet landward of the ordinary ordinary high water mark, whichever distance is greater. The term also includes submerged lands.

7.2.77 Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance, or by vegetation.

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

7.2.79 Definitions for terms requiring definitions neither above found nor in R.C.W. 90.58 or WAC 173-16, as amended, shall be determined from the following sources, and if a conflict should arise

between sources, such definitions shall be established in the following priority:

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

SECTION 8: Note: Section 8 of the Master Program has been deleted because of amendments to the preliminary draft.

SECTION 9. SHORELINE ENVIRONMENT MAP AND BOUNDARIES

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

9.2 The following rules for interpretation of Environment boundaries on the Shorelines Environment Map shall apply:

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

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

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

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

SECTION 10. GENERAL SHORELINE USE ACTIVITY REGULATIONS

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

10.2 Nothing in these regulations shall be construed as eliminating the necessity of compliance with other applicable state and local regulations unless explicitly exempted herein.

10.3 Bonding of a project may be required as a condition of the shoreline permit to assure compliance with the conditions of the permit.

10.4 Emergency construction designed for shoreline protection may be permitted when life and/or property is in danger.

10.5 Upon completion of construction, installation, or maintenance of projects on shorelines, the disturbed area shall be restored to as near pre-project configuration as possible, replanted with appropriate vegetative cover and provided maintenance care until newly planted vegetation is established.

10.6 The disposal of solid waste in any Environment shall be in strict conformity to regulations adopted by the Chelan-Douglas Health District.

10.7 The use of car bodies, construction debris, and/or discarded pieces of equipment or appliance for stabilization of shorelines is prohibited.

10.8 The location and design of all proposed structures shall be such that obstruction of scenic views and vistas is minimized. This shall apply to protection of views from both public and private property. The Administrative Authority may require modification of proposed projects to insure this end.

SECTION 11. SHORELINE USES PERMITTED OUTRIGHT

The following use activities shall be permitted outright without application for a substantial development permit so long as other state and local regulations are complied with.

11.1 Those uses listed as exceptions in 7.2.70.

USE ACTIVITY REGULATIONS

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

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

RESOURCE BASED USE ACTIVITIES

(Sections 12 - 15)

SECTION 12. AGRICULTURE

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

12.1 Urban Environment

12.1.1 Agriculture may be permitted on Urban shorelines, subject to the applicable zoning ordinance.

12.1.2 Agriculture in the Urban Environment shall comply with Section 12.2 below.

12.2 Rural Environment

12.2.1 Agriculture may be permitted on rural shorelines subject to the applicable zoning ordinance.

12.2.2 Any person proposing to undertake or engage in agricultural operations which are carried on as a normal or systematic part of the raising of crops or livestock on shorelines and which materially interfere with the normal public use of the water or shorelines of the state shall apply for a Permit. Such operations include the establishment of feeding pens or other confinement lots for livestock of any kind equivalent to 10 or more head of mature cattle which concentrate their wastes in a small area.

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

- a. Provide at least 100 feet of vegetated area between confinement lots and water bodies.
- b. Locate confinement lots both away from hillsides leading directly to water bodies and outside the 100-year floodplain, where defined.
- c. Select a confinement lot site with a minimum of four feet between the ground surface and the upper surface of the water table.
- d. Where applicable, the operational guidelines for livestock waste management found in "Livestock Waste Management Guidelines" (E.M. 3479), W.S.U. June 1971 may be made conditions of granting the permit.

12.3 Conservancy Environment

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

Where permitted on the Conservancy shorelines agriculture use activities shall comply with Section 12.2 above.

12.4 Natural Environment

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

Where permitted on Natural shorelines, agriculture use activities shall comply with Section 12.2 above.

SECTION 13. AQUACULTURE

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

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

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

13.1 Urban Environment

Aquaculture may be permitted on Urban shorelines.

13.2 Rural Environment

Aquaculture may be permitted on Rural shorelines.

13.3 Conservancy Environment

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

13.4 Natural Environment

Aquaculture is prohibited on Natural Shorelines.

SECTION 14. FOREST MANAGEMENT

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

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

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

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

14.1 Urban Environment

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

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

14.2 Rural Environment

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

14.3 Conservancy Environment

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

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

14.4 Natural Environment

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

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

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

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

SECTION 15. MINING

15.1 Urban Environment

Mining operations may be permitted in the Urban Environment subject to regulations 15.3.2 through 15.3.3 below.

15.2 Rural Environment

Mining operations may be permitted in the Rural Environment subject to regulations 15.3.2 and 15.3.3 below.

15.3 Conservancy Environment

15.3.1 Mining operations which do not substantially change the character of the Environment may be permitted in the Conservancy Environment.

15.3.2 A Permit for a mining operation may be granted subject to the following regulations:

- a. The operator of a surface mine, which is subject to the 1970 Surface Mined Land Reclamation Act shall present to the Administrative Authority one copy each of the surface mining plan and of reclamation plan as provided in R.C.W. 78.44
- b. Any mineral removal alongside, upstream or downstream from spawning areas shall be in conformance with the technical provisions of the Hydraulics Project Approval by the Washington State Department of Fisheries.

15.4 Natural Environment

Mining operations which do not change the character of the Environment may be permitted in the Natural Environment subject to Section 15.3.2 above.

LAND USE ACTIVITIES

(Section 16 through 20)

SECTION 16. RESIDENTIAL

- a. The Act specifically exempts "construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family . ." from its Permit requirements. However, even though single family homes are not substantial development, the intent of the Act clearly establishes a basis for regulating them. (R.C.W. 90.58.020 and 90.58.100).
- b. As provided in Section 5.4, of these regulations, subdivision of land must comply with the applicable subdivision regulations. Any person proposing to subdivide land located in the shoreline area shall comply with the lot configuration requirements of these regulations.
- c. When the specified minimum lot areas listed in this Section are less than one acre the areas and widths shall be increased in relation to lot slope as given below.

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

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

- d. Unless specified below, the minimum residential setback from the water shall be identical to the rear yard setback required by the applicable zoning ordinance (as measured from the ordinary high water line); except where the average slope of the 50' portion of the lot abutting the water exceeds 100% and bedrock is exposed at the surface, the minimum setback may be reduced to zero.

16.1 Urban Environment

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

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

- a. No residential structure shall exceed 35 feet in height above average grade level.
- b. All utility lines including electricity, communications, and street lighting, shall be underground, except where the presence of bedrock or other obstructions makes undergrounding prohibitive. Above-ground lines in existence at the time of adoption of the Master Program and not coming under the above exception shall be removed during normal replacement processes. (Subject to Section 25.1.3).
- c. Parking lots with spaces for 10 or more cars shall not be located within 50 feet of the ordinary high water line.

16.1.3 Single and two family residences may be permitted in the Urban Environment subject to Section 16.1.2a through 16.1.2c and the applicable zoning ordinance.

16.2 Rural Environment

16.2.1 Regulations 16.1.2a-c shall apply in the Rural Environment.

16.2.2 Single and two family residences may be permitted in the Rural Environment subject to the following regulations and the applicable zoning ordinance:

- a. Section 16.1.2a through 16.1.2c shall apply.

16.3 Conservancy Environment

16.3.1 Multi-family and two family residences may be permitted on Conservancy shorelines as a Planned Development under the appropriate zoning ordinance.

