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CITY-APPROVED

SHORELINE MASTER PROGRAM for Shorelines in the City of Cashmere: Wenatchee River and Mission Creek

**Project: Comprehensive Shoreline Master Program Update
Task 8: Develop general SMP goals, policies and regulations**

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CITY-APPROVED SHORELINE MASTER PROGRAM CITY OF CASHMERE

READER'S GUIDE

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

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

The SMP has been prepared under a grant agreement with Ecology. For planning purposes and as part of the grant agreement, Chelan County and the Cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee conducted nine Vision Workshops in fall 2008 to capture citizen questions, concerns, goals and aspirations regarding County and City shorelines. The Vision Workshop results have factored into the development of this SMP as well.

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

- Chapter 1 Authority and Purpose
- Chapter 2 Goals and Objectives
- Chapter 3 Shoreline Jurisdiction and Environment Designations
- Chapter 4 General Policies and Regulations

City of Cashmere Shoreline Master Program

- Chapter 5 Shoreline Modifications and Uses
- Chapter 6 Nonconforming Uses and Development Standards
- Chapter 7 Shoreline Permits, Procedures and Administration
- Chapter 8 Definitions

When reading the SMP, it is useful to consider the definitions of the following terms that are based on definitions in the State Shoreline Master Program Guidelines (WAC 173-26-020):

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

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

The SMP has a high level of detail for the following reasons: 1) to allow for more shoreline applications to be approved administratively for an efficient and cost-effective process, 2) to cross-reference applicable state and federal laws to help consolidate requirements and be a resource for property owners and local government staff, and 3) to provide some certainty of interpretation and application that benefits property owners and local government staff over time.

1 AUTHORITY AND PURPOSE

1.1 The Shoreline Management Act

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

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

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The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;*
- (2) Preserve the natural character of the shoreline;*
- (3) Result in long term over short term benefit;*
- (4) Protect the resources and ecology of the shoreline;*
- (5) Increase public access to publicly owned areas of the shorelines;*
- (6) Increase recreational opportunities for the public in the shoreline;*
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.*

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

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

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

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

In recognition of the Act and citizen ideas collected through a local shoreline planning process, the City of Cashmere has developed this Shoreline Master Program (SMP), and continually implements and administers it through shoreline permits and reviews. The Washington State Department of Ecology (Ecology) reviews and approves local master programs and certain local permit decisions.

1.2 Authority

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

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

1.3 Applicability

- A. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of the laws and rules cited in Section 1.2 and this SMP whether or not a permit or other form of authorization is required. See Chapter 3 for the definition of shoreline jurisdiction and Chapter 8 for definitions of uses, activities, and development.

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- B. This SMP does not apply to the following activities:
 - 1. Interior building improvements that do not change the use or occupancy;
 - 2. Exterior structure maintenance activities, including painting and roofing, as long as it does not expand the existing footprint of the structure;
 - 3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
 - 4. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections.
- C. The shoreline permit procedures, policies and regulations established in this SMP shall apply to all nonfederal uses, activities, and development in the City of Cashmere.
- D. This SMP applies to lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.
- E. Federal lands include, but are not limited to, National Forests, National Parks, National Wilderness Areas, and lands owned by the Federal Bureau of Land Management (BLM). The following subsections shall guide the determination of SMP applicability on federal lands:
 - 1. Federal development on federally owned land is not subject to this SMP nor required to obtain a Shoreline permit unless otherwise required by federal law, or unless the state by statute has ceded all regulatory authority over the federal ownership;
 - 2. Federal development on federally owned lands is not subject to this SMP nor required to obtain a Shoreline permit unless otherwise required by federal law, or unless the state by statute has ceded all regulatory authority over the federal ownership as long as the development is consistent with the purpose of the lease;
 - 3. Federal development on federally owned land under a federal lease or easement for a non-federal activity is subject to this SMP and must obtain a Shoreline permit; for example, the SMP applies to private activities on federal land such as leases where the

private citizen owns the structure but the federal government owns the land;

4. Non-federal development or use on federally owned land is subject to this SMP and must obtain a Shoreline permit;
 5. Development on non-federal land is subject to this SMP and must obtain a Shoreline permit, even if it is leased, rented, etc. to the federal government, or it is within the boundaries of federal ownership unless the state by statute has ceded all regulatory authority over the federal ownership.
- F. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.
- G. Where this Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

1.4 Purpose and Intent

The purposes of this SMP are:

- A. To promote the public health, safety, and general welfare of the community by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and
- B. To further assume and carry out the local government responsibilities established by the Act in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the Act in RCW 90.58.020; and
- C. Promote reasonable and appropriate use of the shorelines considering State and local interests defined in laws, rules, and plans as well as private property rights; and
- D. Protect against significant adverse effects to the land, its vegetation and wildlife, and the waters and their aquatic life within jurisdictional shorelines; and
- E. To give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas, as illustrated in use allowances of this SMP; and

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- F. Reduce use conflicts by including provisions to prohibit or apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline, such as through application of vegetation management, water quality, restoration and similar standards. In implementing this provision, preference shall be given first to water-dependent uses, then to water-related uses and water-enjoyment uses in assigning permit types; and
- G. Assure no net loss of ecological functions associated with the shoreline; and
- H. Protect rights of navigation; and
- I. Recognize private property rights and constitutional limitations on the regulation of private property and protect those rights while implementing this SMP; and
- J. Maintain or recreate a high quality of environment along jurisdictional shorelines; and
- K. Preserve and protect fragile natural resources and cultural significant features; and
- L. Increase public access to publicly owned areas of the shorelines where increased use levels are desirable; and
- M. Protect public and private properties from adverse effects of improper development in hazardous shoreline areas; and
- N. Recognize the importance of an informed and responsible public observing basic rules of good behavior in the use and enjoyment of all shorelines; and
- O. Recognize that this SMP does not alter existing law on access to or trespass on private property and does not give the general public any right to enter private property without the owner's permission.

1.5 Relationship to Other Codes, Ordinances and Plans

- A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.
- B. At the time of application or initial inquiry, the Shoreline Administrator shall inform the applicant/proponent of other local laws and rules that

may be applicable to the project. The responsibility for determining applicable federal, state or special district statutes and regulations and complying with the same rests with the applicant/proponent or responsible person carrying out the activity, use, or development in question.

- C. Consistent with RCW 36.70A.480, the goals and policies of this SMP approved under chapter 90.58 RCW shall be considered an element of the City's comprehensive plan. All regulatory elements of this SMP, including, but not limited to definitions and use regulations, shall be considered a part of the City's development regulations. The County shall apply City regulations in unincorporated urban growth areas.
- D. All local development regulations including, but not limited to, zoning and subdivision rules shall apply in addition to this SMP. This SMP includes critical areas regulations applicable only in the shoreline jurisdiction, and shall control within shoreline jurisdiction over other City critical area regulations adopted pursuant to the Growth Management Act.
- E. In the event provisions of this SMP conflict with provisions of Federal, State, County or City regulations, the provision that is most protective of shoreline resources shall prevail, when consistent with policies set out in the Act.

1.6 Liberal Construction

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

1.7 Severability

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

1.8 Effective Date

The SMP is hereby adopted on the 9th date of June, 2014. This SMP's effective date is 3 July 2014..

2 GOALS AND OBJECTIVES

Per WAC 173-26-186(3), all relevant policy goals must be addressed in the planning policies of master programs. This section contains shoreline goals and objectives. Goals express the ultimate aim of the City of Cashmere and its citizens along their shorelines. An objective identifies a measurable step that moves toward achieving a long-term goal. Goals and objectives provide a framework upon which the more detailed SMP shoreline use environments, policies, regulations, and administrative procedures are based in subsequent chapters.

2.1 Economic Development Element

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

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

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

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

Objective ED-2.1. Promote environmental education.

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

2.2 Public Access Element

Goal PA-1. Ensure public access to shorelines:

- Is safe, convenient and diversified;
- Makes provisions for public access to publicly owned shoreline jurisdiction areas;
- Avoids endangering life or adverse effects on property or fragile natural features;

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- Minimizes conflicts between the public and private property;
- Enables the public to enjoy the physical and aesthetic qualities of natural shorelines of the state which shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally;
- Is designed for persons with disabilities, where feasible, consistent with federal standards; and
- Limits altering the natural conditions of the shorelines of the state to instances when development provides an opportunity for substantial numbers of people to enjoy the shorelines of the state.

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

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

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

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

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

Objective PA-1.6. Encourage development of public access by using tools such as acquisition of land, incentives, enhancement of existing public land where public access could be developed, etc.

2.3 Recreation Element

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

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

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

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

2.4 Circulation Element

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

Objective CIRC-1.1. Encourage multiple modes of transportation.

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

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

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

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

2.5 Shoreline Use Element

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

Objective LU-1.1. Give preference along the shoreline to water-oriented and single-family residential uses, consistent with the control of pollution and prevention of damage to the natural environment.

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

Goal LU-2. Consider irrigated agriculture as a water-related use and a key factor in the economy of the City. Agricultural lands should be conserved and

protected from incompatible uses. Other shoreline uses should not jeopardize production on designated agricultural lands.

Objective LU-2.1. Protect current agricultural activities occurring on agricultural land. Provide for new agricultural uses that are located and designed to assure no net loss of ecological functions and that do not have a significant adverse impact on other shoreline resources and values.

2.6 Conservation Element

Goal CONS-1. Protect shoreline resources by:

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

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

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

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

2.7 Historic, Cultural, Scientific, and Educational Element

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

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

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

Objective HIST-2.1. Protect sites in collaboration with appropriate tribal, state, federal, and local governments and affected property owners.

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

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

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

2.8 Flood Hazard Prevention Element

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

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

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

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

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

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

Objective FLOOD-1.6. Monitor stream flows and consider any trends or changes in stream flow regimes due to climatic changes.

3 SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

3.1 Shoreline Jurisdiction

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the State plus their associated “shorelands.” The waterbodies designated as shorelines of the State are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Certain shoreline waterbodies and their associated shorelands have elevated status under the Act if they are lakes equal to or larger than 1,000 acres or they are streams and rivers in Eastern Washington that are “...downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer” (RCW 90.58.030(2)(e)(v)(B)). These waterbodies are considered to be “shorelines of statewide significance,” and have unique supplemental provisions outlined in Section 3.4.

Shorelands are minimally defined as:

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

The City of Cashmere and its UGA contains two shorelines that fall under shoreline jurisdiction: the Wenatchee River, a shoreline of statewide significance, and Mission Creek. The upstream extent of shoreline jurisdiction for streams in the City of Cashmere that meet shoreline criteria are indicated on the Official Shoreline Maps included in Appendix A. The purpose of the Official Shoreline Maps is to identify Environment Designations (Section 3.2 below). The maps only approximately identify or depict the lateral extent of shoreline jurisdiction. The actual lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands.

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

3.2 Environment Designations

3.2.1 Environment Designation System

This SMP is intended to meet the requirements in WAC 173-26-211. It states that:

Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

This SMP is consistent with these requirements, deviating from WAC 173-26-211(4) and (5) with respect only to some environment designation names, or the addition of new environment designations where such provides local government with opportunity to provide further, but complementary, designations consistent with existing land management plans. Each environment designation contains a purpose statement, designation criteria, and management policies components.

A. Urban Conservancy

A.1 Purpose

The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

A.2 Designation Criteria

In the City of Cashmere, the "Urban Conservancy" environment designation is assigned to an associated wetland complex located in the floodplain of the Wenatchee River and physically connected to the Wenatchee River by a non-shoreline stream.

A.3 Management Policies

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

- A. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is

otherwise compatible with the purpose of the environment and the setting.

- B. Uses and modifications should be only those allowed per the City of Cashmere's critical areas regulations in Appendix B of this SMP. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
- C. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
- D. Water-oriented uses should be given priority over nonwater-oriented uses.

B. Shoreline Residential

B.1 Purpose

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

B.2 Designation Criteria

A "Shoreline Residential" environment designation will be assigned to the City's shorelands, including the UGA, if they are predominantly single-family or multi-family residential development or are planned for residential development.

B.3 Management Policies

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

- A. Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the "Shoreline Residential" environment.
- B. Water-oriented recreational uses should be allowed.
- C. Adequate land area and services should be provided.
- D. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions; 2) where there is adequate access, water, sewage disposal, and other utilities systems, and public services available; and 3) where the

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environment can support the proposed use in a manner which protects or restores the ecological functions.

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

C. Shoreline Park/Public

C.1 Purpose

The purpose of the "Shoreline Park/Public" environment in the City of Cashmere is to:

- A. Ensure appropriate management and development of existing and future public parks and recreation areas.
- B. Protect and restore ecological functions of open space, floodplain and other sensitive, public or protected lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

C.2 Designation Criteria

A "Shoreline Park/Public" environment designation will be assigned to shorelines that:

- A. are within existing or planned public parks or public lands intended to accommodate public access and recreational developments that are compatible with maintaining or restoring the ecological functions of the area, and that are not generally suitable for commercial or industrial water-dependent uses;
- B. are suitable for water-related or water-enjoyment uses;
- C. may be designated as open space, floodplain or other sensitive or protected areas that should not be more intensively developed; or
- D. retain important ecological functions, even though partially developed.

C.3 Management Policies

Development within the "Shoreline Park/Public" environment shall be consistent with the following policies:

- A. Public access and public recreation objectives should be implemented in parks or other public lands located within the City or its UGA whenever feasible and when any significant ecological impacts can be mitigated.
- B. When considering park and urban recreational development proposals, water-oriented uses and their accessory uses should be given priority over nonwater-oriented uses. Nonwater-oriented uses should be allowed when located upland of other water-oriented uses or when the nonwater-oriented use would not conflict with or preclude implementation of planned water-oriented uses.
- C. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of this environment and the setting.
- D. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Shoreline Park/Public" designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

D. High Intensity

D.1 Purpose

The purpose of the "High Intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

D.2 Designation Criteria

A "High Intensity" environment designation will be assigned to shorelands designated for commercial or industrial use within the City and the UGA if they currently support or are suitable and planned for high-intensity commercial, industrial, or institutional uses that either include, or do not detract from, the potential for water-oriented uses, shoreline restoration, and/or public access.

D.3 Management Policies

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

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- A. In the "High Intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline, but only if identified in shoreline use analysis or through special area planning as described in WAC 173-26-201(3)(d)(ix).
- B. Developments in the "High Intensity" environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.
- C. Where feasible, visual and physical public access should be required as provided for in Section 4.4 of this SMP.
- D. Aesthetic objectives should be actively implemented in development proposals and should be in compliance with sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
- E. No net loss of shoreline ecological functions shall occur as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
- F. Full utilization of existing urban areas should be achieved before considering expanding this environment designation through future SMP amendments. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "High Intensity." During an analysis of shoreline uses, consideration should be given to the potential for displacement of nonwater-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas. In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas is encouraged.

E. Aquatic

E.1 Purpose

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

E.2 Designation Criteria

An "Aquatic" environment designation will be assigned to shoreline areas waterward of the OHWM.

E.3 Management Policies

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

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

F. Use Matrix and Development Standards

- A. Table 3.2-1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process and

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SMP provisions as its primary use. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.

- B. An accessory use shall not be established on a property prior to the development of its primary use.
- C. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and subject to the policies and regulations of this SMP.
- D. Any use, development or modification not classified in this Shoreline Master Program or listed below shall require a Shoreline Conditional Use Permit.
- E. Uses and modifications identified as “Permitted” require either a Shoreline Substantial Development Permit or may be exempt from the requirement to obtain a Shoreline Substantial Development Permit, as outlined in the definition of *Substantial Development* included in Chapter 8, Definitions. Exempted uses and modifications, however, are not exempt from the Act or this SMP, and must be consistent with the applicable policies and provisions.
- F. If any part of a proposed development is not eligible for exemption, then a Shoreline Permit is required for the entire proposed development project.
- G. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit.
- H. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding shoreline buffers, lot frontage, side setbacks, and height are provided in Table 3.2-2. In addition, shoreline developments shall comply with all density, lot area, setback and other dimensional requirements of the City’s zoning and subdivision codes.
- I. When a development or use is proposed that does not comply with the shoreline buffer, lot frontage, side yard setback, and other dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a Shoreline Variance. Departures from the maximum height limit shall be subject to

approval of a Shoreline Conditional Use Permit, including a view corridor analysis and demonstration that criteria are met consistent with Section 7.7.

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

- K. Where a use or modification may occur in the Aquatic environment as indicated in Table 3.2-1 and in the corresponding regulations for that use, the more restrictive permit process or prohibition on that use as may be indicated for the adjacent shoreland environment applies to that use in the Aquatic environment.

- L. The permit processes indicated below for each use or modification apply to new, expanded, modified or replacement uses and modifications. For those uses and modifications that meet one of the exemptions outlined in Section 7.6.3, Exemptions, a Shoreline Permit is not required if Table 3.2-1 indicates “SD/E.” However, if “SCU” is listed for the use or modification, that use or modification is not eligible for an exemption.

Table 3.2-1. Shoreline Use and Modification Matrix for the City of Cashmere.

The chart is coded according to the following legend. SD/E = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements SCU = Shoreline Conditional Use X = Prohibited –the use is not eligible for a Variance or Conditional Use Permit N/A = Not Applicable; All permitted and conditional uses are subject to general policies and regulations and use and modification regulations in Chapters 4 and 5 of this SMP and the zoning code.	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
Agriculture	X	X	SD/E	SD/E	X
Agricultural-Commercial	X	X	X	SD/E	X
Aquaculture	X	X	X	SCU	SCU

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The chart is coded according to the following legend. SD/E = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements SCU = Shoreline Conditional Use X = Prohibited –the use is not eligible for a Variance or Conditional Use Permit N/A = Not Applicable; All permitted and conditional uses are subject to general policies and regulations and use and modification regulations in Chapters 4 and 5 of this SMP and the zoning code.	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
Boating Facilities					
All docks, including community/public/commercial docks and marinas	X	X	X	X	X
Public boat launch facility	X	SD/E	SCU	SD/E	SD/E
Private commercial boat launch facility	X	X	X	X	X
Community boat launch facility	X	X	SCU	X	SCU
Breakwaters/jetties/weirs/groins/barbs	X	SCU	SCU	SCU	SCU ¹
Commercial Uses					
Water-dependent uses	X	SD/E	X	SD/E	SCU
Water-related & Water-enjoyment	X	SD/E	X	SD/E	X
Nonwater-oriented uses	X	SD/E	X	SD/E	X
Mixed use commercial	X	SD/E	X	SD/E	X
Mixed use residential	X	SD/E	X	SD/E	X
Dredging and dredge materials disposal					
Dredging	N/A	N/A	N/A	N/A	SD/E
In-water disposal	N/A	N/A	N/A	N/A	SCU
Upland disposal outside of channel migration zone (CMZ)	X	SCU	SD/E	SD/E	N/A
Upland disposal inside of CMZ	X	SCU	SCU	SCU	N/A
Fill					
Upland outside of CMZ	SCU	SD/E	SD/E	SD/E	X
Upland inside of CMZ	SCU	SCU	SCU	SCU	X
In-water restoration	N/A	N/A	N/A	N/A	SD/E
In-water non-restoration	N/A	N/A	N/A	N/A	SCU
Forest Practices	X	X	X	X	X
Industrial Uses					
Water-dependent uses	X	SCU	X	SD/E	SCU
Water-related uses	X	SCU	X	SD/E	X
Nonwater-oriented uses	X	X	X	SD/E	X
Institutional²					
Water-oriented	SCU	SD/E	SD/E	SD/E	SCU

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<p>The chart is coded according to the following legend.</p> <p>SD/E = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements</p> <p>SCU = Shoreline Conditional Use</p> <p>X = Prohibited –the use is not eligible for a Variance or Conditional Use Permit</p> <p>N/A = Not Applicable;</p> <p>All permitted and conditional uses are subject to general policies and regulations and use and modification regulations in Chapters 4 and 5 of this SMP and the zoning code.</p>	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
Nonwater-oriented	SCU	SD/E	SCU	SCU	X
In-Stream Structures	X	N/A	N/A	N/A	SD/E
Mining					
In-water mining (recreational)	X	X	X	X	SCU
All other mining	X	X	X	X	X
Private Moorage or Boat Launch Facilities	X	X	X	X	X
Recreational Uses²					
Water-dependent	X	SD/E	SD/E	SD/E	SD/E
Water-related	X	SD/E	SD/E	SD/E	SD/E
Water-enjoyment	X	SD/E	SD/E	SD/E	SD/E
Nonwater-oriented	X	S/DE	SCU	SCU	X
Residential Uses					
Single-family	X	X	SD/E	SD/E	X
Multi-family	X	X	SD/E	SD/E	X
Over-water, Floating, Liveboards	N/A	N/A	N/A	N/A	X
Shoreline habitat and natural systems enhancement projects	SD/E	SD/E	SD/E	SD/E	SD/E
Shoreline Stabilization					
Hard structural shoreline stabilization	X	SCU	SD/E	SCU	SD/E
Bioengineering or Soft structural shoreline stabilization	X	SD/E	SD/E	SD/E	SD/E
Dikes, levees	X	SCU	SCU	SCU	New=X Repair=SD/E
Transportation and Parking					
Local / Regional	SCU	SD/E	SD/E	SD/E	SCU
Utilities					
Small / Large	SCU	SD/E	SD/E	SD/E	SCU
Management Plans per Sections 5.8, 5.15 and 5.21	SD/E	SD/E	SD/E	SD/E	SD/E

¹ Those structures installed to protect or restore ecological functions, such as woody debris installed in streams, may be processed as a Substantial Development Permit.

² When the use is also commercial, it is also subject to Commercial use standards and matrix allowances

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Table 3.2-2. Shoreline Development Standards Matrix for the City of Cashmere.

Standard Note: All dimensions are in feet. n/a = not applicable	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
Shoreline and Critical Area Buffers – All Uses	See Section 4.4.5 of this SMP for shoreline buffers on Wenatchee River and Mission Creek. The Urban Conservancy wetland buffer is outside of shoreline jurisdiction and subject to the City's critical areas buffers in CMC 18.10B. See Appendix B for all other critical area buffers in shoreline jurisdiction.				
Shoreline Lot Frontage Minimum – Residential (feet)	n/a	50	40	40	n/a
Side Yard Setback Minimum – Residential (feet)	n/a	5	5	0	n/a
Height Limit Maximum (feet)	35	35	30	35	35

3.2.2 Official Shoreline Maps and Unmapped or Undesignated Shorelines

- A. Appendix A (Shoreline Jurisdiction Boundaries and Environment Designations Maps) includes a hard copy of the Official Shoreline Maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and environment designations in the City of Cashmere. The electronic files of the Official Shoreline Maps will be considered the official version and may be updated administratively or through an SMP amendment as indicated in 3.2.2.B, C and D below. The Department of Ecology will be provided with electronic files of the Official Shoreline Maps when any updates are made. Minor mapping errors corrected administratively shall not be greater than 1.0 acre in size. If greater than 1.0 acre in size, a SMP amendment shall be completed within three years of finding the mapping error.
- B. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline waterbody related to site-specific surveys of ordinary high water mark, floodway, and/or floodplain are automatically assigned the category of the contiguous waterward shoreline environment designation. In the event that mapping results in undesignated associated wetlands, that wetland shall be assigned an Urban Conservancy environment designation. Correction of these minor mapping inaccuracies may be made and incorporated into the Official Shoreline Maps without an SMP amendment.

- C. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned an Urban Conservancy designation in the City and its Urban Growth Area until the shoreline can be redesignated through an SMP amendment process conducted consistent with WAC 173-26-100 and SMP Section 7.16.
- D. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and ordinary high water mark determinations are valid for five years from the date the determination is made. Floodplain and floodway boundaries should be assessed using FEMA maps.
- E. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the OHWM or floodway, is no longer in floodplain as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this SMP. Revisions to the Official Shoreline Maps may be made as outlined in this Section E without an SMP amendment.

3.2.3 Interpretation of Environment Designation Boundaries

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

is clear in term of the correct environment designation to apply to a property, the Shoreline Administrator shall apply the environment designation approved through the SMP Update or Amendment process and correct the map. Appeals of such interpretations may be filed pursuant to Section 7.13. If the use environment criteria were misapplied, but the map does not show an unintentional error, a SMP amendment may be obtained consistent with WAC 173-26-100 and Section 7.16.

- C. All shoreline areas waterward of the OHWM shall be designated Aquatic.
- D. Upland environment designations shall apply to shorelands.
- E. Only one environment designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature and the boundary shall be clearly noted on the map (for example: "boundary is 100 feet upland from the OHWM"). Application of shoreline buffers to parallel designation is explained in Section 4.5.2.

3.3 Shoreline Use Preferences

This SMP adopts the following policy provided in RCW 90.58.020, and fully implements it to the extent of its authority under this SMP:

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public

access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state....

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

When determining allowable uses and resolving use conflicts on shorelines within jurisdiction consistent with the above policy, the following preferences and priorities as listed in WAC 173-26-201(2)(d) shall be applied in the order presented below:

- (i) Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.*
- (ii) Reserve shoreline areas for water-dependent and associated water related uses ... Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.*
- (iii) Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.*
- (iv) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.*
- (v) Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.*

3.4 Shorelines of Statewide Significance

3.4.1 Designation Criteria

In the City of Cashmere, shorelines of statewide significance include natural rivers or segments thereof downstream of a point where the annual flow is measured at two hundred (200) cubic feet per second or more, or those portions

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of rivers downstream from the first three hundred (300) square miles of drainage area, whichever is longer. The Wenatchee River is the only shoreline waterbody in the City of Cashmere that meets these criteria.

3.4.2 Use Preferences

In accordance with RCW 90.58.020, the following management and administrative policies are hereby adopted for the City of Cashmere's shoreline of statewide significance, the Wenatchee River, as defined in RCW 90.58.030(2)(e). Consistent with the policy contained in RCW 90.58.020, preference shall be given to the uses in the following order of preference that are consistent with the statewide interest in such shorelines. These are uses that:

- (1) *Recognize and protect the statewide interest over local interest;*
- (2) *Preserve the natural character of the shoreline;*
- (3) *Result in long term over short term benefit;*
- (4) *Protect the resources and ecology of the shoreline;*
- (5) *Increase public access to publicly owned areas of the shorelines;*
- (6) *Increase recreational opportunities for the public in the shoreline;*
- (7) *Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary. (WAC 173-26-251(2))*

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

3.4.3 Policies

Consistent with the use preferences for shorelines of statewide significance contained in RCW 90.58.020 and identified in Section 3.4.2, the City will base decisions administering this SMP on the following policies in order of decreasing priority:

- A. Recognize and protect the state-wide interest over local interest.
 1. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating amendments to the Master Program, and any proposed amendments affecting Shorelines of Statewide Significance, to state agencies, affected Tribes, adjacent local governments' land areas, citizen's advisory committees and local officials, and state-wide interest groups.
 2. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.

3. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
- B. Preserve the natural character of the shoreline.
1. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of human intrusions on shorelines.
 2. Restore, enhance, and/or redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
 3. Protect and restore existing diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
 4. Protect and restore habitats for State-listed “priority species.”
- C. Support actions that result in long-term benefits over short-term benefits.
1. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 2. Preserve resources and values of shorelines of statewide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
 3. Ensure the long-term protection of ecological resources of statewide importance, such as anadromous fish habitats, forage fish spawning and rearing areas, and unique environments.
- D. Protect the resources and ecology of the shoreline.
1. All shoreline development should be located, designed, constructed and managed consistent with mitigation sequencing provisions outlined in Section 4.2.2 to minimize adverse impacts to regionally important wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes and result

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in no net loss of shoreline ecosystems and ecosystem-wide processes.

2. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
- E. Increase public access to publicly owned areas of the shoreline.
1. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines, especially those trail corridors that would be a regional recreational and transportation resource.
 2. Locate development landward of the OHWM so that access is enhanced and opportunities for access are not precluded.
 3. Increase public access opportunities for those with disabilities consistent with the Americans with Disabilities Act.
 4. Provide incentives to landowners that provide shoreline public access, such as development incentives, tax reductions, or other measures.
- F. Increase recreational opportunities for the public on the shoreline.
1. Plan for and encourage development of facilities for public recreational use of the shoreline, including facilities for boating, swimming, fishing, and other water-oriented activities.
 2. Reserve areas for lodging and related facilities on uplands with provisions for appropriate public access to the shoreline.

4 GENERAL POLICIES AND REGULATIONS

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

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

4.1 Archaeological and Historic Resources

4.1.1 Policies

- A. **Preservation, Restoration, Education.** Whenever possible, archeological or historic sites should be permanently preserved for scientific study and public observation. In areas known to contain significant archaeological and historic data, a condition should be placed on shoreline permits which would allow for site inspection and evaluation to ensure proper salvage of such data.
- B. **Impact Avoidance.** Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and the Washington State Department of Archaeology and Historic Preservation, or that have been inadvertently uncovered.

Any proposed site development and/or associated site demolition work should be planned and carried out so as to avoid impacts to the cultural resource or to provide appropriate mitigation.

- C. **Consultation.** Consultation with professional archaeologists and historians is encouraged to identify areas containing potentially valuable archaeological data, and to establish procedures for salvaging data. Appropriate agencies to consult include, but are not limited to, the Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Colville Reservation, and the Washington State Department of Archaeology and Historic Preservation (DAHP).
- D. **Adjacent Cultural Site.** If development or demolition is proposed abutting an identified historic, cultural or archaeological site, then the proposed development should be designed and operated so as to be

compatible with continued protection of the historic, cultural or archaeological site.

4.1.2 Regulations

- A. **Known Archaeological Resources.** The City shall require that permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.
- B. **Uncovered Archaeological Resources.** Developers and property owners shall immediately stop work and notify the City, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.
- C. **Historic Resources.** Where a professional archaeologist 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 national, state or local historical registers, the City may require an evaluation of the resource, and appropriate conditions, which may include preservation and/or retrieval of data, proposal modifications to reduce impacts, or other mitigation authorized through the State Environmental Policy Act, or other local, state, or federal laws. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and resources) and development or uses that may impact such sites shall comply with chapter 25-48 WAC, as well as the provisions of this Master Program.

4.2 Ecological Protection and Critical Areas

4.2.1 Policies

- A. **No net loss of ecological functions.** Shoreline use and development should be carried out in a manner that prevents or mitigates adverse impacts, both on site and to the extent that impacts may propagate up- or downstream, so that the resulting ecological condition does not become worse than the current condition. For each development, this means assuring no net loss of ecological functions and processes relative to the existing condition, protecting critical areas designated in Appendix B of this SMP, and protecting additional established shoreline buffers in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Shoreline ecological functions that should be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance.

Shoreline processes that should be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

- B. **Evaluating potential for adverse impacts.** In assessing the potential for new uses and developments to cause adverse impacts on ecological functions or processes, the City should take into account all of the following:
1. Effects on ecological functions and ecosystem processes; and
 2. Effects that occur on-site and effects that may occur off-site; and
 3. Immediate effects and long-term effects; and
 4. Direct effects of the project and indirect effects; and
 5. Individual effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
 6. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.
- C. **Development standards should protect functions.** Development standards for density, frontage, buffers, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Shoreline Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

4.2.2 Regulations

- A. **Applicability.** The provisions of this Section and Appendix B, Critical Areas Regulations, shall apply to any use, alteration or development within shoreline jurisdiction, whether or not a shoreline permit or written letter of exemption is required.
- B. **Mitigation sequencing.** Applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines in the following sequence of steps listed in prioritized order:

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1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

- C. **Mitigation required for impacts.** Mitigation shall be required for all projects within shoreline jurisdiction that have adverse impacts resulting in net loss of ecological functions, including those waterward of the OHWM. As part of the analysis of potential impacts, the applicant shall also evaluate whether the project may adversely affect existing hydrologic connections between streams and/or wetlands, and either modify the project or mitigate any impacts as needed. Mitigation must be designed to result in no net loss of ecological functions to the extent feasible. Except where mitigation ratios are otherwise identified for specific critical areas impacts in Appendix B, mitigation for adverse impacts to shoreline ecological functions shall be required at a ratio of one unit of mitigation for one unit of impact by area. However, depending on the nature and extent of adverse impacts and proposed mitigation, a reduction in the ratio may be allowed to meet the no net loss of ecological functions standard if justified in a critical areas report per Appendix B or a habitat management plan per Section E below submitted to the City.

D. **Cumulative effects.**

1. In review of applications for shoreline permits and exemptions, the City shall consider the cumulative impacts of individual uses and developments, including preferred uses, when determining whether a proposed use or development could cause a net loss of ecological functions. The geographic scope of the analysis shall include the shoreline waterbody potentially affected by the proposal within the bounds of the City's geographic authority, unless the Shoreline Administrator determines that a larger or smaller area of analysis is appropriate.
2. The City shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.
3. Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:
 - a. Current ecological functions and human factors influencing shoreline natural processes; and
 - b. Reasonably foreseeable future use and development of the shoreline; and
 - c. Beneficial effects of any established regulatory programs under other local, state, and federal laws; and
 - d. Mitigation measures implemented in conjunction with the proposed project to avoid, reduce and/or compensate for adverse impacts.
4. The City shall add conditions as needed based on the findings of H.1-H.3 above to address any adverse cumulative effects, and may prohibit any use or development that would result in unmitigated adverse cumulative impacts.

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

- F. **Alternative design and mitigation.** For any development proposal, applicants shall comply with relevant design and mitigation standards found in this SMP. Provided, applicants may submit a habitat management plan that demonstrates how an alternative design or mitigation approach meets the no net loss of ecological functions standard. At a minimum, habitat management plans must contain information about existing and anticipated post-project conditions with a discussion of how the alternative design or mitigation approach is consistent with the SMA and this SMP.
- G. **Location of mitigation.** When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed (e.g., area defined by the Watershed Planning Act and named as Water Resource Inventory Area 45 (Wenatchee)) that addresses limiting factors or identified critical needs for shoreline resource conservation based on the Shoreline Restoration Plan, or WRIA or comprehensive resource management plans applicable to the area of impact may be authorized if it would have a greater positive impact on ecological function. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.
- H. **Protection of critical areas and buffers.** Any critical areas or their buffers found within shoreline jurisdiction, such as wetlands, frequently flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas, shall be regulated by Appendix B, Critical Areas Regulations. Unless otherwise stated, critical area buffers and shoreline buffers located within shoreline jurisdiction shall be protected and/or enhanced pursuant to Section 4.5, Vegetation Conservation and Shoreline Buffers, applicable provisions of Appendix B - Critical Areas Regulations, and all other applicable provisions of this SMP. Critical areas and their buffers located outside of shoreline jurisdiction are not regulated by this SMP, and instead are regulated under the City's critical area regulations found in CMC 18.10.

4.3 Flood Hazard Reduction

The following provisions apply only in shoreline jurisdiction to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as shoreline buffers, land use

controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Although some flood hazard reduction measures may serve a dual function as shoreline stabilization, their primary purpose is to control the location of flood waters directly. Alternatively, the primary purpose of shoreline stabilization measures is to prevent erosion of land from currents and waves originating in the shoreline waterbody (rather than upland sources of erosion), which is a more indirect control of the location of flood and non-flood water. Shoreline stabilization is addressed in Section 5.18.

The City implements flood hazard reduction through the following means:

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

4.3.1 Policies

- Implement flood hazard plans and regulations.** The City should ensure public and private development applications site and design flood control measures consistent with appropriate engineering principles, including guidelines of the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, Chelan County Multi-Jurisdiction Natural Hazard Mitigation Plan, watershed plans, restoration plans, critical area regulations, floodplain regulations, and stormwater management plans and regulations in order to prevent flood damage, maintain the natural hydraulic capacity of floodways, and conserve limited resources such as fish habitat, water, and soil.
- No net loss of ecological functions.** Flood protection measures should result in no net loss of ecological functions and ecosystem-wide processes associated with rivers and streams. Cumulative impacts associated with flood protection measures should be considered.
- Non-structural methods preferred.** Where feasible, non-structural methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural flood control works. Non-structural methods

may include, but are not limited to, shoreline buffers, land use controls, use relocation, wetland restoration, dike removal, biotechnical measures, stormwater management programs, land or easement acquisition, voluntary protection and enhancement projects, or incentive programs.

- D. **Avoid structural flood control works.** Land use practices that may impede the flow of floodwater or cause danger to life or property should not be allowed. This includes, but is not limited to, filling, dumping, storage of materials, structures, buildings, and any other works which, when acting alone or in combination with other existing or future uses, would cause damaging flood heights and velocities by obstructing flows. New or expanding development or uses in shoreline jurisdiction, including subdivision of land, that would likely require structural flood control works, such as dikes, levees, revetments, floodwalls, channel realignment, gabions or rip-rap, within a river, channel migration zone, or floodway should not be allowed.
- E. **When non-structural flood control is infeasible.** New structural flood control works should only be allowed in shoreline jurisdiction when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, that appropriate vegetation conservation actions are undertaken, and where non-structural flood hazard reduction measures are infeasible.
- F. **Bioengineered flood control works.** The City should facilitate returning river and stream corridors to more natural hydrological conditions. The City should permit and encourage land uses compatible with the preservation of the natural vegetation which is a principal factor in the maintenance of constant rates of water flow through the year and which sustain many species of wildlife and plant growth. Unless otherwise determined infeasible by federal or state agencies with permit authority or by the Shoreline Administrator, flood control works should be bioengineered to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management.
- G. **Avoid damage to other properties.** Flood control works and shoreline uses, development, and modifications should be located, designed, constructed and maintained so their resultant effects on geo-hydraulic shoreline processes will not cause significant damage to other properties or shoreline resources, and so that the physical integrity of the shoreline corridor is maintained.

- H. **Condition Development in Frequently Flooded Areas and Avoid Development in Floodways.** New development which has the potential to alter and/or obstruct frequently flooded areas should be conditioned to avoid unacceptable increases in flood elevations, to reduce flood damage, and allow proper conveyance of flood flows. Development within the floodway portion of a floodplain that would alter the course and flow of floodwaters and result in damages to other property owners or natural areas should be prohibited. Activities in flood hazard areas within shoreline jurisdiction are subject to City critical areas and flood hazard regulations in Appendix B.
- I. **Considerations for Shoreline Development.** Frequently flooded areas, which include the 100-year floodplain, should be allocated the uses for which they are best suited and discourage obstructions to flood-flows and uses that pollute or deteriorate natural waters and watercourses. Shoreline developments should incorporate considerations for surface water runoff, floodplain issues, and maintaining water quality during the design and construction of new developments, including roads and utility corridors.
- J. **Natural Drainage.** The City should promote the preservation of the remaining, significant natural drainages that are an important part of the stormwater drainage system.
- K. **Utilities and Public Improvements.** The installation of new or replacement public facilities, utilities or other public improvements within designated floodplains should utilize prevailing flood damage prevention methods, and where feasible give preference to nonstructural flood hazard reduction measures over structural measures.