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

- a. Minimum lot area shall be as specified in the applicable zoning ordinance.
- b. Minimum lot width at the property line nearest the high water line shall be 100 feet.
- c. No residential structure shall exceed a height of 25 feet above average grade level.
- d. Regulation 16.1.2c shall apply.

16.4 Natural Environment

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

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

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

SECTION 17. COMMERCIAL

17.1 Urban Environment

Commercial development such as those defined as "Prohibited Uses" shall be prohibited in the Urban Environment. All other commercial development is permitted in the Urban Environment subject to the conditions of the applicable zoning ordinance and those listed in this ordinance.

17.1.1 A Permit may be issued subject to the provisions of these regulations and the applicable zoning ordinance.

17.1.2 Commercial parking lots or structures may be permitted on the shorelines of the Urban Environment as conditional use under the appropriate zoning ordinance.

17.1.3 Commercial structures shall be set back a minimum of 25 feet from the ordinary high water line and/or from a Natural Environment boundary except for uses such as those listed in Section 7.2.75 (a)(b)(c) and (k).

17.1.4 Commercial structures shall not exceed 35 feet in height above average grade level.

17.2 Rural Environment

Commercial development on the Rural Environment shall be prohibited except for those defined as "Water Dependent" and "Water Related" subject to the conditions of the applicable zoning ordinance and those listed in these Regulations.

17.2.1 Section 17.1.1, .2, .3, and .5 shall apply in the Rural Environment.

17.2.2 Commercial structures shall not exceed 25 feet in height above average grade level and be of inconspicuous appearance so that they either blend with their surroundings or at a minimum do not detract from them.

17.3 Conservancy Environment

Commercial development in the Conservancy Environment shall be prohibited except for those defined as "Water Dependent" and "Water Related" subject to the conditions of the applicable zoning ordinance and those listed in these Regulations.

17.3.1 Section 17.1.1, 2, .3, and .5 shall apply except the minimum setback for a commercial parking lot shall be 100 feet and for other permitted commercial uses not exempted in .3 shall be 50 feet.

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

17.4 Natural Environment

Commercial development activity shall be prohibited in the Natural Environment.

SECTION 18. SIGNS

18.1 No sign having any of the following characteristics may be constructed within any shoreline Environment:

- a. Signs which significantly obstruct visual access to the water or to scenic vistas.
- b. Signs which exceed the building setback requirements of the applicable zoning ordinance and of Section 17. above.
- c. Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

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

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

SECTION 19. MARINAS

19.1 Urban Environment

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

19.1.2 Section 19.2.2 shall apply.

19.2 Rural Environment

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

19.2.2 A Permit for marina development, construction, expansion and/or alteration or, any phase thereof which constitutes a complete project, may be granted subject to the following regulations.

- a. The portions of the "Criteria Governing the Design of Marinas . . . for Protection of Fish and Shellfish Resources" adopted by the Washington State Department of Fisheries in 1971 which are applicable to fresh water, shall be utilized in preparation of conditions for granting a Permit.
- b. Parking facilities shall be set back from the ordinary high water mark a minimum of 25 feet.
- c. Sewage pump-out or dump station for marina vehicles approved by the Health District shall be installed at the beginning of operations of a new marina or of an expansion of an existing marina.

19.3 Conservancy Environment

Marinas may be permitted on Conservancy shorelines subject to Section 19.2 above.

19.4 Natural Environment

Marinas shall be prohibited on Natural shorelines.

SECTION 20. PORTS AND INDUSTRIES

20.1 Urban Environment

Port facilities, water dependent, and water-related industries may be permitted on Urban shorelines subject to the applicable zoning ordinance and the following regulations:

- 20.1.1 Any person proposing a development, expansion or alteration, or any phase thereof not exempted herein, of a port facility or water related industry, shall apply for a Permit.
 - a. The conditions of issuance of required Federal and State permits may be considered in issuance of a Permit.
 - b. Facilities and structures for ports and water-related industries of more than 35 feet above average ground grade shall be designed to minimize obstructions of views from adjoining residential or recreational developments.

20.2 Rural Environment

20.2.1 Ports or water dependent industries may be permitted on Rural shorelines, subject to Section 20.1.1 and the applicable zoning ordinance.

20.3 Conservancy Environment

20.3.1 Ports or water dependent industries may be permitted on Conservancy shorelines subject to Section 20.1.1 and the applicable zoning ordinance.

20.4 Natural Environment

20.4.1 Ports and Industries shall be prohibited on Natural shorelines.

SHORELINE MODIFICATION USE ACTIVITIES

(Sections 21 through 23)

SECTION 21. SHORELINE WORKS AND STRUCTURES (SWS)

Construction of a normal protective bulkhead common to single family residences at or near the ordinary high water line is exempt from the Permit requirements of this ordinance (R.C.W. 90.58.030(3)(ii) and WAC 173-16-060(11). Private non-commercial docks* for single family homes are also exempt from the Permit requirements of the ordinance (R.C.W. 90.50.030(3)(e)). Where permitted, SWS shall comply with all applicable Federal, State and other local regulations. (*Costing less than \$2,500.00)

21.1 Urban Environment

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

- 21.1.1 The portions of the Criteria Governing the Design of Bulkheads, Landfills and Marinas . . ."for Protection of Fish and Shellfish Resources" applicable to fresh water, adopted by the Washington State Department of Fisheries, 1971, may be utilized in preparation of conditions for granting a Permit.
- 21.1.2 The builder of any SWS shall be responsible for adverse effects on the property of others caused by his construction and shall take all necessary actions to minimize such effects.
- 21.1.3 Joint use dock facilities shall be required for any subdivisions, multi-family residences, or commercial and industrial enterprises in close proximity to each other which are initiated after the effective date of the ordinance.
- 21.1.4 SWS shall be designed and constructed to blend with surrounding development insofar as feasible.

21.2 Rural Environment

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

- 21.2.1 Section 21.1.1 through .4 above shall apply on Rural Shorelines.

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

21.3 Conservancy Environment

SWS may be permitted on Conservancy shorelines subject to the regulations given below, provided that they do not substantially change the character of the Environment, they are a part of a project defined as "Water-Dependent or Water-Related" and the project could be rendered impossible or completely unfeasible without the SWS.

21.3.1 In those limited instances where permitted, Sections 21.1.1 through .4 above shall apply on Conservancy shorelines.

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

21.4 Natural Environment

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

21.4.1 In those limited instances where permitted, Sections 21.1.1 through .4 above shall apply on Natural shorelines.

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

SECTION 22. LANDFILLS

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

22.1 Urban Environment

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

22.1.1 The portions of the "Criteria Governing the Design of Landfills . . . for Protection of Fish and Shellfish Resources" applicable to fresh water adopted by the Washington State Department of Fisheries in 1971 may be utilized in preparation of conditions for granting a permit.

22.1.2 Landfills shall consist of clean materials with a minimum potential for degrading water quality. Landfills shall be protected against erosion with retaining walls or other mechanisms to deter erosion or in the case of fills above the ordinary high water line by adequate retaining vegetation established during the first growing season following completion of the landfill.

22.1.3 In all cases adequate precautions shall be required to insure compliance with state water quality standards.

22.1.4 Filling solely to provide land for septic tank drainfields shall be prohibited.

22.1.5 Residential Uses: There are properties on the shorelines of Chelan County, e.g. Lake Chelan, where the water level is artificially regulated for hydroelectric generation purposes, where landfills are desirable, appropriate, and do not infringe on neighboring properties, navigation and recreation possibilities. When a non-conforming lot legally exists on the effective date of this ordinance, or where no building site meeting setback requirements of the Master Program and the applicable zoning ordinances exist, landfills below the ordinary high water line may be permitted when the applicant's ownership includes underwater property subject to the following provisions of these regulations and the following:

- a. The intent of this subsection is to permit reasonable residential use of such property, minimize private taking of public water surface, and minimize navigation restrictions.
- b. For the purpose of this subsection, a minimum building site shall be 2000 square feet per dwelling unit with a reasonable depth to width ratio and a maximum slope of 20%.
- c. Where no public sewer system approved by the Chelan Douglas Health District* is present, sufficient lot area to contain an on-site sewage disposal system approved by the Health District must be present or available prior to landfilling.

*Among the Health District requirements are three worthy of note in the present context; drainfields are not permitted within 100 ft. of surface waters, nor where the bottom of the trench is less than four (4) feet above the water table or impermeable soils, nor on slopes exceeding 20%.

- e. The dimensions of the landfill, (area, height above and below the ordinary high water line, width, and length) shall be the minimum necessary to provide one minimum building site per lot
- f. Where a pre-existing adjacent landfill legally exists the proposed landfill shall be physically tied to that landfill. The lakeward edge of the proposed landfill shall be reasonably located with respect to the existing landfill so as to blend with the artificial shoreline subject to 22.1.5d.
- g. In instances where unique circumstances prohibit residential landfills that would conform to the requirements of 22.1.5a through d., a reasonable variance may be granted as provided in Section 32.

22.1.6 Non-Residential Uses:

Landfills below the ordinary high water line which are a necessary part of a project defined as "Water Dependent" may be permitted when the applicant's lot includes under-water property subject to other provisions of this ordinance and the following:

- a. The intent of this subsection is to permit reasonable Water Dependent uses, minimize private taking of public water surface, and minimize navigation restrictions.
- b. The dimensions of the landfill (area, height above and below the ordinary high water line, width and length) shall be the minimum necessary to accomplish the required purpose.
- c. Where a pre-existing adjacent landfill legally exists, the proposed landfill shall be physically tied to that landfill. The lakeward edge of the proposed landfill shall be reasonably located with respect to the existing landfill so as to blend with the artificial shoreline subject to 22.1.6b.

22.1.7 Reclamation of Eroded Land:

Landfills for the purpose of reclaiming land eroded after the effective date of the Act (June 1, 1971) may be permitted subject to the other provisions of this ordinance and the following:

- a. If permitted the proposed landfill shall have no harmful effects on nearby property.

b. The dimensions of the proposed landfill shall be the minimum consistent with reclaiming eroded land.

c. Sections 22.1.1 through .4 shall apply.

22.2 Rural Environment

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

22.3 Conservancy Environment

In those limited instances where permitted on Conservancy shorelines, landfills may be permitted subject to the regulations of Section 22.1 above.

22.4 Natural Environment

Landfills shall be prohibited on Natural shorelines.

SECTION 23. DREDGING

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

23.1 Urban Environment

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

23.1.1 Operations not requiring federal or state permits may have similar standards imposed as conditions of obtaining a Permit.

23.1.2 Dredge spoils exceeding the Environmental Protection Agency criteria for toxic sediments shall be disposed of on land. The results of chemical and physical analysis of the spoil material shall be forwarded to the Administrative Official prior to the beginning of dredging operations.

23.1.3 Dredge spoils disposed of on land shall be placed only in areas selected to minimize detrimental effects on the shoreline environment. In particular, the area of wetlands affected shall be kept to a minimum in the selection of suitable disposal sites.

23.1.4 Dredge spoil disposal sites shall be completely enclosed by dikes of sufficient capacity to allow for the settling of sediments before entrapped water leaves the diked area.

The outside face of the dikes shall be sloped at 1-1/2 to 1 (horizontal to vertical) or less and seeded with grass or otherwise protected to prevent erosion. Outlet structures in dikes shall be placed so that water discharged within the dikes will take the longest possible time to reach the outlet and shall be designed so that only the clearest water is allowed to return to the receiving waters.

23.1.5 Disposal sites which have been completely filled shall be drained, tilled and planted by the second growing season following filling unless specific plans for other uses of the filled land are submitted to the Administrative Official within one year of filling.

23.1.6 Placing of dredge spoils in water areas shall be prohibited except for improvement of fish habitat.

23.2 Rural Environment

Dredging operations for project defined as "Water Dependent" may be permitted on Rural shorelines subject to the following regulations:

23.2.1 Section 23.1 shall apply on Rural shorelines.

23.3 Conservancy Environment

Dredging operations necessary for project defined as "Water Dependent" may be permitted on Conservancy shorelines subject to the following regulations:

23.3.1 Section 23.1 shall apply on Conservancy shorelines.

23.4 Natural Environment

Dredging operations shall be prohibited on Natural shorelines except where necessary to protect or enhance the character of this Environment.

23.4.1 Section 23.1 above shall apply on Natural shorelines in those limited instances where permitted.

GOVERNMENTAL USE ACTIVITIES

(Sections 24 through 26)

SECTION 24. SOLID WASTE DISPOSAL

24.1. All Environments

Operation of solid waste disposal sites shall conform to Chelan-Douglas Health District's Regulations Governing Solid Waste Disposal Facilities.

SECTION 25. UTILITIES

25.1. All Environments

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

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

- a. All utility systems shall be underground except where the presence of bedrock or other obstructions makes undergrounding prohibitive; PROVIDED: electric transmission lines in excess of 15 KV are exempted from undergrounding.
- b. Where such utility systems cross shoreline areas, clearing necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by trees and other vegetation with proposed transmission facilities.
- c. Upon completion of installation of such utility systems or of any maintenance project which disrupts the environment, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide an attractive, harmonious vegetation cover.

SECTION 26. ROADS AND RAILROADS

- a. Where permitted in shorelines areas, road alignments shall be set back from the ordinary high water line a sufficient distance to

leave a useable shoreline area in its natural condition unless it is technically and economically infeasible.

- b. Logging roads, being a special category of roads, are regulated in Section 14 on Forest Management.
- c. The construction standards of the appropriate jurisdiction shall be conditions for granting a Permit subject to the regulations of this Section.
- d. Issuance of a Permit for public roads shall be contingent upon provision of adequate visual access to scenic vistas. Adequate visual access may include turn-outs, rest areas and picnic areas.
- e. Design for stream crossings shall be in the following order of preference: bridges with pedestrian crossings and pedestrian underpasses, bridges with pedestrian crossings, bridges, large culverts, low-water rock-surfaced fords, and small culverts.

26.1 Urban Environment

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

26.2 Rural Environment

Section 26.1 above shall apply to Rural shorelines.

26.4 Natural Environment

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

LEISURE USE ACTIVITIES

(Sections 27. and 28)

SECTION 27. ARCHEOLOGICAL AREAS AND HISTORICAL SITES

The following regulations shall apply to all four Environments:

- 27.1 Where a professional archeologist or historian, recognized by the State of Washington, has identified an area or site as having significant value, or where an area or site is listed in either national or state historical registers, issuance of a Substantial Development Permit which poses a threat to the site may be postponed. The period of postponement shall be of reasonable length to allow investigation of public acquisition potential and/or retrieval and preservation of significant data.
- 27.2 In the event that unforeseen factors necessitate rapid action to retrieve or preserve artifacts or data, identified under Section 27.1 above, the project should be eligible for an emergency permit under the requirements of these regulations.
- 27.3 Any retrieval, preservation, or site development related to sites or areas identified under Section 27.1 above which exceed \$1,000 in total cost, not falling under Section 27.2 above shall require a Permit. Issuance of a Permit shall be contingent upon compliance with all provisions of this ordinance.
- 27.4 Developers shall notify local governments of any possible archeological data uncovered during excavations.