4.3.2 Regulations

- A. **Avoid increase in flood hazards.** Development in floodplains within shoreline jurisdiction shall, consistent with applicable flood hazard plans and regulations, avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with all City regulations, including critical areas regulations (SMP Appendix B), stormwater regulations (Section 4.6 of this SMP), in-water structure regulations (Section 5.12 of this SMP), as well as guidelines of the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, and the City's comprehensive flood hazard management plan and/or Multi-Jurisdiction Natural Hazard Mitigation Plan.
- B. **Channel migration zone (CMZ) Maps.**

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1. Channel migration zone maps prepared consistent with WAC 173-26-221(3)(b) are included in Appendix D of this SMP. These maps provide complete coverage of shoreline waterbodies in the City that have potential for channel migration within shoreline jurisdiction. The City shall utilize these maps in shoreline application reviews.
 2. Applicants for shoreline development or modification may submit a site-specific channel migration zone study if they do not agree with the mapping in Appendix D.
- C. **Documentation.** Documentation of alternate channel migration zone boundaries must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification.
- D. **Uses and activities authorized in floodway or CMZ.** The following uses and activities may be authorized in shoreline jurisdiction where appropriate and/or necessary within the channel migration zone (CMZ) or floodway:
1. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 2. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
 3. Mining when conducted in a manner consistent with Section 5.13 Mining, and the shoreline environment designation.
 4. Bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs and the long-term maintenance or repair costs are not significantly different between options inside or outside of the floodway or channel migration zone. For the purposes of this section “unreasonable and disproportionate” means that locations outside of the floodway or channel migration zone would add more than 20% to the total project cost. Other methods to determine unreasonable and disproportionate cost may be used on a case-by-case basis with approval of the Shoreline Administrator. Where such structures are allowed, mitigation shall address impacted functions and

processes in the affected shoreline. New transportation facilities shall be designed so that no significant loss of floodway capacity or measurable increase in predictable flood levels will result based on studies submitted by applicants as required by Appendix B, critical areas regulations for frequently flooded areas.

5. Repair and maintenance of an existing legally established use or structure, provided that channel migration is not further limited, or flood hazards to other uses increased, and provided that such actions do not cause significant ecological impacts.
 6. New development in incorporated municipalities and designated urban growth areas, as defined in Chapter 36.70A RCW, located upland of existing structures that prevent active channel movement and flooding.
 7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and provided that such actions do not cause significant ecological impacts.
 8. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.
- E. **Structural flood hazard reduction measures.** New structural flood hazard reduction measures in shoreline jurisdiction shall be allowed only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with SMP Section 4.5, Vegetation Conservation and Shoreline Buffers. Structural flood hazard reduction measures shall be consistent with the City's comprehensive flood hazard management plan and/or Multi-Jurisdiction Natural Hazard Mitigation Plan.
- F. **Placement of structural flood hazard reduction measures.** New structural flood hazard reduction measures in shoreline jurisdiction shall be placed landward of associated wetlands and designated shoreline

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

- G. **Public access.** See Section 4.4.2.
- H. **Gravel removal.** The removal of gravel for flood management purposes shall be consistent with Section 5.8, Dredging and Dredge Material Disposal and Section 5.13, Mining, and be allowed only after a biological and geo-morphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.
- I. **New development and subdivisions.** New development or subdivisions in shoreline jurisdiction shall only be approved when it can be reasonably foreseeable that the development or use would not require structural flood hazard reduction measures to be implemented within the channel migration zone or floodway during the life of the development or use consistent with the following:
 - 1. Floodway: New development and subdivisions shall be subject to applicable floodway regulations in Appendix B.
 - 2. Channel Migration Zone: New development and subdivision in shoreline jurisdiction on lots containing channel migration zones shall also be subject to Appendix B, Critical Areas Regulations for geologically hazardous areas, and Appendix D, Channel Migration Zone Maps.
 - a. New development in the channel migration zone within shoreline jurisdiction is allowed subject to:
 - i. Structures are located on an existing legal lot created prior to July 3, 2014 (Ecology approval of SMP);
 - ii. A feasible alternative location outside of the channel migration zone is not available on-site; and
 - iii. To the extent feasible, the structure and supporting infrastructure is located the farthest distance from the OHWM, unless the applicant can demonstrate

that an alternative location is the least subject to risk.

- b. New subdivisions in the channel migration zone within shoreline jurisdiction may be approved subject to the following design standards:
 - i. Each lot created within the subdivision shall contain five-thousand square feet or more of buildable land either outside of the channel migration zone or inside the channel migration zone but outside of areas that might require new structural flood hazard protection measures; for the purposes of this section, buildable means capable of supporting a dwelling and necessary associated accessory structures and improvements such as access and septic facilities. Channel migration zone areas can be included in total lot area required by zoning provided the buildable area meets the criteria specified above.
 - (a) Open Space Lots or Tracts: Open space lots or tracts are not subject to the minimum lot size in subsection i. above.
 - (b) Boundary Line Adjustments: Boundary line adjustments in a channel migration zone shall not result in a lot, tract or parcel smaller than the minimum size required by the zoning and subdivision code and this SMP; provided that whenever any one or more lots involved in the proposed adjustment are smaller than the allowable minimum size, the change may be approved so long as the adjustment does not increase the existing nonconformity in consideration of applicable regulations and standards.
 - ii. Access to all lots that must cross the channel migration zone in shoreline jurisdiction shall be consolidated in a single location, and shall be accomplished using measures that have the least

adverse impact on channel migration, such as a bridge; and

- iii. All other infrastructure is located outside the channel migration zone.

4.4 Public Access

4.4.1 Policies

- A. **Types of public access.** Public access includes both physical and visual approaches to shorelines. Scattered, small access points with low levels of alteration are preferred by some recreators for certain uses (e.g., fishing), but not others (e.g., RV camping, swim beaches, picnicking, event facilities).
- B. **Increase public access where appropriate.** The City should seek to increase the amount and diversity of public access to shorelines consistent with shoreline public access plans, the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.
- C. **Priorities.** Public access should be maintained, enhanced, and increased in accordance with the following priorities unless found infeasible or unconstitutional:
 - 1. Maintain existing public access sites and facilities, rights of way, and easements.
 - 2. Provide new or enhance existing public access opportunities on existing public lands and easements.
 - 3. Acquire property or easements to add public access opportunities to implement adopted public access plans and/or to recognize opportunities to protect areas that hold unique value for public enjoyment.
 - 4. Encourage public access to shorelines as part of shoreline development activities.
- D. **Findings.** The City should require public access in private development projects where the City can demonstrate nexus, proportionality and reasonable necessity for the public access requirement.
- E. **Public access planning standards.** Through application of the Shoreline Public Access Plan in Appendix E, the City should develop a well-

maintained, interconnected system of multi-functional parks, trails, recreation facilities and open spaces that is attractive, safe and available to all segments of the City's population, and supports the community's established neighborhoods and small town atmosphere. The City should implement planning standards that are consistent with its adopted parks and recreation plans as identified in Appendix E.

- F. **Implementation.** The City should implement its shoreline public access plans contained in Appendix E to meet growing resident and tourist populations. Implementation strategies should address public access and recreation standards and a capital improvement program. The City should periodically review the shoreline public access plan, at a minimum every eight years.
- G. **Recreation Concurrent with Development.** The City should implement the following objectives consistent with its Shoreline Public Access Plan:
 - 1. Ensure that new park and recreational services are provided concurrent with new development.
 - 2. Ensure all new development provides funds or park lands for concurrent park development and maintenance.
 - 3. Require on-site (or nearby off-site) development of recreation facilities or appropriate and usable park land in conjunction with the approval of any development project.
 - 4. Require development projects along designated trail routes to be designed to incorporate the trail as part of the project.
- H. **Public access exceptions.** Public access should not be required where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.
- I. **Willing property owners.** The City and other agencies should seek willing property owners to participate in public access projects, such as through voluntary agreements such as conservation easements and trail easements. Where purchase of property is negotiated, the City, agencies, or private parties seeking off-site mitigation areas are obligated to pay fair market value for private properties included in public access projects.
- J. **Respect private property.** Public access does not include the right to enter upon or cross private property, except on dedicated public rights-of-way or easements or where development is specifically designed to

accommodate public access. The design of public access should minimize potential impacts to private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, and may be achieved by providing signage, adequate space, and/or through screening with landscape planting or fences.

- K. **Safety and environment.** Public access should be designed consistent with public safety objectives. Public access design should also conserve or protect natural amenities. Where public access is determined to be incompatible due to reasons of safety, security, or impact to the shoreline, the proponent should consider alternate methods of providing public access, such as offsite improvements, viewing platforms, separation of uses through site planning and design and restricting hours of public access. Off-site public access improvements may be allowed if such improvements would provide a greater public benefit and reduce safety and environmental impacts.

- L. **Visual access.** Views to shorelines contribute to the City's quality of life, tourism economy, and property values. The City should consider the following sub-policies when considering new development:
 - 1. Views from Public Properties and Significant Numbers of Single Family Dwellings: Flexible development standards, such as height, bulk, scale, setbacks, lighting, and view corridors, should be established to assure preservation of unique, fragile, and scenic elements and to protect existing views from public property or large numbers of residences, particularly where development would exceed three stories in height.

 - 2. Private views of the shoreline although considered during the shoreline permit review process, are not expressly protected, particularly when development is less than 35 feet in height. Property owners concerned with the protection of views from private properties are encouraged to obtain view easements, purchase intervening property, or seek other means of minimizing view obstruction.

- M. **Roads, streets, and alleys abutting bodies of water.** Roads, streets, and alleys abutting bodies of water should be preserved, maintained, consolidated enhanced, and/or created for public access. Vacations of roads, streets, and alleys should be discouraged and only allowed in strict compliance with RCW 35.79.035 (Streets and Alleys) or RCW 36.87.130 (County Roads).

- N. **Cooperative Effort.** The City should cooperate with other jurisdictions, public agencies, and the private sector to provide park, open space and recreation facilities.
- O. **Fishing easements.** In consultation with the Washington Department of Fish and Wildlife, the City should review fishing easements on the Wenatchee River. The City should work in partnership with Chelan County, the Washington Department of Fish and Wildlife, Chelan County Public Utility District, Cities, land trusts, and others to improve public access to the fishing easements. Actions may include adding identifiable signage, improving access on unused sites, consolidating access points for maintenance purposes, or land surplus, exchanges or purchases, etc.
- P. **Accessibility.** Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.
- Q. **Operation and Maintenance.** The City should develop, operate and maintain parks and recreation facilities in a manner that is responsive to the site, and balances the needs of the community with available funding.
- R. **Open Space and Habitat.** Protect and preserve as open space areas that: are ecologically significant sensitive areas; provide significant opportunities for restoration buffers between uses and link open space; provide trails and/or wildlife corridors; or enhance fish habitat. (PRG 5.0)

4.4.2 Regulations

- A. **City public access plan.** The City's shoreline public access plan provides for a connected network of parks and open space connected by a trail. The City's public access planning process provided in Appendix E provides more effective public access than individual project requirements for public access, as provided for in WAC 173-26-221(4)(d)(iii)(A). The City shall review shoreline developments for consistency with this Shoreline Public Access Plan in Appendix E.
- B. **When Public Access is Required.** Shoreline public access shall be required for the following shoreline uses and activities:
 - 1. Shoreline recreation pursuant to Section 5.15;
 - 2. New structural public flood hazard reduction measures, such as dikes and levees;

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3. Shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts; and
 4. New boat launches on the Wenatchee River when commercial water-enjoyment uses are associated with the boat launches.
 5. New commercial or industrial use is proposed for location on land in public ownership.
- C. **Private development.** Shoreline development along designated trail routes per Appendix E shall be designed to incorporate designated trail routes as part of the project.
- D. **Findings.** When applying public access provisions to private development applications, the City shall consider its adopted plans, regulations, level of service standards, SEPA review, and applicant information, and make the following findings:
1. The proposed project increases demand for public access to the shoreline (nexus);
 2. The shoreline access provided is reasonably consistent with the nature and type of demand created (proportionality); and
 3. The permit condition requirement for public access is reasonably necessary at this location or an approved offsite location to mitigate the incremental demand created by the project.
- E. **Exceptions.** Public access shall not be required if an applicant/proponent demonstrates to the satisfaction of the City at least one of the criteria 1 through 7 are met and that alternatives have been considered per Subsection F.
1. The development consists of less than five dwellings or lots;
 2. Unavoidable health or safety hazards to the public exist and cannot be prevented by any practical means;
 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 4. Significant environmental impacts will result from the public access that cannot be mitigated;

5. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated;
 6. The subject site is separated from the shoreline waterbody by intervening public or private improvements such as highways, railroads, existing structures, or similar significant intervening improvements, and public access is not feasible; or
 7. The Shoreline Public Access Plan in Appendix E has been reviewed and public access is neither required nor needed.
- F. **Alternatives Analysis.** Except in the case of E.1 and E.7, when an exception from public access requirements is sought, an applicant shall demonstrate that all feasible alternatives have been exhausted, including, but not limited to:
1. providing for visual access where physical access is not feasible;
 2. regulating access by such means as limiting hours of use to daylight hours;
 3. designing separation of uses and activities, i.e., fences, terracing, hedges, landscaping, signage, etc; or
 4. providing an off-site public access or a fee-in-lieu pursuant to Subsection G that allows public access at a site physically separated from, but capable of serving the proposal.
- G. **Off-site Public Access or Fee-in-Lieu.**
1. Off-site public access may be permitted by the City where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, or feasibility are present. Off-site public access may be visual or physical in nature. Off-site public access may include, but is not limited to, enhancing a nearby public property (e.g. existing public recreation site; existing public access; road, street or alley abutting a body of water; or similar) in accordance with City standards; providing, improving or enhancing public access on another property under the control of the applicant/proponent; or another equivalent measure.
 2. Instead of on-site or off-site public access improvements, the City may require or an applicant may propose a fee-in-lieu. A fee-in-

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

- H. **Trail Standards.** The Riverfront Trail standards shall be consistent with the City's Comprehensive Plan and Parks and Recreation Plan. Trail components include, but are not limited to: walking/biking path 10-12 feet wide, landscaping minimum 5 feet wide, and equestrian trail minimum 3 feet wide with 10 feet vertical clearance, with adequate easements to adjust for topography. Trails shall be designed to avoid riparian vegetation to the greatest extent feasible. Private trail development is addressed in Section 4.5.2.D.8.d below.
- I. **Design Standards – Non-Trail Facilities.** The City may consult recognized federal, state, or industry standards for non-trail facilities.
- J. **Buffering Private Property.** Public access facilities shall be compatible with adjacent private properties through the use of buffering or other techniques to define the separation between public and private space, including by not limited to: natural elements such as logs, vegetation, and elevation separations.
- K. **Connectivity.** Physical public access shall be designed to connect to existing or future public access features on adjacent or abutting properties, or shall connect to existing public rights-of-way, consistent with design and safety standards.
- L. **Roads, Streets, and Alleys.** The City may not vacate any road, street, or alley abutting a body of water except as provided under RCW 35.79.035.
- M. **Environmental Protection.** Public access shall be designed to achieve no net loss of ecological functions. Where impacts are identified, mitigation shall be required.
- N. **Conditions of Approval.** The City may condition public access proposals to ensure compatibility with the Shoreline Public Access Plan in Appendix E, compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, compatibility with adjacent properties. Conditions may include, but are not limited to, the following:

1. Use materials appropriate to the character and environmental condition.
2. Include barrier free designs to meet Americans with Disabilities Act.
3. Provide auxiliary facilities such as parking, restrooms, refuse containers or other amenities.
4. Provide landscaping.
5. Provide signage with the appropriate State, County or City logo and hours of access.
6. Establish operation and maintenance responsibilities.
7. Identify dedication and recording requirements.
8. Determine timing of public access installation in relation to the construction of the proposal.
9. Determine ongoing availability to the public or community for which it is designed.

4.5 Shoreline Buffers and Vegetation Conservation

4.5.1 Policies

- A. **Conserve shoreline vegetation.** Where new developments, uses and/or redevelopments are proposed, shoreline vegetation, both upland and waterward of the OHWM, should be conserved to maintain shoreline ecological functions and processes. Vegetation conservation and restoration should be used to mitigate the direct, indirect and cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:
 1. Providing shade necessary to maintain water temperatures required by salmonids and other organisms that require cool water for all or a portion of their life cycles.
 2. Regulating microclimate in riparian and nearshore areas.
 3. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macroinvertebrates.

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4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence and severity of landslides.
 5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
 6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
 7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase structural diversity for salmonids and other species.
 8. Providing habitat elements for riparian-associated and aquatic species, including downed wood, snags, migratory corridors, breeding and rearing sites, food, and/or cover.
- B. **Shoreline buffers.** Regulations for shoreline buffers should be developed for the City consistent with SMA objectives to protect existing ecological functions, accommodate water-oriented and preferred uses, recognize existing development patterns, and minimize creation of non-confirming uses and developments.
- C. **Native plant list.** Chelan County maintains a list of suggested native plants to be utilized in restoration or mitigation plantings. Property owners may choose species from this list when native plants are desired or required, or may use other native species identified by the Washington Native Plant Society, Washington Department of Natural Resources Natural Heritage Program, Washington Department of Fish and Wildlife, or other agency or entity that has expertise.
- D. **Noxious and invasive weeds.** Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality. Use of mechanical, non-toxic or natural controls is preferred.

4.5.2 Regulations

- A. **Conserve vegetation.** Shoreline developments shall address conservation and maintenance of vegetation through compliance with this Section and the critical area standards in Appendix B. Uses and modifications must be designed and located to ensure that the development will not result in a net loss of shoreline ecological functions or have significant adverse

impacts to shoreline uses, resources, and values provided for in RCW 90.58.020.

- B. **Existing uses may continue.** Vegetation conservation standards shall not apply retroactively to existing, legally established uses and developments. Existing structures, uses and developments, including residential appurtenances, may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. In the absence of a development proposal, existing, lawfully established landscaping and gardens within shoreline jurisdiction may be maintained in their existing condition including but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this SMP, provided this does not apply to areas previously established as native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.
- C. **Adverse impacts on vegetation.** Adverse impacts to shoreline vegetation are considered to occur when vegetation is removed that would reduce the performance of any of the functions listed in SMP Section 4.5.1.A.
1. For example, the following actions would be considered an adverse impact:
 - a. Removal or alteration of native plant communities in shoreline jurisdiction, except when the alteration is part of an approved restoration plan;
 - b. Removal of native or non-native trees that overhang the stream or river shoreline waterbody;
 - c. Removal of native or non-native vegetation on slopes if that vegetation supports maintenance of slope stability and prevents surface erosion; or
 - d. Removal of vegetation, followed by supplemental grading and alteration of existing drainage patterns.
- D. **Establishment of Buffers.** Table 4.5-1 establishes buffers to be measured landward in a horizontal direction perpendicular to the OHWM of the shoreline waterbody. The standard buffer shall apply to all new development in the Shoreline Residential, Shoreline Park/Public, and

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High Intensity environment designations on previously undeveloped sites, changes in use, and modifications of existing development that exceed the thresholds established in the non-conforming provisions.

Table 4.5-1. Shoreline Buffers by Environment Designation for the City of Cashmere.

Environment Designation	Standard Buffer^{1,3}	Standard Reduced Buffer^{1,3}	Maximum Reduced Buffer^{1,3}
Urban Conservancy	This designation is a wetland. The wetland is in shoreline jurisdiction and any uses and developments in the wetland are regulated by this SMP. The wetland's buffer is located outside shoreline jurisdiction and is regulated under the City's Critical Areas Regulations in CMC 18.10B.		
Non-shoreline streams and other critical areas and buffers in shoreline jurisdiction	Regulated under Appendix B of this SMP		
Shoreline Residential	50'	37.5'	25' ²
Shoreline Park/Public	70'	52.5'	35'
High Intensity	70'	52.5'	35'

Note 1: All buffer measurements for all environment designations are measured from the OHWM. See 1-11 below for criteria guiding buffer reductions and alterations.

Note 2: When the Shoreline Residential environment is upland of the Shoreline Park/Public environment, the maximum reduced buffer in the Shoreline Residential environment is 35' rather than 25'.

Note 3: Standard buffers listed may not be as wide in some areas as the applicable identified floodways. These buffers represent the vegetation conservation buffers necessary to protect fish, wildlife, habitat, and water quality. Where floodways are present, new structural developments or additions to legally existing structural developments at adoption of this SMP, or structural developments on a parcel after it may be further subdivided, shall be set back the greater of the shoreline buffer or 5 feet landward of the upland edge of the floodway, unless such development is otherwise allowed in the floodway per Section 5.190.A in Appendix B.

1. Alteration of standard buffer width. The required standard buffer may be administratively modified as outlined below:
 - a. Roads and Railways. Where a legally established road or railway crosses a shoreline or critical area buffer, the Shoreline Administrator may approve a modification of the minimum required buffer width to the waterward edge of the improved road or railway if a study submitted by the applicant and prepared by a qualified professional demonstrates that the part of the buffer on the upland side of the road or railway sought to be reduced:
 - i. does not provide additional protection of the shoreline waterbody or stream; and
 - ii. provides insignificant biological, geological or hydrological buffer functions relating to the

waterward portion of the buffer adjacent to the shoreline waterbody or stream.

If the paved roadway or improved railroad corridor is wider than 20 feet, a study is not required.

2. New Development.
 - a. New development in shoreline jurisdiction on undeveloped sites (unaltered or alteration does not include structures) shall be sited to minimize removal of existing significant trees and native vegetation.
 - b. Removal of significant trees shall be compensated as outlined in Subsection E below and removal of other native vegetation must be compensated minimally at a 1:1 ratio with supplemental native shrub and groundcover plantings in the buffer. Mature tree and shrub removal shall be addressed in the mitigation plan and may require a greater replacement ratio to account for temporal loss.
 - c. When the buffer is a fully functioning vegetated area that would not benefit from enhancement, compensatory plantings may be installed in a corridor perpendicular to the OHWM and extending upland of the buffer outside of the development footprint. There should be an emphasis on connectivity of vegetative corridors when this option is chosen.
3. New or expanded nonwater-oriented development must comply with the shoreline buffer identified in Table 4.5-1.
4. Public parks and recreation lands and facilities.
 - a. In recognition of the existing condition of current and planned City shoreline parks and recreation facilities located in the Shoreline Park/Public environment designation or in current or future public easements or dedicated rights-of-way for public access and recreation purposes in other environment designations, the following standards shall guide new development and redevelopment of water-oriented public access and recreation facilities. Applicants shall submit a

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management plan that addresses compliance with each of the following applicable standards and principles, and contains additional information listed in 4.b. below. The City shall review and condition the project to fully implement the standards below.

Design Element	Design and Management Standards
i. Category of Use	<ul style="list-style-type: none"> • The following use preferences apply in priority order: <ol style="list-style-type: none"> 1. Water-dependent uses located immediately upland of the OHWM 2. Water-related and/or water-enjoyment uses located upland of water-dependent uses. Water-related and water-enjoyment uses shall not displace existing or planned water-dependent uses. If water-dependent uses are not feasible, then water-related or water-enjoyment uses are allowed consistent with applicable performance standards. 3. Nonwater-oriented recreation uses located upland of water-oriented recreation uses. 4. Accessory, nonwater-oriented uses, located upland of water-oriented uses. However, parking for those with disabilities, when no other location is feasible, may be located per “iii” below. • New or expanded public water-oriented development shall avoid, as feasible, existing riparian areas and comply with vegetation management requirements below. • Existing primary nonwater-oriented uses may only expand if they are located upland of water-oriented uses and if the expansion does not displace water-oriented uses. • Water-enjoyment recreational uses may be expanded. • Existing water-oriented uses may not be converted to a nonwater-oriented use except when the existing water-oriented use is separated from the OHWM by a levee or another property.
ii. Impervious Surface and Stormwater Management	<ul style="list-style-type: none"> • New and expanded pollution-generating impervious surfaces (e.g., surfaces used predominantly by vehicles, such as parking areas, roads) must provide water quality treatment before discharging stormwater through use of oil-water separators, bioswales, or other approved technique. This provision does not apply to boat launches. • Treated runoff from pollution-generating impervious surfaces and runoff from non-pollution-generating impervious surfaces shall be infiltrated if feasible. • New or expanded pollution-generating impervious surfaces within 50 feet of the OHWM or within already disturbed areas shall be limited to those necessary to provide vehicle access to boat launches, to improve existing informal parking areas, to expand existing parking, or to provide ADA parking as outlined below under iii. Parking.

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Design Element	Design and Management Standards
	<ul style="list-style-type: none"> • New or expanded trail systems shall avoid existing riparian areas and comply with vegetation management requirements below. Existing trail systems may only be expanded in response to increased demand, and shall be expanded in the following order of preference, with number 1 being the most preferred: 1) upland outside buffers found in Table 4.5.2, 2) landward of existing trail and 3) laterally.
iii. Parking	<ul style="list-style-type: none"> • New parking accessory to shoreline parks shall be at least 70 feet upland of the OHWM, except where a minimum number of parking spaces are provided closer than 70 feet to accommodate those with disabilities or where parking is provided in existing impervious surfaces. • Existing parking closer than 70 feet upland of the OHWM may only be expanded in response to increased demand. Expanded parking shall be expanded in the following order of preference, with 1) being the most preferred: 1) upland, 2) landward of existing parking and 3) laterally of the existing parking, if it is serving a previously existing authorized use and is located on existing impervious surface. Parking shall not be located closer than 50 feet upland of the OHWM unless the proposed expansion area is already an impervious surface or is necessary to accommodate those with disabilities.
iv. Vegetation Management	<ul style="list-style-type: none"> • New and expanded uses in shoreline jurisdiction shall be located to avoid and minimize intrusion into riparian areas, as well as avoid tree and shrub removal. • Significant tree removal in the shoreline buffer shall be mitigated at a 2:1 ratio and as otherwise consistent with SMP Section 4.5.2.E. • Other trees and shrubs in the shoreline buffer shall also be replaced at a 2:1 ratio using the same preference for location established for significant trees. • Landscape designs for new and modified recreation facilities in shoreline jurisdiction shall incorporate the following. <ol style="list-style-type: none"> 1. Select species that are suitable to the local climate, having minimal demands for water, minimal vulnerability to pests, and minimal demands for fertilizers. Native species shall comprise 50 percent of the landscaped area, not counting lawn area. Redevelopment of lawn areas shall be no closer than 20 feet from the OHWM. Native grasses may be used within the first 20 feet landward of the OHWM. If lawn areas are not currently established within buffers required in Table 4.5-1, the existing riparian vegetation within the buffer shall be maintained, unless a mitigation plan demonstrates improved ecological function. 2. Preserve existing soil and vegetation (especially trees) where possible. Amend disturbed soils with

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Design Element	Design and Management Standards
	<p>compost. Mulch existing and proposed landscapes regularly with wood chips, coarse bark, leaves or compost.</p> <ol style="list-style-type: none"> 3. Group plants by water need, use more efficient irrigation methods like drip and soakers under mulch, and design and maintain irrigation systems to reduce waste. 4. Place vegetation to maximize the following benefits: <ul style="list-style-type: none"> – development or supplementation of a native vegetated wildlife corridor, – development or supplementation of riparian vegetation adjacent to the water’s edge, – screening parking areas from views from the water or the park, and/or – discouragement of wildlife that may directly or indirectly interfere with park use or human health (e.g., geese). 5. While a specified buffer is not required for water-oriented uses and developments in public park areas, recreational improvement projects shall place an emphasis on shoreline restoration/enhancement inside of those buffers found in Table 4.5.-1. This emphasis shall not require the removal of existing lawn areas, but should place an emphasis on incorporation of riparian plantings if the public access area is underutilized or public access would not be impaired by the plantings.
v. Chemical Applications	<ul style="list-style-type: none"> • A lawn and landscape management strategy for any allowed uses in the shoreline buffer shall be developed that incorporates the following: <ol style="list-style-type: none"> 1. A site-specific plan for use of integrated pest management technique, if applicable. 2. A detailed plan identifying anticipated use of fertilizers, herbicides and pesticides, to include method of application that ensures these materials will not enter the water. Phosphorus-containing fertilizer treatments shall not be applied to turf or landscaping within 50 feet of the OHWM. Natural applications and hand removal are preferred over synthetic applications.
vi. Pools	<ul style="list-style-type: none"> • Pools and other upland recreational uses that utilize chemically treated water must either be connected to a sewer system or must collect the water for later discharge into a sewer system. • Pools and other upland recreational uses that utilize chemically treated water shall be located a minimum of 75 feet upland of the OHWM.
vii. Lighting	<ul style="list-style-type: none"> • Outdoor lighting fixtures and accent lighting must be shielded and aimed downward, and shall be installed at the minimum height necessary. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is only pointing downward onto the ground surface,

Design Element	Design and Management Standards
	with no escaping direct light permitted to contribute to light pollution by shining upward into the sky. • Outdoor lighting fixtures and accent lighting shall not directly illuminate the stream or river, unless it is a navigational light subject to state or federal regulations.

b. Application requirements:

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

5. Existing Development.

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- a. Landward of Standard Buffer. Existing development located landward of the standard buffer may redevelop or expand to the edge of the standard buffer consistent with the following:
 - i. Where such redevelopment results in removal of native vegetation, minimally an equivalent area of native vegetation shall be planted in the buffer. Mature tree and shrub removal shall be addressed in the mitigation plan and may require a greater replacement ratio to account for temporal loss.
 - ii. Where such redevelopment results in removal of significant trees, compensation shall be provided as outlined in Subsection E below.
 - b. Inside the Standard Buffer. Existing development located inside the standard buffer may expand vertically or landward of the development. Expansions waterward are prohibited except when the reduced buffer is consistent with D.6 below. All other waterward expansions within the standard buffer must obtain a Shoreline Variance. Expansions within the standard buffer laterally toward the side lot lines may be allowed provided any impacts to vegetation are mitigated consistent with this Section, and any new impervious surfaces are infiltrated or treated prior to discharge into a waterbody.
6. Standard Buffer Reduction. Reductions of up to twenty-five (25) percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the Shoreline Administrator that:
- a. A mitigation plan pursuant to Subsection D.10 indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features such as downed logs or snags, or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer through demonstration of improved ecological function; or
 - b. Conditions unique to the site, including existing uses, developments, or other barriers (e.g., levees), exist between the proposed development and the OHWM, which

substantially prevent or impair delivery of most riparian functions from the upland portions of the subject property to the waterbody.

- c. The buffer has not been reduced under any other provisions of this Chapter. The buffer has not been varied or reduced by any prior actions administered by the City. Sites which utilize buffer width averaging are not eligible for any future buffer width reductions under any other provisions of this Program, except as administered under Shoreline Variances.

7. Maximum Buffer Reduction.

- a. If the applicant can demonstrate that a use or development cannot be accommodated or accomplished outside of the standard or standard reduced buffer, a reduction in the buffer width not exceeding 50 percent of the required standard buffer may be approved administratively. The applicant must demonstrate need for any buffer reduction greater than 25 percent by submitting the following:
 - i. A site plan showing clearly the boundaries of the parcel, shoreline jurisdiction, the standard buffer, the proposed reduced buffer, and existing and proposed developments.
 - ii. A narrative description of the design alternatives considered as part of each mitigation sequencing step outlined in Section 4.2.2.A, and how the applicant's proposal incorporates mitigation sequencing to the maximum extent practicable.
 - iii. A narrative description of the spatial needs of the proposed use. Adequate space for a single-family residence and associated yard is considered to be available when the buildable lot depth after application of either the standard buffer or standard reduced buffer is seventy (70) feet or greater. For other uses, the Shoreline Administrator will decide what the minimum space requirements are based on the information provided by the applicant.

- iv. A mitigation plan as outlined in Subsection D.10 below. If justification for the buffer reduction is provided by subsection 6.b. above, the applicant does not need to provide a mitigation plan. The applicant must provide instead a narrative describing how the proposed development does not result in a net loss of ecological functions compared to the existing condition, and a site plan illustrating the elements of the existing and proposed condition that support a determination of no net loss of ecological functions. The narrative and site plan must also address how the project will prevent potential short-term construction-related impacts by providing erosion- and sedimentation-control details. If the applicant does not present conclusive evidence that the project will not result in a net loss of ecological functions, then a mitigation plan must be prepared.
- b. The Shoreline Administrator may approve the maximum buffer reduction according to the following review criteria:
 - i. Modification of building height or setback standards pursuant to Subsection D.9 would not allow the standard or standard reduced buffer to be achieved.
 - ii. The applicant has demonstrated a hardship whereby the proposed use could not be accommodated without a reduced buffer, and the approved buffer reduction is no more than that necessary to accommodate the proposed shoreline use/development.
 - iii. The applicant's mitigation plan demonstrates that the selected mitigation options in Subsection D.10 achieve an equal or greater protection of ecological functions than the standard buffer.
 - iv. The buffer has not been reduced under any other provisions of this chapter. The buffer has not been varied or reduced by any prior actions administered by the city. Sites which utilize buffer width averaging are not eligible for any future

buffer width reductions under any other provisions of this Program, except as administered under shoreline variances.

8. Buffer Width Averaging. Averaging of standard buffer widths may be approved by the Shoreline Administrator for single or multi-family dwellings, for existing legal lots of record in place at the time of adoption of this Program, based on a report submitted by the applicant and prepared by a qualified professional biologist. Buffer width averaging shall only be allowed where the applicant demonstrates all of the following:
 - a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;
 - b. The designated buffer contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;
 - c. The width averaging shall not adversely affect or impact the buffer's functional value;
 - d. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.
 - e. The minimum buffer width at its narrowest point shall not be less than seventy-five (75) percent of the width established under the required standard buffer found in Table 4.2-1;
 - f. The buffer has not been reduced under any other provisions of this chapter. The buffer has not been varied or reduced by any prior actions administered by the City. Sites which utilize buffer width averaging are not eligible for any future buffer width reductions under any other provisions of this Program, except as administered under Shoreline Variances.
 - g. The variation of buffer widths on a site, via buffer width averaging, must be supported by the most current, accurate, and complete scientific and technical information available as demonstrated in a submitted and approved mitigation plan.

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9. Modification of other setback standards. The City may allow a reduction in other property setback standards if those actions will reduce or eliminate the need for the buffer reduction. These modifications of standards may be approved without a Shoreline Variance if the modification is consistent with underlying zoning regulations and is not anticipated to have adverse impacts on adjacent properties.

10. Buffer Reduction Mitigation Plan. Applicants seeking a reduced buffer must submit a mitigation plan that addresses the specific habitat components and/or ecological functions that may be lost as a result of the proposed reduction. Mitigation plan elements, including monitoring and maintenance, shall be included in the plan consistent with applicable mitigation plan requirements outlined in the City of Cashmere critical areas regulations (see Appendix B). Plan elements may include one or more of the mitigation options provided in the chart below to achieve an equal or greater protection of ecological functions. Each reduction allowance applied for shall provide justification in the mitigation plan of an improvement to shoreline ecological functions.

Shoreline Setback Reduction Options		Reduction Allowance
Water Related Conditions or Actions		
1	Currently existing natural shorelines that include native vegetation along at least 75 percent of the linear shoreline frontage of the subject property may be credited with a buffer reduction allowance. Existing hard structural shoreline stabilization may also receive the reduction allowance if it is replaced with non-structural or soft structural bio-engineered shoreline stabilization measures located at, below, or within 5 feet landward of the OHWM along at least 75 percent of the linear shoreline frontage of the subject property. If this option is selected, the applicant is not eligible for future hard structural shoreline stabilization. This option cannot be used in conjunction with Option 2 below.	35 percent
2	Currently existing natural shorelines that include native vegetation along at least 25 percent of the linear shoreline frontage of the subject property may be credited with a buffer reduction allowance. Existing hard structural shoreline stabilization may also receive the reduction allowance if it is replaced with non-structural or soft structural bio-engineered shoreline stabilization measures located at, below, or within 5 feet landward of the OHWM along at least 25 percent of the linear shoreline frontage of the subject property. If this option is selected, the applicant is not eligible for future hard structural shoreline stabilization. This option cannot be used in conjunction with Option 1 above.	20 percent
3	Opening of previously piped on-site watercourse to allow potential rearing opportunities for native fish for a minimum of 25 feet in length. Opened watercourses must be provided with a native	15 percent

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Shoreline Setback Reduction Options		Reduction Allowance
	planted buffer at least 10 feet wide on both side of the stream, and must not encumber adjacent properties without express written permission of the adjacent property owner. A qualified professional must design opened watercourses. The opened watercourse shall be exempt from the buffer requirements and standards of Appendix B.	
4	Existing hard structural shoreline stabilization measures are set back from the OHWM more than five (5) feet and/are sloped at a maximum 3 vertical (v): 1 horizontal (h) angle to provide dissipation of wave energy and increase the quality or quantity of nearshore habitat. This reduction option shall include bio-engineered shoreline stabilization measures.	20 percent
5	Install large woody debris (minimum three pieces), plant and maintain aquatic emergent vegetation (minimum 25 ft ²), or restore aquatic substrate (minimum 250 ft ²) depending on the site's particular ecological condition and needs. This reduction is allowed only if the proposal results in improvement of ecological function.	10 percent
6	Implement any other enhancement measure indicated by the Shoreline Restoration Plan, to an extent proportional to the proposed project's impacts.	10 percent
Upland Related Conditions or Actions		
7	<p>Develop and implement a City-approved shoreline native vegetation enhancement plan that achieves the following.</p> <ul style="list-style-type: none"> • At least three (3) trees (conifer or deciduous) per 100 linear feet of shoreline; • Native trees and shrubs provide at least 70% aerial coverage of the buffer enhancement area within 10 years of installation; • Trees are placed to shade and/or overhang the watercourse. • Vegetation enhancement is maintained for the duration of the use or facility. <p>The remaining 30% of space may be maintained for access to the water or to over-water structures. The City may approve, on a case by case basis, enhancement plans that include the removal of terrestrial and aquatic invasive species provided that best management practices are taken to control erosion and minimize exposure of toxic materials.</p> <p>Note: For properties with existing native woody vegetation coverage greater than 50% by area of the applicable standard buffer, allowed buffer reduction widths will be commensurate with the amount of proposed shoreline enhancement as determined by the Shoreline Administrator</p> <p>Note: Vegetation installed in the buffer as required mitigation for a shoreline stabilization measure or over-water structure proposal may not be counted towards this mitigation option.</p>	1% reduction in buffer width for every one foot (maximum of 15% reduction) (measured perpendicular to the OHWM) of vegetation enhancement area, minimum 10-foot average width
8	Installation of pervious material for 50 percent of all new pollution generating surfaces such as driveways, parking or private roads that allows water to pass through at rates similar to or greater than pre-developed conditions.	15 percent

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Shoreline Setback Reduction Options		Reduction Allowance
9	Restoring or preserving native vegetation within at least 50 percent of the total lot area remaining outside of the reduced buffer, the developed footprint, and outside any critical areas and their associated buffers. The mitigation plan shall address temporal loss. This reduction is not allowed if riparian vegetation removal would be needed inside the standard buffer to accomplish the development.	10 percent
10	Implement any other enhancement measure indicated by the Shoreline Restoration Plan, to an extent proportional to the proposed project's impacts.	10 percent

- a. Measures identified in the buffer reduction table may not be applied if they are required by federal, state, or local regulations or are offered as mitigation for other actions or impacts.
 - b. Prior to issuance of a certificate of occupancy or final inspection, the applicant shall provide a final as-built plan of any completed improvements authorized or required under this subsection.
 - c. Applicants who obtain approval for a reduction in the buffer must record the final approved buffer and corresponding conditions, including maintenance of the conditions throughout the life of the development, including changes in ownership, in a form acceptable to the City and recorded with the County Auditor.
 - d. Where opportunities to mitigate in kind and on site are not available or adequate, the mitigation plan may include off-site or out-of-kind mitigation, or contributions to a fee in lieu restoration program when established. When off-site mitigation is proposed, projects included in the Restoration Plan found in Appendix C of this SMP shall be considered first.
11. Developments or Uses Allowed in Buffers.
- a. Those portions of water-dependent or public access development that require improvements or uses adjacent to the water's edge, such as boat launch ramps for boat launch facilities, swimming beaches, direct water access portions of shoreline trails (trails paralleling the shoreline do not qualify for this allowance unless located on or landward of the levee/dike), or re-development of existing

park areas, are allowed in the buffer. Vegetation mitigation shall be required when the alteration removes significant trees or other vegetation.