SECTION 28. RECREATION

- a. A Permit may be issued subject to the regulations of this ordinance and a determination of the capacity of the local environment to withstand the increased use pressures involved. This determination shall be made by the applicant to the satisfaction of the Administrative Authority.
- b. Except for those facilities which require a location adjacent to a body of water, setback and height regulations on all shorelines for recreational facilities shall correspond to those for residential development (Section 16.)

28.1 Urban Environment

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

28.1.1 Parking lots with spaces for 10 or more cars shall not be located within 25 feet of the ordinary high water mark.

28.1.2 A recreational facility or structure which markedly changes or detracts from the character of the local environment shall be prohibited.

28.1.3 Access roads to recreational facilities shall be subject to the regulations for Roads in Section 26.

28.1.4 Access roads and parking lots shall be paved.

28.1.5 The design, construction and operation of recreational facilities shall be such that undue adverse impacts on adjacent properties are minimized.

28.2 Rural Environment

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

28.2.1 Section 28.1.1 through 28.1.5 above shall apply.

28.2.2 Parking lots shall not be located within 25 feet of the ordinary high water mark.

28.3 Conservancy Environment

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

28.3.1 Section 28.1.4 and 28.1.5 above shall apply.

28.3.2 A recreational facility or structure which detracts from the character of the local environment shall be prohibited.

28.3.3 Parking facilities shall remain outside the shoreline area.

28.4 Natural Environment

28.4.1 Very low intensity, diffuse recreational uses, such as primitive campgrounds, trails and hunting areas, etc., may be permitted on Natural shorelines subject to Sections 28.3.1 and 28.3.2 above.

28.4.2 Roads and parking facilities shall not be located within the shoreline area.

PROCEDURAL REQUIREMENTS

(Sections 29 through 40)

SECTION 29. OFF-STREET PARKING REQUIREMENTS

29.1 Off-Street parking shall comply with the zoning ordinance regarding the number of spaces required and design standards thereof.

SECTION 30. SHORELINE PERMITS, FEES AND PROCEDURES

30.1 A Substantial Development Permit is required for an activity or development which is classified as a Substantial Development by the Shoreline Management Act of 1971, R.C.W. 90.58.030(3)(e). Substantial Development has been defined for the purposes of these Use Regulations under Section 7.2.70.

30.2 A potential applicant shall apply for a Permit on forms provided by the Administrative Authority. The Administrative Authority shall examine the application for completeness and for compliance with the State Environmental Policies Act. Once satisfied that the application meets these requirements, the Administrative Authority shall place two public notices of the application in the official newspaper. These notices shall appear one week apart and contain the information required by the Administrative Authority. At the same time, the Administrative Authority shall mail notice of application to all the property owners of record within 300 feet of the boundaries of the property involved in the application.

30.3 Starting from the day of the second notice, a 30 day review period will commence during which the Administrative Authority shall evaluate the application and collect all relevant data and communications from persons and agencies wishing to express views on the application.

30.4 At the end of the thirty (30) day review period, the Administrative Authority is empowered to approve, disapprove, or approve conditionally the Permit application.

30.5 Under any of the following circumstances, the Administrative Authority shall refer a Permit application to the Chelan Board of Adjustment for action at the end of the thirty (30) day review period:

30.5.1 The proposed development constitutes a Conditional Use under the Chelan Zoning Ordinance.

- 30.5.2 The proposed development involves application for a variance from these Use Regulations or the Chelan Zoning Ordinance.
- 30.5.3 The proposed development involves unusual procedures, mitigating circumstances, or the possibility of public controversy.
- 30.5.4 The applicant requests that his Permit application be heard by the Board.
- 30.6 The Board is empowered to approve, disapprove, or approve conditionally any Permit application referred to it by the Administrative Authority.
- 30.7 The procedure for hearing Conditional Uses or Variances may involve the submission of a joint application for the Substantial Development Permit, Conditional Use and/or the Variance.
- 30.8 If the shoreline development proposal being heard by the Board constitutes a conditional use as provided by the Chelan Zoning Ordinance and a joint application has been submitted, action on the conditional use permit shall likewise apply to the Substantial Development Permit requirement. In such a situation, the Board shall consider both the requirements of the Zoning Ordinance and these Use Regulations in reaching its decision.
- 30.9 A decision by the Administrative Authority or Board on Conditional Use Shoreline Permits and/or Permits involving a variance is preliminary pending a decision by the Department of Ecology as provided in Section 30.15 below and R.C.W. 90.48.100(5), 90.58.140 (4) and (11).
- 30.10 The Administrative Authority must, within five (5) days of a decision transmit written notice of that decision to the applicant, the Department of Ecology and the Attorney General.
- 30.11 When the Department of Ecology and the Attorney General's office receive the notice of a substantial development permit decision, a forty-five (45) day review period will commence during which appeals to the decision can be made. The review period for conditional uses or variances shall be thirty (30) days period.
- 30.12 Should there be no appeal of the local decision within the review period, the decision shall be final. In the case of an approval, the project may proceed at this point, provided that no other permits are needed.
- 30.13 In the case of Permits involving a conditional use and/or a variance, the Department of Ecology must notify the applicant

and the Administrative Authority of its final decision prior to the end of the review period. Lack of such notification shall imply concurrence with the local decision.

- 30.14 The Administrative Authority may revoke the Permit and halt the project if conditions are not fulfilled or if regulations are violated. Any such revocation shall be in the form of a "Cease" or "Desist" order from the Prosecuting Attorney or City Attorney, obtained at the request of the Administrative Authority.
- 30.15 Substantial Development Permits, Variances or Conditional Use Permits shall run with the land.

SECTION 31. APPEALS

- 31.1 Any approval, denial or conditional approval of a Substantial Development Permit may be appealed.
- 31.2 Appeals may be registered by the initial applicant, affected property owners, interested citizens or groups appealing on the basis of a class action, the local unit of government, the State or other affected units of government.
- 31.3 An appeal by the Department of Ecology or the State Attorney General must be filed with the State Shorelines Hearings Board within forty-five (45) days of the Department and/or Attorney General's receipt of the local government's decision, as provided by the Shorelines Management Act of 1971, R.C.W. 90.58.180.
- 31.4 An appeal by an aggrieved applicant must be filed with the State Shorelines Hearings Board within thirty (30) days of the applicant's receipt of the final order. Copies of the appeal must also be filed with the Department of Ecology, the Attorney General, and the Administrative Authority.
- 31.5 All other appeals of the granting, denial, or rescinding of a Permit on a Shoreline of the State must be filed with the State Shorelines Hearing Board within thirty (30) days of the issuance of the final order. Copies must also be filed with the Department of Ecology and the State Attorney General's office.
- 31.6 Action by the State Shorelines Hearing Board, the Department of Ecology, and/or the Attorney General on all such appeals shall proceed according to the Shorelines Management Act of 1971, R.C.W. 90.58.180.

31.7 If the appeal fails to become certified for a hearing before the State Shorelines Hearings Board by the Department of Ecology or the Attorney General, or if an aggrieved person wishes to appeal a decision by the State Shorelines Hearings Board, the case may be brought before the Superior Court of the State of Washington In and for the County of Chelan.

SECTION 32. VARIANCE

32.1 A variance provides the opportunity for a property owner to make reasonable use of his property when adherence to the requirements of these regulations discriminate against the individual. A variance may be granted an individual property owner provided that all of the following conditions exist:

32.1.1 The hardship which serves as basis for granting of a variance is specifically related to the property of the applicant.

32.1.2 The hardship results from the application of the requirements of the Act and Master Program and not from, for example, deed restrictions or the applicant's own actions.

32.1.3 The variance granted will be in harmony with the general purpose and intent of the Master Program.

32.2 Procedures for hearing a variance shall be as described in Section 30 above.

SECTION 33. NON CONFORMING USES.

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

33.1 A non-conforming use may not be altered or expanded in any manner which would bring that use into greater non-conformity with the Environment in which it is located.

33.2 In the case of destruction by the elements where reconstruction costs exceed 80% of the fair market value, the structure shall not be rebuilt unless it conforms to all requirements of the Environment in which it is located.

33.3 A non-conforming use that is discontinued for any reason for more than one year, shall not be re-established.

33.4 Any non-conforming structure or use may be maintained with ordinary care. Work involving more than 50% of the fair market value shall not constitute maintenance for the purpose of this Section.

33.5 If a lot or the aggregate of contiguous lots or land parcels held in a single ownership and recorded in the office of the Chelan County Assessor at the time of passage of this ordinance has an area or dimension which does not meet the lot size or lot width requirements of the zoning district or Environment in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright subject to the requirements of the Chelan zoning ordinance, the requirements of the Chelan-Douglas Health District, and these regulations.

SECTION 34. ADMINISTRATION AND ENFORCEMENT

34.1 It shall be the duty of the Administrative Authority to administer the provisions of these regulations.

34.2 The Prosecuting Attorney or the City Attorney, at the request of the Administrative Authority, may institute any legal proceedings to enforce the provisions of these regulations.

SECTION 35. VIOLATION AND PENALTIES

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

SECTION 36. AMENDMENTS AND BOUNDARY CHANGES

36.1 Any of the provisions of the Master Program, including the Goals, Policies, Use Regulations and Environmental Boundary lines, may be amended.

36.2 Such changes and amendments may be proposed by:

36.2.1 Washington State Department of Ecology

36.2.2 Washington State Attorney General

36.2.3 The Responsible Official

- 36.2.4 The Administrative Authority
 - 36.2.5 Petition of the property owners affected, or their authorized agent.
 - 36.2.6 Concerned citizens or groups, except in the case of Environment Boundary changes.
- 36.3 An application for a change from one Environment to another must be signed by the owners of not less than fifty (50) percent of the property within the proposed Environment change area and accompanied by a fee of \$50.00.
- 36.4 Each signer of an application for a change of Environment designation shall give his address and the description of his property as shown on the assessment and tax roll showing the extent of his shoreline ownership.
- 36.5 Any such proposed amendments or boundary changes to the Master Program shall be processed in the same manner as a change in the applicable zoning ordinance or map except as provided in 36.6 below.
- 36.6 When the legislative body has acted, the proposed amendment will be sent to the Department of Ecology for its review. The Department's review period shall be 45 days. If the Department approves the change, it shall become effective 30 days from the date of official Department approval. Failure by the Department to act within 45 days shall constitute Departmental concurrence with the proposed amendment.

SECTION 37. INTERPRETATION

- 37.1 Where the provisions of these Use Regulations may be unclear in special circumstances, or where judgments must be made because of the nature of the language used, the Administrative Authority or Board of Adjustment shall make such interpretations and judgments. A separate record of all such actions taken shall be kept. To avoid arbitrariness, an earlier interpretation of judgment which may relate to a pending action shall be examined by the Administrative Authority or Board of Adjustment for its effect or influence on the pending action, and a finding shall be made indicating whether or not the earlier action was considered, why not, and if so considered, the fashion it was used shall be made public record and kept.
- 37.2 Each Environmental designation as shown on the Shoreline Environment Map for Chelan shall be interpreted according to the rules established in Section 9.2.

SECTION 38. EFFECTIVE DATE

The Chelan Master Program, Including Goals, Policies, Shoreline Environmental Map, and Use Regulations is hereby declared necessary to meet obligations and responsibilities now upon Chelan and is hereby adopted and shall take effect on the 22 day of April, 1975.

SECTION 39. FEE SCHEDULE

The following fees shall be charged an applicant to help defray the cost of processing the application:

Substantial Development Permit	\$35.00
Variance	25.00
Conditional Use Permit	50.00
Planned Development	50.00
Amendment to Master Program or Environment Designation	50.00

SECTION 40. LIBERAL CONSTRUCTION

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

A P P E N D I X A

ENVIRONMENT BOUNDARY DESCRIPTIONS

INTRODUCTION:

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

Rivers and Streams

1. Chelan River Gorge
 - a. East Shoreline
 - S.29, T.27N, R.23E - B.N.R.R. Bridge across Chelan River
Rural
 - S.30, T.27N, R.23E - Intersection of River with County Road No. 325
Conservancy
 - S.19, T.27N, R.23E - S. line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Rural
 - S.13, T.27N, R.22E - Lake Chelan Dam
 - b. West Shoreline
 - S.29, T.27N, R.23E - Confluence with Columbia River
Rural
 - S.29, T.27N, R.23E - Intersection of River with County Road No. 325
Conservancy
 - S.19, T.27N, R.23E - S. Line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Rural
 - S.13, T.27N, R.22E - Lake Chelan Dam
2. Chiwawa River
 - a. West Shoreline
 - S.36, T.27N, R.17E - Confluence with Wenatchee River
Conservancy
 - S.31, T.27N, R.18E - West Section Line
Rural
 - S.30, T.27N, R.18E - South Section Line
Conservancy
 - S.20, T.28N, R.17E - All property excluding federal ownership

- b. East Shoreline
 - S. 1, T.26N, R.17E - Confluence with Wenatchee River Conservancy
 - S.20, T.28N, R.17E - All shoreline excluding federal ownership
- 3. Chumstick Creek
 - a. East Shoreline
 - S. 6, T.24N, R.18E - Confluence with Wenatchee River Conservancy
 - S.31, T.25N, R.18E - Confluence with Eagle Creek
 - b. West Shoreline
 - S. 6, T.24N, R.18E - Confluence with Wenatchee River Urban
 - S. 1, T.24N, R.17E - Intersection of Creek with North Road Conservancy
 - S.31, T.25N, R.18E - Line opposite confluence with Eagle Creek
- 4. Columbia River
 - a. West Shoreline Only
 - S.32, T.21N, R.22E - Intersection of Columbia River with Chelan County Li Conservancy
 - S. 4, T.21N, R.22E - West Section Line Rural
 - S.30, T.22N, R.22E - West Section Line Conservancy
 - S.27, T.22N, R.21E - West Section Line Rural
 - S. 4, T.22N, R.20E - West Line NE $\frac{1}{4}$ Urban
 - S.34, T.23N, R.20E - A line due East to the Columbia River from the intersection of Miller Street and E. Hawley Street Natural
 - S.27, T.23N, R.20E - West Section Line Rural
 - S.15, T.23N, R.20E - North Section Line Conservancy
 - S. 3, T.23N, R.20E - East Section Line Rural
 - S.35, T.24N, R.20E - A direct line between the Columbia River and the extreme northern end of the viewpoint turn-around. Conservancy
 - S.25, T.24N, R.20E - West Section Line Rural
 - S.18, T.24N, R.21E - North Line S $\frac{1}{2}$ Conservancy
 - S. 7, T.24N, R.21E - North Line S $\frac{1}{2}$ Rural
 - S. 6, T.24N, R.21E - S. Line NE $\frac{1}{4}$ NE $\frac{1}{4}$ Conservancy
 - S.17, T.25N, R.21E - The confluence with the Entiat River Urban
 - S.33, T.26N, R.21E - Intersection of the P.U.D. transmission line with Columbia River Conservancy