- b. Improvements such as balconies, patios, and any other improvements providing physical or visual public access may be placed no closer than the upland edge of the reduced buffer.
 - c. Native landscaping may be installed in the shoreline buffer, provided existing native vegetation is not removed. Use of noxious or invasive species is strictly prohibited. Areas of previously developed lawn or other impervious surfaces may be replaced with non-native landscaping, except those areas required to be maintained as mitigation areas. Chemical treatment of landscaping in shoreline buffers is discouraged, and any application of chemicals must be in strict conformance to the manufacturer's instructions.
 - d. Shoreline residential access. A private access pathway constructed of pervious materials may be installed, a maximum of four (4) feet wide, through the shoreline buffer to the OHWM. Impervious materials may be used only as needed to comply with ADA requirements to construct a safe, tiered pathway down a slope. Applicants shall consult the ADA standard in order to identify if the lot has sufficient space to comply with ADA standards prior to applying for an impervious ADA pathway on a slope. A railing may be installed on one edge of the pathway, a maximum of 36 inches tall and of open construction. Pathways to the shoreline should take the most direct route feasible consistent with any applicable Americans with Disabilities Act standards.
- E. **Tree Retention.** To maintain the ecological functions that trees provide to the shoreline environment, significant trees shall be retained as follows:
- 1. Within shoreline jurisdiction, significant trees shall not be removed or topped for the purpose of creating views, except as allowed under G below. Tree removal activities would include direct or indirect actions, including, but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2)

removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.

2. Within any shoreline buffer, significant trees shall be retained to the maximum extent possible, except where the tree is dead, diseased, dying or hazardous as determined by a qualified professional.
3. If removal of a non-hazard significant tree in the shoreline buffer area is approved, minimally a two-for-one replacement is required. Mature conifers may require greater replacement ratios depending on planting plan proposal. For hazard trees, a one-for-one replacement is required. The required minimum size of the replacement tree(s) shall be 5 feet tall for a conifer and 1 ¾ inch caliper for deciduous or broad-leaf evergreen tree.
4. For required replacement trees, a planting plan showing location, size and species of the new trees is required. All replacement trees in the shoreline buffer must be native species.

F. Tree Pruning and Removal for Safety and Development.

1. Selective pruning of trees for safety is allowed if consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas; and Appendix B, Critical Areas Regulations.
2. Where trees pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional, they may be removed if the hazard cannot be removed by topping or other technique that maintains some habitat function. Stumps should be retained in the ground to provide soil stabilization unless another soil stabilization technique, which may trigger additional review by regulatory agencies, is utilized immediately after stump removal.
3. All other tree removal in shoreline jurisdiction proposed as part of an approved use or development shall be minimized through site design, and mitigated if the tree removal has an adverse impact as outlined in SMP Section 4.5.2.C. When required, tree replacement shall occur minimally at a 1:1 ratio, with native trees replaced with a similar native tree. Outside the shoreline buffer, non-native trees may be replaced with a native tree or another non-native tree, provided that no invasive or noxious trees are allowed.

G. **View Corridors.** The development or maintenance of view corridors can provide opportunities for visual access to waterbodies associated with waterfront lots. One view corridor, limited to 25 percent of the width of the lot frontage, or 25 feet, whichever distance is less, may be permitted per lot, when consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas; Appendix B, Critical Areas Regulations; and this Section. A mitigation plan as required by 1below must be submitted for review and approval. View corridors are also addressed in SMP Section 5.1.2.E.

1. In addition to the submittal of a complete mitigation plan, an applicant must submit the following materials:
 - a. A graphic and/or site photos for the entire shoreline frontage which demonstrates that the existing or proposed development does not or will not have a view corridor of the waterbody, taking into account site topography and the location of existing shoreline vegetation on the parcel.
 - b. Demonstration that where the applicant already has an accessible shoreline physical access corridor per Section 4.5.2.D.11.d, the view corridor will include the existing shoreline physical access corridor to minimize alteration of the shoreline buffer.
2. Applications for view corridors must also be consistent with the following standards:
 - a. Native vegetation removal shall be prohibited, unless the entire shoreline buffer between the primary structure or use and the shoreline waterbody consists of native vegetation and only when local topography prevents pruning or topping from providing the use or development with a view. Under those circumstances, native vegetation removal may be allowed only as needed to create or maintain the view corridor and provided that the view corridor is located to minimize removal of native trees and shrubs, in that order.
 - b. Pruning of native trees shall be conducted by or under the supervision of a qualified professional such that the tree's long-term health shall not be compromised. Native shrubs shall not be pruned to a height less than 4 feet. Tree

topping is discouraged. Pruning of vegetation waterward of the OHWM is prohibited.

- c. Non-native vegetation within a view corridor may be removed when the mitigation plan can demonstrate a net gain in site functions, and where any impacts are mitigated.
- d. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.
- e. A view corridor may be issued once for a property. No additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from regrowth. Limitations and guidelines for this maintenance shall be established in the mitigation plan.

H. **Clearing and grading.** Clearing and grading in shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development and shall also be in conformance with the provisions of Section 4.2, Ecological Protection and Critical Areas; and Appendix B, Critical Areas Regulations. All earth-altering activities shall utilize best management practices to minimize and control erosion.

I. **Mitigation required.** The following standards apply specifically to projects that may adversely impact ecological functions provided by vegetation. See also the requirements of Section 4.2 of this SMP, which more generally address mitigation requirements for impacts to all ecological functions.

- 1. Where adverse impacts to shoreline ecological functions provided by vegetation are proposed, and after mitigation sequencing has been applied as outlined in Section 4.2.2.A, new developments or site alterations shall be required to develop and implement a mitigation plan.
- 2. When required, mitigation plans shall be prepared by a qualified professional and shall be consistent with the relevant mitigation plan requirements of the City in Appendix B, including a three-year monitoring plan, or other monitoring timeframe specified by local, state or federal permitting agencies, and scaled drawings of existing and proposed conditions.

3. Mitigation plans shall describe actions that will ensure no net loss of ecological functions to the maximum extent practicable at the site scale, and shall describe the functions impacted per the list of potential functions provided in SMP Section 4.5.1.A above, and how the mitigation plan addresses those specific functions. For example, if vegetation removal results in loss of overhanging vegetation that provides shade, detritus and insects, the mitigation plan shall include supplemental overhanging vegetation where feasible. If the vegetation removal could destabilize a slope and increase erosion, the mitigation plan shall include re-vegetation in combination with erosion control measures to protect water quality and other measures that help stabilize slopes.
 4. Mitigation plans shall include a performance standard of 100 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year.
 5. Mitigation measures specified in the mitigation plan shall be maintained over the life of the use and/or development and recorded on an appropriate document recorded with the County Auditor which can be passed to future owners.
 6. All mitigation areas shall be permanently identified and protected by means of a conservation easement or similar legal instrument recorded with the County Auditor.
- J. **Unauthorized vegetation removal.** Vegetation removal within shoreline jurisdiction that is not allowed under this Section and is conducted without the appropriate review and approvals is subject to enforcement provisions in Section 7.15 and requires the submittal and approval of a restoration plan prepared by a qualified professional, and shall be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas and appropriate requirements of Appendix B, Critical Areas Regulations. The restoration plan shall utilize only native vegetation, and shall be designed to compensate for temporal loss of function and address the specific functions adversely impacted by the unauthorized vegetation removal.
- K. **Non-native vegetation.** With the exception of hand removal or spot-spraying of invasive or noxious weeds, the determination of whether non-native vegetation removal may be allowed in a shoreline buffer or critical area buffer must be evaluated in conformance with Section 4.2, Ecological Protection and Critical Areas and appropriate requirements of

Appendix B, Critical Areas Regulations. Such removal of noxious weeds and/or invasive species shall be incorporated in mitigation plans, as necessary, to prevent erosion and facilitate establishment of a stable community of native plants. Non-native vegetation removal outside of shoreline buffers or critical area buffers does not require mitigation, except as noted under Subsections C, E and F above, but must incorporate necessary erosion control measures.

- L. **New structures or developments prohibited.** New structures or developments, including, but not limited to, pools, decks, patios, residence additions, sheds, fences, or other residential appurtenances, are not permitted in shoreline buffers except as specifically allowed in this section and Chapter 6, Nonconforming Structures and Uses of this Master Program.
- M. **Essential public facilities.** Consistent with the use allowances for each environment designation, other essential public facilities as defined by RCW 36.70A.200, may be located in the shoreline buffer if the use or activity cannot be reasonably accommodated or accomplished outside of the standard or reduced shoreline buffer. Essential public facilities must also demonstrate that alternative sites are not available. These uses and modifications must be designed and located to minimize intrusion into the buffer and should also be consistent with Section 4.2, Ecological Protection and Critical Areas and Section 4.4, Public Access.
- N. **Passive allowed activities.** Education, scientific research, and passive recreational activities, including, but not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, snowshoe or cross-country skiing, swimming, canoeing, and bicycling, are allowed within shoreline jurisdiction and within established shoreline and critical area buffers without a shoreline permit, provided the activity does not include elements that meet the definition of “development.” For example, hiking through the woods or along a shoreline is allowed outright and does not require a permit; however, construction of a new trail on which to hike would constitute a development that must be permitted and may be allowed subject to all the provisions of this SMP. For other parks and recreation activities, see Section 4.5.2.D.4.
- O. **Site investigation allowed.** Site investigative work necessary for land use application submittals such as surveys, soil logs, drainage tests and other related activities, may occur within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. In every case, buffer impacts should be avoided and/or minimized and disturbed areas shall be immediately restored.

- P. **Siting of roads.** Where other options are available and feasible, new roads or road expansions shall not be built within shoreline jurisdiction. Crossings, where necessary, shall cross shoreline and critical area buffers as near perpendicular as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands or geologically hazardous areas. If no alternative exists to placing a roadway in shoreline jurisdiction, a mitigation plan prepared by a qualified professional must be submitted, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas and appropriate requirements of Appendix B, Critical Areas Regulations.
- Q. **Utilities.** Where no other practical alternative exists to the excavation for and placement of wells, tunnels, utilities, or on-site septic systems in a shoreline and critical area buffer, these uses may be permitted if also allowed under Section 5.20, Utilities. A mitigation plan must be prepared by a qualified professional, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas, and appropriate requirements of Appendix B.
- R. **Trails.** Trails and associated facilities may be permitted in shoreline buffers, but should conform to design guidelines found in Public Access sections of this SMP. A mitigation plan must be prepared by a qualified professional, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas, and appropriate requirements of Appendix B, Critical Areas Regulations.
- S. **Conflicts with flood hazard reduction measures.** In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in state, federal or other flood hazard agency documents governing licensed or certified flood hazard reduction measures, the requirements of this SMP will not apply. However, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications, and shall comply with all other provisions of this section and this SMP that are not strictly prohibited by certifying or licensing agencies.

4.6 Water Quality, Stormwater and Nonpoint Pollution

4.6.1 Policies

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

- B. **Assess and mitigate stormwater impacts.** New developments or expansions or retrofits of existing developments should assess the effects of additional stormwater runoff volumes and velocities, and mitigate potential adverse affects on shorelines through design and implementation of appropriate stormwater management measures.
- C. **Low impact development.** Low Impact Development (LID) techniques should be considered and implemented to the greatest extent practicable throughout the various stages of development including site assessment, planning and design, vegetation conservation, site preparation, retrofitting and built-out management techniques.
- D. **Minimize need for synthetic chemical applications.** Shoreline use and development, including invasive or noxious weed control, should minimize the need for synthetic chemical fertilizers, pesticides or other similar synthetic chemical treatments to prevent contamination of surface and ground water and/or soils and adverse effects on shoreline ecological functions and values. Use of natural and non-synthetic applications are encouraged when treatment is necessary.
- E. **Provide and maintain buffers.** Appropriate buffers along all wetlands, streams, and rivers should be provided and maintained for new development in a manner that avoids the need for chemical treatment for vegetation management and be consistent with critical areas ordinances and best management practices.
- F. **Existing development.** For existing development, implementation of management plans that minimize or avoid the need for chemical treatments of vegetation in shoreline buffers is encouraged. When lands owned by the City are leased to private parties, a vegetation management plan should be negotiated during lease renewal.

4.6.2 Regulations

- A. **Do not degrade waters.** Shoreline use and development shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws.
- B. **Requirements for new development.** New development shall manage stormwater to avoid and minimize potential adverse affects on shoreline ecological functions through the use of best management practices and/or through compliance with the current Stormwater Management Manual for Eastern Washington in effect at the time if applicable to the project. When the Stormwater Management Manual applies, deviations from the standards may be approved where it can be demonstrated that off-site

facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

- C. **Low impact development.** Low Impact Development (LID) techniques shall be considered and implemented to the greatest extent practicable throughout the various stages of development, including site assessment, planning and design, vegetation conservation, site preparation, retrofitting and built-out management techniques.
- D. **Existing public systems retrofitted.** Existing public stormwater management systems and facilities shall be retrofitted and improved to incorporate LID techniques whenever feasible.
- E. **Maintain storm drainage facilities.** Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and/or improvement plans.
- F. **Use BMPs.** Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through an approved temporary erosion and sediment control (TESC) plan, identified in the Stormwater Management Manual for Eastern Washington, as amended or the most recent adopted stormwater manual, or administrative conditions, in accordance with the current federal, state, and/or local stormwater management standards in effect at the time.
- G. **Sewage management.** To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards, in addition to requirements outlined below.
 - 1. All buildings within the City limits designed and constructed for residential, business, commercial, public, or industrial purposes shall have all sanitary facilities connected to the City wastewater system.
 - 2. Existing on-site wastewater treatment systems serving allowed uses in conformance with this Master Program shall be subject to regulations administered by the Chelan-Douglas Health District.

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3. Existing Large On-site Sewage Systems (LOSS) and any future proposed LOSS in the City's UGAs shall be subject to regulations administered by the Washington State Department of Ecology or Department of Health as required by rule adopted under RCW 70.118B.020. Such sewage treatment systems shall be located to prevent or minimize entry of nutrients, including phosphorus and nitrogen, or other pollutants, into ground and surface water within shoreline jurisdiction.
 4. In the City's UGAs, all individual and community on-site wastewater treatment systems, also called sewage treatment systems, including septic tanks and drainfields or alternative systems approved and inspected by the Chelan-Douglas Health District, the Washington Department of Ecology, or Washington Department of Health, shall be located landward of designated shoreline buffers.
 4. The Chelan-Douglas Health District requires a standard horizontal separation of on-site sewage treatment systems from surface waters of 100 feet from the OHWM. In instances where shoreline buffers are less than 100 feet in width, an approval from the Chelan-Douglas Health District is required to locate sewage system components closer than 100 feet to the OHWM. Buffer reductions shall be the minimum necessary and shall be based on feasibility, lot size, or lot configuration. Where residential structures are permitted within 100 feet of the OHWM, tightlines from structures or septic tanks may be located within 100 feet from the OHWM.
 5. Whenever feasible while meeting Chelan-Douglas Health District or Washington Department of Health standards, all components of on-site sewage treatment systems, including subsurface soil absorption systems, shall be located landward of the residential structures they serve.
- H. **Materials requirements.** All materials that may come in contact with water shall be constructed of materials, such as untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state or federal agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote or pentachlorophenol is prohibited in shoreline waterbodies and other waters.

5 SPECIFIC POLICIES AND REGULATIONS

Chapter 5 presents specific policies and regulations that apply to particular developments, uses, or activities in any environment designation.

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

The Use Matrix and Development Standards sections found in Section 3.2.1.F, Chapters 4 through 8, and Appendices A, B, E, F and G are considered part of the regulations.

Shoreline application requirements are found in Section 7.4 of this SMP. Chapter 5 may contain specific submittal requirements for a particular use or modification beyond those stated in Section 7.4. Chapter 5 also contains performance standards for shoreline modifications and uses. Further, the Shoreline Administrator may condition a proposal in order to comply with the Act or this SMP consistent with the provisions in Section 7.5.3, 7.7.3, 7.8.3, and 7.9.

5.1 General Upland Shoreline Modification and Use Regulations

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

5.1.1 Policies

- A. **Designs Avoid Sensitive Areas.** Development and uses should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation, both upland and aquatic; minimize impervious surfaces and runoff; protect riparian, nearshore, aquatic and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.
- B. **Location of Nonwater-Oriented Accessory Uses.** Nonwater-oriented accessory development or use that does not require a shoreline location should be located landward of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads,

utilities, signs, and materials storage should be located landward of shoreline, riparian and/or wetland buffers and landward of water-oriented developments and/or other approved uses.

- C. **Minimize Impacts on Shoreline and Upland Uses.** Development should be located, designed, and managed to minimize impacts on shoreline or upland uses through bulk and scale restrictions, setbacks, buffers, light shielding, noise attenuation, and other measures.
- D. **Vistas and Viewpoints.** Vistas and viewpoints from public properties and rights of way should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs.

5.1.2 Regulations

- A. **Design features for compatibility.** Shoreline use and development activities shall be designed to complement the character and setting of the property, minimize noise and glare, and avoid impacts to view corridors. Shoreline applicants shall demonstrate efforts to minimize potential impacts to the extent feasible, including:
 - 1. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.
 - 2. Outdoor storage shall be screened from public view through techniques such as landscaping, berming, fencing and/or other equivalent measures.
 - 3. Property screening in the form of fences or berms shall be subject to Section 5.1.2.E below.
- B. **Preference for water-oriented facility location.** Shoreline developments shall locate the water-oriented portions of their developments along the shoreline and place all other facilities landward or outside shoreline jurisdiction.
- C. **Minimize changes to topography.** To the extent feasible, design of structures, and motorized and nonmotorized vehicular improvements, shall conform to natural contours and minimize disturbance to soils and native vegetation and natural features while meeting applicable government standards.

- D. **Soil disturbance.** All disturbed areas shall be restored and protected from erosion using vegetation and other means.
- E. **View corridors.**
1. **Heights Greater than 35 Feet:** Per WAC 173-27-180(9)(1), applicants for structures exceeding 35 feet in height shall provide a depiction of the impacts to views from substantial numbers of residences and public areas. To mitigate impacts, site design shall provide for view corridors between buildings through the use of building separation, setbacks, upper story setbacks, pitched roofs, and other mitigation. In order to determine appropriate view corridor location, applicants and the City shall review the shoreline public access plan (Appendix E), location of Federal- or State-designated scenic highways, government-prepared view studies, SEPA documents, or applicant-prepared studies. The maximum width of a view corridor shall be 25% of the lot width of the lot frontage; where the view corridor requires vegetation removal, the view corridor may be limited to 25% or 25 feet, whichever is less.
 2. **Height Adjustments:** In order to allow for public access pursuant to Section 4.4, and/or to allow for buffer accommodations pursuant to Section 4.5, building height may be increased when consistent with the criteria in 3a to 3b.
 3. **View Analysis Standards:** In the case of heights proposed above 35 feet in Subsection E.1 or when adjusted per E.2, the following view analysis standards and procedures apply:
 - a. The applicant shall prepare a view analysis conducted consistent with Section 7.4. The analysis shall address such considerations as cumulative view obstruction within a 1,000-foot radius with implementation of the proposed development combined with those of other developments that exceed 35-feet in height. The cumulative impact analysis shall address overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained. For phased developments, the view analysis shall be prepared in the first phase and include all proposed buildings.

- b. Applicants proposing building or structure heights above 35 feet, but otherwise consistent with this SMP and underlying zoning allowances, may be approved as part of a Shoreline Conditional Use Permit if the following criteria are affirmatively met:
 - (1) The building or structure will not impact a substantial number of residences. The applicant shall review residences involved on or in an area adjoining the project area.
 - (2) The development will not cause an obstruction of view from public properties or substantial number of residences. The applicant shall demonstrate through photographs, videos, photo-based simulations, and/or computer-generated simulations that the proposed development will obstruct less than 30% of the view of the shoreline enjoyed by a substantial number of residences on areas adjoining such shorelines.

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

G. **Sign regulations.**

- 1. Sign Size, Location, and Lighting Standards: Signs are allowed subject to the following:
 - a. Signs shall comply with lighting standards of subsection 5.1.2.F above.
 - b. Signs required by law shall not be subject to limitations with respect to the number, location, and/or size, provided that they are the minimum necessary to achieve the intended purpose. Signs required by law include, but are not limited to, official or legal notices issued and posted by any public agency or court, or traffic directional or warning signs.

- c. Any signs or other devices which flash, blink, flutter, rotate, oscillate, or otherwise purposely fluctuate in lighting or position, in order to attract attention through their distractive character are prohibited in shoreline jurisdiction. Pennants, banners and other devices of seasonal, holiday, or special event character may be utilized on a temporary basis based on the City's zoning code and sign standards.
 - d. Freestanding signs authorized by this SMP are subject to the shoreline and critical area buffers and vegetation conservation standards in Section 4.5 and Appendix B. Building mounted signs are subject to shoreline buffers and other setbacks applicable to buildings. Height of wall signs shall not exceed the development standards in this SMP.
2. Views: Signs shall not significantly obstruct visual access to the water or scenic vistas nor impair driver vision. Signs shall be subject to the review of Section 5.1.2.E.
 3. Natural Features: Signs shall not be posted or painted on natural features such as trees, rocks, and hillsides, etc., not including Numeral Mountain which has traditionally been painted by graduating seniors at a local high school, within shoreline jurisdiction.
 4. Moved Signs: Signs that are moved, replaced, or substantially altered shall conform with SMP requirements and City regulations. For the purposes of this section, "substantial alterations" includes modifying structural elements of the sign.

5.2 General Aquatic Shoreline Modification and Use Regulations

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

5.2.1 Policies

- A. **Protect beneficial uses, including ecological functions and water-dependent uses.** Shoreline modifications and uses should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions

and processes. Modifications should not be permitted where they would result in a net loss of shoreline ecological functions, adversely affect the quality or extent of habitat for native species, adversely impact other habitat conservation areas, or interfere with navigation or other water-dependent uses.

- B. **Minimize and mitigate unavoidable impacts.** All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and then mitigated.
- C. **Protect water quality and hydrograph.** Shoreline modifications and uses should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

5.2.2 Regulations

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

- A. **Siting and design requirements.** In-water structures and activities shall be sited and designed to avoid the need for future shoreline stabilization activities and dredging, giving due consideration to watershed functions and processes, with special emphasis on protecting and restoring priority habitat and species. Modifications and uses located in the Aquatic environment shall be the minimum size necessary.
- B. **Buffers.** Water-dependent in-water structures, activities and uses are not subject to the shoreline buffers established in this SMP.
- C. **Required permits.** Projects involving in-water work must obtain all applicable state and federal permits or approvals, including, but not limited to, those from the U.S. Army Corps of Engineers, Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and/or Chelan County Public Utility District.
- D. **Timing restrictions.** Projects involving in-water work shall comply with timing restrictions as set forth by state and federal project approvals.
- E. **Structure removal.** Removal of existing structures shall be accomplished so the structure and associated material does not re-enter the waterbody.
- F. **Disposal of waste material.** Waste material, such as construction debris, silt, excess dirt or overburden resulting from in-water structure installation, shall be deposited outside of shoreline jurisdiction in an

approved upland disposal site. Proposals to temporarily store waste material or re-use waste materials within shoreline jurisdiction may be approved provided that use of best management practices is adequate to prevent erosion or water quality degradation and that an on-site location outside of shoreline jurisdiction is not available.

- G. **Hazardous materials.** Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the waterbody during in-water activities. Necessary refueling of motorized equipment, other than watercraft, shall be conducted outside of shoreline buffers and a minimum of 50 feet from the OHWM if feasible. Appropriate spill clean-up materials must be on-site at all times, and any spills must be contained and cleaned immediately after discovery.
- H. **Over- and In-water Materials.** See SMP Section 4.6.2.F.
- I. **Prevent siltation of adjacent areas.** In-water work shall be conducted in a manner that causes little or no siltation to adjacent areas. A sediment control curtain shall be deployed in those instances where siltation is expected. The curtain shall be maintained in a functional manner that contains suspended sediments during project installation.
- J. **Below-OHWM excavations.** Any trenches, depressions, or holes created below the OHWM shall be backfilled prior to inundation by high water or wave action.
- K. **Concrete management.** Fresh concrete or concrete by-products shall not be allowed to enter the waterbody at any time during in-water installation. All forms used for concrete shall be completely sealed to prevent the possibility of fresh concrete from entering the waterbody.
- L. **Protection of bank and vegetation.** Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to perform the in-water work. All disturbed areas shall be restored and protected from erosion using vegetation or other means.
- M. **Trash and unauthorized fill removal required.** All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, and paper, found below the OHWM at the time of project implementation shall be removed if the project includes use of equipment suited for that purpose. Where the trash or fill is visibly providing some habitat function, consultation with Washington Department of Fish and Wildlife and/or the U.S. Army Corps of

Engineers should occur before removal. Disposal should occur in an approved upland disposal location, outside of shoreline jurisdiction if feasible, but at a minimum landward of the OHWM and the channel migration zone. See Sections 5.8, Dredging and Dredge Material Disposal and 5.9, Fill for potentially applicable policies and regulations regarding dredging, fill and disposal.

- N. **Notification when fish harmed.** If at any time, as a result of in-water work, fish are observed to be in distress or killed, immediate notification shall be made to appropriate state or federal agency(ies), including the Washington Department of Fish and Wildlife, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.
- O. **Notification of water quality problems.** If at any time, as a result of in-water work, water quality problems develop, immediate notification shall be made to the appropriate state or federal agency(ies), including Ecology, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.
- P. **Retain natural features.** Natural in-water features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are actually causing bank erosion, higher flood stages, or a hazard to navigation or human safety.
- Q. **Floatation materials.** Floatation material (floats, buoys) must be encapsulated within a commercially manufactured shell, typically polyethylene or another material specifically approved for use in aquatic environments, that prevents breakup or loss of the floatation material into the water, and is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance, existing un-encapsulated floatation material must be replaced. Tires may not be modified for use as floatation devices.
- R. **Tire use.** Tires shall not be allowed as part of above- or below-water structures or where tires could potentially come in contact with the water (e.g., floatation, fenders). Existing tires used for floatation should be replaced with inert or encapsulated materials such as plastic or encased foam during maintenance or repair of the structure.
- S. **Anchors.** Floats, rafts, mooring buoys, and navigational aids, such as channel markers or buoys, must use helical screw anchors or other embedded anchors and midline floats or other technologies to prevent anchors or lines from dragging or scouring. Floats and rafts may also be anchored with piles as provided in SMP Sections 5.5 and 5.14.

- T. **Mitigation.** All aquatic shoreline modifications and uses are subject to the mitigation sequencing requirements in Section 4.2, Ecological Protection and Critical Areas, with appropriate mitigation required for any unavoidable impacts to ecological functions. If critical areas in shoreline jurisdiction are impacted, the project is also subject to relevant requirements of Appendix B, Critical Areas Regulations.

5.3 Agriculture

5.3.1 Policies

- A. **Maintain Agriculturally Productive Lands.** Lands well suited for agriculture may be maintained in agricultural production. However, the City recognizes that agricultural lands within the city limits and urban growth area will eventually be converted to another land use consistent with City policies and development regulations.
- B. **Encourage Vegetative Buffer.** The maintenance of a buffer of permanent vegetation along the shoreline in agricultural areas should be encouraged in order to retard surface runoff, reduce siltation, and provide sanctuary for fish and other wildlife.
- C. **Protect Airsheds.** Natural airsheds, made up of ravines, swales, tributaries, and other topographic features which direct the flow of cold air down to major streams, should be protected. Obstructions which would create frost pockets should be avoided. Adverse effects of highways, buildings, dikes, landfills, and dense plantings which may obstruct airflow and threaten existing orchards should be minimized.
- D. **Avoid Water Pollution.** Agricultural activities should be conducted and buildings designed to avoid surface or groundwater pollution.
- E. **Avoid Structures in Floodplains.** Agricultural structures should be located outside of the floodway. Agricultural structures should be discouraged in the 100-year floodplain unless no other suitable location is available and adequate protective measures are implemented.
- F. **Manage Water Resources.** Water resources should be managed in accordance with federal and state laws and adopted County watershed plans.
- G. **Best Management Practices.** Agricultural activities, including commercial and hobby farms, are encouraged to incorporate best management practices concerning animal keeping, animal waste disposal, fertilizer use, pesticide use, and stream corridor management.

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- H. **Agriculture in Suburban Residential Areas.** In the suburban residential areas, the City should allow agricultural activities, including the keeping and raising of livestock and/or poultry, provided those activities are conducted according to accepted best management practices and in compliance with any applicable regulations, including the City's provisions governing the keeping and raising of livestock and poultry.
- I. **Agricultural Lands in UGA.** The City recognizes that agricultural lands within an urban growth area are still viable economic operations. In order to provide for public health and safety, while allowing common commercial agricultural/orchard management practices to continue, the City should establish guidelines for new developments adjacent to agricultural lands.
- J. **Support Agri-Tourism.** The City should encourage and develop a plan to promote or assist the city's agricultural environment through agricultural tourism.

5.3.2 Regulations

- A. **Existing Agriculture.** The provisions of this SMP do not limit or require modification of agricultural activities on agricultural lands as of the date of adoption of the SMP.
- B. **Applicability.** SMP provisions shall apply in the following cases:
 - 1. new agricultural activities on land not meeting the definition of agricultural land;
 - 2. expansion of agricultural activities on non-agricultural lands or conversion of non-agricultural lands to agricultural activities;
 - 3. conversion of agricultural lands to other uses;
 - 4. other development on agricultural land that does not meet the definition of agricultural activities; and
 - 5. agricultural development and uses not specifically exempted by the Act.
- C. **No Net Loss of Ecological Function.** Agricultural uses and development in support of agricultural uses shall be located and designed to assure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.

D. Development Standards.

1. A Substantial Development Permit shall be required for all agricultural development not specifically exempt by the provisions of RCW 90.58.030(3)(a)(vi) and for activities listed in Section B.
2. Feedlots shall comply with the following standards.
 - a. Shall be located outside of shoreline buffers, vegetation conservation areas, and 100-year floodplains.
 - b. Shall have a minimum of four feet between the ground surface and the upper surface of the water table.
 - c. Shall be conditioned to meet best management practices promulgated by federal or state agencies.
3. Agricultural-Commercial Uses. Agricultural-commercial uses are allowed where specified in Table 3.2-1 and when consistent with Commercial use standards in Section 5.7.
4. Non-agricultural activities on agricultural lands. New non-agricultural activities proposed on agricultural lands shall be consistent with other applicable shoreline use standards in Chapters 4 and 5, for example Commercial or Industrial, and with other General Policies and Regulations.
5. New agricultural uses such as feedlots of any size, all processing plants, other activities of a commercial nature, upland finfish facilities and other activities which require 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 and shall comply with the applicable development standards found in regulations in Chapters 4 and 5.
6. New agricultural uses on non-agricultural lands are allowed where specified in Table 3.2-1 and when consistent with other applicable standards in Chapters 4 and 5.

5.4 Aquaculture

5.4.1 Policies

- A. **Water-dependent and preferred use.** Aquaculture is a water-dependent use and, when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident or anadromous native species, is a preferred use of the shoreline.
- B. **Recognize limited availability of suitable locations.** Potential locations for aquaculture activities are relatively restricted because of specific requirements related to water quality, temperature, oxygen content, currents, adjacent land use, wind protection and navigation.
- C. **Recognize and facilitate non-commercial aquaculture.** Aquaculture can be commercial or non-commercial. Non-commercial aquaculture is used for the purpose of enhancement and restoration of fish and wildlife resources. The goals and objectives of non-commercial aquaculture include, but are not limited to, supplementation, conservation, restoration, supplementation, mitigation, recreation, education, reintroduction, research, and harvest. Non-commercial aquaculture is location dependent because of the requirement for natal waters. Permitting should be streamlined for facilities that support propagation and acclimation of desirable salmonid species, particularly those covered by the Upper Columbia Salmon Recovery Plan.
- D. **Preference for lower-impact methods.** Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts, and lesser impacts to native plant and animal species. In general, projects that require either no structures or submerged structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.
- E. **Protect ecological functions.** Aquaculture activities should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions, adversely affect the quality or extent of habitat for native species, adversely impact other habitat conservation areas, or interfere with navigation or other water-dependent uses.

- F. **Prevent cumulative adverse effects.** Aquaculture that involves risk of cumulative adverse effects on water quality, sediment quality, benthic and other aquatic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, escapement of non-native species, or other adverse effects on ESA-listed species should not be permitted unless the potential benefits outweigh the potential risks as determined by the appropriate state or federal agencies..
- G. **Consult with stakeholders.** The City should actively seek substantive comment on any shoreline permit application for aquaculture from all appropriate Federal, State, Tribal and local agencies and the general public regarding potential adverse impacts. Comments of nearby residents or property owners directly affected by a proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.
- H. **Coordinate with Tribes.** The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant and the tribe should be encouraged.
- I. **Consider beneficial and adverse impacts.** Consideration should be given to both the potential beneficial impacts and potential adverse impacts that aquaculture development might have on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.
- J. **Restrictions on experimental aquaculture.** Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington. The technology associated with some forms of aquaculture is still experimental and in formative stages. Therefore, some latitude should be given when implementing the regulations of this section in the development of this use. However, experimental aquaculture projects in waterbodies should be limited in scale and should be approved for a limited period of time, as specified by the regulatory agency.
- K. **Protect existing aquaculture.** Legally established aquaculture enterprises, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. Uses or developments that have a high probability of damaging or destroying an existing aquaculture operation are not consistent with these policies.

5.4.2 Regulations

A. Location.

1. Water-dependent portions of commercial and non-commercial aquaculture facilities and their necessary accessories may be located waterward of the OHWM or in the shoreline buffer. Water intakes and discharge structures, water and power conveyances, and fish collection and discharge structures are all considered water-dependent or accessory to water-dependent.
2. All other elements of commercial and non-commercial facilities shall be located outside the shoreline buffer, unless those facilities are deemed to be water-related and proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose.
3. Sites shall be selected to avoid and minimize the need for and degree of floodplain or floodway alteration, channel migration zone alteration, shoreline stabilization, native vegetation removal, and/or wetland alteration. Aquaculture operations may be required to submit a site alternatives analysis. Recognizing the limited number of sites that are suitable for aquaculture, applicants for aquaculture operations shall be required to demonstrate that the location of the proposed facilities on the available site avoids and minimizes impacts to any on-site critical areas and habitats to the maximum extent feasible.
4. Aquacultural facilities shall be designed and located so as not to spread disease to native aquatic life significantly impact the aesthetic qualities of the shoreline, or interfere with navigation and other water-dependent uses.
5. To the extent that a location in channel migration zones, floodplains or floodways, or wetlands is allowed after mitigation sequencing and is necessary for non-commercial aquaculture facilities, low-intensity, moderate-intensity and high-intensity aquaculture is preferred in that order as defined in Chapter 8.

- B. **Substrate modification.** Aquaculture that involves substantial aquatic substrate modification or sedimentation through dredging, trenching, digging, or other similar mechanisms, shall not be permitted in areas where the proposal would have long-term adverse impacts on important fish or wildlife habitats. If substrate modification will not have long-term adverse impacts or the adverse impacts will be short-term, the applicant

shall further demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations at the site.

- C. **Mitigation sequencing.** New and expanded aquaculture proposals shall comply with mitigation sequencing requirements as outlined in Section 4.2.2.A, and shall comply with general standards in Chapter 4. Aquaculture activities that would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions, shall be prohibited. Aquaculture practices shall be designed to minimize use of artificial substances and shall use chemical compounds that are least persistent and have the least impact on plants, animals and water quality.
- D. **Agency review.** All aquaculture projects shall be reviewed by local, State and Federal agencies, and as applicable by FERC-licensed hydro-projects review authorities.
- E. **New aquatic species.** New aquatic species that were not previously found or cultivated in Chelan County shall not be introduced into fresh waters without prior written approval of the Director of the Washington Department of Fish and Wildlife and the Director of the Washington Department of Health.
- F. **Fish kill.** In the event of a fish kill at the site of a net pen facility, the aquaculture operator shall immediately report to the Chelan-Douglas Health District and Washington Department of Fish and Wildlife stating the cause of death and shall detail remedial action(s) to be implemented to prevent reoccurrence.
- G. **U.S. Coast Guard requirements.** All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.
- H. **Coordination with Tribes.** The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribe(s) during the permit review process.
- I. **Submerged and floating structures.** The installation of submerged structures and floating structures shall be allowed only when the applicant demonstrates that no alternative method of operation is feasible.

- J. **Potential impacts.** If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and for all experimental aquaculture activities, baseline and periodic operational monitoring by a qualified professional may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Aquaculture operators may submit monitoring reports prepared by qualified professional as part of monitoring required by other state or federal agencies. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.
- K. **Over-water structures.** For water-dependent portions of aquaculture projects which may require over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than 3 feet in height, as measured from the surface of the raft or dock; provided that, in locations where the visual impact of the proposed aquaculture structures will be minimal, the City may authorize storage containers of greater height. In such cases, the burden of proof that the container is the minimum size necessary and the visual impact is minimal shall be on the applicant. Materials that are not necessary for the immediate and regular operation of the facility shall be stored outside of the shoreline buffer.
- L. **Permanent instream facilities.** Permanent water-dependent instream facilities must be properly anchored or keyed to prevent the channel from migrating around it and causing erosion or creating a safety hazard, and must evaluate and mitigate any potential adverse effects on adjacent properties upstream and downstream.
- M. **Product processing.** No processing of any aquaculture product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms after harvest, shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be subject to the policies and regulations of Section 5.7, Commercial Development and/or Section 5.11, Industry, when located within shoreline jurisdiction, in addition to the policies and regulations in this section.
- N. **Waste disposal.** Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water

Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

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

5.5 Boating Facilities

Public, community or private boat launch facilities shall be subject to the policies and regulations of this Section. Buoys associated with these facilities are also subject to these policies and regulations. Policies and regulations for moorage or launch facilities serving four or fewer single-family residences would be located in Section 5.14, Private Moorage or Boat Launch Facilities, and are prohibited in the City of Cashmere.

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

5.5.1 Policies

- A. **Recognize that boating facilities are water-dependent uses.** Boating facilities, including public boat launch facilities, are water-dependent uses. When facilitating public access or providing an opportunity for substantial numbers of people to enjoy the shoreline, these uses should be given priority for shoreline location. Shorelines particularly suitable for public boat launch facilities are limited and should be identified and reserved to prevent irreversible commitment for other uses having less stringent site requirements.
- B. **Plan and coordinate boating facilities regionally.** Regional needs for boat launch facilities should be carefully considered in reviewing new proposals as well as in allocating shorelines for such development. Such facilities should be coordinated with park and recreation plans and, where feasible, collocated with other compatible water-dependent uses. Review of such facilities should be coordinated with recreation providers,

including other local governments, adjacent counties, the Washington State Parks and Recreation Commission, and the Washington State Department of Natural Resources, to efficiently provide recreational resources, avoid unnecessary duplication, and minimize adverse impacts to shoreline ecological functions and processes.