- S. 29, T. 26N, R. 21E - N. Line SW $\frac{1}{4}$ SE $\frac{1}{4}$
Rural
- S. 6, T. 26N, R. 22E - E. Line NW $\frac{1}{4}$ SW $\frac{1}{4}$
Conservancy
- S. 8, T. 26N, R. 22E - Bottom of unnamed drainage intersecting the
Columbia River
Rural
- S. 10, T. 26N, R. 22E - The North Section Line
Conservancy
- S. 1, T. 26N, R. 22E - The East Section Line
Rural
- S. 16, T. 27N, R. 23E - N. Line SW $\frac{1}{4}$
Conservancy
- S. 9, T. 27N, R. 23E - West Line NE $\frac{1}{4}$
Rural
- S. 26, T. 2 N, R. 23E - South Section Line
Conservancy
- S. 23, T. 2 N, R. 23E - South Section Line
Rural
- S. 6, T. 28N, R. 24E - The Chelan County Line
- 5. Entiat River
 - a. North Shoreline
 - S. 17, T. 25N, R. 21E - Confluence with Columbia River
Urban
 - S. 17, T. 25N, R. 21E - West Line of the E $\frac{1}{2}$
Rural
 - S. 13, T. 25N, R. 20E - Intersection of River and Entiat River Road
Conservancy
 - S. 11, T. 25N, R. 20E - Intersection of River and Entiat River Road
Rural
 - S. 18, T. 26N, R. 20E - Mud Creek
Conservancy
 - S. 1, T. 26N, R. 19E - South Section Line
Rural
 - S. 35, T. 27N, R. 19E - South Section Line
Conservancy
 - S. 34, T. 28N, R. 19E - All property excluding federal ownership
 - b. South Shoreline
 - S. 17, T. 25N, R. 21E - Confluence with Columbia River
Conservancy
 - S. 18, T. 25N, R. 21E - East Section Line
Rural
 - S. 3, T. 25N, R. 20E - West Section Line
Conservancy
 - S. 20, T. 26N, R. 20E - South Section Line
Rural
 - S. 19, T. 26N, R. 20E - Northern Line of Plat of Ardenvoir
Conservancy
 - S. 34, T. 28N, R. 19E - All property excluding federal ownership
- 6. Icicle Creek
 - a. Northwest Shoreline
 - S. 13, T. 24N, R. 17E - Confluence with Wenatchee River
Conservancy

- S. 5, T. 24N, R. 16E - All property excluding federal ownership
- b. Southeast Shoreline
 - S. 13, T. 24N, R. 17E - Confluence with Wenatchee River
Conservancy
 - S. 5, T. 24N, R. 16E - All property excluding federal ownership
- 7. Little Wenatchee River
 - a. North Shoreline
 - S. 23, T. 27N, R. 16E - Confluence with Lake Wenatchee
Natural
 - S. 17, T. 27N, R. 16E - All property excluding federal ownership
 - b. South Shoreline
 - S. 23, T. 27N, R. 16E - Confluence with Lake Wenatchee
Natural
 - S. 17, T. 27N, R. 16E - All property excluding federal ownership
- 8. Mad River
 - a. Both Shorelines
 - S. 20, T. 26N, R. 20E - Confluence with Entiat River
Rural
 - S. 19, T. 26N, R. 20E - Wenatchee National Forest Boundary
 - S. 13, T. 26N, R. 19E - South Section Line
Conservancy
 - S. 13, T. 26N, R. 19E - West Section Line
 - S. 16, T. 27N, R. 18E - East Section Line
Natural
 - S. 16, T. 27N, R. 18E - All property excluding federal ownership
- 9. Mission Creek
 - a. East Shoreline
 - S. 4, T. 23N, R. 19E - Confluence with Wenatchee River
Urban
 - S. 9, T. 23N, R. 19E - North Section Line
Rural
 - S. 29, T. 23N, R. 19E - North Section Line
Conservancy
 - S. 31, T. 23N, R. 19E - All property excluding federal ownership
 - b. West Shoreline
 - S. 5, T. 23N, R. 19E - Confluence with Wenatchee River
Urban
 - S. 8&9, T. 23N, R. 19E - North Section Line of Sections 8 & 9
Rural
 - S. 29, T. 23N, R. 19E - North Section Line
Conservancy
 - S. 31, T. 23N, R. 19E - All property excluding federal ownership
- 10. Napeequa River
 - b. Both Shorelines
 - S. 18, T. 28N, R. 16E - Confluence with White River
Natural
 - S. 17, T. 28N, R. 16E - All properties excluding federal ownership

11. Nason Creek
- a. East Shoreline
 - S.28, T.27N, R.17E - Confluence with Wenatchee River Conservancy
 - S.11, T.26N, R.16E - All properties excluding federal ownership
 - b. West Shoreline
 - S.28, T.26N, R.17E - 200 foot setback from confluence with Wenatchee River Conservancy
 - S.12, T.26N, R.16E - All properties excluding federal ownership
12. Peshastin Creek
- a. East Shoreline
 - S.22, T.24N, R.18E - Confluence with Wenatchee River Rural
 - S.21, T.24N, R.18E - Intersection of Creek with U.S. Highway 2 Conservancy
 - S.18, T.23N, R.18E - West Section Line
 - b. West Shoreline
 - S.22, T.24N, R.18E - Confluence with Wenatchee River Rural
 - S.29, T.24N, R.18E - South Line of the NE $\frac{1}{4}$ of Section 29 Conservancy
 - S.18, T.23N, R.18E - West Section Line
13. Stehekin River
- a. Both Shorelines
 - S.36, T.33N, R.17E - Confluence with Lake Chelan Conservancy
 - S.22, T.33N, R.17E - All properties excluding federal ownerships
14. Wenatchee River
- a. North-East Shoreline
 - S.27, T.23N, R.20E - Confluence with Columbia River Rural
 - S.27, T.23N, R.20E - Wenatchee River Bridge U.S. #2 and #97 Conservancy
 - S.20, T.23N, R.20E - West Section Line Rural
 - S.19, T.23N, R.20E - West Line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Conservancy
 - S.13, T.23N, R.19E - West Line E $\frac{1}{2}$ Rural
 - S.14, T.23N, R.19E - Bridge crossing of Old Hwy. #2 Conservancy
 - S.11, T.23N, R.19E - Old Monitor Road crossing of Wenatchee River Rural
 - S.33, T.24N, R.19E - The Bridge crossing of the Wenatchee River Conservancy
 - S.32, T.24N, R.19E - The Wenatchee River Bridge crossing Rural
 - S.35, T.24N, R.18E - Intersection of Ollala Canyon Drainage with Wenatchee River Conservancy
 - S.26, T.24N, R.18E - Confluence of Williams Canyon Drainage with Wenatchee River Rural