- C. **Minimize modifications.** Boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover are preferred.
- D. **Limitations on accessory uses.** Accessory uses at boating facilities should be limited to water-oriented uses, or uses that provide physical and/or visual shoreline access for substantial numbers of the general public. Nonwater-dependent accessory uses should be located outside of the shoreline buffer or outside of shoreline jurisdiction whenever possible.
- E. **Protect other water-dependent uses.** Boating facilities should be located, designed and operated so that other appropriate water-dependent uses are not adversely affected.
- F. **Minimize impacts to adjacent uses and users.** Boating facilities should be located, designed, constructed and maintained to avoid adverse impacts such as noise, light and glare; aesthetic impacts to adjacent land uses; and impacts to public visual access to the shoreline.
- G. **Site facilities appropriately.** New boating facilities should be located only at sites where suitable environmental conditions, shoreline configuration, access, and compatible or similar uses are present. For these reasons, all docks and marinas should be prohibited in the City of Cashmere.
- H. **No net loss of ecological functions.** Boating facilities should be located and designed to ensure no net loss of ecological functions or other significant adverse impacts, and should, where feasible, enhance degraded and/or scarce shoreline features.
- I. **Consider navigation and other recreation opportunities.** Boating facilities should not unduly obstruct navigable waters and should consider adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing.

5.5.2 Regulations

A. Location Standards.

1. Boating facilities shall not be permitted within the following shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project results in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this SMP:
 - a. Native aquatic vegetation or wetlands with emergent vegetation (marsh type areas), or
 - b. Spawning and holding areas for priority anadromous or priority resident fish.

Projects located in these habitats must obtain a Shoreline Conditional Use Permit.

2. New boating facilities shall not be permitted in channel migration zones, or areas where dredging will be required to create or maintain the new facility, where a flood hazard will be created, or where impacts to shoreline ecological functions and processes cannot be mitigated. To the extent feasible, expansions of existing boating facilities should be designed to minimize the need for new or maintenance dredging.
3. Boating facilities shall be located and designed in a manner that eliminates the need for shoreline stabilization. When the need for stabilization is unavoidable, as indicated by a study prepared consistent with SMP Section 5.18, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms shall be permitted.
4. Boating facilities shall not be located within 200 feet of beaches commonly used for public swimming, valuable public fishing areas, aquaculture facilities, or commercial navigation areas unless no alternative location exists and appropriate measures are installed or best management practices are implemented to minimize impacts to such areas and protect the public health, safety and welfare. For example, clearly delineating swimming, fishing or boating areas through upland signage, wake limit buoys, and/or floating swim area marker ropes.

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5. Launch ramps shall be located where 1) there is adequate water mixing and flushing; 2) they will not adversely affect flood channel capacity or otherwise create a flood hazard; 3) water depths are adequate to eliminate or minimize the need for dredging or filling; and 4) critical areas, active channel migration areas, and salmonid spawning habitat is not present.
6. Boating facilities shall be located only where adequate utility services that are necessary to meet applicable health, safety and welfare requirements, such as water, power and/or wastewater collection and treatment, are available or where they can be provided concurrent with the development.
7. Long-term boat storage located landward of the OHWM is regulated as a nonwater-oriented commercial use under Section 5.7, Commercial Development of this SMP, unless it is equipped with a boat launch facility (either launch ramp, crane, hoist or similar device). If the storage use is equipped with a boat launch facility, it is regulated as a water-related commercial use. The dry boat storage portion shall be located landward of the shoreline buffers, unless there are site constraints that prevent the boats from being moved inland. In all cases, boat storage shall comply with applicable height restrictions.

B. Facility Design.

1. Consistent with requirements for mitigation sequencing in Section 4.2, Ecological Protection and Critical Areas and provisions in Section 5.2, General Aquatic Shoreline Modification and Use Regulations of this SMP, all private and public boating facilities shall be designed and located to avoid and then minimize potential adverse impacts. All unavoidable adverse impacts must be mitigated, and a mitigation plan submitted consistent with Subsection F, Submittal Requirements, below.
2. All private and public boating facilities shall be no larger than the minimum size necessary to accommodate the anticipated demand. Specifically, the size and number of in-water structures, the waterward length of the facility, and the extent of any necessary associated shoreline stabilization or modification shall be minimized. Specific sizing of all private and public boating facility components shall be based on the results of the analyses conducted under Subsection F, Submittal Requirements, below.

3. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration for site-specific conditions and the particular needs of that use outlined in the submittal requirements in F below. At a minimum, they shall minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.
4. New over-water residences, including floating homes and liveaboards, are not a preferred use and shall be prohibited.
5. Replacement of Existing Boating Facilities. Proposals involving replacement of 75 percent or more of an existing boat launch are considered a new boating facility and must be designed consistent with any dimensional, materials and mitigation standards for new boating facilities as outlined above in Sections 5.5.2.A and B.1-3, except the Shoreline Administrator may approve an alternative design without a Shoreline Variance if it meets all of the following criteria:
 - a. All appropriate Federal agencies have already approved the proposal; and
 - b. The total square footage of the replacement facility is no larger than the existing facility.
6. Additions to Boating Facilities. Proposals involving the modification and/or enlargement of existing boating facilities must comply with the following measures:
 - a. The applicant must demonstrate to the satisfaction of the City that there is a need for the enlargement of an existing boating facility. Proposals that demonstrate an enlargement is necessary due to increased or changed use or demand, safety concerns, or inadequate depth of water will be considered.
 - b. Enlarged portions of boating facilities must comply with applicable dimensional, design, materials and mitigation standards for new boating facilities as described in Sections 5.5.2.A and B.1-3.

7. Repair of Existing Boating Facility.
 1. Repair proposals which replace 75 percent or greater of the boat launch area are considered replacements and must comply with requirements for replacement facilities.
 2. Other repairs to existing legally established boating facilities are permitted consistent with all other applicable codes and regulations and provided that materials standards for new facilities are followed.

C. Site Design and Operation.

1. Boating facilities shall be designed so that lawfully existing or planned public shoreline access is not blocked, obstructed nor made dangerous.
2. Accessory uses at boating facilities shall be limited to water-oriented uses or uses that support physical or visual shoreline access the public. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.

D. Parking and Vehicle Access. Public boat launch facilities shall include parking spaces for boat trailers commensurate with projected demand. All boating facilities shall provide parking facilities commensurate with projected demand and consistent with Section 5.19 of this SMP and local zoning standards.

E. Waste Disposal.

1. Discharge of solid waste or sewage into a waterbody is prohibited. Garbage or litter receptacles shall be provided and maintained by the operator at several locations convenient to users.
2. Commercial disposal or discarding of fish-cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles is prohibited. Private recreational fish waste disposal is allowed.

F. Submittal Requirements.

1. Applicants shall provide an assessment of demand for new or expanded boating facilities, including, but not limited to, the following:
 - a. For new or expanded boat launch ramps, identification of the nearest existing boat launch facility, the expected or current level of use of the new or expanded boat launch ramp, and any other relevant factors related to the need for safe or efficient access to public waters, if that information supports justification for specific design elements;
 - b. The expected service population and boat ownership characteristics of the population, if that information supports justification for specific design elements related to facility length or necessary water depth; and/or
 - c. Existing approved facilities, or pending applications, within the service range of the proposed new facility.
2. Applicants for new or expanded boating facilities shall provide habitat surveys and critical area studies consistent with Section 4.2, Ecological Protection and Critical Areas and Appendix B, Critical Areas Regulations. If the project results in unavoidable adverse impacts to ecological functions or processes, a mitigation plan must be prepared using the process and standards outlined in Section 5.5.2.G, Mitigation. In addition, the mitigation plan shall discuss how the proposed project avoids and minimizes impacts consistent with the facility's sizing needs, which are to be based on the results of any habitat survey/critical area study and the demand analysis prepared under F.1 above. A slope bathymetry map may be required when deemed beneficial by the Shoreline Administrator for the review of the project proposal.
3. Applicants for new or expanded boating facilities shall provide an assessment of existing water-dependent uses in the vicinity, including, but not limited to, navigation, fishing, hunting, pleasure boating, swimming, beach walking, picnicking and shoreline viewing, and document potential impacts and mitigating measures. The City will assist the applicant in identification of area water-dependent uses. Potential impacts on these resources shall be considered in review of proposals and specific conditions to avoid or minimize impacts shall be imposed.

4. New boat launch facilities shall be approved only if they provide public access to public waters that are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity. Prior to providing boat launch facilities at a new location, documentation shall be provided demonstrating that expansion of existing launch facilities would not be adequate to meet demand.

G. Mitigation

1. Consistent with the mitigation sequencing steps outlined in Section 4.2.2, Ecological Protection and Critical Areas, new or expanded boating facilities should be first designed to avoid and then minimize impacts, prior to pursuing mitigation.
2. Mitigation proposals shall provide mitigation at a one to one (1:1) ratio by area of aquatic alteration to mitigation action using any of the potential measures listed under G.4 below. Applicants should consult with other permit agencies, such as Washington Department of Fish and Wildlife and/or U.S. Army Corps of Engineers, for additional specific mitigation requirements.
3. Applicants wishing to propose an alternate mitigation strategy may submit a mitigation plan prepared by a qualified professional that provides one unit of mitigation for each unit of lost function unless justified as outlined in regulation 4.2.2.F. The type and degree of potential adverse impacts typically associated with boating facilities varies considerably by waterbody, location with a waterbody, and design of the structure. Potential adverse impacts may include substrate disturbance and alteration, vegetation disturbance or alteration, increases in sensitive species predation, increases in shoreline hardening, or reduction in presence or benefit of terrestrial vegetation adjacent to the water, among others. The mitigation provided shall be consistent with Section 4.2, Ecological Protection and Critical Areas. The proposed mitigation plan shall include a discussion of how the proposed mitigation adequately compensates for any lost functions.
4. For new development and modification or reconstruction of legally existing structures, appropriate mitigation may include one or more of the following measures, or other measures when consistent with objective of compensating for adverse impacts to ecological function:

- a. Removal of any additional legal existing over-water and/or in-water structures that are not the subject of the application or are not otherwise required to be removed because they are not legal.
- b. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of trees and/or shrubs native to Chelan County and typically found in undisturbed areas adjacent to the subject waterbody. When shoreline plantings are the only mitigation option for a given proposal, the additional aquatic alteration area shall be compensated for at a 1:1 planting area ratio (unless modified as described in Section 4.2.2.C or 4.2.2.F) with required trees planted on 10-foot centers and/or shrubs planted on 5-foot centers. Native groundcover can be supplemental to the planted shoreline area, but does not count toward the total square footage requirement. Applicants may utilize species found on the native plant list described in SMP Section 4.5.1.C.
- c. Removal or ecological improvement of hardened shoreline, including existing launch ramps or hard structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel and/or cobbles and incorporating vegetation or large woody debris.
- d. Removal of man-made debris waterward of the OHWM, such as car bodies, oil drums, concrete or asphalt debris, or other material detrimental to ecological functions and ecosystem-wide processes.
- e. Placement of large woody debris if consistent with local, state and/or federal regulations.
- f. Participation in an approved mitigation banking or in-lieu-fee program.

5.6 Breakwaters, Jetties, Groins, Weirs and Barbs

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

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In addition to this section, development of breakwaters, jetties, groins, weirs, and barbs is also subject to provisions in Section 5.12 (In-stream Structures).

5.6.1 Policies

- A. **Allowed circumstances.** Breakwaters and jetties should be prohibited. Groins, weirs and barbs located waterward of the OHWM should be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- B. **Regional benefit and no net loss of ecological functions.** Groins, weirs and barbs should be permitted only for water-dependent uses when the benefits to the region outweigh short-term resource losses from such works, and only where mitigated to provide no net loss of shoreline ecological functions and processes.
- C. **Shoreline Conditional Use Permit required.** Groins, weirs, barbs and similar structures should require a Shoreline Conditional Use Permit, except for those structures installed to protect or restore ecological functions, such as woody debris, engineered log jams, or habitat-forming rock weirs.
- D. **Protect critical areas.** Groins, weirs and barbs should be designed to protect critical areas and should provide for mitigation according to the sequence defined in Section 4.2.2.A.

5.6.2 Regulations

- A. **No net loss of ecological functions.** New, expanded or replacement structures shall only be permitted if it can be demonstrated that the proposed development will not result in a net loss of shoreline ecological functions. All structures must be designed using mitigation sequencing as defined in Section 4.2.2.A to minimized adverse impacts on ecological functions and critical areas, and must mitigate any adverse impacts.
- B. **Allowed circumstances.** New, expanded or replacement structures shall only be permitted if they support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- C. **Prohibited and Conditional Uses.** Jetties and breakwaters are prohibited. Groins, weirs, barbs and similar structures shall require a Shoreline Conditional Use Permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
- D. **Limitations on groins.** Groins are prohibited except where installed to protect or restore shoreline ecological functions or processes.

- E. **Limit size of structures.** The size of groins, weirs and barbs shall be limited to the minimum necessary as determined by a qualified professional (see 5.6.2.F) to provide protection for the structure or use it is intended to protect.
- F. **Professional design.** Proposed designs for new or expanded structures shall be designed and certified by a qualified professional, including an engineer, hydrologist, or geomorphologist.
- G. **State-owned aquatic lands.** Proposals on state-owned aquatic lands shall be consistent with the Washington Department of Natural Resources Aquatic Land Management standards (WAC 332-30, RCW 79.105).

5.7 Commercial Development

5.7.1 Policies

- A. **Encourage water-oriented uses.** Water-oriented commercial developments which provide an opportunity for substantial numbers of people to enjoy the amenities of the shorelines should be encouraged to locate near the water. Nonwater-oriented commercial development should be encouraged to locate landward or outside shoreline jurisdiction.
- B. **Commercial use preferences.** Preference should be given for water-dependent commercial uses above water-related uses. Water-related uses should have priority above water-enjoyment uses. All water-oriented commercial uses have preference over nonwater-oriented commercial uses.
- C. **Shoreline Tourist Facilities.** Development of additional resort, motel, restaurant and related tourist facilities should be encouraged.
- D. **Location in existing commercial areas.** New commercial development should be encouraged to locate in those areas where current commercial uses exist. The City should promote the development of incentive programs that reward the continued use, maintenance, development and revitalization of land and buildings within established commercial areas.
- E. **Design.** The City should encourage new businesses that will, through excellence of design and the nature of the use, provide long-term benefit to the people of Cashmere. New commercial development should be designed to provide economic activity meeting the needs of residents, businesses, and tourists, protect the public's health, safety, and welfare, protect shoreline ecological functions, and provide public access where

feasible and consistent with constitutional limits. The City should implement the following design objectives when considering commercial uses in shoreline jurisdiction:

1. Encourage adequate vehicular and pedestrian circulation patterns in commercial areas and provide linkages to other land use activities where practical.
2. Develop adequate standards for off-street parking sensitive to the diverse needs of commercial uses.
3. Encourage landscaping that provides unity to commercial developments, and which screens or softens parking lots and unsightly areas, particularly in the transition areas between commercial and residential land uses.
4. Require on-site commercial preparation such as street access, parking, surface drainage, utilities, water systems and sewer systems, by private developers or through appropriate public/private partnerships.

5.7.2 Regulations

- A. **Water-oriented uses allowed.** Water-dependent, water-related, and water-enjoyment uses are permitted where allowed by zoning and this SMP. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment uses. The applicant shall demonstrate to the satisfaction of the City that proposed uses meet the definitions of water-dependent, water-related or water-enjoyment (water-oriented use).
- B. **Residential uses as part of mixed use development.** Nonwater-oriented uses, including but not limited to residential uses, may be located with water-oriented commercial uses provided:
 1. The mixed-use project includes one or more water-dependent uses.
 2. Water-dependent commercial uses as well as other water-oriented commercial uses have preferential locations along the shoreline.
 3. The underlying zoning district permits residential uses together with commercial uses.
 4. Public access is provided for significant number of persons in accordance with Section 4.4, and/or ecological restoration is provided as a public benefit.

5. Residential uses meet requirements of Section 5.16 of this SMP.
- C. **Nonwater-oriented commercial uses limited.** In areas designated for commercial use, nonwater-oriented commercial uses are allowed if the site is physically separated from the shoreline by another property or public right of way. On properties fronting the shoreline, new nonwater-oriented commercial development is prohibited in shoreline jurisdiction, except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration and meets one of the following conditions:
 1. The use is part of a mixed-use project that includes water-dependent uses; or
 2. Navigability is severely limited at the proposed site, such as not available for commercial navigation.
 - D. **Overwater uses.** Nonwater-dependent commercial uses shall not be located over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.
 - E. **Accessory uses to water-oriented commercial activities.** Accessory commercial development that does not require a shoreline location shall be located landward of the water-oriented portions of the development and comply with shoreline buffers for nonwater-oriented uses. Accessory uses may be allowed in existing structures or where necessary in support of water-oriented uses. Accessory development includes, but is not limited to, parking, storage and service areas, and circulation.
 - F. **Environmental protection.** Commercial development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and without significant adverse impacts to other preferred land uses and public access features.
 - G. **Public access.** See Section 4.4.

5.8 Dredging and Dredge Material Disposal

As regulated in this SMP, dredging is the excavation or displacement of the bottom or shoreline of a waterbody (waterward of the OWHM) for purposes of flood control, navigation, utility installation (excluding on-site utility features serving a primary use, which are "accessory utilities" and shall be considered a part of the primary use), the construction or modification of essential public facilities and regional transportation facilities, and/or restoration (of which the

primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose). This section is not intended to cover other excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement). These in-water substrate modifications should be conducted pursuant to regulations found in Section 5.2, General Aquatic Shoreline Modification and Use Regulations, Section 5.9, Fill and Excavation, and regulations found in sections of this Master Program governing the use or modification with which the excavation is associated, such as Section 5.5, Boating Facilities or Section 5.18, Shoreline Stabilization.

All dredging and dredge material disposal on state-owned aquatic lands must comply with all state and federal standards, regulations, and permitting.

5.8.1 Policies

- A. **Permitted.** Dredging should be permitted for water-dependent uses and/or essential public facilities only when necessary and when alternatives are infeasible or less consistent with this SMP. Dredging as part of flood hazard abatement, ecological restoration or enhancement, beach nourishment, public access or public recreation should be permitted if consistent with this SMP.
- B. **Prohibited.** Dredging of bottom materials for the primary purpose of obtaining material for fill, construction, or beach nourishment should not be permitted.
- C. **Disposal.** Spoil disposal on land outside of shoreline jurisdiction is generally preferred over open water disposal. Disposal of dredged material on shorelands or wetlands within a river's channel migration zone should be discouraged.
- D. **Cooperative management programs.** Long-term cooperative management programs that rely primarily on natural processes, and involve land owners and applicable local, State and Federal agencies and tribes, should be pursued to prevent or minimize conditions which make dredging necessary.
- E. **Siting and design.** New development should be sited and designed to avoid or, where avoidance is not possible, to minimize the need for new maintenance dredging.
- F. **Ecological impacts.** Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts.

Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

- G. **Navigation channels and basins.** Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized locations, depths and widths.

5.8.2 Regulations

- A. **Siting and design.** New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
- B. **Allowed dredging activities.** Dredging shall only be permitted for the following activities:
1. Development of new or expanded wet moorages, harbors, ports or water-dependent industrial uses only when there are no feasible alternatives or other alternatives may have a greater ecological impact and only where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.
 2. Development of essential public facilities when there are no feasible alternatives.
 3. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes. The City may approve five-year management plans addressing maintenance dredging, use of best management practices, and other measures to assure no-net-loss of shoreline ecological functions.
 4. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
 5. Trenching to allow the installation of underground utilities (excluding "accessory utilities" associated with a primary use) if no practicable alternative exists, and:

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- a. Impacts to fish and wildlife habitat are minimized to the maximum extent possible, which may require mitigation sequencing and implementation of a mitigation plan.
 - b. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
 - c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
6. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses.
 7. Maintenance dredging of established navigation channels and basins, which shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
 8. Flood hazard reduction, including dam maintenance.
- C. **Prohibited dredging activities.** Dredging shall be prohibited for the primary purpose of obtaining fill material, except that permitted under Section 5.13, Mining and except when necessary for restoration of ecological functions. In the latter circumstance, the fill must be placed waterward of the OHWM. The project must be either associated with a MTCA (Model Toxins Control Act) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.
- D. **Maintain ecological functions and processes.** The physical alignment and ecological functions and processes of shoreline waterbodies shall be maintained, except to improve hydraulic function, water quality, fish or wildlife habitat, or fish passage. Consistent with the mitigation sequencing steps outlined in Section 4.2.2, Ecological Protection and Critical Areas, dredging and dredge disposal proposals should be first designed to avoid and then minimize potential adverse impacts. Where adverse impacts are unavoidable, mitigation shall be required. When required, mitigation plans shall be prepared by a qualified professional and shall be consistent with the relevant plan requirements of the appropriate responsible government in Appendix B, Critical Areas Regulations.

- E. **Conditions may be applied.** Limitations on dredge or disposal operation may be imposed to reduce proximity impacts, protect the public safety and assure compatibility with the interests of other shoreline users. Conditions may include limits on periods and hours of operation, type of machinery, and may require provision of landscaped buffer strips and/or fencing to address noise and visual impacts at land disposal or transfer sites.
- F. **Circumstances when disposal is allowed.** Dredge material disposal within shoreline jurisdiction is permitted under the following conditions:
1. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and
 2. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.
- G. **Disposal of dredge material within channel migration zone discouraged.** Disposal of dredge material on shorelands or wetlands within a river's channel migration zone is discouraged. In the limited instances where it is allowed, such disposal requires a Shoreline Conditional Use Permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.
- H. **Circumstances when open water dredge disposal is allowed.** Dredge material disposal in open waters may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA); and when one of the following conditions apply:
1. Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or
 2. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.
- I. **Open water dredge disposal conditions.** Dredge materials approved for disposal in open waters shall comply with the following conditions:

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1. Offshore habitat will be protected, restored, or enhanced;
2. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
3. Shifting and dispersal of dredge material will be minimal; and
4. Water quality will not be adversely affected.

J. **Submittal requirements.** The following information shall be required for all dredging applications:

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

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

5.9 Fill and Excavation

Fill regulations in this section apply to fills anywhere in shoreline jurisdiction, in both aquatic and upland environments. "Fill" is the addition of soil, sand, rock,

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

Excavation regulations in this section apply to excavation anywhere in shoreline jurisdiction. "Excavation" is the disturbance or displacement of unconsolidated earth material such as silt, sand, gravel, soil, rock or other material. In addition to upland excavation, this section is intended to cover excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., bulkhead replacements, large woody debris installations, boat launch ramp installation, pile placement). See Section 5.8, Dredging and Dredge Material Disposal for dredging for purposes of flood control, navigation, primary utility installation, the construction of water-dependent portions of essential public facilities, and/or restoration whose primary project element is removal of material waterward of the OHWM.

All fill and excavation on state-owned aquatic lands must comply with all state and federal agency standards, regulations, and permitting.

5.9.1 Policies

- A. **Minimize fill and excavation.** Fill and excavation should only be permitted to the minimum extent necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes. Enhancement and voluntary restoration of landforms and habitat are encouraged.
- B. **Location.** Fills and excavation should be located and developed so that water quality, hydrologic and runoff patterns are not altered.
- C. **Shoreline stabilization.** Fill should not be allowed where shoreline stabilization would be required to maintain the materials placed.
- D. **Restoration.** Excavation and grading may be permitted landward of the OHWM of a waterbody for projects with the primary purpose of restoring ecological functions and natural character.
- E. **Creation of uplands.** Fill in waterbodies, floodways, channel migration zones, and/or wetlands should not be permitted for creation of new uplands, unless it is part of an approved ecological restoration activity or provides some other public benefit.
- F. **Permitted Fill.** Fill should be permitted in limited instances to restore uplands where recent erosion has rapidly reduced upland area where the erosion has not been caused by the landowners own actions of vegetation

removal or improper stormwater handling, to build protective berms outside required buffers and nourish beaches for shore stabilization or recreation, to restore or enhance degraded shoreline ecological functions and processes, or to facilitate upland development outside required buffers otherwise allowed by and consistent with this SMP.

- G. **Benefits and impacts.** The predicted economic benefits of fills and excavation should be weighed against long-term cumulative impacts on ecological processes and functions.

5.9.2 Regulations

- A. **Protect ecological function.** All fills and excavations shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Fill and excavation shall be minimized to the maximum extent practicable and necessary to accommodate approved shoreline uses and development activities that are consistent with this SMP. When fill or excavation causes adverse impacts to ecological functions, a mitigation plan must be prepared and implemented consistent with Section 4.2 of this SMP.
- B. **Permissible fill and excavation.** Fill and excavation within wetlands, floodways, channel migration zones, or waterward of the OHWM shall only be permitted in limited instances for the following purposes and when other required state or federal permits have been obtained, with due consideration given to specific site conditions, and only along with approved shoreline use and development activities that are consistent with this SMP, such as:
 - 1. Water-dependent uses, public access, and cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
 - 2. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers (see Section 5.8.2 of this SMP);
 - 3. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible;
 - 4. Ecological restoration or enhancement, including, but not limited to, beach nourishment, habitat creation, culvert upgrades to

improve fish and flow passage, or bank restoration when consistent with an approved restoration plan; or

5. Protection of cultural or historic resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills must be coordinated with any affected Indian tribes and comply with applicable provisions of Section 4.1.2 of this SMP.

All fills and excavation waterward of the OHWM not associated with ecological restoration, flood control or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

All other upland fills are permitted provided they are conducted outside required buffers and as part of an approved shoreline use or modification or are necessary to provide protection to cultural or historic resources, are the minimum necessary to implement the approved use or modification, do not significantly change the topography of the landscape in a manner that affects the hydrology or increases the risk of slope failure, and are consistent with applicable provisions of Appendix B, particularly regulations governing floodways and 100-year floodplains.

- C. **Shoreline stabilization.** Fills or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed, except when part of an approved plan for protection of cultural resources.
- D. **Physical and visual consistency.** Fills, beach nourishment and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long term appropriate use including lawful access and enjoyment of scenery.
- E. **Maximum slopes.** Cut and fill slopes shall generally be sloped no steeper than one foot vertical for every two feet horizontal (1:2) unless a specific engineering analysis has been provided.
- F. **Erosion control.** A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the Stormwater Management Manual for Eastern Washington, or the most recent adopted stormwater manual, shall be provided for all proposed fill and excavation activities, and approved by the Shoreline Administrator prior to commencement of activity. Disturbed areas shall be immediately protected from erosion using weed-free straw, mulches, hydroseed, or similar methods and revegetated, as applicable.

5.10 Forest Practices

Forest practices are prohibited in the City of Cashmere.

5.11 Industry

5.11.1 Policies

- A. **Industrial use preference.** Industries are an appropriate land use along shorelines where compatible with existing land use plans and zoning. However, first priority should be given to water-dependent industries over nonwater-dependent uses, and second priority to water-related industries over nonwater-oriented uses.
- B. **Promote Existing Sites.** The City should promote retention, expansion, and revitalization of existing industrial areas that are desirable for continued use. The City should promote revitalization of existing vacant industrial sites, and vacant structures.
- C. **Industries requiring navigable water.** Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.
- D. **Environmental limitations.** Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.
- E. **Water and wastewater facilities.** Sewage treatment and potable water facilities should be located with consideration for economic operation and compatibility with surrounding uses, designed to assure no net loss of ecological functions, and designed not to have significant adverse impacts to other shoreline resources and values.
- F. **Cleanup and restoration.** Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.
- G. **Design.** The City should promote the following design objectives when reviewing new industrial development in shoreline jurisdiction:
 - 1. Require standards that place service entrances and storage facilities in the areas least visible to the public and any adjacent, less intense land uses.
 - 2. Locate industrial activities where roads have capacity to provide for the heavy demands of industrial traffic.

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3. Promote industrial site planning that internalizes negative effects by incorporating greenbelt buffers; landscaping; adequate utilities; noise, air and water pollution control devices; and attractive fencing or similar measures.
4. Encourage variety and innovative design in industrial site development, and promote an attractive, high quality environment for industrial activities through good landscaping, parking and building designs, particularly where land uses of distinct character or intensity adjoin.
5. Integrate parking area design with landscape design in a way that reduces the visual impact of impervious surfaces and provides screening of parking from public view. Design features should include provisions for landscaping adjacent to buildings and walkways, and for parking areas to be located behind buildings and away from areas of high public visibility.

5.11.2 Regulations

- A. **Water-dependent or water-related uses allowed.** Industrial facilities and structures that are water-dependent or water-related are permitted where allowed by zoning and this SMP. The applicant shall demonstrate to the satisfaction of the City that proposed uses are water-dependent and/or water-related.
- B. **Nonwater-oriented industrial uses limited.** In areas designated for industrial use, new nonwater-oriented industrial uses are allowed only if the site is physically separated from the shoreline by another property or public right-of-way or railroad prior to adoption of this SMP July 3, 2014. On properties fronting the shoreline, new nonwater-oriented industrial development is prohibited in shoreline jurisdiction, except where such use provides a significant public benefit with respect to the Act's objectives, such as providing public access and ecological restoration, and meets one of the following conditions:
 1. The use is part of a mixed-use project that includes water-dependent uses; or
 2. Navigability is severely limited at the proposed site such as not available for commercial navigation.
- C. **Accessory uses to water-dependent or water-related industrial activities.** Accessory industrial development that is not water-dependent and does not require a shoreline location shall be located upland of the

water-dependent or water-related portions of the development and comply with shoreline buffers found in Section 4.5.2. Accessory development includes, but is not limited to, parking, warehousing, open-air storage, waste storage and treatment, and transportation corridors.

- D. **Environmental protection.** Industrial development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and without significant adverse impacts to other preferred land uses and public access features.
- E. **Public access.** See SMP Section 4.4.
- F. **Clean up and Restoration.** Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. Federal and state requirements for hazardous materials clean up or management shall be addressed.

5.12 In-Stream Structures

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

5.12.1 Policies

- A. **Long-term compatibility.** In-stream structures should be planned and designed to be compatible with appropriate multiple uses of resources over the long-term, especially in Shorelines of Statewide Significance. Appropriate multiple uses include, but are not limited to, public access, recreation, and fish migration. **Considerations.** The location, design, construction and maintenance of in-water structures should give due consideration to the full range of public interests; watershed processes, including prevention of damage to other properties and other shoreline resources from alterations to geologic and hydrologic processes; and ecological functions, with special emphasis on protecting and restoring priority habitats and species.
- C. **Siting and design.** In-stream structures shall be sited and designed consistent with appropriate engineering principles, including, but not limited to, guidelines of the Washington Department of Fish and Wildlife, Natural Resources Conservation Service, and the U.S. Army Corps of Engineers. Planning and design of in-stream structures should be

consistent with and incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.

- D. **Non-structural and non-regulatory alternatives.** Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to in-water structures. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
- E. **Prohibited development and uses.** New or expanding development or uses in the shoreline, including subdivision of land, that would likely require structural flood control works within a stream, river, channel migration zone, or floodway should not be allowed.
- F. **Enhance ecological function.** In-stream structure proposals should incorporate native vegetation to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management. Such features include vegetated berms; vegetative stabilization including brush matting and buffer strips; and retention of existing trees, shrubs and grasses on stream banks, if possible.

5.12.2 Regulations

- A. **Prohibited projects.** Channelization projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, result in a net loss of ecological functions or result in high flood stages and velocities are prohibited.
- B. **Soil stabilization.** Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be stabilized with bioengineering approaches, including, but not limited to brush matting and buffer strips and revegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes. In order to ensure soil stabilization, revegetation must include native shrubs or trees and may not be limited to native grasses.
- C. **Water quality.** In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City shall require reasonable conditions to achieve this objective.

- D. **Prohibited structures.** No motor vehicles, appliances, other similar structures or parts thereof; nor structure demolition debris; nor any other solid waste shall be used as in-water structures.
- E. **Natural features.** Natural in water features such as snags, uprooted trees, or stumps shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.
- F. **Protect functions, processes and cultural resources.** In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
- G. **Design.** In-stream structures shall be designed by a qualified professional. In-stream structures shall allow for natural groundwater movement and surface runoff, and shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided channels. In-stream structures shall not be a safety hazard or obstruct water navigation as determined by the Shoreline Administrator.
- H. **Dam siting and design.** The design of all dams and the suitability of the proposed site for dam construction shall be certified by a professional engineer licensed in the State of Washington. The professional design shall include a maintenance schedule. Evaluation of the suitability of the dam shall include a downstream safety analysis.
- I. **Dam maintenance agreement and bond.** For all dams that are not regulated by either the Federal Energy Regulatory Commission licensing procedures, or the Ecology reservoir permit requirements, a construction bond and maintenance agreement shall be filed with the City prior to construction. The bond or surety shall be approved by the Shoreline Administrator and shall be in a form acceptable to the City. The construction bond shall be equal to at least one hundred fifty percent of the estimated cost of the improvement(s) to be performed, to be utilized by the City to perform any necessary work, to reimburse the City for performing any necessary work, and to reimburse the City for documented administrative costs associated with action on the device. To determine this value, the applicant must submit two cost estimates for the

improvements to be performed. If costs incurred by the City exceed the amount provided by the assurance device, the property owner shall reimburse the City in full, or the City may file a lien against the subject property for the amount of any deficit. The maintenance agreement shall specify who is responsible for maintenance, shall incorporate the maintenance schedule specified by the design engineer, shall require annual inspections by a civil engineer licensed in the State of Washington, and shall stipulate abandonment procedures which shall include, where appropriate, provisions for site restoration.

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

5.13 Mining

5.13.1 Policies

- A. **Type.** Only recreational in-water mining should be allowed in shoreline jurisdiction.
- B. **Ecological function.** Mining should be designed and conducted to result in no net loss of shoreline ecological functions and processes.

5.13.2 Regulations

- A. **Type.** Recreational in-water mining is allowed in shoreline jurisdiction. All other types of mining in shoreline jurisdiction are prohibited.
- B. **Recreational mining.** Mining using hand-held mineral prospecting tools, such as gold pans, and more intensive recreational mining, using devices such as suction dredges, shall strictly follow the requirements of the Washington Department of Fish and Wildlife's Gold and Fish Pamphlet, including any applicable timing restrictions. Any mining in the Channel Migration Zone shall require a conditional use permit.
- C. **No Net Loss.** Recreational in-water mining operations shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features and habitats. Mitigation, if needed, shall provide for the feature's replacement at equal value.

5.14 Private Moorage or Boat Launch Facilities

Private moorage and boat launch facilities serving four or fewer residential units are prohibited in the City of Cashmere.

5.15 Recreational Development

5.15.1 Policies

- A. **Promote recreation and public access.** Developments and uses should be designed and operated to provide the public with recreational areas, facilities, and access to the shorelines.
- B. **Support facilities and access.** Recreational areas should be supported by multi-use trails and parking to prevent undue concentration and pressure on fragile natural areas. Parking is not a preferred shoreline use, and should be located only as necessary to support an authorized use, minimizing environmental and visual impacts.
- C. **Pedestrian-oriented.** Direct access to the water should be via paths, walkways, or other pedestrian-oriented features. Vehicular traffic on beaches and fragile shorelines should be prohibited.
- D. **Public acquisition.** To reduce overcrowding of current facilities and avoid adverse impacts on adjacent properties, the increased public acquisition and dedication of land for shoreline parks and recreation areas are encouraged.
- E. **Grounds management.** The use of fertilizers, herbicides, and pesticides to maintain recreational facilities such as golf courses and playfields should be closely monitored to prevent contamination of waterbodies by runoff. Management that utilizes organic treatments, integrated pest management, or non-synthetic chemicals is preferred where feasible and practical over management that utilizes synthetic chemicals.
- F. **Prevent impact to private property.** The location, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby private properties.
- G. **Scenic views and vistas.** Scenic views and vistas should be preserved in the design of recreational facilities, wherever practical.
- H. **State and Federal recreation use preferred to local acquisition.** As an economical alternative to new acquisition by local agencies, the use of State and Federal lands for recreational facilities should be considered.

Federal and state-owned shorelines are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public.

5.15.2 Regulations

- A. **Design.** Recreational uses and facilities, both commercial and public, shall be designed to be primarily related to access, enjoyment and use of the water and shorelines of the state.
- B. **Use consistency.** Proposed recreation uses shall be designed, located and operated consistent with the purpose and intensity of the shoreline environment designation and environmental conditions.
- C. **Accessory uses.** Accessory uses and support facilities such as maintenance facilities and parking lots shall be consolidated and located in upland areas outside shoreline, wetland and riparian buffers to the extent feasible, except for access to water-dependent facilities such as boat launches.
- D. **Public access.** See SMP Section 4.4.
- E. **Fertilizer and chemical management.** For recreation developments such as golf courses and playfields that use fertilizers, pesticides, or other chemicals, the applicant shall submit plans demonstrating the best management practices and methods to be used to prevent these chemical applications and resultant leachate from entering adjacent waterbodies. Management that utilizes organic treatments, integrated pest management, or non-synthetic chemicals are preferred over management that utilizes synthetic chemicals where feasible and practical.
- F. **Compatibility with adjacent private properties.** Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent overflow onto adjacent private properties.
- G. **Adequate utilities and services.** Proposals for recreational development shall include facilities for water supply, wastewater, and garbage disposal in conformance with City standards.
- H. **Environmental protection.** Recreational development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.
- I. **Management Plans.** In order to simplify the future review of exempt and non-exempt activities that are or will be ongoing in association with new or redeveloped public parks and recreation proposals, the City shall

develop and review five-year recreation management plans addressing public recreation facility operations and maintenance, use of best management practices, and other measures to assure no net loss of shoreline ecological function. Management plans are optional for existing public parks and recreation facilities or expansions of existing parks and recreation facilities that impact areas equal to or smaller than one-half acre.

1. New recreation proposals or redevelopment of park areas shall prepare a plan that shall minimally contains the following categories when applicable:
 - a. Description of in-stream habitat protection measures, and commitment to implement mitigation for any new or expanded development that has adverse impacts;
 - b. Description of riparian and wetland protection measures, and commitment to implement mitigation for any new or expanded development that has adverse impacts;
 - c. Description of site-appropriate water use management activities, including use of less water-dependent landscaping, maximizing the efficiency of the application system, and reducing the area irrigated;
 - d. Description of stormwater management practices to treat stormwater runoff to reduce both water quantity and water quality impacts, including maximizing use of infiltration, bio-filtration, and detention;
 - e. Description of erosion and sediment control practices that prevent off-site movement of sediment for new construction, stored soils, and potential surface erosion areas; and
 - f. Description of chemical and nutrient use and containment practices that demonstrate minimization of overall inputs of these contaminants, restrict the type of inputs, and develop an acceptable method of application through a comprehensive management program, such as Integrated Pest Management (IPM).
2. Each category specified in I.1 above shall be comprised of one to several standards. Each standard should describe the

management objective or desired outcome for habitat conditions, specific performance requirements for each standard, and corrective actions that would be implemented if the performance requirement(s) is not met.

- J. **Public Recreation Performance Standards in Lieu of Buffers:** Public parks and recreation facilities or those facilities proposed on public easements or dedicated rights of way shall follow the performance standards of Section 4.5.2.D.4 in lieu of buffers, as well as comply with Section 5.15.2. The City shall review and condition the project to fully implement the standards.

5.16 Residential Development

5.16.1 Policies

- A. **Compatibility with shoreline.** All subdivisions and residential development should be designed at a level of site coverage and density compatible with the physical capabilities of the shoreline and water in order to minimize probabilities of damage to life, property and the environment.
- B. **Cluster development.** Cluster development should be encouraged outside shoreline jurisdiction wherever feasible to minimize shoreline impacts by residential development, to maintain both on-site and off-site aesthetic appeal, and to minimize disruption of the natural shoreline. The City should encourage use of “Planned Unit Development” to provide for flexible, innovative developments.
- C. **Encourage restoration and environmental design.** Ecological restoration and measures to minimize environmental impacts, such as low impact development and vegetation conservation and enhancement, should be encouraged.
- D. **Aesthetics.** All subdivisions and residential development should be designed to adequately protect and/or improve the water and shoreline aesthetic qualities.
- E. **Overwater residential development.** New over-water residential development, including floating homes and liveaboards, should be prohibited.
- F. **Adequate streets and utilities.** Residential development should have adequate provision for sanitary sewage disposal, storm drainage, and water supply which minimizes harmful effects on shorelines. The City

should ensure that applicants provide adequate and safe access to the City's public street system for all new development. Adequate public facilities and services should be available to serve new developments as they occur.

- G. **Focus residential development into areas with utilities and streets.** Residential development should be encouraged upland of areas presently having such improvements as utilities and streets so as to minimize additional expenditures of public funds, maximize use of existing public facilities, and not decrease availability of open space. The City should provide for the orderly development of residential neighborhoods by controlling the availability of City utilities, services and roads to encourage residential development to occur at appropriate densities.
- H. **Provide public access.** Residential developments should be encouraged to provide public access to shorelines within the development.
- I. **Scenic views.** Residential development should be designed to avoid impacts to scenic views and vistas.
- J. **Variety and Design.** Offer a variety of housing densities throughout the community, and implement development criteria to ensure compatibility within and among different neighborhoods.

5.16.2 Regulations

- A. **Subdivisions and plats.** Subdivisions and plats shall:
 - 1. Comply with all applicable subdivision, critical area, and zoning regulations.
 - 2. Include facilities for water supply, wastewater, stormwater, solid waste, access, utilities and other support facilities in conformance with City standards and which do not result in harmful effects on the shoreline or waters. See Section 4.6.2.E for specific wastewater requirements.
 - 3. Be designed to prevent the need for new hard or soft shoreline stabilization or flood hazard reduction measures per Section 4.3. A note limiting shoreline stabilization shall be placed on the face of the plat at the time of subdivision.
 - 4. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from division of land at full build-out of all lots and throughout all phases of development.

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5. Be required to cluster residential units and structures where necessary and when allowed by the City to avoid critical areas and to preserve natural features and minimize physical impacts.
 6. Identify locations for public or community access when consistent with Section 4.4, or conservation and utility easements, where proposed.
 7. Lots shall be configured in a way so as not to require a Shoreline Variance in the future for residential development. Lot configurations shall plan for building sites behind the required shoreline buffer. Shoreline buffer reductions shall be determined at the time of residential development; not at the time of subdivision.
- B. **Environmental protection.** Residential development, including accessory uses and appurtenant structures, shall:
1. Meet all applicable critical area, vegetation conservation, and water quality standards of Chapter 4 and Appendix B of this SMP.
 2. Be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. To accomplish this, the City shall apply critical area buffers established in Appendix B and shoreline buffers found in Section 4.5, Shoreline Buffers and Vegetation Conservation of this SMP. The City may require greater buffers to protect health and safety based on a geotechnical analysis or other information in the application record.
 3. Be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.
- C. **Public access.** See SMP Section 4.4.
- D. **Over-water residences.** New over-water residences, including floating homes and liveboards, shall be prohibited.
- E. **Accessory uses.** Residential accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized in Section 4.5, Shoreline Buffers and Vegetation Conservation, and Appendix B. Residential accessory uses shall be prohibited over the water unless clearly water-dependent.

- F. **Underground Utilities.** See Section 5.20.

5.17 Shoreline Habitat and Natural Systems Enhancement Projects

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

5.17.1 Policies

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

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- F. **Alternative mechanisms.** Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

5.17.2 Regulations

- A. **Approved plan.** Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan.
- B. **Protect adjacent resources.** All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.
- C. **Maintenance and monitoring.** Long-term maintenance and monitoring (minimum of three years, but preferably longer) shall be arranged by the project applicant and included in restoration or enhancement proposals.
- D. **Adverse affects.** Shoreline restoration and enhancement may be allowed if the project applicant demonstrates that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.
- E. **Use of best information and BMPs.** Shoreline restoration and enhancement projects shall be designed using the best available scientific and technical information, and implemented using best management practices.
- F. **Public use of waters.** Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state, as determined by the Shoreline Administrator, without appropriate mitigation. For projects on state-owned aquatic lands, prior to the solicitation of permits from regulatory agencies, project proponents must coordinate with the Washington Department of Natural Resources to ensure the project will be appropriately located.
- G. **Permitted.** Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided the project's purpose is the restoration of the natural character and ecological functions of the shoreline.
- H. **Relief for OHWM shifts.** Applicants seeking to perform restoration projects are advised to work with the City to assess whether and how the proposed project is allowed relief under RCW 90.58.580, in the event that the project shifts the OHWM landward.

5.18 Shoreline Stabilization

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

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

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

- Beach starvation. Sediment supply to nearby beaches is cut off, leading to "starvation" of the beaches for the gravel, sand, and other fine-grained materials that typically constitute a beach.
- Habitat degradation. Vegetation that shades the upper beach or bank is eliminated, thus degrading the value of the shoreline for many ecological functions, including spawning habitat for salmonids and forage fish.
- Sediment impoundment. As a result of shoreline hardening, the sources of sediment on beaches (eroding "feeder" bluffs) are progressively lost and longshore transport is diminished. This leads to lowering of down-drift beaches, the narrowing of the high tide beach, and the coarsening of beach sediment. As beaches become more coarse, less prey for juvenile fish is produced. Sediment starvation may lead to accelerated erosion in down-drift areas.
- Exacerbation of erosion. The hard face of shoreline armoring, particularly concrete bulkheads, reflects wave energy back onto the beach, exacerbating erosion.
- Groundwater impacts. Erosion control structures often raise the water table on the landward side, which leads to higher pore pressures in the

beach itself. In some cases, this may lead to accelerated erosion of sand-sized material from the beach.

- Hydraulic impacts. Shoreline armoring generally increases the reflectivity of the shoreline and redirects wave energy back onto the beach. This leads to scouring and lowering of the beach, to coarsening of the beach, and to ultimate failure of the structure.
- Loss of shoreline vegetation. Vegetation provides important "softer" erosion control functions. Vegetation is also critical in maintaining ecological functions.
- Loss of large woody debris. Changed hydraulic regimes and the loss of the upper beach, along with the prevention of natural erosion of vegetated shorelines, lead to the loss of beached organic material. This material can increase biological diversity, can serve as a stabilizing influence on natural shorelines, and is habitat for many aquatic-based organisms, which are, in turn, important prey for larger organisms.
- Restriction of channel movement and creation of side channels. Hardened shorelines along rivers slow the movement of channels, which, in turn, prevents the input of larger woody debris, gravels for spawning, and the creation of side channels important for juvenile salmon rearing, and can result in increased floods and scour.

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

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

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

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

5.18.1 Policies

- A. **Ecological functions and processes.** Shoreline stabilization should be located, designed, and maintained to protect and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features. Ongoing stream processes and the probable effects of proposed shoreline stabilization on other properties and shoreline features should be considered. Shoreline stabilization should not be developed for the purpose of filling shorelines or creating additional property.
- B. **Alternatives.** Structural shoreline stabilization measures should only be used when more natural, flexible, non-structural methods such as placing the development farther from the OHWM, planting vegetation, or installing on-site drainage improvements, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - 1. No action. Allow the shoreline to retreat naturally, increase buffers, and relocate structures.
 - 2. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms, large woody debris, or vegetative stabilization.
 - 3. Rigid works constructed of artificial materials such as riprap or concrete.
- C. **Future stabilization.** Structures should be located and designed to avoid the need for future shoreline stabilization where feasible. Land subdivisions should be designed to assure that future development of the created lots will not require shoreline stabilization for reasonable development to occur.
- D. **Protect existing structures.** New or expanded structural shoreline stabilization should only be permitted where demonstrated to be necessary to protect an existing primary structure, including residences,

that is in danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

- E. **Enhancement, restoration and remediation.** New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, native vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.
- F. **Site-specific design.** Shoreline stabilization on streams should be located and designed to fit the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.
- G. **Public access and other uses.** Shoreline stabilization should not be permitted when it interferes with public access to shorelines of the state, nor with other appropriate shoreline uses including, but not limited to, navigation or private recreation.
- H. **Non-regulatory methods.** In addition to conformance with the regulations in this section, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shore stabilization. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.
- I. **Coordination.** Shoreline stabilization should be developed in a coordinated manner among affected property owners and public agencies, particularly those that cross boundaries between local governments or other entities with authority over specific land or water areas, to address ecological and geo-hydraulic processes, sediment conveyance, and beach management issues. Where beach erosion threatens existing development, a comprehensive program for shoreline management should be established by the multiple affected property owners.
- J. **Public or quasi-public developments.** Provisions for multiple use, restoration, and/or public shoreline access should be incorporated into the location, design and maintenance of shoreline stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shoreline stabilization on publicly owned shorelines

should not be allowed to decrease long-term public use of the shoreline. For the purposes of this section, a 'quasi-public development' shall mean a privately-owned development with a public mandate and/or public funding.

- K. **Materials.** Materials used for construction of shoreline stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shoreline features including aesthetic values, and flexibility for future uses.
- L. **Adjacent properties.** New development that would require shoreline stabilization which causes adverse impacts to adjacent or down-current properties and shoreline areas should not be allowed.

5.18.2 Regulations

- A. **General.** The purpose of this section is to provide standards and guidelines for the location and design of hard structural and soft structural shoreline stabilization measures that have the potential to adversely impact the shoreline natural environment.
 - 1. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
 - 2. Land subdivisions shall be designed to assure that future development of the created lots will not require shoreline stabilization for reasonable development to occur.
 - 3. New development on slopes or bluffs with 30 percent or greater slope shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
 - 4. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
 - 5. In all cases, the feasibility of soft structural shoreline stabilization shall be evaluated prior to hard structural stabilization.
 - 6. Shoreline stabilization shall be designed so that net loss of ecological functions does not occur.
- B. **New or enlarged structural shoreline stabilization.** New structural shoreline stabilization measures, including both hard and soft structural shoreline stabilization measures, shall include measures installed to

address erosion impacts. Enlargement of an existing structural shoreline stabilization shall include additions to or increases in size (such as height, width, length, or depth) to existing shoreline stabilization measures and these enlargements shall be considered new structures. New or enlarged structural stabilization measures shall not be allowed, except as follows:

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

- c. The need to protect primary structures, including residences, from damage due to erosion is demonstrated through a geotechnical analysis; or
 4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts; or
 5. To protect cultural or historic resources when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient to avoid continued degradation, disturbance or erosion of a site. Cultural resource protection projects shall be coordinated with any affected Indian tribes and comply with applicable provisions of Section 4.1.2 of this SMP; or
 6. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measures; stabilization structures or measures to protect existing primary residential structures may be allowed and then only if no net loss of ecological functions will result.
- C. **Repair of existing shoreline stabilization measures.** This section allows repair and maintenance of existing shoreline stabilization measures, subject to all of the following standards. [Note: repair of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but they are not exempt from the policies and regulations of this Section or the SMP.]
1. Maintenance and repair shall include modifications or improvements to an existing shoreline stabilization measure that are designed to ensure the continued function of the stabilization measure by preventing failure of any part of the stabilization measure.
 2. Modifications or improvements that include additions to or increases in size of existing shoreline stabilization measures shall be considered new structures, and are not maintenance and/or repair.
 3. Replacement of greater than 50 percent or 35 feet, whichever is smaller, of linear length of existing shoreline stabilization on a

waterfront parcel is not considered a repair or maintenance for purposes of these regulations, and must be designed and reviewed as a replacement subject to the provisions contained in Subsection 5.18.2.D below. For shoreline stabilization projects, “replacement” occurs when the existing structure, including its footing or bottom course of rock, is removed prior to placement of new shoreline stabilization materials. Repairs and maintenance that involve only removal of material above the footing or bottom course of rock are not considered replacements. Replacement of existing shoreline stabilization may still qualify for an exemption from a Shoreline Substantial Development Permit as listed in Section 7.6.3 of this SMP. Further limitations on non-conforming shoreline stabilization are located in Section 6 of this Master Program.

4. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
5. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure shall be considered a new structure, and is not maintenance or repair.

D. **Replacement.**¹ The following standards apply to replacement of existing hard and soft structural shoreline stabilization measures [Note: repair of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but they are not exempt from the policies and regulations of this Section or the SMP]:

1. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall also be considered new structures.
2. Replacement shall be treated as a new shoreline stabilization measure subject to the restrictions of Subsection 5.18.2.B. above, as well as the submittal requirements of Subsection 5.18.2.H. below, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or

¹ Nonconforming shoreline stabilization measures are not governed by nonconforming structure provisions located in Chapter 6; instead, they are governed by regulations found in SMP Section 5.18.2.D and other provisions of Section 5.18.2 that relate to modification of existing nonconforming structures.

softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by waves or other natural processes operating at or waterward of the OHWM.

3. Replacement hard structural shoreline stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the primary residence was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut (attached to and waterward of) the existing shoreline stabilization structure. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.
 4. Limited fill associated with hard and soft shoreline stabilization measures may be allowed waterward of the OHWM to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.
- E. **General design standards.** When a hard or soft structural shoreline stabilization measure is demonstrated to be necessary, the following design standards shall be incorporated into the stabilization design:
1. Soft structural shoreline stabilization measures shall be used to the maximum extent practicable for new, enlarged, or replacement shoreline stabilization measures, limiting hard structural shoreline stabilization measures to the portion or portions of the site where necessary to protect or support existing shoreline structures or trees, or where necessary to connect to existing shoreline stabilization measures on adjacent properties. Hard structural shoreline stabilization transition areas between the applicant's otherwise soft shoreline measure and the adjacent hardened shoreline, when needed on the subject property to prevent destabilization of adjacent hardened shorelines, should be minimized and extend into the subject property from the property line no more than 10 feet.
 2. For enlarged or replacement soft and hard structural shoreline stabilization measures, the following location and design standards are preferred in descending order:

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- a. Conduct excavation and fill activities associated with the soft or hard structural shoreline stabilization landward of the existing OHWM to the maximum extent practicable.
 - b. Where a, above, is not practicable because of overriding safety or environmental concerns, conduct necessary excavation and fill activities waterward of the existing OHWM as needed to implement a soft structural shoreline stabilization technique or to mitigate the impacts of hard structural shoreline stabilization. Fill material waterward of the OHWM may be sand, gravel, cobble or boulders provided the placement of boulders does not effectively present a continuous wall or face to oncoming waves (also known as rip rap).
3. All approved new, enlarged, repair, or replacement shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities, consistent with Section 4.2, Ecological Protection and Critical Areas and Appendix B, Critical Areas Regulations. Impact minimization techniques may include compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.
4. All new, enlarged, or replacement hard structural shoreline stabilization measures shall minimize any long-term adverse impacts to ecological functions by incorporating the following measures into the design:
 - a. Limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass.
 - b. Shifting the hard structural shoreline stabilization landward and/or sloping the hard structural shoreline stabilization landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.
5. Approved new and enlarged shoreline stabilization measures shall mitigate any adverse impacts to ecological functions by

incorporating the following measures at a minimum into the design if appropriate for local conditions:

- a. Restoration of appropriate substrate conditions waterward of the OHWM, to include substrate composition and gradient. The material should be sized and placed to remain stable during a two-year flood event on rivers, including storm events.
 - b. Plant native riparian vegetation, as necessary, along at least 75 percent of the shoreline linear frontage affected by the new or enlarged stabilization, located along the water's edge. The vegetated portion of the shoreline buffer shall average 10 feet in depth from the OHWM, but may be a minimum of 5 feet wide to allow for variation in landscape bed shape and plant placement. Restoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. At least 3 trees per 100 linear feet of shoreline must be included in the plan. Plant materials must be native to the ecosystem of the project area. An alternative planting plan or mitigation measure in lieu of meeting these requirements may be allowed if approved by other State and Federal agencies.
 - c. Additional mitigation measures may be required by the City, or State or Federal agencies, depending on the level of impact.
6. The shoreline stabilization measure shall be designed to not significantly interfere with normal surface and/or subsurface drainage into the adjacent waterbody.
 7. The shoreline stabilization measure shall be designed so as not to constitute a hazard to navigation.
 8. Stairs or other water access measures may be incorporated into the shoreline stabilization (e.g., steps integrated into the bulkhead, coved area with shallow entry), but shall not extend waterward of the shoreline stabilization measure and the OHWM.
 9. The shoreline stabilization measure shall be designed to ensure that it does not restrict appropriate public access to the shoreline. When a structural shoreline stabilization measure is required at a public access site, provisions for safe access to the water shall be

incorporated into the shoreline stabilization structure design (e.g., steps integrated into the bulkhead, coved area with shallow entry). Access measures should not extend farther waterward than the face of the shoreline stabilization measure and the OHWM.

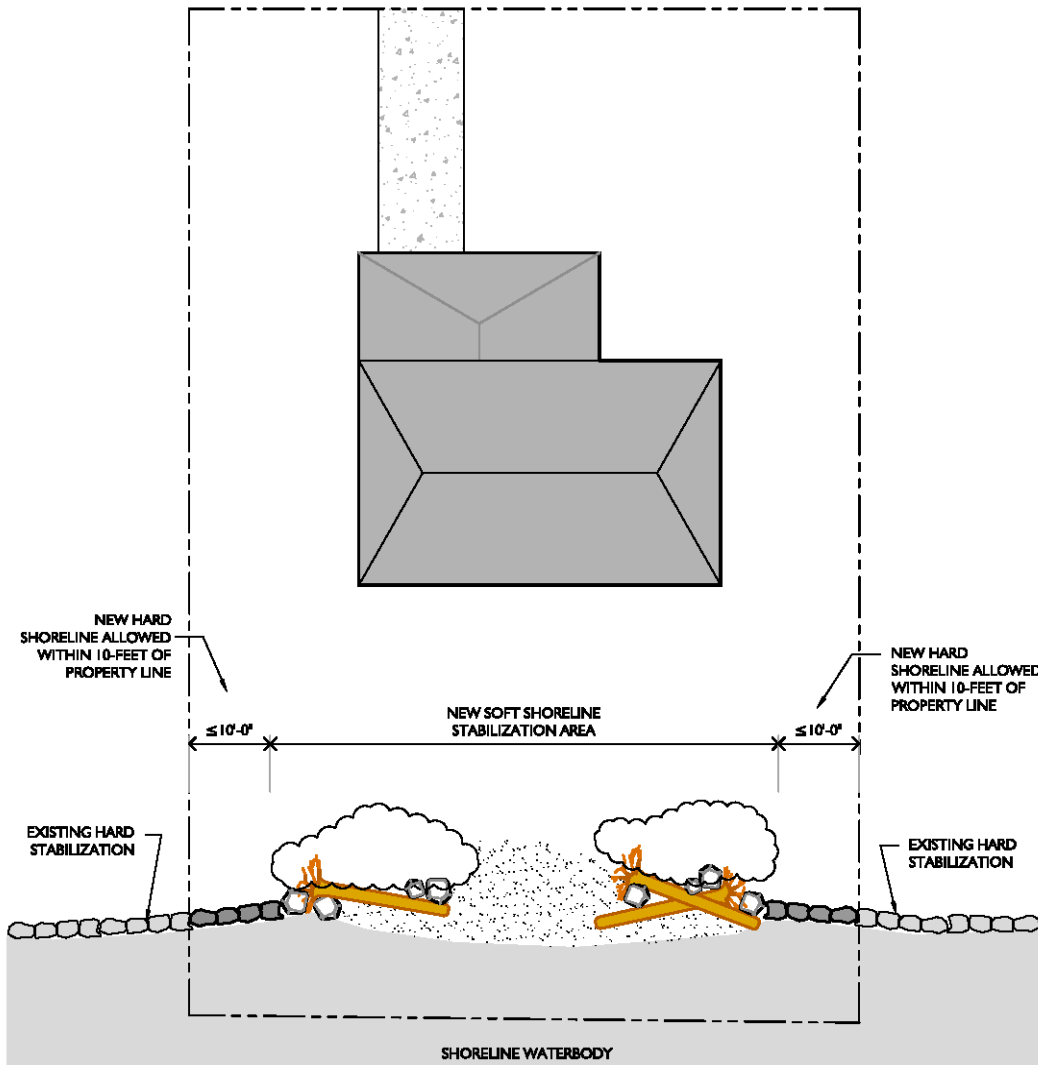
10. Shoreline stabilization measures shall not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.
 11. When repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location, any buffers from the OHWM or lot area for the purposes of calculating lot coverage shall be measured from the pre-modification location. The pre-modification OHWM shall be recorded in a form approved by the City and recorded at the Chelan County Auditor's Office.
 12. If repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location and result in expansion of the shoreline jurisdiction on any property other than the subject property, the plan shall not be approved until the applicant submits a copy of a statement signed by the property owners of all affected properties, in a form approved by the City and recorded at the Chelan County Auditor's Office, consenting to the shoreline jurisdiction creation and/or increase on such property.
- F. **Specific hard structural shoreline stabilization design standards.** In those limited instances when hard structural shoreline stabilization measures, such as bulkheads, are demonstrated to be necessary as outlined in H.1 below, the following standards shall be incorporated into the design:
1. In those limited cases when hard structural shoreline stabilization is proposed on a site where hard structural shoreline stabilization is not located on adjacent properties, the construction of hard structural shoreline stabilization shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization would not cause erosion of the adjoining properties.

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

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

1. The soft shoreline stabilization design shall provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line, provided the stabilization measure does not extend onto the adjacent property. Soft shoreline stabilization projects that include necessary use of hard structural shoreline stabilization measures, as indicated by the appropriate study prepared per H below, only near the property lines to tie in with adjacent properties shall be permitted as soft shoreline stabilization measures. The length of hard structural shoreline stabilization transition area to adjacent properties shall be minimized to the maximum extent practicable, and extend into the subject property from adjacent properties no more than 10 feet (see diagram below). The hard structural shoreline stabilization transition area shall not extend waterward of the OHWM, except

as necessary to make the connection to the adjoining stabilization, and shall not extend onto the adjacent property.



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

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

1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical analysis prepared by a

qualified professional with an engineering license. The analysis shall include the following:

- a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation. New hard structural shoreline stabilization measures shall not be authorized, except when an analysis confirms that there is a significant possibility that an existing structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, that analysis may still be used to justify more immediate authorization to protect against erosion using soft measures.
- b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM.
- c. An assessment of alternative measures to shoreline stabilization, including:
 - i. Placing the stabilization structure farther from the OHWM.
 - ii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.
- d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
- e. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

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2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need shall consist of the following:
 - a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.
 - b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.
 - c. An assessment of alternative measures to shoreline stabilization, including:
 - i. Relocating the development farther from the OHWM.
 - ii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.
 - d. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft structural shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
 - e. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.
3. A demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using bio-engineered soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.
4. For all structural shoreline stabilization measures, including bio-engineered soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following:

- a. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.
- b. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and placement of all materials shall be selected to accomplish the following objectives:
 - (1) Protect the primary structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from currents and wind- or boat-driven waves;
 - (2) Allow safe passage and migration of fish and wildlife; and
 - (3) Minimize or eliminate juvenile salmon predator habitat.
- c. For projects that include native vegetation, a detailed five-year vegetation maintenance and monitoring program to include the following:
 - i. Goals and objectives of the shoreline stabilization plan;
 - ii. Success criteria by which the implemented plan will be assessed;
 - iii. A five-year maintenance and monitoring plan, consisting of at least one site visit per year by a qualified professional, with annual progress reports submitted to the Shoreline Administrator and all other agencies with authority;
 - iv. A performance standard of 100 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year; and
 - v. A contingency plan and a bond in an amount and form acceptable to the City in case of failure.

5.19 Transportation and Parking

5.19.1 Policies

- A. **Circulation.** Public agencies and developments should provide circulation facilities including roads, streets, alleys, pedestrian, bicycle, and public transportation facilities, consistent with federal, state, or local standards and sufficient to meet adopted levels of service.
- B. **Essential public facilities.** Comprehensive Plans, which include Shoreline Master Programs, may not preclude the siting of essential public facilities, which include state or regional transportation facilities as defined in RCW 47.06.140.
- C. **Minimize land consumption.** When transportation facilities must be located along shorelines, efforts should be made to minimize the amount of land consumed. Where feasible, such transportation facilities should be sufficiently set back so that a usable shoreline area remains. Where feasible, roads should not run parallel to shorelines.
- D. **Erosion and groundwater.** Roads in shoreline areas should be designed and maintained to prevent erosion and to permit a natural movement of groundwater.
- E. **Protect shorelands.** All construction should be designed to protect the adjacent shorelands from erosion, uncontrolled drainage, slides, pollution, and other factors detrimental to the environment. Transportation facilities and parking facilities should be planned, located, and designed where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.
- F. **Fit topography.** Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.
- G. **Scenic highways and bridges.** Scenic highways and major bridge crossings should have provisions for safe pedestrian and other non-motorized travel. Also, provision should be made for sufficient viewpoints, rest areas and picnic areas along shorelines of the state, if feasible.
- H. **Maintain streets.** The City should maintain existing roads to provide safe travel for all modes of transportation. On a priority basis the City should improve existing roads to meet applicable standards specified in the

City's transportation plan. Extensive loops or sections of streets with high aesthetic quality or multi-use potential should be kept in service.

- I. **General maintenance and reconstruction.** Road maintenance and reconstruction should be allowed in accordance with best management practices adopted by the City and the State of Washington Department of Transportation.
- J. **Trails.** Multi-purpose trails should be encouraged in shoreline jurisdiction consistent with public access policies and regulations in Section 4.4.
- K. **Appropriate bridges and culverts.** Road design for stream crossings should consider appropriate bridge and culvert designs based on federal, state, or local standards, for example, Washington Department of Fish and Wildlife's 2003 *Design of Road Culverts for Fish Passage*.
- L. **Coordinate land use and transportation.** Since land use and transportation facilities are so highly interrelated, the plans for each should be closely coordinated and consider shoreline goals, objectives, policies, and standards.
- M. **Parking.** Parking facilities in shorelines are not a preferred use and should be allowed only as necessary to support an authorized use. Parking facilities should be located as far inland as possible from the OHWM.

5.19.2 Regulations

- A. **Roads and railroads limited in shoreline jurisdiction.** Where other options are available and feasible, new roads, road expansions or railroads shall not be built within shoreline jurisdiction. If subdivisions are being proposed, new road placement shall be evaluated at the time of the plat application, or site development planning.
- B. **Criteria if roads or railroads are unavoidable.** When railroads, roads or road expansions are unavoidable in the shoreline jurisdiction, proposed transportation facilities shall be planned, located, and designed to achieve the following:
 - 1. Minimize possible adverse effects on unique or fragile shoreline features;
 - 2. Maintain no net loss of shoreline ecological functions and implement mitigation standards of Section 4.2, Ecological

Protection and Critical Areas and Section 4.5, Shoreline Buffers and Vegetation Conservation;

3. Avoid adverse impacts on existing or planned water-dependent uses; and
 4. Set back from the OHWM to the maximum feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses unless infeasible, standards for ADA accessibility and functionality cannot be met, or the cost is disproportionate to the cost of the proposal. For the purposes of this Section, disproportionate means the shoreline buffer requirement would add more than 20% to the total project cost.
- C. **Visual access.** Public roads, within shoreline jurisdiction, shall, where possible, provide and maintain visual access to scenic vistas. Visual access may include, but is not limited to, turn-outs, rest areas, and picnic areas.
- D. **Shoreline crossings.** Shoreline crossings and culverts shall be designed to minimize impact to riparian and aquatic habitat and shall allow for fish passage. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.
- E. **Shoreline crossings for private property.** Crossings that are to be used solely for access to private property shall be designed, located, and constructed to provide access to more than one lot or parcel of property, where feasible, to minimize the number of crossings.
- F. **Floodway.** See Section 4.3.
- G. **Construction standards.** Construction standards of the appropriate governmental agency, together with SMP standards, shall be conditions for granting shoreline permits. Seasonal work windows may be required based on federal or state requirements, or if the proposal involves crossing shorelines or altering the waterbody.
- H. **Trails.** See public access standards in Section 4.4.
- I. **Parking facilities.** Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use and when minimizing environmental and visual impacts. For the purposes of this section, authorized means a use or activity included in the use matrix

and associated definitions in Chapter 8. New or expanded parking areas shall:

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

In the above cases, parking shall be located as far upland from the OHWM as feasible, recognizing the limited supply of shoreline areas and parking allowed in buffer shall follow mitigation sequencing; and

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

J. **Modifications of Existing Roads and Parking Areas:** Existing roads and parking areas that are of a non-paved surface (e.g. gravel) may be paved provided such facilities comply with all applicable water quality,

stormwater, landscaping, and other applicable requirements of this SMP. Roadways or paved parking areas shall be designed to incorporate low-impact development practices, such as pervious surfaces and bioswales, to the extent feasible.

- K. **Private Driveways:** A driveway for an individual single family home is considered a residential appurtenance and is considered part of the primary use, and subject to Residential standards of this SMP. Private driveways or private roads serving more than one home are subject to the standards of Section 5.19, Transportation and Parking.
- L. **Maintenance Standards for New or Expanded Road or Parking Facility:** When a new or expanded roadway or new or expanded parking facility is proposed, the City may condition the proposal to provide a maintenance plan that promotes best management practices to achieve no-net-loss of shoreline ecological function. For example, maintenance standards may include restrictions on the use of herbicides, hazardous substances, sealants or other liquid oily substances, or de-icing practices adjacent to shoreline buffers or critical areas and their buffers. See also Section 5.21.

5.20 Utilities

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

5.20.1 Policies

- A. **Meet demand for utilities.** Utilities should be located to meet the needs of current underserved areas or future growth.
- B. **Use existing corridors.** Intensified use of existing utility corridors should be encouraged, as opposed to the addition of new corridors. Efforts should be made to reduce the visual impact of existing utility corridors.
- C. **Minimize visual impact.** Whenever utilities must be placed in a shoreline area, the location should be chosen so as to minimize their visual impact. Whenever feasible, utilities should be placed underground or designed to

do minimal damage to aesthetic qualities of the shoreline area. For example, agencies and property owners should be encouraged to consolidate utility transmission and distribution systems into common service corridors, installing new systems underground. The City should require effective and timely coordination of all new utility trenching and combining compatible utilities into common trenches. In new residential developments, the City should require all new utilities to be installed underground and in cooperation with other compatible utilities.

- D. **Upland and underwater utilities.** Upland locations are recommended for utility pipelines and cables. If an underwater location becomes necessary, easements for the utility must include proper provisions to insure against substantial or irrevocable damage to the waterway or the resident aquatic ecosystems.
- E. **Restoration of disturbed areas.** Upon completion of installation or maintenance projects on shorelines, all disturbed areas within shoreline jurisdiction should be restored to pre-project configuration where feasible, replanted with suitable plant species, and maintained until the newly planted vegetation is established consistent with Vegetation Conservation policies and standards in Section 4.5.
- F. **Outfalls.** Site outfalls to avoid impacts to critical areas. Design outfalls to reduce impacts to aquatic vegetation and water quality.
- G. **Safety Standards.** All aboveground utilities should comply with minimum safety standards for height to protect public safety and prevent damage to property.

5.20.2 Regulations

- A. **Design considerations.** Utility systems are permitted provided such systems:
 - 1. Are designed and constructed to meet all adopted engineering standards of the City;
 - 2. Avoid paralleling the shoreline or following a down-valley course near the channel, except where located in an existing road or easement footprint; and
 - 3. Do not alter processes affecting the rate of channel migration or shoreline erosion; the Shoreline Administrator may require a monitoring plan and adaptive management measures prepared by a qualified professional as appropriate.

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- B. **Preference – existing footprints.** Preference shall be given to utility systems contained within the footprint of an existing right-of-way or utility easement over new locations for utility systems.
- C. **Undergrounding.** All new permanent utility systems shall be underground except where environmental or geological conditions makes undergrounding prohibitive; provided that facilities which are temporary or infeasible to underground are exempt from undergrounding, including but not limited to electric transmission lines in excess of 15kV, utilities attached to undersides of bridges, and public stormwater facilities, outfalls, and associated structures.
- D. **Minimum clearing.** Where utility systems must be located in shoreline jurisdiction areas, clearing necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by trees and other vegetation with proposed transmission facilities. Impacts associated with removal of vegetation or clearing shall be mitigated on the property.
- E. **Restoration of disturbed areas.** Upon completion of utility system installation, or any maintenance project, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide appropriate vegetative cover, including meeting standards of Section 4.5, Shoreline Buffers and Vegetation Conservation, and Appendix B, Critical Areas Regulations.
- F. **Underwater utilities.** If an underwater location is necessary, the following performance standards apply:
 - 1. The design, installation and operation shall minimize impacts to the waterway or the resident aquatic ecosystems.
 - 2. Seasonal work windows may be made a condition of approval.
 - 3. Standards of Section 5.8, Dredging and Dredge Material Disposal; Section 4.2, Ecological Protection and Critical Areas; Section 4.5, Shoreline Buffers and Vegetation Conservation (for any aquatic vegetation impacts); and Section 5.2, General Aquatic Shoreline Modification and Use Regulations must be met.
 - 4. All federal or state permits must be obtained.
 - 5. A maintenance schedule and emergency repair protocol shall be prepared and recorded.

- G. **Nonwater-oriented processing and production facilities.** Nonwater-oriented utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented, shall not be allowed in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available. Where no other practical alternative exists to the excavation for and placement of wells, tunnels, utilities, or on-site septic systems in a shoreline and critical area buffer, while permitted a mitigation plan must be prepared by a qualified professional, and must be consistent with the provisions of Section 4.2, Ecological Protection and Critical Areas, and appropriate requirements of Appendix B.
- H. **Outfall design principles.** New and reconfigured outfalls, diffuser, and discharge points shall be located to avoid impacts to shoreline areas and must be in compliance with the most recent local and state standards. The Shoreline Administrator may require a mixing zone analysis for the outfall from a qualified party to determine the diffuser or discharge point.
- I. **No net loss of ecological function.** All utility system projects and maintenance shall be designed, located and installed in a manner which results in no-net-loss of ecological function.

5.21 Redevelopment, Repair, and Maintenance

5.21.1 Policies

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

5.21.2 Regulations

- A. SMP provisions shall not apply retroactively to existing uses and developments.
- B. Legally established uses and developments may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. Normal maintenance and repair, as specified in Section 7.6.3, Exemptions, do not require shoreline permits.
- C. Consistent with the Applicability provisions of Section 1.3, SMP standards shall apply to expansions or alterations of uses or

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developments and to new development or redevelopment of a property as follows:

1. The Shoreline Administrator shall determine the extent of compliance with SMP provisions.
 2. The required provisions shall be related to and in proportion to the proposal. For example, if an upper story is added to a structure, requirements related to building heights and views may apply. If vegetation is removed beyond normal maintenance pursuant to 7.6.3.B, vegetation conservation and shoreline buffer standards may apply.
- D. Maintenance or repair activities which exceed the specifications of 7.6.3.B in Exemptions or which are required for new development or re-development may be authorized through the establishment of multi-year maintenance or repair plans, as follows:
1. Five-year recreation management plans consistent with Section 5.15.2.
 2. Five-year dredging maintenance plans consistent with Section 5.8.2.
 3. Other multi-year plan for other maintenance or repair activities that are used to establish best management practices or protocols to ensure no-net-loss of shoreline ecological function such as roadway, utility, or other facility maintenance. Other maintenance or repair management plans shall be prepared to address the following:
 - a. Description of proposed maintenance activities and best management practices;
 - b. Type, methods, and frequency of maintenance or repair activities;
 - c. Description of in-stream habitat protection measures;
 - d. Description of riparian and wetland protection measures;
 - e. Description of stormwater management practices to reduce both water quantity and water quality impacts;

- f. Description of erosion and sediment control practices that prevent off-site movement;
- g. Description of re-vegetation or restoration activities following maintenance or repair; and
- h. Description of chemical and nutrient use and containment practices such as Integrated Pest Management (IPM).

6 NONCONFORMING STRUCTURES AND USES

6.1 Policies

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

6.2 Regulations

The nonconforming standards below shall apply to nonconforming uses and structures, with the exception of Boating Facilities, which shall be governed by SMP Section 5.5; and Shoreline Stabilization, which shall be governed by SMP Section 5.18.

6.2.1 Nonconforming lots.

A structure and its customary accessory buildings may be erected on any legal lot created before the effective date of this SMP. This provision shall apply even though such lot fails to meet the minimum dimensional requirements of this SMP provided, that such structure is allowed within the shoreline use environment and all uses of the nonconforming lot shall comply with all other provisions of the SMP and underlying zoning requirements including setbacks, dimensional standards and lot coverage requirements. Structures and customary accessory building on non-conforming lots shall be setback from the OHWM to the greatest extent feasible, maximizing riparian buffer (Table 4.5-1) compliance.

Development proposed inside required buffers shall go through mitigation sequencing and shall require a mitigation plan.

6.2.2 Nonconforming use of land.

Where lawful use of the land existed as of the effective date of this SMP, which is not permissible under the terms of this SMP, such use may be continued so long as it remains otherwise lawful:

- A. **Size of use.** No such use shall be enlarged or increased, nor extended to occupy a greater area of land, dimensions or volume than was occupied at the effective date of this SMP without the issuance of a Shoreline Conditional Use Permit.
- B. **Change of use.** No such use shall be changed in any manner which will increase its nonconformity to the requirements of this SMP.
- C. **Discontinued nonconforming use.** If a nonconforming use is discontinued or inactive for a period of 12 months, it shall be deemed a discontinued nonconforming use. A discontinued nonconforming use cannot be re-established. Further use of property must conform to the provisions of this title. An application for a shoreline and building permit within the 12-month period shall be conclusive evidence of resumption of activity or rebuilding within the meaning of this section; provided, however, if the shoreline or building permit expires before rebuilding is completed, no extension of the permit shall be granted.

6.2.3 Nonconforming structures.

Where a structure lawfully exists as of the effective date of this SMP, which structure could not be built under the terms of this title, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. **Size of use.** No such structure shall be enlarged or altered in a way which increases its nonconformity without the issuance of a Shoreline Conditional Use Permit.
- B. **Changes.** Nothing in this title shall require any change in plans, construction, alteration or designated use of a structure for which a legal valid building permit, and shoreline permit if applicable, existed prior to the effective date of the SMP, except that if the structure will be nonconforming it shall be built to conforming standards if substantial construction is not commenced within two years of the effective date of the Shoreline Substantial Development Permit.