- S. 27, T. 24N, R. 18E - Intersection of Main Street with Wenatchee River
Urban
- S. 27, T. 24N, R. 18E - South Line of the NW $\frac{1}{4}$ of the NE $\frac{1}{2}$ of Section 27
Conservancy
- S. 22, T. 24N, R. 18E - West Section Line
Rural
- S. 16, T. 24N, R. 18E - The East boundary of Peshastin Orchard Plat
Urban
- S. 17, T. 24N, R. 18E - South Line N $\frac{1}{2}$ of the NE $\frac{1}{4}$
Rural
- S. 8, T. 24N, R. 18E - West Section Line
Conservancy
- S. 6, T. 24N, R. 18E - Confluence with Chumstick Creek
Urban
- S. 12, T. 24N, R. 17E - The horizontal half-section line
Conservancy
- S. 14, T. 24N, R. 17E - The intersection of the Icicle River Road
with the Wenatchee River
Urban
- S. 11, T. 24N, R. 17E - North Line S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11
Conservancy (All properties excluding federal
ownership)
- S. 9, T. 25N, R. 17E - Intersection of U.S. Highway 2 with Wenatchee
River
Natural (All properties excluding federal ownership)
- S. 35, T. 26N, R. 17E - The vertical half-section line
Conservancy
- S. 25, T. 26N, R. 17E - The North Section Line
Rural
- S. 24, T. 26N, R. 17E - The North Section Line
Conservancy
- S. 13, T. 26N, R. 17E - The North Section Line
Rural
- S. 12, T. 26N, R. 17E - Intersection of State Route 209 with Wenatchee River.
Conservancy
- S. 36, T. 27N, R. 17E - The East Section Line
Rural
- S. 36, T. 27N, R. 17E - The East Section Line in North part of Section
Conservancy
- S. 28, T. 27N, R. 17E - Intersection of State Route 207 with Wenatchee River
Rural
- S. 28, T. 27N, R. 17E - Outlet of Lake Wenatchee
South-West Shoreline
- b. S. 28, T. 23N, R. 20E - East Section Line
Conservancy
- S. 28, T. 23N, R. 20E - Highline Canal Crossing
Rural
- S. 29, T. 23N, R. 20E - West Line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29
Conservancy

- S.13, T.23N, R.19E - West Line of the SE $\frac{1}{4}$ of Section 13
Rural
 - S.14, T.23N, R.19E - Extension of Strutzel Road
Conservancy
 - S.11, T.23N, R.19E - The North Line of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11
Rural
 - S.10, T.23N, R.19E - West Line NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10
Conservancy
 - S.32, T.24N, R.19E - West Section Line
Conservancy
 - S.35, T.24N, R.18E - Intersection of U.S. Highway 2 with river
Rural
 - S.27, T.24N, R.18E - Intersection of Main Street with river
Urban
 - S.27, T.24N, R.18E - Intersection of U.S. Highway 2 with river
Conservancy
 - S.22, T.24N, R.18E - South Section Line
Rural
 - S.21, T.24N, R.18E - West Section Line
Conservancy
 - S.17, T.24N, R.18E - North Section Line
Rural
 - S. 7, T.24N, R.18E - Aquaduct crossing
Urban
 - S.12, T.24N, R.17E - Southern boundary intersection of East Leavenworth
Plat with river
Rural
 - S.12, T.24N, R.17E - North Line of SW $\frac{1}{4}$
Conservancy
 - S.11, T.24N, R.17E - Vertical half-section line
Natural (All properties excluding federal ownership)
 - S. 9, T.25N, R.17E - Intersection of U.S. Highway 2 with river
Conservancy
 - S.35, T.26N, R.17E - West boundary of Wenatchee River Ranches Plat
Rural
 - S.36, T.26N, R.17E - North Section Line
Conservancy
 - S.24, T.26N, R.17E - The vertical half-section line
Rural
 - S.13, T.26N, R.17E - The unimproved road approximately one-quarter
mile North of South Section Line
Conservancy
 - S.28, T.27N, R.17E - Confluence of Nason Creek and Wenatchee River
Rural
 - S.28, T.27N, R.17E - Mouth of Lake Wenatchee
15. White River
- a. Both Shorelines
 - S.14, T.27N, R.16E - Mouth
Natural
 - S.18, T.28N, R.16E - All properties excluding federal ownership

Lakes

1. Antillon Lake
 - a. All Shorelines
Sections 25, 36 and 35, T.29N, R.21E - All property excluding Section 26
Conservancy
2. Chiwaukum Lake
 - a. All Shorelines
S.29, T.26N, R.16E - All property excluding federal ownership
Natural
3. Colchuck Lake
 - a. All Shorelines
S.15, T.23N, R.16E - All property excluding federal ownership
Natural
4. Cortez Lake
 - a. All Shorelines
S.29, T.22N, R.21E - All property
Rural
5. Dry Lake
 - a. All Shorelines
Sections 22 and 23, T.28N, R.28E - All property
Rural
6. Eight Mile Lake
 - a. All Shorelines
S.33, T.24N, R.16E - All property excluding federal ownership
Natural
7. Fish Lake
 - S.16, T.27N, R.16E - East Section Line
Conservancy
 - S.16, T.27N, R.16E - South Line of Carsten's Summer Homes
Natural
 - S.16, T.27N, R.16E - South Section Line
 - S.22, T.27N, R.17E - All Shorelines in Section 22
Conservancy
8. Klonauqua Lakes
 - S. 3, T.24N, R.14E - All property excluding federal ownership
Natural
9. Lake Chelan
 - a. North Shoreline
 - S.13, T.27N, R.22E - From Lake Chelan Dam
Urban
 - S.11, T.27N, R.22E - West Line SE $\frac{1}{4}$
Rural
 - S.35, T.28N, R.21E - Southern boundary of Lowline No. 2 in Section 35
at or about South quarter-section line
Urban
 - S.34, T.28N, R.21E - Northern-most line of Lowline No. 2 below North
Section Line
Rural
 - S.34, T.29N, R.21E - All property excluding ownership
 - S. 6, T.32N, R.18E - South Section Line

- b. South Shoreline
- S. 13, T. 27N, R. 22E - From Lake Chelan Dam
Urban
 - S. 15, T. 27N, R. 22E - Drainage of intermittent stream just East of
corporate limits at date of adoption
Rural
 - S. 16, T. 27N, R. 22E - East Section Line
Urban
 - S. 8, T. 27N, R. 22E - East boundary of Minneapolis Beach Subdivision
Rural
 - S. 11, T. 27N, R. 21E - East Section Line
Conservancy
 - S. 10, T. 27N, R. 21E - North Section Line
Rural
 - S. 19, T. 29N, R. 21E - West Section Line Section 19 (All property
excluding federal ownership)
Conservancy
 - S. 36, T. 33N, R. 17E - Mouth of Stehekin River
10. Lake Wenatchee
- a. North Shoreline
 - S. 28, T. 27N, R. 17E - Confluence with Wenatchee River
Rural
 - S. 14, T. 27N, R. 16E - Western Boundary of Lake View Summer Homes
Natural
 - S. 14, T. 27N, R. 16E - Confluence with White River
 - b. South Shoreline
 - S. 28, T. 27N, R. 17E - Confluence with Wenatchee River
Rural
 - S. 29, T. 27N, R. 17E - East Section Line
Conservancy
 - S. 22, T. 27N, R. 16E - East Section Line
Natural
 - S. 14, T. 27N, R. 16E - Confluence with White River
11. Loch Eileen
- a. All Shorelines
 - S. 19, T. 26N, R. 16E - All property excluding federal ownership
Natural
12. Meadow Lake
- a. All Shorelines
 - Sections 32 and 33, T. 22N, R. 21E - All property
Rural
13. Roses Lake
- a. All Shorelines
 - Sections 23, 25 and 26, T. 28N, R. 21E - All property
Rural
14. Snow Lakes
- a. All Shorelines
 - Sections 17 and 19, T. 23N, R. 17E - All property excluding federal ownership
Natural