- C. **Damage, loss or destruction not more than 80 percent.** Any nonconforming structure which has been destroyed, damaged or has incurred a loss of not more than 80 percent of its value, which destruction, damage or loss is not the result of the intentional act of the property owner, may be rebuilt within the existing footprint of the damaged or destroyed building, provided no more than 12 months will be allowed in which to resume activity or rebuild, or the structure will be deemed nonconforming and any rebuilding must conform to the provisions of this SMP. Any rebuilding must conform to all other provisions of applicable City ordinances and state laws.
- D. **Damage, loss or destruction more than 80 percent.** Any nonconforming structure which has been destroyed, damaged or has incurred a loss more than 80 percent of its value may not be rebuilt or repaired unless it conforms to all provisions of this SMP and all other applicable City ordinances and state laws. If rebuilt on a nonconforming lot, the structure shall meet Section 6.2.1.
- E. **Remodeling, alterations and repairs.** For the purpose of this section, remodeling, alterations, or repairs to a nonconforming structure means work that does not exceed 80 percent of the latest County assessed or appraised value by a state-certified/licensed real estate appraiser of the building or structure before the improvements are started.

6.2.4 Repairs, maintenance and safety of nonconforming structures.

Other than repairs prohibited by 6.2.3.D, repairs and maintenance work may be undertaken on a nonconforming structure and nothing shall prevent the city from requiring repair of any nonconforming structure to protect health and safety. Maintenance work and repair on a nonconforming structure shall conform to city building and construction codes.

6.2.5 Moving a nonconforming structure.

If a nonconforming structure is moved, it shall conform to the SMP environment designation requirements to which it is moved.

6.2.6 Changes to a nonconforming use.

A nonconforming use shall not be changed to another nonconforming use. A nonconforming use changed to a conforming use may not thereafter be changed back to a nonconforming use.

6.2.7 Abatement of public nuisance.

Regardless of any provision in this SMP, any nonconforming use or structure deemed to present a hazard to the public health or safety or deemed to be a

public nuisance by the city council may be terminated through civil legal proceedings commenced in Chelan County superior court.

6.2.8 Nonconforming sign provisions.

- A. **Abatement.** Any sign which is nonconforming in that it does not conform to the City's zoning code and sign standards shall either be removed or brought into compliance with SMP requirements within the time period prescribed herein:
 - 1. Permanent signs that were in compliance with previous city codes and are now nonconforming solely because of the adoption of this SMP shall be allowed to continue until any one of the provisions in Subsection B of this section occurs;
 - 2. Any nonconforming portable signs, temporary signs and sandwich board signs shall be discontinued or be brought into compliance no later than 120 calendar days from the effective date of the SMP;
 - 3. Any nonconforming sign in an area subsequently annexed into the City of Cashmere shall be discontinued or brought into compliance as described in Subsection B of this section.

- B. **Conditions under Which Nonconforming Signs Brought Into Compliance.** Nonconforming signs that were in conformance with prior City codes at the time of adoption of the SMP shall immediately be brought into compliance with this chapter and a new sign permit secured if any one of the below events occurs:
 - 1. The sign is altered in any way or moved; excepting for routine maintenance and updating of business information; or
 - 2. The sign is damaged requiring structural repairs; or
 - 3. The business changes or the sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted on the site; or
 - 4. The advertising message it displays becomes illegible in whole or substantial part; or
 - 5. The sign is replaced; or

6. Any new sign is erected or placed in connection with the enterprise using the nonconforming sign.

7 SHORELINE PERMITS, PROCEDURES AND ADMINISTRATION

7.1 Roles and Responsibilities

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

7.1.1 Shoreline Master Program Administrator

The Shoreline Master Program Administrator in Cashmere is the Planning Director. The Shoreline Administrator, or his/her designee, shall make administrative decisions and interpretations of the policies and regulations of this SMP and the Act. The Shoreline Master Program Administrator or his/her designee is hereby vested with the authority to:

- A. Administrate this SMP.
- B. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP per Section 7.6.3.
- C. Grant or deny time extensions and revisions to Shoreline Permits under this SMP.
- D. Authorize, approve or deny Shoreline Substantial Development Permits except for those for which the Hearing Examiner or local government legislative authority is the designated decision maker.
- E. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
- F. Make written recommendations to the Hearing Examiner, Planning Commissions, City Councils, or Board of County Commissioners as appropriate.
- G. Advise interested persons and prospective applicants as to the administrative procedures and related components of this SMP.
- H. Collect fees for all necessary permits as provided in City ordinances or resolutions. The determination of which fees are required shall be made by the City.
- I. Make administrative decisions and interpretations of the policies and regulations of this SMP and the Act.

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7.1.2 SEPA Official

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

7.1.3 Hearing Examiner

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

- A. Decide on Shoreline Substantial Development Permits for which the Hearing Examiner is the designated decision maker, as well as decide on appeals from administrative decisions issued by the Administrator of this SMP.
- B. Grant or deny conditional uses under this SMP not issued administratively.
- C. Grant or deny variances from this SMP.

7.1.4 Planning Commission

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

7.1.5 City Council

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

- A. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.
- B. Adopt all amendments to this SMP, after consideration of the recommendation of the Planning Commission. Amendments shall become effective 14 days after final approval by Ecology.

7.2 Interpretation

The Shoreline Administrator, or his/her designee, shall provide administrative interpretations in accordance with Cashmere Municipal Code Section 14.03.020. The Shoreline Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and 173-26 WAC.

7.3 Statutory Noticing Requirements

Applicants shall follow the noticing requirements of Cashmere Municipal Code Chapter 14.07 and WAC 173-27-110. Per WAC 173-27-120, the City shall comply with special procedures (public notice timelines, appeal periods, etc.) for limited utility extensions and bulkheads.

The following subsections provide a summary of noticing days. The City shall consult the most current version of WAC 173-27-110 and 120 to confirm the days. In case of conflict, state statutes or rules shall control:

- A. Issuance of notice of application. Notice of application shall be provided within fourteen days after the determination of completeness of the application.
- B. Statement of public comment period. The notice of application shall state the public comment period which shall be not less than thirty days following the date of notice of application, unless otherwise specified for limited utility extensions or single family bulkheads below.
- C. Notice of application prior to hearing. If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.
- D. Limited utility extension or single family bulkhead. An application for a Shoreline Substantial Development Permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:
 - 1. The public comment period shall be twenty days. The notice provided shall state the manner in which the public may obtain a copy of the City's decision on the application no later than two days following its issuance;
 - 2. The City shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in subsection (2)(a) of this section; and
 - 3. If there is an appeal of the decision to grant or deny the permit to the City's legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

7.4 Application Requirements

- A. A complete application for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain, at a minimum, the information listed in WAC 173-27-180 and in Chapter 14.05 of the Cashmere Municipal Code. Chapter 14.05 of the Cashmere Municipal Code also codifies the form upon which the application must be submitted. In addition, the applicant, including those applying for exemption status, shall provide the following materials:
1. An assessment of the existing ecological functions and/or processes provided by topographic, physical and vegetation characteristics of the site and any impacts to those functions and/or processes, to accompany development proposals, provided that proposals for single-family residences, as long as they meet the exemption criteria, shall be exempt from this requirement if proposal is located outside required buffers. When the project results in adverse impacts to ecological function and/or processes, a mitigation plan must be provided that describes how proposed mitigation compensates for the lost function or process.
 2. Site plan or division of land depicting to scale the location of buildable areas, existing and proposed impervious surfaces (building(s), accessory structures, driveways), and allowed landscaping and yards (including proposed water access trails, view corridors, wildfire defensible space, if applicable), general location of utilities, well and septic system, if applicable and location of storage and staging of materials and equipment during construction. Plans shall show area calculations of each feature.
 3. The location of any mapped channel migration zone (see Section 4.3.2, Flood Hazard Reduction), floodplain, and/or floodway boundary and critical areas, if known, and respective setback/buffer areas on and within 250 ft of the vicinity of the project site and all applicable buffers.
 4. Where a view analysis is required per WAC 173-27-180, or Section 5.1.2, due to location of nearby residential or public properties or designated scenic highways, it shall address the following:
 - a. The analysis shall include vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed with structures complying with the applicable regulations of the City and the

maximum height limitation allowed under the SMP and the City's zoning.

- b. The view corridor analysis shall include residential buildings or public properties located outside of shoreline jurisdiction if it can be clearly demonstrated that the subject property has significant water views.
- B. The Shoreline Administrator may vary or waive these additional application requirements of Section 7.4 according to administrative application requirements on a case by case basis, but all applications for a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit shall contain the information found in WAC 173-26-180. The Shoreline Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other City requirements, and the provisions of this SMP.

7.5 Shoreline Substantial Development Permits

7.5.1 Permit Required

A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 7.6.

7.5.2 Permit Review Criteria

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

- A. How is the proposal consistent with the policies and procedures of the Act (RCW 90.58)?
- B. How is the proposal consistent with the provisions of Chapter 173-27 WAC, Shoreline Management Permit and Enforcement Procedures?
- C. How is the proposal consistent with this SMP?

7.5.3 Conditions of Approval

The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.

7.6 Exemptions from Shoreline Substantial Development Permits

7.6.1 Compliance with Applicable Regulations Required

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

7.6.2 Interpretation of Exemptions

- A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.
- B. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
- C. The burden of proof that a development or use is exempt from the permit process is on the applicant. The City may require the applicant to provide additional documentation to support their exemption request.
- D. If any part of a proposed development is not eligible for exemption, then a Shoreline Permit is required for the entire proposed development project.
- E. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.
- F. Except for the exemption based on fair market value in 7.6.3.A, activities consistent with the exemptions listed in 7.6.3 are exempt regardless of the value of the project.

7.6.3 Exemptions

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

- A. Any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred sixteen dollars (\$6,416) or dollar value as amended by the State of Washington Office of Financial Management provided such development does not materially interfere with the normal public use of the water or shorelines of the state.
- B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
- C. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence

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and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual OHWM. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

- D. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, WAC 173-27-040, or this Shoreline Master Program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
- E. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- F. Construction or modification of navigational aids such as channel markers and anchor buoys;
- G. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average

grade level and which meets all requirements of the state agency or local government having authority thereof, other than requirements imposed pursuant to chapter 90.58 RCW. See Chapter 8 for definitions of single-family residence and residential appurtenances. Construction authorized under this exemption shall be located landward of the OHWM;

- H. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if in fresh waters the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Shoreline Master Program.
- I. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands;
- J. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- K. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- L. Any project with a certification from the governor pursuant to chapter 80.50 RCW, Energy Facilities -Site Locations;
- M. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - 1. The activity does not interfere with the normal public use of the surface waters;

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2. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 3. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the City to ensure that the site is restored to preexisting conditions; and
 5. The activity is not subject to the permit requirements of RCW 90.58.550, Oil or natural gas exploration in marine waters;
- N. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;
- O. Watershed restoration projects as defined below. The City shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
1. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - a. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings; or

- b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the OHWM of the stream.
2. "Watershed restoration plan" means a plan developed or sponsored by the Washington Departments of Fish and Wildlife, Ecology, or Transportation; a federally recognized Indian tribe acting within and pursuant to its authority; a city; a county; or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act;
- P. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
- 1. The project has been approved in writing by the State of Washington Department of Fish and Wildlife;
 - 2. The project has received Hydraulic Project Approval (HPA) by the State of Washington Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and
 - 3. The City has determined that the project is substantially consistent with this SMP. The City shall make such determination in a timely manner and provide it by letter to the project proponent. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with this SMP, as follows.

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

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

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

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

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

- By the Washington Department of Fish and Wildlife pursuant to chapter 77.95 or 77.100 RCW; or
- By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW; or

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- By the Department of Fish and Wildlife as a Department of Fish and Wildlife-sponsored fish habitat enhancement or restoration project; or
 - Through the review and approval process for the jobs for the environment program; or
 - Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the Natural Resources Conservation Service; or
 - Through a formal grant program established by the legislature or the Washington Department of Fish and Wildlife for fish habitat enhancement or restoration; and
 - Through other formal review and approval processes established by the legislature.
- b. Fish habitat enhancement projects meeting the criteria of P.3.a of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of P.3.a of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030 (2)(c).
- c. A Hydraulic Project Approval (HPA) permit is required for projects that meet the criteria of P.3.a of this subsection and are being reviewed and approved under this section. An applicant shall use a Joint Aquatic Resources Permit Application (JARPA) form developed by the Office of Regulatory Assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the Washington Department of Fish and Wildlife and to the City. The City shall accept the application as notice of the proposed project. The Washington Department of Fish and Wildlife shall provide a fifteen-day comment period during which it will receive comments regarding

environmental impacts. Within forty-five days, the Department of Fish and Wildlife shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The Department of Fish and Wildlife shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the Department of Fish and Wildlife determines that the review and approval process created by this section is not appropriate for the proposed project, the Department of Fish and Wildlife shall notify the applicant and the City of its determination. The applicant may reapply for approval of the project under other review and approval processes.

- d. Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the Hydraulic Appeals Board pursuant to the provisions of this chapter.
- e. The City may not require permits or charge fees for fish habitat enhancement projects that meet the criteria of P.3.a of this subsection and that are reviewed and approved according to the provisions of this section.

7.6.4 Letters of Exemption

- A. Letters of exemption shall be issued by the City when required by the provisions of WAC 173-27-050.
- B. When projects are exempt consistent with this SMP, the Act, and WAC 173-27-040, but do not require a letter of exemption per WAC 173-27-050, the City may create its own documentation process for record keeping.
- C. The City may provide letters of exemptions or written documentation for programmatic exempt activities such as those that occur in plans detailing operations and maintenance

7.6.5 Letters of Exemption – Application

Applicants for proposals that meet shoreline exemptions criteria shall contain, at a minimum, the information listed in WAC 173-27-180, unless waived by the Shoreline Administrator as unnecessary to determine applicability of SMP provisions to the permit exempt activity.

7.7 Shoreline Conditional Use Permits

7.7.1 Purpose

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

7.7.2 Determinations of Conditional Use Permits

- A. Uses specifically classified or set forth in this Shoreline Master Program as conditional uses shall be subject to review and condition by the Hearing Examiner of the City and by the Department of Ecology.
- B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.
- C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

7.7.3 Review Criteria

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

- B. **Additional criteria for exceeding maximum height.** Applicants proposing to exceed maximum height limits, not otherwise specifically allowed by a Substantial Development Permit in Chapter 5, shall also affirmatively comply with the following criteria:
1. Does the building or structure impact a substantial number of residences? Are the residences involved on or in an area adjoining the project area? Does the building or structure exceed 35 feet in height? Is there an obstruction of view?
 2. Has the applicant demonstrated through photographs, videos, photo-based simulations, or computer-generated simulations that the proposed development will obstruct less than 30% of the view of the shoreline enjoyed by a substantial number of residences or from public properties on areas adjoining such shorelines?
 3. Has the applicant located and oriented structures on the subject property in a manner that diminishes the potential view impact? For example, side yard setbacks may need to be increased. No side yard setbacks shall be reduced to accommodate the proposed structure.
 4. Has the applicant demonstrated extraordinary circumstances?
 5. To address “overriding considerations of the public”, has the applicant prepared a cumulative impacts analysis that documents the public benefits served by issuance of a Conditional Use Permit?
- C. **Consideration of cumulative impact.** In the granting of all Shoreline Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
1. The applicant shall prepare a cumulative impact analysis by a qualified professional for the type of application proposed:
 - a) documenting other properties or uses on the same waterbody that are similarly situated and could request a similar Shoreline Conditional Use Permit; b) demonstrating consistency with the policies of RCW 90.58.020 (Legislative findings); and
 - 3) demonstrating no substantial adverse effects to the shoreline

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

2. For requests to exceed maximum heights, the analysis shall address such considerations as cumulative view obstruction results of height adjustments (within a 1,000-foot radius) of the proposed development combined with those of other developments that exceed the 35-foot height limitation, environmental benefits (enhancement or restoration), public access/open space benefits, and economic benefits. The cumulative impact analysis shall address overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained.

7.7.4 Conditions of Approval

In authorizing a conditional use, special conditions may be attached to the permit by the City and/or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws, plans, and regulations.

7.8 Shoreline Variance Permits

7.8.1 Purpose and Review Process

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

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

7.8.2 Review Criteria

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

- A. **General provisions.** Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist and the public interest shall suffer no substantial detrimental effect.

- B. **Shoreline variances landward of the OHWM.** Shoreline Variance Permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant demonstrates affirmatively all of the following:
 - 1. How would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude or significantly interfere with reasonable use of the property?
 - 2. How is the hardship described in B.1 above specifically related to the property, and is the hardship the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example, from deed restrictions or the applicant's own actions?
 - 3. How is the design of the project compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will the project design not cause adverse impacts to the shoreline environment?
 - 4. How will the variance not constitute a grant of special privilege not enjoyed by the other properties in the area?
 - 5. How is the variance requested the minimum necessary to afford relief?
 - 6. How will the public interest suffer no substantial detrimental effect?

- C. **Shoreline variances waterward of OHWM.** Shoreline Variance Permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland as

defined in RCW 90.58.030(2)(h), may be authorized provided the applicant demonstrates affirmatively all of the following:

1. How would the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude all reasonable use of the property?
2. How is the proposal consistent with the criteria established under subsection 7.8.2.B.2 through B.6 of this section?
3. How will the public rights of navigation and use of the shorelines not be adversely affected?

D. **Cumulative impacts.** In the granting of all Shoreline Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The applicant shall submit a cumulative impact analysis prepared by a qualified professional for the subject of the variance: a) documenting other properties or uses on the same waterbody that are similarly situated and could request a similar variance; b) demonstrating consistency with the policies of RCW 90.58.020; and c) demonstrating no substantial adverse effects to the shoreline environment and achievement of no-net-loss of shoreline ecological function. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of the Act and shall not cause substantial adverse effects to the shoreline environment. The City shall determine whether the additional potential for variances will produce substantial adverse effects to the shoreline environment considering the characteristics of the proposed variance request, the ability to achieve no-net-loss of ecological function principles, and capability of accommodating preferred shoreline uses in the future if the variance and cumulative potential requests occur.

7.8.3 Conditions of Approval

In authorizing a variance, special conditions may be attached to the Shoreline Variance Permit by the City and/or Ecology to prevent undesirable effects of the proposed development or activity and/or to assure consistency of the project with the Act and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws, plans, and regulations.

7.9 Permit Conditions

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

7.10 Duration of Permits

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

- A. **General provisions.** The time requirements of this section shall apply to all Shoreline Substantial Development Permits and to any development authorized pursuant to a Shoreline Conditional Use Permit or Shoreline Variance Permit authorized by this Chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP and this chapter, the City may adopt different time limits from those set forth in Subsections 7.10.B and C of this section as a part of an action on a Shoreline Substantial Development Permit.
- B. **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit. Commencement means taking the action on the shoreline project for which the permit was granted shall begin. For example, beginning actual construction or entering into binding agreements or contractual obligations to undertake a program of actual construction. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed with a complete extension application submittal before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit and to Ecology.

- C. **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit, and to Ecology.
- D. **Effective date.** The effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in subsections B and C of this section do not include the time during which a use or activity was not actually pursued due to pending administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. The applicant shall be responsible for informing the City of the pendency of other permit applications filed with agencies other than the City and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given by the applicant to the City prior to the date of the last action by the City to grant permits and approvals necessary to authorize the development to proceed, including administrative and legal actions of the City, and actions under other City development regulations, the date of the last action by the City shall be the effective date.
- E. **Revisions.** Revisions to permits under Section 7.14 may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
- F. **Notification to Ecology.** The City shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

7.11 Initiation of Development

- A. **Amortization to begin construction.** Each permit for a Substantial Development, Shoreline Conditional Use or Shoreline Variance issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of receipt with Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of receipt of the decision, except as provided in RCW 90.58.140(5)(a) and (b). The date of receipt for a Substantial Development Permit means that date the applicant receives written notice from Ecology that it has received the decision. With regard to a permit for a Shoreline Variance or a Shoreline Conditional Use, date of receipt means the date the City or applicant receives the written decision of Ecology.
- B. **Forms.** Permits for Substantial Development, Shoreline Conditional use, or Shoreline Variance may be in any form prescribed and used by the City including a combined permit application form. Such forms will be supplied by the City and are codified in Chapter 14.05 of the Cashmere Municipal Code.
- C. **Data sheet.** A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.
- D. **Construction Prior to Expiration of Appeal Deadline.** Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

7.12 Review Process

The application shall be reviewed by the City of Cashmere in accordance with Cashmere Municipal Code Chapters 14.05, 14.07, and 14.09.

7.13 Appeals

7.13.1 Appeals of Shoreline Administrator Determinations and Decisions

- A. Administrative review decisions by the Administrator, based on a provision of this SMP, may be the subject of an appeal to the Hearing Examiner by any aggrieved person. Such appeals shall be an open record hearing before the Hearing Examiner consistent with Cashmere Municipal Code Section 14.11.

- B. Appeals of exemptions are allowed only for exemptions where a letter is required pursuant to Section 7.6.4, Letters of Exemption, of this SMP
- C. Appeals must be submitted within fourteen (14) calendar days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:
 - 1. The decision or interpretation being appealed, including the file number reference and the specific objections in the decision document;
 - 2. The name and address of the appellant and his/her interest(s) in the application or proposed development;
 - 3. The specific reasons why the appellant believes the decision or interpretation to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision or interpretation is erroneous;
 - 4. The specific relief sought by the appellant; and
 - 5. The appeal fee established by the City.
- D. Per WAC 173-27-120, the City shall comply with special procedures for limited utility extensions and bulkheads. If there is an appeal of the decision to grant or deny the permit to the City legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

7.13.2 Appeals to Shorelines Hearings Board

Appeals to the Shoreline Hearings Board of a final decision on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance Permit, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within thirty (30) days of receipt of the final decision by the City or by Ecology as provided for in RCW 90.58.140(6).

7.14 Amendments to Permits

7.14.1 Revision – When Required

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

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

7.14.2 Determination of Scope and Intent

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

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

- A. No additional over water construction is involved;
- B. Ground area coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;
- C. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a Shoreline Variance or Shoreline Conditional Use Permit (for height) granted as the original permit or a part thereof;
- D. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
- E. The use authorized pursuant to the original permit is not changed; and
- F. No adverse environmental impact will be caused by the project revision.

7.14.3 Filing of Revision

- A. The revision approval, including the revised site plans and text consistent with the provisions of Section 7.4 and 7.14 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this

section shall be filed with Ecology. In addition, the City shall notify parties of record of their action.

- B. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance Permit, the City shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the City and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from local government. The City shall notify parties of record of Ecology's final decision.

7.14.4 Effective Date of Revised Permit

The revised permit is effective immediately upon final decision by the City or, when appropriate under Subsection 7.14.3, upon final action by Ecology. Construction undertaken pursuant to a permit is at the applicant's own risk until the expiration of the appeals deadline.

7.14.5 Appeal of Revised Permit

- A. **Filing.** Appeals of a revised permit shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the City's action by Ecology or, when appropriate under Subsections 7.7 and 7.8, the date Ecology's final decision is transmitted to the City and the applicant.
- B. **Basis of appeals.** Appeals shall be based only upon contentions of noncompliance with the provisions of Subsection 7.14.1. Appeals shall be based on the revised portion of the permit.
- C. **Risk.** Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline.
- D. **Scope of decision.** If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.15 Enforcement

- A. The City shall apply 173-27 WAC Part II, Shoreline Management Act Enforcement, to enforce the provisions of this SMP.
- B. Specific violation requirements in this SMP, include, but are not limited to, Section 4.5.2.J, Unauthorized vegetation removal.

7.16 Amendments to Shoreline Master Program

7.16.1 General

- A. This Shoreline Master Program carries out the policies of the Shoreline Management Act for the City of Cashmere. It shall be reviewed and amended as appropriate in accordance with the review periods required in the Act and in order to:
 - 1. To assure that this SMP complies with applicable law and guidelines in effect at the time of the review; and
 - 2. To assure consistency of this SMP with the City's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.
- B. This SMP and all amendments thereto shall become effective 14 days after final approval by Ecology.
- C. The SMP may be amended annually or more frequently as needed pursuant to the Growth Management Act, RCW 36.70A.130(2)(a)(iii).

7.16.2 Amendment Process and Criteria

- A. **Initiation.** Future amendments to this Shoreline Master Program may be initiated either by any person, resident, property owner, business owner, governmental or non-governmental agency, Shoreline Administrator, Planning Commission, or City Council.
- B. **Application.** Applications for SMP amendments shall specify the changes requested and any and all reasons therefore. Applications shall be made on forms specified by the City. Such applications shall contain information specified in the City's procedures for Comprehensive Plan and development regulation amendments pursuant to RCW 36.70A, the Growth Management Act, and information necessary to meet minimum public review procedures in Subsection C.
- C. **Public Review Process – Minimum Requirements.** The City shall accomplish the amendments in accordance with the procedures of the Shoreline Management Act, Growth Management Act, and implementing rules including, but not limited to, RCW 90.58.080, WAC 173-26-100, RCW 36.70A.106 and 130, and Part Six, Chapter 365-196 WAC.
- D. **Roles and Responsibilities.** Proposals for amendment of this SMP shall be heard by the Planning Commission, per the provisions of Section 7.1.4. After conducting a hearing and evaluating testimony regarding the

application, including a recommendation from the Shoreline Administrator per Section 7.1.1, the Planning Commission shall submit its recommendation to the City Council, who shall approve or deny the proposed amendment consistent with Section 7.1.5.

- E. Finding. Prior to approval, the City shall make a finding that the amendment would accomplish #1 or #2, and must accomplish #3:
 - 1. The proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines;
 - 2. The proposed amendment would make this Program more equitable in its application to persons or property due to changed conditions in an area;
 - 3. This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the effective date of this SMP [July 3, 2014].

- F. County and City Coordination. The County applies the City's SMP in the UGA. Where the City makes an amendment to this SMP, it shall provide the Ecology-approved amendment to the County in accordance with terms of any interlocal agreements or the County's Comprehensive Plan Amendment procedures to ensure the County makes the revisions consistent with the City's SMP.

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

7.17 Monitoring

The City will track all shoreline permits and exemption activities to evaluate whether the SMP is achieving no net loss. Project monitoring is required for individual restoration and mitigation projects consistent with Section 4.2 (Ecological Protection and Critical Areas) and Appendix B (Critical Areas Regulations) of this SMP. In addition, the City shall conduct system-wide monitoring of shoreline conditions and development activity that occur in shoreline jurisdiction outside of critical areas and their buffers, to the degree practical. Activities to be tracked using the City's permit system include development, conservation, restoration and mitigation, such as:

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- A. New shoreline development
- B. Shoreline Variances and the nature of the variance
- C. Compliance issues
- D. Net changes in impervious surface areas, including associated stormwater management
- E. Net changes in fill or armoring
- F. Net change in linear feet of levee and/or distance between OHWM and any levees
- G. Net changes in vegetation (area, character)

Using this information and information about the outcomes of other actions and programs of the other City departments as well, a no net loss report shall be prepared every eight years as part of the City's SMP evaluation or Comprehensive Plan Amendment process. Should the no net loss report show degradation of the baseline condition documented in the Shoreline Analysis Report (2012), changes to the SMP and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year update to prevent further degradation and address the loss in ecological functions.

8 DEFINITIONS

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

The definition of any word or phrase not listed in the definitions that is in question when administering this chapter shall be defined from one of the following sources, using the following hierarchy, starting with number 1:

1. The Shoreline Management Act or the Shoreline Master Program Guidelines;
2. Any City resolution, ordinance, code, regulation, or formally adopted comprehensive plan, shoreline master program or other formally adopted land use plan;
3. Any statute or regulation from the State of Washington;
4. Legal definition from Washington common law or a law dictionary;
5. The common dictionary

A

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

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

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

ADMINISTRATOR OR SHORELINE ADMINISTRATOR. Administrator or Shoreline Administrator means the director of the City's community development department or his/her designated representative, who is vested

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with the duty of administering Shoreline Master Program regulations within the City's area of authority.

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

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

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

- A. "Agricultural tourism" refers to the act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.
- B. "Nursery" means land or structures, such as greenhouses, used to raise plants, flowers and shrubs for sale.
- C. "Roadside stand" means a temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and non-food items. This use is to be seasonal in duration, open for the duration of the harvest season. For existing roadside stands see **AGRICULTURAL ACTIVITIES** and **AGRICULTURAL EQUIPMENT** and **AGRICULTURAL FACILITIES.**
- D. "Value added operation" means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value added operations may include bagging, packaging, bundling, pre-cutting, food and beverage service, etc.

- E. "Winery" means a facility where fruit or other products are processed (i.e., crushed, blended, aged, and/or bottled) and may include as incidental and/or accessory to the principal use a tasting room, food and beverage service, places of public/private assembly, and/or retail sales area.

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

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

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

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

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

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

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ANADROMOUS FISH. Fish species that spend most of their lifecycle in saltwater, but return to freshwater to reproduce.

APPEAL. A request for a review of the City's interpretation of any provision of this chapter or a request for a variance.

APPLICABLE. The shoreline goal, objective, policy, or standard is relevant or appropriate, or the shoreline development meets the threshold upon which a requirement is based as determined by the authority responsible to determine compliance with the Shoreline Master Program per Chapter 7.

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

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

APPURTENANCE, RESIDENTIAL. An improvement necessarily connected to the use and enjoyment of a single-family residence when located landward of the OHWM or the perimeter of a wetland. Appurtenances may include: a garage and/or shop; driveway; utilities; water craft storage (upland); fences; decks; installation of a septic tank and drainfield; and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM.

AQUATIC. Pertaining to those areas waterward of the OHWM.

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

- A. Commercial Aquaculture: Commercial aquaculture is defined as the rearing of aquatic organisms, including the incidental preparation of these products for human use, with the goal of maximizing profit.
- B. Non-Commercial Aquaculture: Non-commercial aquaculture is defined as fish and wildlife activities that are not primarily for profit and are supported by a recognized federal, tribal, or state resource manager.
 - 1. Low Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture, including well and water supply development, surveys, ground disturbance of less than 10 cubic yards, no permanent structures, and minimal land clearing.
 - 2. Medium Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture, including well and water supply development, surveys, development of acclimation ponds or other acclimation vessels, and removable/portable structures.
 - 3. High Intensity Non-Commercial Aquaculture: Activities which support non-commercial aquaculture including well and water supply development, surveys, development of acclimation ponds, and permanent structures.

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

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

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

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

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AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet, clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

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

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

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

B

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

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given years. Also referred to as the "100 year flood." Designation on maps always include the letters A or V.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

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

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

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

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

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

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

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

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

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

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

BOG. A low nutrient, acidic wetland with organic soils and characteristic bog plants, which is sensitive to disturbance and impossible to re-create through compensatory mitigation.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

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

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

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

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

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

C

CHANNEL MIGRATION ZONE (CMZ). The area along a river or stream within which the channel(s) can reasonably be expected to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river or stream and its surroundings. It encompasses that area of current and historic lateral stream channel movement that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion.

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

CITY/CITIES. Local governments with shorelines in Chelan County. Cities include, but are not limited to, the Cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee and those that may incorporate in accordance with applicable State and County laws.

CLASSIFICATION. The defining value and hazard categories to which critical areas will be assigned.

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

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

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

COMMUNITY ACCESS. The ability of all property owners or members of a residential development to reach and use the waters of the State, the water/land

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interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or community corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing platforms, and other community sites or facilities. Community access is not intended for the general public.

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

COMPENSATORY MITIGATION. Mitigation for wetland losses or impacts resulting from alteration of wetlands and/or their buffers. It includes but is not limited to: creation, enhancement, and restoration.

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

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

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

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

COUNTY. Chelan County, Washington.

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

CREATION. The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Creation results in a gain in wetland and acreage [and function]. A typical action is the excavation of upland soils to

elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species.

CRITICAL AQUIFER RECHARGE AREA. Areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) used for potable water as defined by WAC 365-190-030(2).

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

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

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great for operations to continue. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

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

CUMULATIVE IMPACTS or EFFECTS. The combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impacts analysis and changes to policies and permitting decisions.

D

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

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

DEVELOPABLE AREA. A site or portion of a site that may be used as the location of development, in accordance with the rules of this SMP.

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

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

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

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

DOCK. All platform structures or anchored devices in, suspended over, or floating on waterbodies to provide moorage for pleasure craft (including watercraft and float planes) or landing for water-dependent recreation including, but not limited to, piers, floats, swim floats, float plane moorages, and water ski

jumps. Excluded are launch ramps. Docks often consist of a nearshore pier with a ramp to an offshore float. See also PIER.

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

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

E

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

ECOLOGY. See DEPARTMENT OF ECOLOGY.

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

ELEVATED BUILDING. For insurance purposes, a nonbasement building, which has its lowest elevated floor raised above ground level by foundational walls, shear walls, posts, piers, pilings, or columns.

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

EMERGENCY/EMERGENCY CONSTRUCTION. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is

necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

ENHANCEMENT. The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify or improvise specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. [Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods. See also BEACH ENHANCEMENT/RESTORATION.

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

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

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

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

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

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

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

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

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

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

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

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

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

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

FISH AND WILDLIFE HABITAT CONSERVATION AREAS. Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
2. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the State Department of Fish and Wildlife;
3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;
4. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface water and watercourses within the authority of the state of Washington;
5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; state natural area preserves and natural resources conservation areas; and
6. Land essential for preserving connections between habitat blocks and open spaces.

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

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

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland

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or tidal waters; and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

FLOOD INSURANCE RATE MAP (FIRM) or FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

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

FLOODWAY. The area, as identified in a master program, that has been established in federal emergency management agency flood insurance rate maps or floodway maps. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

FOREST PRACTICES. Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction; harvesting, final and intermediate; precommercial thinning and fire protection; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. Forest practices do not include preparatory work such as tree marking,

surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

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

FUNCTIONS AND VALUES. The services provided by critical areas to society; including, but not limited to, improving and maintaining water quality; providing fish and wildlife habitat; supporting terrestrial and aquatic food chains; reducing flooding and erosive flows; wave attenuation; historical or archaeological importance; educational opportunities; and recreation.

G

GEOLOGICALLY HAZARDOUS AREA. Areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

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

GEOTECHNICAL REPORT. See GEOTECHNICAL ANALYSIS.

GRADE. See AVERAGE GRADE LEVEL.

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

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

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

GROINS. A barrier type of structure extending from the backshore or stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. In a stream environment, groins may serve a variety of functions, including bank protection, pool formation, and increased roughness, and may include rock structures, debris jams, or pilings that collect wood debris. See also **BARB** and **WEIR**.

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

GROWTH MANAGEMENT ACT. RCW 36.70A and 36.70B, as amended.

GUIDELINES. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

H

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

HARD STRUCTURAL SHORELINE STABILIZATION. Shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or

near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures.

HAZARDOUS SUBSTANCES. Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

HEIGHT. The vertical dimension measured from average grade to the highest point of a structure; provided that, antennas, chimneys, and similar appurtenances shall not be used in calculating height, unless such appurtenance obstructs the view of a substantial number of adjacent residences. Temporary construction equipment is excluded in this calculation. Average grade shall be defined consistent with the definition of average grade level, and shall be the grade existing as of effective date of this SMP or pursuant to any legal alterations consistent with the SMP and applicable federal, state, or local laws.

HISTORIC CONDITION. Condition of the land including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by Euro-American settlement, or in some cases before any human habitation occurred.

HISTORIC PRESERVATION PROFESSIONAL. Individuals who meet standards promulgated by the DAHP as well as the National Park Service and published in 36 CFR Part 61. These standards address minimum education and experience required to perform identification, evaluation, registration and treatment activities for historic properties. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the properties involved.

HISTORIC SITE. Sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the City.

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

I

IMPACT. See SIGNIFICANT ECOLOGICAL IMPACT.

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

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

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

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

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

- A. The action cannot be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently not available or unlikely to achieve the intended results.

- B. The action does not have a reasonable likelihood of achieving its intended purpose. Reasonable means acceptable and according to common sense or normal practice.
- C. The action precludes achieving the project's primary intended use.
- D. The action's relative public costs and public benefits, considered in the short- and long-term time frames, show the costs far outweigh the benefits.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. See FEASIBLE.

INFILTRATION. The passage or movement of water into the soil surface.

INSTITUTIONAL. Those public and/or private facilities including, but not limited to, police and fire stations, libraries, activity centers, schools, educational centers, water-oriented research facilities, and similar uses.

IN KIND COMPENSATION. To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

IN-STREAM STRUCTURE. Structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, recreation, or other purpose.

INVASIVE SPECIES. A species that is 1) non-native (or alien) to Chelan County and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes).

ISOLATED WETLANDS. Those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water, including other wetlands.

J

JETTIES. A barrier type of structure generally built singly or in pairs perpendicular to the shoreline at harbor entrances or river mouths to prevent sediment from depositing in the harbor or channel. They also protect channels and inlets from crosscurrents and storm waves. See also BREAKWATERS.

JOINT-USE DOCKS. Those constructed and utilized by two, three or four property owners, whether on adjacent lots as single-family residences or as multi-family units, or by a homeowner's association. Marinas, public docks and community docks that serve more than four single-family residences or multi-family units are regulated as Boating Facilities under Section 5.5 of this SMP. Residential joint-use docks are regulated as Private Moorage Structures under Section 5.14 of this SMP.

L

LANDSLIDE. A general term covering a wide variety of mass movement landforms and processes involving the down slope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

LARGE WOODY DEBRIS. Logs, limbs, or root wads 4 inches or larger in diameter, delivered to waterbodies from adjacent riparian or upslope areas or from upstream areas. Large woody debris also includes logs, limbs, or root wads 4 inches or larger that are placed in a waterbody for the purpose of providing habitat and/or mitigation.

LAUNCH RAMP. An inclined slab, set of pads, rails, planks, or graded slope which extends waterward of the OHWM, and is used for transferring watercraft between uplands and the water with trailers or occasionally by hand. See also BOAT LAUNCH FACILITY.

LEGALLY ESTABLISHED. A use or structure in compliance with the laws and rules in effect at the time of creation of the use or structure.

LETTERS OF EXEMPTION. A letter prepared by the City addressed to the applicant whenever a development is determined by the City to be exempt from the Shoreline Substantial Development Permit process according to the exemption provisions of this program. Also see EXEMPTION.

LEVEE. A natural or artificial embankment on the bank of a stream or river for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

LIMITED UTILITY EXTENSION. For the purposes of Section 7.3.D, the extension of a utility service that:

- A. Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;
- B. Will serve an existing use in compliance with WAC 173-27; and
- C. Will not extend more than two thousand five hundred linear feet within the shorelines of the state.

LIVEABOARD. A floating vessel that serves as a residence, and is self-powered by sail or motor.

LOCAL GOVERNMENT. Any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW. For the purposes of this SMP, this means Chelan County or the City of Cashmere. Chelan County is the responsible local government within unincorporated territory, including urban growth areas, and the City of Cashmere is the responsible local government within its City limits.

LOW IMPACT DEVELOPMENT. An approach to land development or re-development that works with nature to manage stormwater as close to its source as possible. LID principles for site design, construction, and maintenance include: preserving native vegetation, protecting critical areas, minimizing impervious surfaces, minimizing grading and compaction of site soils, preserving existing flow paths, infiltrating stormwater runoff, dispersing stormwater to vegetated facilities, utilizing naturalistic surface conveyance facilities, and utilizing small-scale, distributed low impact development best management practices.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Appendix B found in section 5.150(A)(2).

M

MAINTENANCE, NORMAL. Those usual acts to prevent a decline, lapse, or cessation from a legally established condition. See REPAIR, NORMAL.

MAJOR DEVELOPMENT. An activity that is required to obtain a permit from the City that is classified by CMC Title 14 as a "full administrative" or "quasi-judicial" review process.

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MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. The term “manufactured home” does not include park trailers, travel trailers, or other similar vehicles.

MANUFACTURED HOME PARK or SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARINA. A public or private water-dependent wet moorage facility for pleasure craft and/or commercial craft where goods, moorage or services related to boating may be sold commercially or provided for a fee, e.g. yacht club, etc. Dry storage and launching facilities, either launch ramp, crane or hoist, may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership. Community docks that do not provide nonwater-oriented uses or water-oriented commercial services, other than to the specific residential community served by the community dock, are not considered marinas.

MARSH. A low flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh at least during part of the year.

MATURE FORESTED WETLAND. A wetland where at least 1 acre of the wetland surface is covered by woody vegetation greater than 20 feet in height with a crown cover of at least 30 percent and where at least 8 trees/acre are 80 to 200 years old OR have average diameters (dbh) exceeding 21 inches (53 centimeters) measured from the uphill side of the tree trunk at 4.5 feet up from the ground.

MAY. Refers to actions that are acceptable, provided they conform to the provisions of this master program and the Act.

MINERAL EXTRACTION. The removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this SMP.

MINOR DEVELOPMENT. An activity that is required to obtain a permit from the City that is classified by CMC Title 14 as “limited administrative” review process.

MITIGATION (or MITIGATION SEQUENCING). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. The following sequence of steps is listed in prioritized order:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- F. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

MIXED USE. A combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.

MIXED USE COMMERCIAL. Developments that include water-dependent commercial uses combined with water-related, water-enjoyment uses and/or nonwater-oriented commercial uses. Mixed-use developments can be a tool for water-dependent activities, civic revitalization, and public access to the shoreline.

MIXED USE RESIDENTIAL. Mixed use developments that include water-dependent and water-oriented commercial uses together with single-family or multi-family uses while promoting public access for significant numbers of the public and/or providing an ecological restoration resulting in a public benefit.

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This mix of uses is intended to reduce transportation trips, use land efficiently, and provide for waterfront commerce and housing options.

MIXING ZONE ANALYSIS. Refers to the determination of a limited area in a waterbody where water quality standards may be exceeded as long as acutely toxic conditions are prevented. Typically a mixing zone is an area where discharged water enters a waterbody and mixes with a stream or water body. The accurate determination of the mixing zone is essential for environmental impact and risk assessment.

MODIFICATION. A change or alteration in existing materials, including structures, plans and uses.

MODIFICATION, SHORELINE. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

MOORAGE FACILITY. Any device or structure used to secure a boat or a vessel, including docks, piers, floats, piles, watercraft lifts or buoys.

MOORAGE PILE. A permanent vertical column generally located in open waters, often in close proximity to a dock or pier, to which the vessel is tied to prevent it from excessive movement generated by wind, or wind- or boat-driven waves.

MONITORING. Evaluation of the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.

MULTI-FAMILY DWELLING (OR RESIDENCE). A building containing two or more dwelling units, including, but not limited to, duplexes, apartments and condominiums.

MUST. A mandate; the action is required. See SHALL.

N

NATIVE VEGETATION. Plant species that occur naturally in a particular region or environment and were not introduced by human activities.

NAVIGABLE WATERS. Navigable waters of the United States are those waters that are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.

NECESSARY: A word describing an element that is essential, indispensable or needed to achieve a certain result or effect.

NEW CONSTRUCTION. A structure for which the “start of construction” commenced on or after the effective date of the Shoreline Master Program.

NO NET LOSS. A public policy goal and requirement to maintain the aggregate total of the County’s shoreline ecological functions at its current level of environmental resource productivity. For purposes of reviewing and approving this SMP, “current” is equivalent to the date of the Final Shoreline Inventory and Analysis Report (April 23, 2012). As a development and/or mitigation standard, no net loss requires that the impacts of a particular shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated, such that it has no resulting adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

NONCONFORMING USE OR DEVELOPMENT. A shoreline use or development which was lawfully constructed or established prior to the effective date of the Act (June 1, 1971; RCW 90.58.920) or this SMP (July 3, 2014), or amendments thereto, but which does not conform to present regulations or standards of the SMP.

NONPOINT POLLUTION. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

NONWATER-ORIENTED USES. Those uses that are not water-dependent, water-related, or water-enjoyment.

NORMAL MAINTENANCE. See MAINTENANCE, NORMAL and REPAIR, NORMAL”

NORMAL PROTECTIVE BULKHEAD. Those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole

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purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

NORMAL REPAIR. See REPAIR, NORMAL and MAINTENANCE, NORMAL

NOXIOUS WEEDS. A special sub-class of invasive plant species listed as Class A or B by the Chelan County Noxious Weed Control Board.

O

OFF-SITE REPLACEMENT/MITIGATION. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

ON-SITE REPLACEMENT/MITIGATION/COMPENSATION. Replacement of wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted.

ORDINARY HIGH WATER MARK (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

OVERWATER STRUCTURES. Any structure located above the water surface waterward of the OHWM. Common examples include, but are not limited to, residential docks, marinas, and pedestrian or vehicular bridges over waterways.

P

PARKING. A place where vehicles are temporarily stored while an activity is being conducted. Local parking is located onsite intended to serve and support a primary use(s) of a property. Regional parking is a parking area intended to support a district with multiple uses.

PARTY OF RECORD. All persons, agencies, or organizations who have submitted written or verbal comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail or email.

PERIODIC. Occurring at regular intervals.

PERSON. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

PIER. Fixed platform above the water and supported by piles, usually perpendicular to the shoreline. See also DOCK.

PRACTICAL ALTERNATIVE. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and has less impacts to critical areas than the proposal.

PRESERVATION. The removal of a threat to or prevention of the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acreage (but may result in a gain in functions over the long term).

PRIMARY USE. Uses or activities on a shoreline site that is identified as serving the main purpose of the site in terms of its land occupancy or use intensity, and any other uses within the site are supportive or accessory to it.

PRIOR CONVERTED CROPLANDS. PCCs are defined in federal laws as wetlands that were drained, dredged, filled, leveled, or otherwise manipulated, including the removal of woody vegetation, before December 23, 1985, to enable production of an agricultural commodity, and that: 1) have had an agricultural commodity planted or produces at least once prior to December 23, 1985; 2) do not have standing water for more than 14 consecutive days during the growing season; and 3) have not since been abandoned.

PRIORITY HABITAT. A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

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PRIORITY SPECIES. Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels.

Priority species are those that meet any of the criteria listed below:

- A. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M- 6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- C. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- D. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

PROJECT AREA. All areas within fifty (50) feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

PROVISIONS. Policies, regulations, standards, guideline criteria or designations.

PUBLIC ACCESS. The public's ability to reach and use the State's public waters, the water/land interface, and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and visual access facilitated by means such as scenic roads and overlooks, viewing platform, and other public sites or facilities. See also **COMMUNITY ACCESS.**

PUBLIC FACILITIES. Facilities that include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

PUBLIC INTEREST. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Q

QUALIFIED PROFESSIONAL. A person with expertise and training appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, hydrology, geomorphology or related field, and at least five years of related work experience. Specific qualified professionals must also meet the following criteria, or any other criteria included in Appendix B, Critical Areas Regulations:

- A. A qualified professional providing a geotechnical analysis as required under Section 5.18 of this Master Program must be a licensed engineer in the State of Washington, with specific training in geology, hydrology and/or geomorphology.
- B. A qualified professional providing a demonstration of need as required under Section 5.18 of this Master Program must have a M.S. or equivalent degree in geology, hydrology, or geomorphology.
- C. A qualified professional for wetlands means a biologist who has a degree in biology, ecology, botany, or a closely related field, or has been certified as a Professional Wetland Scientist, and a minimum of five (5) years of professional experience in wetland identification and assessment in Eastern Washington.
- D. A qualified professional for habitat conservation areas means a biologist who has a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five (5) years professional experience related to the subject species/habitat type.
- E. A qualified professional for geologically hazardous areas must be an engineer or engineering geologist licensed in the state of Washington. An engineer must be licensed as a civil engineer pursuant to Chapter 18.43 RCW, to qualify. An engineering geologist must be a practicing geologist licensed as a professional geologist pursuant to Chapter 18.22, RCW.
- F. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydro-geologist, geologist, or engineer.

- G. A qualified professional for vegetation management must be a registered landscape architect, certified arborist, biologist, or professional forester with a corresponding degree or certification.

R

RAMP. Walkway that connects a pier or land to a float, often used in areas where water levels change due to seasonal variations. **LAUNCH RAMP** is defined above.

RCW. Revised Code of Washington.

REASONABLE. Reasonable means acceptable and according to common sense or normal practice.

RECREATION. An experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based outdoor recreation such as: fishing, hunting, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

RECREATIONAL DEVELOPMENT. Commercial and public facilities designed and used to provide recreational opportunities to the public.

RECREATIONAL USES. Uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, viewpoint platforms, trails, public access facilities, public parks and athletic fields, hunting blinds, and other low-intensity use outdoor recreation areas. Recreational uses that do not require a shoreline location, nor are related to the water, nor provide significant public access, are considered nonwater-oriented. For example, a recreation use solely offering indoor activities would be considered nonwater-oriented.

RECREATIONAL VEHICLES. Is a vehicular-type units primarily designed for recreational camping or travel use that has its own power source or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camp trailers, truck campers, and motor homes defined in the American National Standards Institute A119.2 standards for recreational vehicles. They are built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RE-ESTABLISHMENT. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres (and functions). Activities could include removing fill, plugging ditches, or breaking drain titles.

REHABILITATION. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions (and processes) of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

REPAIR, NORMAL. To restore a development or structure to a state comparable to its original, legally established condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition. See also MAINTENANCE, NORMAL.

RESIDENTIAL DEVELOPMENT. Single-family residences, multifamily development, and the creation of new residential lots through land division.

RESIDENTIAL USES. Buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, manufactured homes, modular homes, and other structures that serve to house people. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, accessory dwelling units, home occupations, family day care homes, and adult care homes.

RESTORE (RESTORATION or ECOLOGICAL RESTORATION). Measures taken to restore an altered or impaired natural feature, including active steps taken to restore damaged wetlands, streams, protected habitat, or associated buffers to the function or condition that existed prior to an unauthorized alteration and actions performed to reestablish structural and functional characteristics of the

critical area that have been lost to alteration, past management activities, or catastrophic events. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

REVTMENT. Facing of rock, concrete, etc., built to protect a steep slope, cliff, embankment, or shore structure against erosion by waves or currents.

RIPARIAN VEGETATION. Vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

RIPRAP. A layer, facing, or protective mound of dense, hard, angular rock used to prevent erosion, scour, or sloughing of a structure or embankment for revetments, armoring or hardening of shorelines, or other flood/erosion control works.

ROAD. Road shall mean and include contiguous streets, alleys, sidewalks, curbs and gutters, planting strips, roads, highways, thoroughfares, parkways, bridges, viaducts, public grounds and public improvements within the City's territory. Lands for public right of ways are reserved for use and maintenance of the road system. Bridges are roads which cross over water. Sidewalks or paths independent of the rest of typical roadway cross-sections shall be considered trails.

RUNOFF. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

S

SANITARY SEWER. A system designed to accept sewage to be deposited into and carried off by a system of lateral sewers, drains, and pipes to a common point, or points, for transfer to treatment or disposal.

SEDIMENT. The fine grained material deposited by water or wind.

SEPA (STATE ENVIRONMENTAL POLICY ACT). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development

proposals of a significant scale. As part of the SEPA process, environmental impact statements (EISs) may be required to be prepared and public comments solicited. (RCW 43.21c and WAC 197-11 guide this process)

SETBACK. The distance between property line and the foundation wall or load-bearing member of the primary structure. Meaning is distinct from BUFFER.

SETBACK, SIDE. The distance between side lot line and the foundation wall of the primary structure.

SEWAGE: Any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

SHALL. A mandate; the action must be done. See also MUST.

SHORELANDS or SHORELAND AREAS. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

SHORELINE AREAS. All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

SHORELINE BUFFER. See BUFFER OR SHORELINE BUFFER.

SHORELINE ENVIRONMENT DESIGNATIONS. The classifications of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

SHORELINE FUNCTIONS. See ecological functions.

SHORELINE JURISDICTION. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. Also, such areas within a specified local government's authority under the SMA. See SHORELINES, SHORELINES OF THE STATE, SHORELINES OF STATE-WIDE SIGNIFICANCE and WETLANDS. See also Section 3.1 of this SMP.

SHORELINE MANAGEMENT ACT. Washington's Shoreline Management Act was passed by the State Legislature in 1971 and adopted by voters in 1972. The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated

and piecemeal development of the state's shorelines." There are three basic policy areas to the Act: shoreline use, environmental protection and public access. The Act emphasizes accommodation of appropriate uses that require a shoreline location, protection of shoreline environmental resources and protection of the public's right to access and use the shorelines (RCW 90.58.020). Under the Shoreline Management Act (SMA), each city and county with "shorelines of the state" must prepare and adopt a Shoreline Master Program (SMP) that is based on state laws and rules but is tailored to the specific geographic, economic and environmental needs of the community.

SHORELINE MASTER PROGRAM, MASTER PROGRAM, or SMP. A comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies articulated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

SHORELINE PERMIT. A Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, revision, or Shoreline Variance Permit or any combination thereof.

SHORELINE PROPERTY. An individual property wholly or partially within shoreline jurisdiction.

SHORELINE STABILIZATION. Structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM.

SHORELINES HEARINGS BOARD (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

SHORELINES OF STATEWIDE SIGNIFICANCE. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply. This includes rivers that have either a mean annual flow of 200 cubic feet per second or more, or; the portion downstream from the first 300 square miles of drainage areas.

SHORELINES OF THE STATE. The total of all “shorelines” and “shorelines of state-wide significance” within the state.

SHORELINES. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

SHOULD. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this SMP, against taking the action.

SIGN. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

SIGNIFICANT ECOLOGICAL IMPACT. An effect or consequence of an action if any of the following apply:

- A. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- B. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes under foreseeable conditions.
- C. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

SIGNIFICANT TREE. A significant tree shall be defined as any tree over eight inches in diameter as measured four feet above grade.

SIGNIFICANT VEGETATION REMOVAL. The removal or alteration of trees, shrubs, and/or groundcover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

City of Cashmere Shoreline Master Program

SINGLE-FAMILY RESIDENCE (SFR). A single detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

SMP. See SHORELINE MASTER PROGRAM.

SOIL SURVEY. The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

SOFT STRUCTURAL SHORELINE STABILIZATION: Shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement. Linear, vertical faces are an indicator of **HARD STRUCTURAL SHORELINE STABILIZATION** (see above definition).

SPECIES. Any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

SPECIES, ENDANGERED. Any wildlife species native to the state of Washington that is seriously threatened with the extinction throughout all or a significant portion of its range within the state (WAC 232-12-297, Section 2.4).

SPECIES, PRIORITY. Any fish or wildlife species requiring protective measure and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, included endangered, threatened, sensitive, candidate and monitor species, and those of recreation, commercial, or tribal importance.

SPECIES, SENSITIVE. Any wildlife species native to the State of Washington that is vulnerable to declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats (WAC 232-12-197, Section 2.6).

SPECIES, THREATENED. Any wildlife species native to the state of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats (WAC 232-12-197, Section 2.5).

START OF CONSTRUCTION. The date the building permit is issued for a substantial improvement, provided the actual start of construction, repair, reconstruction, placement or other improvement is within 180 days of the permit

date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage or sheds not occupied as dwelling units or not part of the main structure.

STATE MASTER PROGRAM. The cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by Ecology.

STORM WATER. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

STORMWATER FACILITY: A constructed component of a stormwater drainage system designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

STREAM. Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water mark of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except when they are used by salmonids or where they exist in a natural watercourse that has been altered by humans. A shoreline stream is a naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels.

City of Cashmere Shoreline Master Program

STRUCTURE. A permanent or temporary walled and roofed edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels. This includes a gas or liquid storage tank that is principally above ground.

SUBDIVISION. The division or redivision of land, including short subdivision, for the purpose of sale, lease or conveyance.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
3. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUBSTANTIAL DEVELOPMENT, SHORELINE. Any development which meets the criteria of RCW 90.58.030(3)(e). See also DEVELOPMENT and EXEMPTION.

SUBSTANTIALLY DEGRADE. See SIGNIFICANT ECOLOGICAL IMPACT

SURFACE WATER. All water that exists on the land surface, including streams, lakes or reservoirs, or other bodies of water within the boundaries of the state.

SWAMP. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

T

TERRESTRIAL. Of or relating to land as distinct from air or water.

TRAIL. Trails are clearly identified paved, semi-paved or unpaved but defined (e.g. gravel) pathways for pedestrians in a natural or urban setting used for recreational or circulation purposes. A trail by itself is not considered a road.

TRANSPORTATION FACILITIES. Roads and railways, including their related bridges and culverts, transportation structures, public transit and bus facilities, pedestrian transportation including foot bridges over rivers/streams and trails, fills, embankments, causeways, truck terminals and rail switchyards, sidings, spurs, air fields and other associated minor facilities. Not included are, highway rest areas, ship terminals, nor logging roads. Local transportation refers to facilities provide direct access to abutting land and to higher order roads. Regional transportation refers to facilities serving more than one city or community or major destinations.

U

UNAVOIDABLE. Adverse impacts that remain after all appropriate mitigation sequencing measures have been implemented.

UPLAND. Generally described as the dry land area above and landward of the OHWM.

UTILITIES. Lines and facilities related to the provision, distribution, collection, transmission or disposal of water, stormwater, sanitary sewage, oil, gas, power, and telephone cable, and includes facilities for the generation of electricity.

- A. "Large facilities" serve more than one community (e.g. more than one neighborhood, town, city or other defined place) or major attractions. Examples include, but are not limited to, 230 kv power transmission lines, natural gas transmission lines, and regional water storage tanks and reservoirs, regional water transmission lines or regional sewer collectors and interceptors. Large facilities may also include facilities serving an entire community, such as subregional switching stations (one hundred fifteen (115) kv and smaller), and municipal sewer, water, and storm water facilities.
- B. "Small facilities" serve adjacent properties and include, but are not limited to, power lines not specified under "large facilities," water,

sanitary sewer, and storm water facilities, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way. On-site utility features serving primary use such as a water, sewer, or gas line to a residence are accessory utilities and shall be considered part of the primary use.

V

VARIANCE, SHORELINE. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in this SMP and RCW 90.58.020; variance is not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the Administrator and the Department of Ecology.

VESSEL. A floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

VIEW ANALYSIS. An analysis to evaluate the ability of the general public to view the water and the shoreline from adjacent locations such as public places or from substantial numbers of residences.

VISUAL ACCESS. The ability of the general public to view the water and the shoreline from adjacent locations.

VIEW CORRIDOR. The line of sight (identified as to height, width, and distance) of an observer looking toward shoreline from upland locations, public spaces, such as parks, trails, or streets that have particular significance in preserving the unique character of the shoreline.

W

WAC. Washington Administrative Code.

WASTE STORAGE AND TREATMENT. Facilities for collecting and treating, as an accessory use only, garbage, solid waste or sewage generated by the development and its users. This definition does not include municipal sewage treatment facilities.

WATERBODY. A body of still or flowing water, fresh or marine, bounded by the OHWM.

WATERCRAFT LIFT. An in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water. A watercraft lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a pier or float, and may be floating or ground-based. Watercraft lifts include, but are not limited to, lifts for motorized boats, kayaks, canoes, jet skis, and float planes. A watercraft lift is different from a hoist or crane used for the launching of vessels.

WATER-DEPENDENT USE. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include but are not limited to ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boating facilities, private moorage facilities, aquaculture, float plane facilities, sewer outfalls, hydroelectric generating plants and water diversion facilities, such as agricultural pumphouses.

WATER-ENJOYMENT USE. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, viewing and walking piers and other improvements facilitating public access to the shorelines of the State, including public view or fishing platforms; and general water-enjoyment uses may include, but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels (as part of mixed use development or with significant public access or restoration components), and mixed-use commercial/office.

WATERFRONT. A parcel of property with upland characteristics which includes within its boundary a physical interface with the existing shoreline of a body of water.

WATER-ORIENTED USE. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

WATER QUALITY. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under this

chapter and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this master program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

WATER-RELATED USE. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- B. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, , gravel storage when transported by barge, oil refineries where transport is by tanker, log storage, and agriculturally related water transportation systems.

WATERSHED. A geographic region within which water drains into a particular river, stream or body of water.

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

WATERSHED RESTORATION PROJECT. A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- A. A project that involves less than 10 miles of stream or lake reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings; or

- B. A project for the restoration of an eroded or unstable stream bank or lake shore that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of wave energy; or
- C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure (e.g., project equipment shed), other than a bridge or culvert or in-water habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream or lake.

WEIR. A structure generally built across a stream channel for the purpose of diverting water or trapping sediment or other moving objects transported by water.

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

WETLAND MITIGATION BANK. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing advance mitigation to compensate for future, permitted impacts to similar resources.

WETLAND MOSAIC. An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50 percent of the total area of the entire mosaic, including uplands and open water.

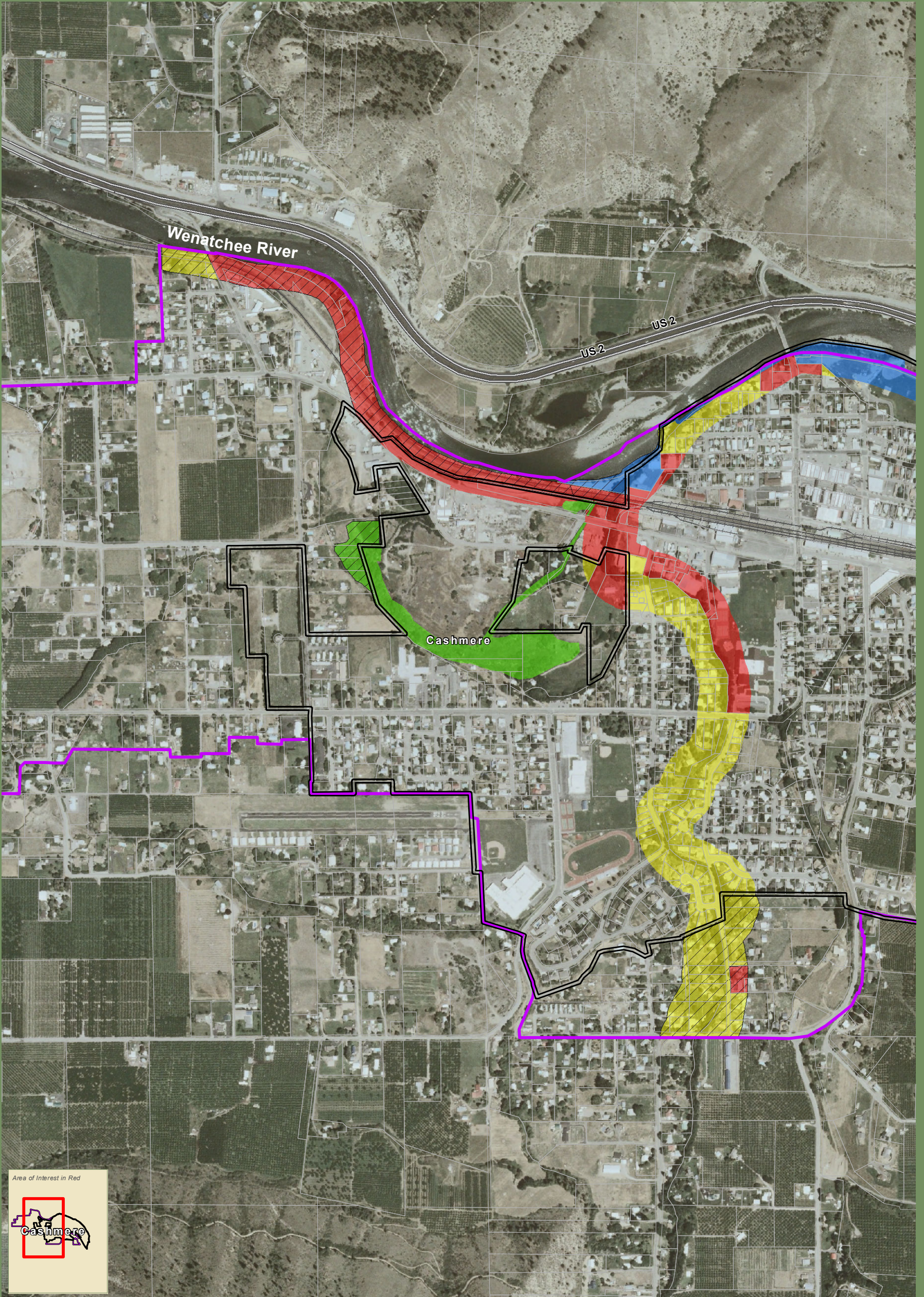
VADOSE ZONE. Also known as the unsaturated zone. The vadose zone extends from the top of the ground surface to the water table.

Z

ZONING. The system of land use and development regulations and related provisions of Chelan County, the City of Cashmere, the City of Chelan, the City of Entiat, the City of Leavenworth, the City of Wenatchee, and any other future Cities that may incorporate.

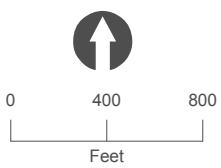
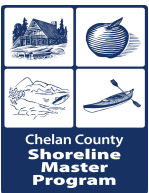
Universal Note

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules in the Washington Administrative Code shall also apply as used herein.



Environment Designations Cashmere 01

All features depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



June 9, 2014.
Data: WA DNR, WA OFM,
Alliance Consulting Group,
Chelan County.



CCA--Environment Designations

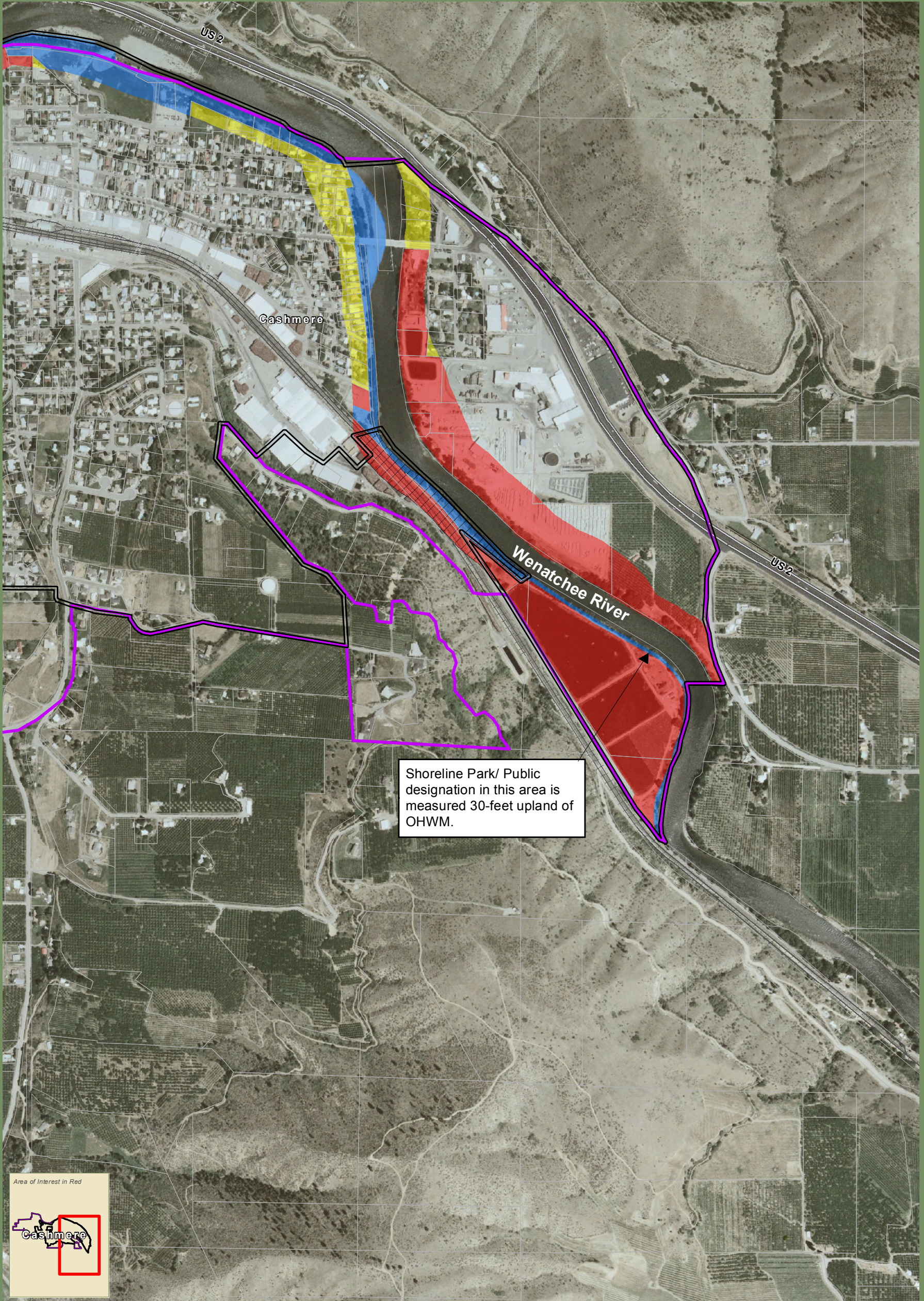
- High Intensity
- Urban Conservancy*
- Shoreline Residential
- Shoreline Park/Public
- UGA Hatching**

- Highways
- Railroads
- Parcels
- City Boundaries
- UGA Boundaries
- WRIA Boundaries

NOTES:

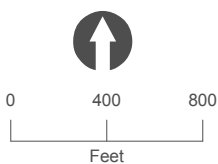
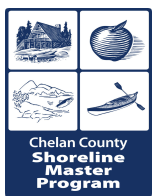
*The boundary of this environment is based on wetland boundaries approximated and/or surveyed by Alliance Consulting Group 2009.

**Hatching indicates shoreline jurisdiction located within the City's Urban Growth Area that is governed by Chelan County. Chelan County will apply the City's Shoreline Master Program standards in these areas.



Environment Designations Cashmere 02

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June 9, 2014.
Data: WA DNR, WA OFM,
Alliance Consulting Group,
Chelan County.

CCA--Environment Designations

- High Intensity
- Urban Conservancy*
- Shoreline Residential
- Shoreline Park/Public
- UGA Hatching**

- Highways
- Railroads
- Parcels
- City Boundaries
- UGA Boundaries
- WRIA Boundaries

NOTES:

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Appendix B- City of Cashmere Shoreline Critical Areas Regulations

CRITICAL AREAS REGULATIONS IN SHORELINE JURISDICTION

CITY OF CASHMERE

Chapters:

Chapter 1 – General Provisions

Chapter 2 – Wetlands

Chapter 3 – Fish and Wildlife Habitat Conservation Areas

Chapter 4 – Aquifer Recharge Areas

Chapter 5 – Frequently Flooded Areas

Chapter 6 – Geologically Hazardous Areas

CHAPTER 1 - GENERAL PROVISIONS

Sections:

1.010 Purpose.

1.020 Applicability.

1.030 Reference maps and inventories.

1.040 Disclosure.

1.050 Review process.

1.060 Mitigation, maintenance, monitoring and contingency.

1.070 Surety.

1.080 Special reports.

1.090 Drainage and erosion control plan.

1.100 Grading and excavation plan.

1.110 Enforcement.

1.010 Purpose.

The purpose of this title is to provide for reasonable protection of the natural environment and the general public health, safety and welfare, and satisfy the requirements of the Shoreline Management Act for critical areas protection as provided in WAC 173-26-221 by:

- A. Implementing the City of Cashmere Comprehensive Plan;
- B. Establishing standards to protect critical areas;
- C. Protecting the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, landslides, or failure of steep slopes;
- D. Protecting unique, fragile and valuable elements of the environment;
- E. Meeting the requirements of the National Flood Insurance program and maintaining the City as an eligible community for federal flood insurance benefits;
- F. Preventing cumulative adverse environmental impacts on water availability, water quality, groundwater, wetlands, rivers and streams;

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

G. Providing appropriate guidance and protection measures for addressing the needs and concerns associated with critical areas that help define the quality of life in the City;

H. Encouraging the retention of open space and development of recreational opportunities, conserving fish and wildlife habitat, and increasing access to natural resource lands and water;

I. Implementing applicable mandated federal and state regulations; and

J. Incorporating the most current, accurate, and complete scientific and technical information available in determining appropriate measures to protect the functions and values of critical areas and for the preservation and/or enhancement of anadromous fisheries.

1.020 Applicability.

A. When a chapter reference is used, it shall be inclusive of all of Appendix B.

B. This chapter classifies and designates critical areas in the City and establishes protection measures for critical areas within the shoreline jurisdiction of the City's incorporated limits. Any development authorized to alter the condition of any land, water or vegetation; or to alter or construct any building, structure or improvement shall be in compliance with the requirements of this chapter.

C. When the provisions of this title or any other provisions of the City's municipal code are in direct conflict with each other or with other federal or state regulations, the provision that is more protective of shoreline resources shall prevail, when consistent with SMA policy.

1.030 Reference maps and inventories.

The distribution of critical areas within the City is described and displayed in reference materials and on maps maintained by the City. These reference materials, in the most current form, are intended for general information only and do not depict site-specific designations. They are intended to advise the City, applicants and other participants in the development permit review process that a critical area may exist and that further study, review and consideration may be necessary. These reference materials shall include but are not limited to the following:

A. Maps.

1. City of Cashmere Critical Area Reference Map: Wetland Areas;
2. City of Cashmere Critical Area Reference Map: Fish and Wildlife Habitat Areas;
3. City of Cashmere Critical Area Reference Map: Geologically Hazardous Areas;
4. City of Cashmere Critical Area Reference Map: Frequently Flooded Areas;
5. Flood Insurance Rate Maps (1976);
6. Flood Boundary and Floodway Maps (1976);
7. U.S. Fish and Wildlife Service National Wetlands Inventory;
8. Washington State Department of Fish and Wildlife Priority Habitats and Species Maps;
9. U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps; and

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

10. Aerial photos.

11. City of Cashmere's Shoreline Environment Designation Maps.

B. Documents.

1. Approved special reports previously completed for a subject property, no greater than five years old and as long as significant development has not occurred on or near the property since the report was completed;

2. The Flood Insurance Study for the Town of Cashmere (1976);

3. City of Cashmere Comprehensive Plan;

4. City of Cashmere Shoreline Master Program;

5. NRCS Soil Survey Maps for Chelan County Area;

6. Delineation Procedures and Federal Manuals outlined in WAC 173-22-035;

7. Washington State Wetlands Rating System for Eastern Washington (DOE 04-06-15, August 2004).

8. Approved Federal Manual for Identifying and Delineating Jurisdictional Wetlands and Applicable Regional Supplements per WAC 173-22-035.

1.040 Disclosure.

The presence of any known or suspected critical areas on or within 300 feet of property that is the subject of a development permit shall be identified by the applicant in the application materials submitted to the City.

1.050 Review process.

Provisions of this chapter shall be considered and applied appropriately during development permit application reviews within shoreline jurisdiction initiated under applicable titles of the CMC. Review of development within frequently flooded areas, aquifer recharge areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and wetlands and any associated buffers within shoreline jurisdiction that do not require a development permit application shall be subject to the provisions of Section 1.080C of Appendix B.

1.060 Mitigation, maintenance, monitoring and contingency.

A. Mitigation, maintenance, monitoring and contingency plans shall be implemented by the developer to protect critical areas and their buffers prior to the commencement of any development activities.

B. The property owner shall be responsible for reporting to the City and undertaking appropriate corrective action when monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures.

1.070 Surety.

If a development proposal is subject to mitigation, maintenance or monitoring plans, an assurance device or surety may be required by the City in accordance with the CMC.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

1.080 Special reports.

A. In order to maintain and protect critical areas, as well as to assist in classifying and designating such areas, site-specific environmental information will be required when evaluating a development proposal.

B. Special reports shall be submitted for review and approval in conjunction with development applications when required by the City. Each chapter that deals with a specific critical area also contains a description of when special reports may be required. The City shall establish and maintain a list of qualified consultants for the different types of reports, plans, studies, etc.

C. When no other application review process is required, final special reports shall be reviewed and approved by the City according to the provisions governing limited administrative reviews.

D. The preparation of special reports or tests required by this chapter is the responsibility of the applicant for a development permit. Costs incurred by the City to engage technical consultants or for staff review and interpretation of data and findings submitted by or on behalf of the developer or applicant shall be reimbursed by the applicant in accordance with a schedule adopted by the City.

E. Special studies and reports, including site plans, shall be submitted in such a manner that they conform to the most current version of the City's design guidelines, as determined by the public works coordinator.

F. The City may waive the requirement for a special report(s) in the following instances:

1. If the proposed development is a minor development that will not cause adverse impacts;
2. There is adequate, existing information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigation measures; or
3. If the City determines, after a site visit, that the proposal is not located within a critical area, even though it may appear on the reference maps identified in Section 1.030

1.090 Drainage and erosion control plan.

A. All drainage and erosion control plans shall be prepared by an engineer licensed in the state of Washington. Upon the City's review and approval of the drainage and erosion control plans, the identified measures to prevent contaminated stormwater from being discharged off the construction site must be in place prior to any clearing, grading or construction.

B. All drainage and erosion control plans shall address methods to minimize and contain soil within the project boundaries during construction and to provide for stormwater drainage from the site and its surroundings during and after construction. Best management practices (BMPs) must be used to prevent any sediment, oil, gas, pesticide-contaminated soil or other pollutants from entering surface or ground water.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

C. All drainage and erosion control plans shall be prepared using the Type 2 SCS model, taking into account a storm event equal to or exceeding two inches of rainfall in 90 minutes.

1.100 Grading and excavation plan.

All grading and excavation plans shall be prepared by an engineer licensed in the state of Washington, and shall meet the standards and requirements set forth in Chapter 15.11 CMC, Appendix Chapter 33 of the Uniform Building Code, and shall contain the following information:

- A. A cover sheet showing the location of work, the name and address of the owner and the engineer who prepared the plans;
- B. General vicinity of the proposed site;
- C. Property limits and accurate contours of existing ground and details of terrain and area drainage. Contour intervals for slopes 10 percent or less shall be no more than two feet, and intervals for slopes exceeding 10 percent shall be no more than five feet;
- D. Limits of proposed excavation and fill sites, finished contours to be achieved by the grading, and proposed drainage channels to offset stormwater impacts during grading and excavation (and related construction);
- E. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains;
- F. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property;
- G. Recommendations included in a soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference;
- H. The dates of the soils engineering and engineering geology reports together with the names, seals, license numbers, addresses and phone numbers of the firms and/or individuals who prepared the reports.

1.150 Enforcement.

The provisions of the Shoreline Management Permit and Enforcement Procedures (WAC 173-27) shall be applied and interpreted for the enforcement of violations of the provisions contained within these chapters.