15. Upper Wheeler Reservoir
a. All Shorelines
Sections 19, 20, and 30, T.21N, R.20E - All property
Conservancy

16. Wapato Lake
a. All Shorelines
Sections 14, 15, 22, and 23, T.28N, R.21E - All property
Rural

Note:

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



PLANNING DEPARTMENT
CHELAN COUNTY

411 WASHINGTON STREET
WENATCHEE, WASHINGTON 98801

TELEPHONE 509/663-2101

*Talk to Co Planner
re 2/c Chelan*

DOCK STANDARDS

A dock is a structure extending into the water for use as a landing place. A dock is a structure of greater length than width, projecting from the shoreline so that boats may be moored alongside either temporarily or indefinitely for loading and unloading or for storage.

Docks built along waterways in Chelan County which shall meet all of the following criteria will be exempt from the permit requirements of the Shoreline Management Act and the Chelan County Shoreline Master Program.

1. Only one dock, including an access ramp, contiguous to the shoreline per upland private ownership.
2. *Insert 21.1.3*
The width of a dock shall not exceed 15% of the waterfront width of the property to a maximum dock width of 10 feet, provided that all docks may be at least 4 feet wide.
3. Docks shall not extend more than 40 feet waterward of the ordinary high water mark where water depths are greater than 12 feet below the plane of the ordinary high water mark.
4. Total area waterward of the ordinary high water mark for a dock shall not exceed 450 square feet.
5. Only open pile dock construction is authorized. Piling shall be structurally sound and cured prior to placement in the water.
6. No structures such as living or sleeping quarters, restroom facilities, fueling facilities, covered boat moorages, or roof structures shall be constructed or installed on any dock.
7. To be exempt, a dock must be designed for pleasure craft only, for the private non-commercial use of the property owner, for which the total cost or fair market value, whichever is greater, does not exceed \$2,500.00

For non exempt permits see section 21 of Shoreline Code



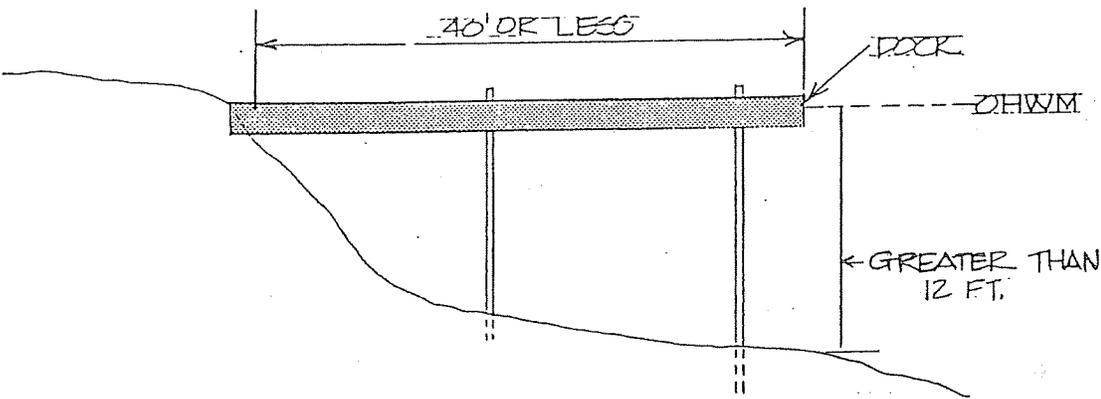
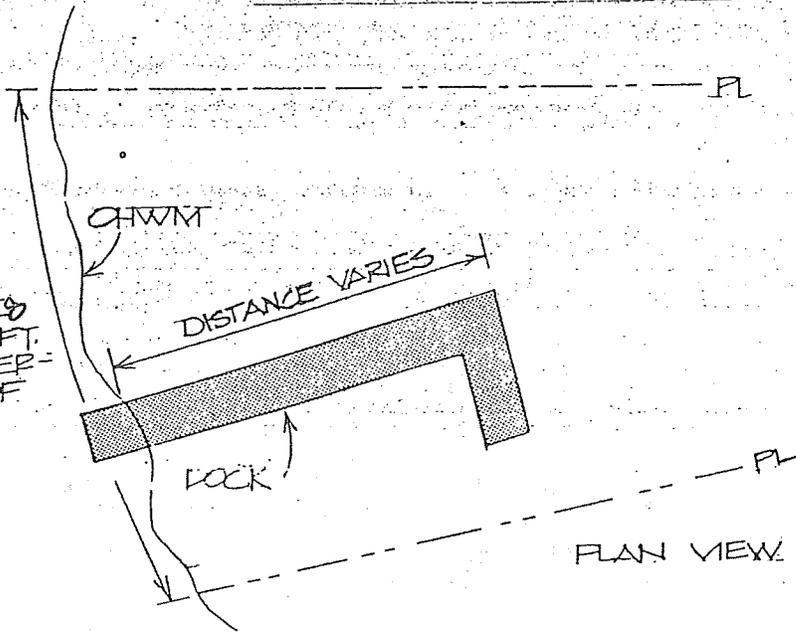
EDWARD C. LOIDHAMER

Director

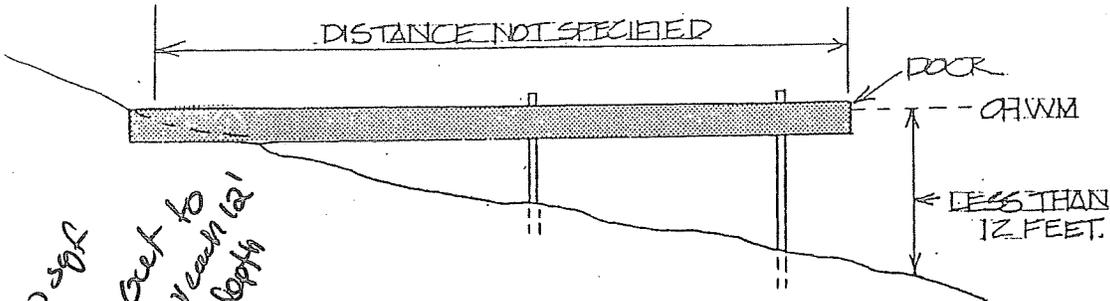
TYPICAL INSTALLATIONS

NOTE: DOCK WIDTH SHALL NOT EXCEED 10 FT. = 15% OF WATER FRONT WIDTH OF PROPERTY.

NOTE: MAXIMUM DOCK AREA IS 450 SQ. FT.



TYPICAL ELEVATION FOR WATER DEPTH GREATER THAN 12' BELOW CHWM.



NOTE: MAXIMUM DOCK AREA IS 450 SQ. FT.

320 sq ft or less to 100 feet to 1' depth

TYPICAL ELEVATION FOR WATER DEPTH LESS THAN 12' BELOW CHWM.