CHAPTER 2 - WETLANDS

Sections:

2.010 Purpose

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

- 2.020 Identification and Rating.
- 2.030 Regulated Activities
- 2.040 Allowed Uses in Wetlands and Wetland Buffers
- 2.050 Wetland Buffers
- 2.060 Critical Area Reports for Wetlands
- 2.070 Criteria for Compensatory, Location, and Timing Mitigation
- 2.080 Unauthorized Alterations and Enforcement

2.010 Purpose.

The purposes of this Chapter are to:

- A. Recognize and protect the beneficial functions performed by many wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, retention and transformation of sediments, nutrients, and toxicants.
- B. Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Cashmere's shoreline jurisdiction.
- C. Establish review procedures for development proposals in and adjacent to wetlands located in shoreline jurisdiction.

2.020 Identification and Rating.

A. Identification and Delineation. Wetlands shall be identified and delineated by a qualified wetland professional in accordance with the approved federal wetland delineation manual and applicable regional supplements.

B. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #04-06-015, or as revised and approved by Ecology), which contains the definitions and methods for determining if the criteria below are met.

1. Category I wetlands are: 1) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands; 2) bogs; 3) mature and old-growth forested wetlands over ¼ acre with slow-growing trees; 4) forests with stands of aspen; and 5) wetlands that perform many functions very well (scores of 70 points or more). These wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.

2. Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2) mature and old-growth forested wetlands over ¼ acre with fast-growing trees; and 3) wetlands that perform functions well (scores between 51-69 points).

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

3. Category III wetlands are: 1) wetlands with a moderate level of functions (scores between 30-50 points).

4. Category IV wetlands have the lowest level of functions (scores less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.

C. Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

2.030 Regulated Activities.

A. For any regulated activity, a critical areas report (see Section 2.060 of this Chapter) may be required to support the requested activity.

B. The following activities are regulated if they occur in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind
2. The dumping of, discharging of, or filling with any material
3. The draining, flooding, or disturbing the water level or water table
4. Pile driving
5. The placing of obstructions
6. The construction, reconstruction, demolition, or expansion of any structure
7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland
8. Activities that result in:
 - a. A significant change of water temperature
 - b. A significant change of physical or chemical characteristics of the sources of water to the wetland
 - c. A significant change in the quantity, timing or duration of the water entering the wetland
 - d. The introduction of pollutants

2.040 Allowed Uses in Wetlands and Wetland Buffers.

A. Activities Allowed in Wetlands and Wetland Buffers. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss to the functions and values of a wetland or wetland buffer. These activities include:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing wetland or buffer.
2. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil,

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

3. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.

4. Enhancement of a wetland or buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of.

5. Activities determined by the City as having minimal adverse impacts such as educational and scientific research activities, fishing, etc

6. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way or easement, provided that the maintenance or repair does not expand the footprint or use of the facility, right-of-way or easement.

7. Site study work such as surveys, soil logs, and other related activities necessary for the submittal of a land-use application.

2.050 Wetland Buffers.

A. Buffer Requirements. The standard buffer widths in Table 2.1 have been established in accordance with the most current, accurate, and complete scientific and technical information available. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State wetland rating system for Eastern Washington,

1. The use of the standard buffer widths requires the implementation of the measures in Table 2.2, where applicable, to minimize the impacts of the adjacent land uses.

2. If an applicant chooses not to apply the mitigation measures in Table 2.2, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 99.75 foot buffer without them (eg. $75\text{ft} \times 1.33\% = 99.75$).

3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

4. Additional buffer widths may be required in addition to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 150 feet ($75 + 75$).

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

Table 2.1 Minimum Wetland Buffer Requirements

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I – based on total score	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category I - Forested	75 ft	Add 15 ft	Add 45 ft	Add 75 ft
Category I -Bogs	190 ft	NA	NA	NA
Category I - Natural Heritage Wetlands	190 ft	N/A	NA	NA
Category II – based on total score	75 ft	Add 15 ft	Add 45 ft	Add 75ft
Category II - Forested	75 ft	Add 15 ft	Add 45 ft	Add 75ft
Category III (all)	60 ft	Add 30 ft	Add 60 ft	NA
Category IV (all)	40 ft	NA	NA	NA

Table 2.2. Required measures to minimize impacts to wetlands.
(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management/construction practices to control dust

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

Disturbance	Required Measures to Minimize Impacts
Disruption of corridors or connections	<ul style="list-style-type: none"> • Maintain connections to offsite areas that are undisturbed. • Restore corridors or connections to offsite habitats by replanting.

5. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area.

b. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

c. The total area of the buffer after averaging is equal to the area required without averaging

6. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

b. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.

c. The total buffer area after averaging is equal to the area required without averaging.

d. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

C. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

D. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition.

E. Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in Section 2.070 of this Chapter.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

F. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

G. Allowed Buffer Uses. Low impact uses are allowed in buffers consistent with 2.040(A). In addition, the following are permitted within buffers:

1. Passive Recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including pedestrian walkways and trails and wildlife viewing platforms. When trails within wetland buffers cannot be located on existing disturbed areas, trail facilities shall be located in the outer 25 percent of the wetland buffer away from the wetland edge. Trails and walkways should be located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.

2. Stormwater Management Facilities. Stormwater management facilities are limited to stormwater facilities within Category III and IV wetland buffers. Facilities may be allowed within the outer twenty-five percent (25%) of the buffer provided no other location is feasible and that it will not affect the hydroperiod of the wetland or adversely affect water quality.

3. Existing Structure(s) and Development(s). Lawfully existing structures built prior to the adoption of this Shoreline Master Program shall be exempt from the terms of this chapter.

4. Requests for building permits on property which is unplatted shall require a review under the terms of this chapter.

H. Signs and Fencing of Wetlands and Buffers

1. Temporary Markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the City prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place. Signs must be posted at an interval of one (1) per lot or every fifty (50) feet, whichever is less, and must be maintained by the property owner. Sign shall be no greater than 4 square feet in size.

2. Permanent Signs. As a condition of any permit or authorization issued pursuant to this Chapter, the City may require the applicant to install permanent signs along the boundary of a wetland or buffer.

a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) per lot or every fifty (50) feet, whichever is less, and must be maintained by the property owner in perpetuity. Sign shall not be greater than 4 square feet in size. The sign shall be worded as follows or with alternative language approved by the Administrator:

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

Protected Wetland Area Do Not Disturb Contact City of Cashmere Regarding Uses, Restrictions, and Opportunities for Stewardship

b. The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features or wildlife.

3. Fencing

a. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

b. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

2.060 Critical Area Report for Wetlands

A. If the Administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland, a wetland report, prepared by a qualified professional, shall be required. The expense of preparing the wetland report shall be borne by the applicant.

B. Minimum Standards for Wetland Reports. The written report and the accompanying plan sheets shall contain the following information, at a minimum:

1. The written report shall include at a minimum:

a. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project;

b. A statement specifying the accuracy of the report and all assumptions made and relied upon;

c. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, etc.;

d. A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses including references;

e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off-site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information;

f. For each wetland identified on-site and within 300 feet of the project site provide: the wetland rating per *Wetland Ratings* (Section 2.020.B of this Chapter); required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site;

g. A description of the proposed actions including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives including a no-development alternative;

h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development;

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to *Mitigation Sequencing* (Chapter 2.070.A) to avoid, minimize, and mitigate impacts to critical areas;

j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity;

k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions, and;

l. Evaluation of functions of the wetland and adjacent buffer using a functions assessment method recognized by local or state agency staff and including the reference for the method used and all data sheets.

2. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on-site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

2.070 Criteria for Compensation, Location, and Mitigation Sequence.

A. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to wetlands and their buffers. When an alteration to a wetland or its buffer is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference which shall be discussed in the compensatory mitigation plan as they relate to the proposal:

1. Avoiding the impacts altogether by not taking a certain action or parts of an action;

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2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or affirmative steps, such as projects design, relocations, or timing, to avoid or reduce impacts;

3. Rectifying the impact to wetlands or wetland buffers by repairing, rehabilitating, or restoring the affected environment;

4. Reducing or eliminating the impact or hazard over time by preserving and maintenance operations during the life of the action;

5. Compensating for the impact by replacing, enhancing, or providing substantial resources or environments; and

6. Monitoring the impact and the compensation projects and taking appropriate corrective action when necessary.

Mitigation for individual for actions may include a combination of the above measure.

B. The applicant shall have a wetland specialist develop a plan that provides for construction, maintenance, monitoring, and contingencies of the replacement wetland. The plan should be prepared according to the guidance provided in Wetland Mitigation in Washington State - Part 2: Development Mitigation Plans (Version 1, Publication # 06-06-011b, March 2006 as amended), and shall demonstrate, when implemented, that there shall be no net loss of wetland area and functions including lost time when the wetland does not perform the function. In addition, the applicant and landowner shall meet the following criteria:

1. The restored, created, or enhanced wetland shall be as persistent as the wetland it replaces.

2. The applicant shall demonstrate sufficient capability to carry out the compensation projects.

3. The compensation area shall be provided with permanent protection and management to avoid further development or degradation and to provide for the long term persistence of the compensation area as designated.

4. Mitigation planting survival shall be 100 percent for the first year. Any vegetation that does not survive the first year must be replaced consist with the mitigation planting scheme.

5. The survival rate for successive years shall be at least 80 percent.

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

7. Where necessary, a permanent means of irrigation shall be installed for the mitigation planting that is designed by a professional experienced in the design and installation of irrigation systems. The design shall meet the specific needs of the wetland, riparian and shrub steppe vegetation, as may be applicable.

C. In cases in which it is determined that compensatory mitigation is appropriate, the following shall apply:

1. Compensatory mitigation shall be provided on-site, except where on-site mitigation is not scientifically feasible or practical due to physical features of the site.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

2. Mitigation projects shall be concurrent with other activities on the site, unless a phased schedule is agreed upon between the City and the applicant.

D. Wetland and Buffer Mitigation Ratios: Where wetlands are altered, the applicant shall meet the minimum requirements of this section. When it is proposed to alter or eliminate a wetland, the applicant shall be required to replace the affected wetland. A reduction in overall wetland area is allowed if approved by the City. If off-site mitigation measures are determined to be appropriate, off-site mitigation shall be located in the same watershed as the development, within Cashmere or Chelan County. The recommended ratios for replacement and/or compensation for Category I, II, III, and IV wetlands are as follows:

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I—Bog, Natural Heritage site	Not considered possible	6:1	Case-by-case	10:1
Category I—Mature Forested	6:1	12:1	24:1	24:1
Category I—Based on functions	4:1	8:1	16:1	20:1
Category II—Based on functions	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

E. Surety/Bonding. If a development proposal is subject to mitigation, maintenance or monitoring plans, the City of Cashmere, in a form acceptable to the City Attorney shall require an assurance devise or surety.

2.080 Unauthorized Alterations and Enforcement

A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of provisions of this Chapter.

B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared and approved by City. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in Subsection (C). The City shall, at the violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

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C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions;
2. The historic soil types and configuration shall be restored to the extent practicable.
3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration; and
4. Information demonstrating compliance with other applicable provisions of this Chapter shall be submitted to the City.

D. Site Investigations. The City is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. The City shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

E. Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of this Chapter is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this Chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the State of Washington. The City may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter. The civil penalty may be assessed at a maximum rate of \$250 dollars per day per violation.

If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The City may coordinate its preservation or restoration activities with other City or County in the watershed to optimize the effectiveness of the restoration action.

CHAPTER 3 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

- 3.010 Permitted uses and activities.**
- 3.020 Classification.**
- 3.030 Designation.**
- 3.040 Application requirements.**
- 3.050 Habitat boundary survey and ranking evaluation**
- 3.060 Fish/wildlife habitat management and mitigation plan**

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

3.070 General standards.

3.080 Specific standards.

3.010 Permitted uses and activities.

Uses and activities allowed within designated fish and wildlife habitat conservation areas are those uses permitted by this Shoreline Master Program subject to the provisions of this chapter.

3.020 Classification.

A. All fish and wildlife habitat conservation areas shall be classified by the City to reflect the relative function, value and uniqueness of the habitat area as established through an approved habitat ranking evaluation submitted by the applicant for any development permit. The City may use the following information sources as guidance in identifying the presence of potential fish and wildlife habitat conservation areas and the subsequent need for a habitat boundary survey:

1. All sources identified in Section 1.030;
2. The City shoreline master program environment designation maps and corresponding SMP buffers;
3. Washington Department of Fish and Wildlife priority habitat and species maps;
4. Previous habitat boundary surveys; and
5. On-site inspection.

B. Fish and wildlife habitat conservation areas shall be classified according to the following system:

1. Level 1 Critical. These are habitat areas which may be significantly disrupted by development in the immediate vicinity. Critical habitat may include winter ranges, migration routes, nesting sites, perches and wetlands, riparian, aquatic and upland habitat areas. These habitats are designated as critical habitat on the City of Cashmere Critical Area Reference Map: Fish and Wildlife Habitat Areas. Aquatic habitats and their associated riparian or upland habitat areas designated as Shoreline Vegetation Conservation Area buffers are regulated under this chapter of Appendix B.

Additionally, those non-shoreline aquatic habitats are regulated under this chapter not meeting the definition of a shoreline of the state is also regulated under this chapter if located within Shoreline jurisdiction.

2. Level 2 Awareness. These habitat areas are those surrounding or adjacent to designated Level 1 Critical areas that, if disturbed, could impact the Level 1 area. These habitats are designated as awareness habitat on the City of Cashmere Critical Area Reference Map: Fish and Wildlife Habitat Areas.

3.030 Designation.

All existing areas of the City classified according to the provisions contained in this chapter, as determined by the City, are designated as fish and wildlife habitat conservation areas. Only those fish and wildlife habitat conservation areas located in shoreline jurisdiction are subject to this chapter and this Shoreline Master Program.

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3.040 Application requirements.

Development permit applications shall provide appropriate information on forms provided by the City, including without limitation the information described below. Additional reports or information to identify potential impacts and mitigation measures to fish and wildlife habitat conservation areas may be required if deemed necessary.

A. Minor Development. Projects processed by the City according to the provisions governing limited administrative review within a fish or wildlife habitat conservation area or its buffer shall disclose, at a minimum, the following information on a site plan drawn to scale:

1. The location and boundaries of the habitat conservation area;
2. The location and dimensions of all existing and proposed buildings, roads and other improvements, and their physical relationship to the habitat conservation area;
3. The location and type of any proposed buffers, including the identification of any other protective measures.

B. Major Development. Projects processed by the City according to the provisions governing full administrative review or quasi-judicial review within a fish or wildlife habitat conservation area or its buffer shall provide the following information, in addition to the information described in subsection A of this section:

1. Habitat boundary survey and ranking evaluation as defined in this chapter;
2. Habitat management and mitigation plan as defined in this chapter;
3. A drainage and erosion control plan as defined in this chapter; and
4. A grading and excavation plan as defined in this chapter.

3.050 Habitat boundary survey and ranking evaluation.

A. A wildlife habitat boundary survey and ranking evaluation shall be conducted by a wildlife biologist who is knowledgeable of wildlife habitat within North Central Washington and who derives his/her livelihood from employment in this occupation. The wildlife habitat boundary shall be field staked by the biologist and surveyed by a land surveyor for disclosure on all final plats, maps, etc.

B. The Management Recommendations for Washington's Priority Habitats and Species may be used as a tool for identifying and delineating the habitat boundary.

C. The City may waive the requirement for the survey for minor development as defined in this chapter, if:

1. The proposed development is not within the extended proximity of the associated habitat;
2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and
3. The applicant provides voluntary deed restrictions that are approved by the City.

D. An evaluation of any unranked fish and wildlife habitat is necessary when there is a proposed development or activity to be located adjacent to or within an area containing a wetland within the shoreline management zone.

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E. The evaluation shall be used to determine if the fish and wildlife habitat is a Level 1 Critical or a Level 2 Awareness fish and wildlife habitat conservation area. It shall evaluate those factors identified in Chapter 3 that are used to distinguish between these categories, and it shall take into consideration historical information on the area in question, the dynamic nature of habitat conservation areas and an evaluation of the entire habitat conservation area, as opposed to isolated indicators on individual parcels.

F. The wildlife habitat boundary and associated buffer shall be identified on all plats, maps, plans and specifications submitted for the project.

3.060 Fish/wildlife habitat management and mitigation plan.

A. A fish/wildlife habitat management and mitigation plan shall be prepared by a wildlife biologist who is knowledgeable of wildlife habitat within North Central Washington and who derives his/her livelihood from employment in this field.

B. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, that there shall be no net loss of ecological function of habitat.

C. The fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the classified habitat conservation area and its associated buffer.

D. The fish/wildlife habitat management and mitigation plan shall contain a report containing, but not limited to, the following information:

1. Vicinity maps, regional 1:24,000 and local 1:4,800;
2. Location maps at a scale consistent with the City of Cashmere design guidelines;
3. A map or maps indicating the boundary of the habitat conservation areas; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;
4. A description of the proposed project including the nature, density and intensity of the proposed development and the associated grading, structures, roads, easements, wastewater facilities, stormwater facilities, utilities, etc., in sufficient detail to allow analysis of such land use change upon the habitat conservation area;
5. A detailed discussion of surface and subsurface hydrologic features both on and adjacent to the site where the City determines appropriate;
6. A description of the vegetation in the habitat conservation area, on the overall project site and adjacent to the site;
7. A detailed description of the proposed project's effect on the habitat conservation area, and a discussion of any federal, state or local management recommendations which have been developed for the species or habitats in the area;
8. A discussion of the following mitigation alternatives as they relate to the proposal:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action,

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b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts,

c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment,

d. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

9. A plan by the applicant that explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:

a. Establishment of buffer zones,

b. Preservation of critically important plants and trees,

c. Limitation of access to the habitat conservation area,

d. Seasonal restriction of construction activities,

e. Establishment of a timetable for periodic review of the plan;

f. Proposed Mitigation. Mitigation must be designed to result in no net loss of ecological functions . Mitigation ratios shall be used when adverse impacts to aquatic habitat, or wildlife buffers are unavoidable. Compensatory mitigation shall restore, create, rehabilitate or enhance equivalent or greater ecological functions. The onsite mitigation ratio, (mitigation amount: disturbed area), shall be at a minimum ratio of 1:1 for development within aquatic habitat and shoreline buffers . A ratio of 2:1 shall apply to native vegetation removal within these areas. However, depending on the nature and extent of impacts and proposed mitigation, a reduction in the ratio may be allowed or an increase in the ratio may be required to meet the no net loss of ecological functions standard if justified in a plan submitted to the responsible local government. (WAC 173-26-201(2)(e)) Mitigation for diverse, high quality habitat or offsite mitigation may require a higher level of mitigation. Mitigation and management plans shall evaluate the need for a higher or lower mitigation ratio on a site by site basis, dependent upon the ecological functions and values provided by the habitat and depending on the nature and extent of impacts and proposed mitigation.

10. A detailed discussion of ongoing management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs.

3.070 General standards.

The following minimum standards shall apply to all development activities occurring within designated habitat conservation areas and/or their associated buffers. For minor developments within a Level 2 Awareness area, as defined herein, the City may waive the requirements for management and mitigation plans where it is determined by the City that there will be little or no impact to the habitat conservation area.

A. Level 1 Critical habitat conservation areas will be left undisturbed, unless the development proposal involves appropriate mitigation and enhancement measures, as determined on a site-specific basis.

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B. Level 2 Awareness habitat conservation areas will be afforded the maximum amount of protection possible through appropriate development techniques such as establishing critical area buffers, access limitations, enhancement of the habitat conservation areas, etc. To ensure long-term success of a project containing habitat conservation areas, a comprehensive habitat management and mitigation plan will be submitted to the City for its approval. Such plans will provide for sufficient monitoring and contingencies to ensure natural habitat conservation area persistence.

C. Whenever possible, the maximum amount of vegetation will be maintained in its natural state and will be disturbed only as minimally necessary for the development.

D. Riparian vegetation will not be removed unless there are no other alternatives available. When it is necessary, only those areas of vegetation that are absolutely unavoidable may be cleared, and shall be revegetated with natural riparian vegetation as soon as possible.

E. Revegetation of disturbed areas which re-establishes desirable native plants adapted to the site that enhance applicable fish and wildlife populations will be, at a minimum, encouraged, as specified in the conditions for approval of the development. Said revegetation will be maintained in good growing condition, as well as being kept free of noxious weeds.

F. When appropriate, fencing standards that protect wildlife, as well as providing for the operation and protection of a particular land use, may be part of the conditions placed on approval of a development application.

G. Access restrictions may be necessary which protect fish and wildlife habitat conservation areas, particularly during critical times of the year.

H. Particularly in instances where a development proposal involves more intense uses, all or part of the required open space (common and/or private) will be dedicated to fish and wildlife habitat conservation, based on the extent and importance of the habitat.

I. In certain instances it may be necessary to provide vegetation screenings and to provide controls on domestic animals to protect the function of critical habitat areas by reducing the potential for harassment from people and/or domesticated animals.

J. Appropriate buffer areas shall be maintained between all permitted uses and activities and designated habitat conservation areas.

1. All buffers shall be measured on a horizontal plane from the habitat edge, as established by the approved habitat boundary survey. For buffers adjacent to aquatic habitat, distances shall be measured from the ordinary high water mark (OHWM), or from the top of the bank where the OHWM cannot be identified. The distance of the buffer shall be increased to include stream-side wetlands which provide overflow storage for storm waters, feed water back to the water body during low flows or provide shelter and food for fish. In braided channels, the OHWM or top of bank shall be defined so as to include the entire stream feature.

2. All buffer areas shall be temporarily fenced between the construction activity and the buffer with a highly visible and durable protective barrier during construction to prevent access and protect the designated habitat conservation area and associated

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buffer. This requirement may be waived by the City if an alternative to fencing which achieves the same objective is proposed and approved.

3. Except as otherwise allowed, buffers shall be retained in their natural condition. Any habitat created, restored or enhanced as compensation for approved habitat alterations shall have the standard buffer required for the category of the created, restored or enhanced habitat.

4. The width of the buffer may be increased by the City for a development project on a case-by-case basis when a larger buffer is necessary to protect the designated habitat conservation area function and value. The determination shall be based on site-specific and project-related conditions which include without limitation:

a. The designated habitat conservation area is used for feeding, nesting and resting by species proposed or listed by the federal or state government as endangered, threatened, sensitive, candidate, monitor or critical; or if it is an outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees;

b. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse habitat impacts;

c. The proposed development adjacent to the designated habitat conservation area would be a high intensity land use.

5. Standard buffer widths may be modified by the City for a development proposal by averaging buffer widths based on a report submitted by the applicant and prepared by a qualified professional approved by the City (e.g., wildlife biologist), and shall only be allowed where the applicant demonstrates all of the following:

a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

b. The designated habitat conservation area contains variations in sensitivity due to existing physical characteristics;

c. The width averaging will not adversely impact the designated habitat conservation area's functional value;

d. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging; and

e. The buffer width shall not be reduced, at any location, by more than 25 percent of the required buffer described below, and in no case may the buffer be less than 25 feet in width.

K. Aquatic Habitat Conservation Areas. Aquatic habitat conservation areas are those riparian and water-ward areas which may support both fish and wildlife species. All development within designated aquatic habitat conservation areas other than the Wenatchee River and Mission Creek (see SMP Section 4.5, Shoreline Buffers and Vegetation Conservation) shall comply with the following minimum standards:

1. Level 1 Critical Buffer Areas.

a. Minor development: 75 feet;

b. Major development: 100 feet.

2. Level 2 Awareness Buffer Areas.

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- a. Minor development: 50 feet;
- b. Major development: 75 feet.

3. Land divisions within designated aquatic habitat conservation areas shall require a minimum lot frontage along the protective buffer or shoreline of 100 feet, measured in a straight line, and required buffer areas shall be dedicated as open space tracts, nonbuildable lot(s), buffer areas and/or common areas, with ownership and control transferred to a homeowner's association.

L. Wildlife Conservation Areas. The width of a designated wildlife habitat conservation area buffer shall be as follows:

1. Level 1 Critical: 100 feet.
2. Level 2 Awareness: 75 feet.

3.080 Specific standards.

The following standards shall apply to the activity identified below, in addition to the general standards outlined in Section 3.070.

A. Road Repair and Construction. When no other practical alternative exists, public or private road repair, maintenance, expansion or construction may be authorized within a designated habitat conservation area, subject to the following minimum standards:

1. The road shall serve multiple properties;
2. No significant adverse impacts to the designated habitat conservation area shall result from the repair, maintenance, expansion or construction of any public or private road;
3. The road shall provide for the location of public utilities, pedestrian or bicycle easements, viewing points, etc.; and
4. Road repair and construction is the minimum necessary to provide safe traveling surfaces.

B. Major Developments. All major developments processed by the City according to the provisions governing full administrative review or quasi-judicial review authorized within a designated habitat conservation area shall comply with the following minimum standards:

1. Inundated and/or submerged lands shall not be used in calculating minimum lot area for proposed lots;
2. A habitat management and mitigation plan shall be required for major developments containing Level 1 Critical habitat conservation areas, and may be required for major developments containing Level 2 Awareness habitat conservation areas;
3. All plats shall disclose the presence on each residential lot of one building site, including access, that is suitable for development and which is not within the designated habitat conservation area or its associated buffer;
4. All designated habitat conservation areas and their associated buffers shall be clearly identified on all final plats, maps, documents, etc.;
5. Designated habitat conservation areas and their associated buffers shall be designated and disclosed on the final plats, maps, documents, etc. as open space tracts,

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nonbuildable lots, buffer areas or common areas, with ownership and control transferred to a homeowner's association. Associated habitat conservation area buffers may alternatively be designated and disclosed on the final plats, maps, documents, etc. as an easement or covenant encumbering the property.

C. Surface Water Management. When no other practical alternative exists, surface water management activities may be authorized within an aquatic habitat area, subject to the following minimum standard:

1. Aquatic habitat areas may be used for retention/detention facilities, subject to all of the following criteria:

- a. The functions and water quality of the aquatic habitat area or buffer shall not be adversely impacted;
- b. The rate of flow into or the hydro-period of the aquatic habitat area shall not increase above natural flow rates;
- c. All surface water discharged from impervious surfaces shall be treated by oil/water separators prior to entering an aquatic habitat area or buffer; and
- d. The temperature of the aquatic habitat area shall not be increased above natural temperatures.

2. New surface water discharges to wetlands from detention facilities, pre-settlement ponds, or other surface water management structures may be authorized, subject to all of the following criteria:

- a. The discharge does not increase the rate of flow into or the hydro-period of the wetland above the natural rates;
- b. All surface water discharged from impervious surfaces shall be treated prior to entering a wetland or buffer; and
- c. The water quality of the wetland is not decreased.

D. Stream Crossings. Expansion or construction of stream crossings may be authorized within a designated habitat conservation area, subject to the following minimum standards:

1. Bridges are required for streams that support salmonids, unless culvert design and construction ensures proper passage opportunities;
2. All crossings using culverts shall use superspan or oversized culverts;
3. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists;
4. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;
5. Crossings shall not diminish flood carrying capacity; and
6. Crossings shall serve multiple properties whenever possible.

E. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites may be authorized within a habitat conservation area, subject to the following minimum standards:

1. Trail facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas;

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2. Trail facilities shall minimize the removal of trees, shrubs, snags and important habitat features;

3. Viewing platforms, interpretive centers, campsites, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife and/or critical characteristics of the designated habitat conservation area;

4. Trail facilities shall be located at least a distance equal to the width of the trail corridor away from the habitat conservation area edge, as established by the approved boundary survey; and

5. All facilities shall be constructed with materials complementary to the surrounding environment.

F. Utilities. When no other practical alternative exists, construction of utilities within a designated habitat conservation area may be authorized, subject to the following minimum standards:

1. Utility corridors shall be jointly used;

2. Corridor construction and maintenance shall protect the designated habitat conservation area, and shall be aligned to avoid cutting trees greater than six inches in diameter at breast height when possible;

3. No pesticides, herbicides or other hazardous or toxic substances shall be used;

4. Utility corridors, including maintenance roads, authorized by the City, shall be located at least a distance equal to the width of the utility corridor away from the habitat area edge;

5. Corridors shall be revegetated to pre-construction densities with appropriate native vegetation immediately upon completion of construction, or as soon thereafter as possible given seasonal growing constraints. The utility purveyor shall provide an assurance device or surety in accordance with the CMC which ensures that such vegetation survives;

6. Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than by parallel roads. If parallel roads are necessary they shall be no greater than 15 feet in width, and shall be contiguous to the location of the utility corridor on the side opposite the designated habitat conservation area;

7. Construction of sewer lines within designated habitat conservation areas which are necessary to meet state and/or local health code requirements shall not adversely impact the function and quality of the designated habitat conservation area.

CHAPTER 4 - AQUIFER RECHARGE AREAS

Sections:

4.010 Permitted uses and activities.

4.020 Classification.

4.030 Designation.

4.040 Application requirements – Vulnerability determination system – Procedures, criteria.

4.050 Determining vulnerability rating.

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4.060 General standards.

4.070 Specific standards.

4.010 Permitted uses and activities.

Uses and activities allowed within designated aquifer recharge areas in shoreline jurisdiction are those uses permitted by this Shoreline Master Program subject to the provisions of this chapter.

4.020 Classification.

A. Aquifer recharge areas will be rated according to the vulnerability of the aquifer, with vulnerability being the combined effect of susceptibility to contamination and the contamination loading potential. The categories of vulnerability shall be high, medium and low, with high vulnerability being characterized by a combination of land uses that contribute to contamination that may degrade ground water, and hydrogeologic conditions that facilitate that degradation.

1. Hydrogeologic susceptibility will be characterized by looking at the following attributes:

- a. Depth to ground water;
 - b. Aquifer properties such as hydraulic conductivity and gradients;
 - c. Soil (texture, permeability, and contaminant attenuation properties);
 - d. Characteristics of the vadose zone including permeability and attenuation properties; and
 - e. Other relevant factors.
2. Contamination loading potential can be evaluated by considering the following:
- a. General land use;
 - b. Waste disposal sites;
 - c. Agriculture activities;
 - d. Well logs and water quality test results;
 - e. Density of septic systems in use in the area; and
 - f. Other information about the potential for contamination.

B. Aquifer recharge areas shall be classified according to the following system:

1. Level 1 Critical aquifer recharge areas shall be those areas found to have a high vulnerability rating.
2. Level 2 Awareness aquifer recharge areas shall be those areas found to have a medium vulnerability rating.

4.030 Designation.

All existing areas of the City in shoreline jurisdiction classified according to the provisions contained in this chapter, as determined by the City, are designated as aquifer recharge areas. Because there is insufficient scientific data at this time to determine with any precision and/or certainty the location of areas having a critical recharging effect on aquifers used for potable water, specific designations have not been made. However, the most current, accurate, and complete scientific and technical

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information available suggests that using a vulnerability determination system based on the above classification system will allow the City to designate critical aquifer recharge areas using a conservative approach, which provides a worst case scenario for contaminant movement in the subsurface. As areas are determined to be either a Level 1 Critical or Level 2 Awareness aquifer recharge area, they will be included on a map or maps that are maintained by the City. Additionally, if any of the following areas are established within the City's urban growth area, they shall be included on these maps:

- A. Sole source aquifer recharge areas designated pursuant to the Federal Safe Drinking Water Act;
- B. Areas established for special protection pursuant to the Washington State groundwater management program;
- C. Areas designated for wellhead protection pursuant to the Federal Safe Drinking Water Act; and
- D. Aquifer recharge areas mapped and identified by a qualified ground water scientist.

4.040 Application requirements – Vulnerability determination system – Procedures, criteria.

A. Development permit applications shall provide appropriate information on forms provided by the City, including without limitation the information described below. Additional reports or information to identify potential impacts and mitigation measures to aquifer recharge areas may be required if deemed necessary.

B. The procedure for determining if a development proposal must complete a vulnerability rating shall be as follows:

1. The applicant shall submit a certified statement with the application materials indicating which of the criteria identified in subsection C of this section apply to the development proposal, if any. The application will not be considered complete until this certified statement is submitted.

2. If the applicant's statement asserts that the criteria do not apply, as identified in subsection (B)(3) of this section, to the development proposal, the City will accept the statement and proceed with the development permit review. However, if the City has or obtains information prior to the permit or approval being finalized that clearly establishes the applicant's statement is incorrect, the applicant will be advised in writing of the inconsistent information and must either:

a. Provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 4.050; or

b. Present sufficient countering information clearly establishing that the basis for the City's concern is incorrect.

If the applicant selects to proceed under subsection (B)(2)(b) of this section, after receiving the applicant's information, the City shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final

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determination as to whether a determination of vulnerability is required shall be made by the City.

3. If a development proposal meets the criteria in subsections (C)(1), (2), (3) or (4) of this section, or if the site or development proposal meets any two of the remaining criteria, the application shall determine the vulnerability rating for the development proposal according to Section 4.050.

4. If the development has a high or medium vulnerability rating, the development shall be subject to the development standards contained within this chapter.

C. The applicant shall be required to determine the vulnerability rating for any development permit, not otherwise exempted from this chapter, if the site or development meets criteria (C)(1), (2), (3), or (4) of this section or meets two or more of the remaining criteria below:

1. The development proposal is within a wellhead protection area designated under Chapter 246-290 WAC, Public Water Supplies;

2. The development proposal is within an aquifer recharge area mapped and identified by a qualified ground water scientist;

3. The site will be utilized for processing, storing, or handling hazardous substances (as now or hereafter defined in Chapter 70.105D RCW, Hazardous Waste Cleanup – Model Toxics Control Act) in applications or quantities larger than is typical of household use;

4. The site will be utilized for hazardous waste treatment and storage as set forth in Chapter 70.105 RCW, Hazardous Waste Management, as now or hereafter amended;

5. The site contains highly permeable soils as designated in the NRCS Soil Survey for the Chelan area;

6. The development proposal is within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act;

7. The development proposal is within an area established for special protection pursuant to a groundwater management program, Chapter 90.44 RCW, Regulations of Public Ground Waters, Chapter 90.48 RCW, Water Pollution Control, and Chapter 90.54 RCW, Water Resources Act of 1971, and Chapter 173-100 WAC, Ground Water Management Areas, and Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington;

8. The development proposal involves a major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than one net acre in size;

9. The development proposal involves a commercial and/or industrial site that is not on a public sewer system and the main structure exceeds 4,000 square feet;

10. The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

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4.050 Determining vulnerability rating.

A. General. The vulnerability matrix is used to determine the vulnerability of the development and to rate it as a high, medium or low rating. This can be done by determining the “contaminant loading potential” of a proposed land use and the natural “susceptibility” of the site as outlined in this chapter and creating a numerical vulnerability value for a proposed land use. When a proposed use is determined to have a medium or high vulnerability rating, the protection measures described in this chapter shall be implemented that protect the potable water supply.

B. Determining Susceptibility. There are three basic components to determine a site’s susceptibility, as follows:

1. Permeability of the Vadose Zone. The vadose zone is composed of both the soil and the geologic materials underlying the soil. To adequately determine the overall ease with which water will travel from land surface to the aquifer, it is necessary to determine the overall permeability of both soil and geologic media. Soil permeability can be determined through use of the NRCS Soil Survey for the Chelan Area, particularly Table 6. The values shown on these pages are given in the inches per hour that water moves downward through a saturated soil. A determination of the permeability of the geologic material underlying the soil is more problematic.

a. Incrementally, the permeability of local soils (upper vadose zone) is grouped into four ranges that are assigned a relative value to be used for determining susceptibility on the matrix. Where conclusive information does not exist for permeability of the soil, a relative value of three will be assigned.

Soil Permeability Table Based on Soil Survey

Condensed Description	Soil Survey Description	Permeability (in/hr)	Permeability (cm/sec)	Rating
Very Slow	Very Slow	< 0.06	< 0.00423	0
Slow	Slow	0.06 0.20	0.00423 0.0141	1
	Moderately Slow	0.20 0.60	0.0141 0.0423	
Moderate	Moderate	0.60 2.0	0.0423 0.1411	2
	Moderately Rapid	2.0 6.0	0.1411 0.4233	
Rapid	Rapid	6.0 20	0.4233 1.411	3
	Very Rapid	> 20	> 1.411	

b. Permeability of the lower vadose zone can be estimated using the Geologic Matrix Table below by determining the material type and assigning the appropriate permeability range for the material(s) overlying the uppermost aquifer. In cases where heterogeneous materials are encountered, the least permeable layer with a thickness of not less than five feet shall determine the overall permeability to be applied to the entire vadose zone, excluding the soil layer. Where conclusive information does not exist for permeability of the geologic matrix, a relative value of three will be assigned.

Geologic Matrix Table

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Condensed Description	Geologic Matrix	Permeability (cm/sec)	Rating
Very Slow	Unfractured Igneous or Metamorphic Bedrock, Shale	10 ⁻¹³ 10 ⁻⁹	0
	Marine Clay, Clay, Dense Sandstone, Hardpan	10 ⁻⁹ 10 ⁻⁷	
Slow	Loess, Glacial Till, Fractured Igneous or Metamorphic Bedrock	10 ⁻⁸ 10 ⁻⁵	1
	Silt, Clayey Sands, Weathered Basalt	10 ⁻⁷ 10 ⁻³	
Moderate	Silty Sands, Fine Sands, Permeable Basalt	10 ⁻⁴ 10 ⁻¹ (0.0001 0.1)	2
	Clean Sands, Karst Limestone	>0.1 1.0	
Rapid	Sand and Gravel	>1.0 10	3
	Gravel	>10 100+	

2. Depth to Groundwater. Depth to groundwater can be determined by utilizing local well log information or specific well information for the site. Depth to groundwater is also assigned a relative value used for determining susceptibility on the matrix. Where conclusive information does not exist for depth to groundwater, a relative value of three will be assigned.

Depth to Groundwater Table

Condensed Description	Depth to Water (Feet)	Rating
Very Low	Confined Aquifer	0
	> 50	
Low	25 50	1
Moderate	10 25	2
High	0 10	3

3. Slope. Slope, or gradient, is related to the infiltration characteristics of an area. The steeper the slope, the less infiltration of surface waters occur. Slope is assigned a relative value used for determining susceptibility on the matrix. Where conclusive information does not exist for slope, a relative value of three will be assigned.

Slope – As a Percent	Slope Relative Value
>45%	0
30% – 45%	1
15% – 30%	2
<15%	3

C. Determining the Susceptibility Rating. A susceptibility rating is determined by adding the relative values of permeability of the soils and geologic matrix of the vadose zone, depth to groundwater and slope. This is a baseline determination for susceptibility. The range of values are as follows:

1. High susceptibility rating equals total range from eight to 12;
2. Medium susceptibility rating equals total range from four to seven;
3. Low susceptibility rating equals total range from zero to three.

D. Determining the Contaminant Loading Rating. Contaminant loading potential is dependent on the presence of critical materials on the site. A critical material is a

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substance present in sufficient quantity that its accidental or intentional release would result in the impairment of the aquifer water to be used as potable drinking water.

1. For the purpose of administration of this section, the City will maintain a critical materials use activity list, which is a list of commercial and industrial activities known to use critical materials, coupled with the names of critical materials normally associated with the activity. The following situations will be considered as having a high contaminant loading rating, unless the project proponent provides assurances otherwise:

a. Proposed activities fitting one of the general business descriptions provided or having one of the specified Standard Industrial Classification (SIC) codes identified on the City's critical materials use activity list;

b. Sites or uses that the City believes would be utilized for processing, storing or handling hazardous substance(s) (as now or hereafter defined in Chapter 70.105D RCW, Hazardous Waste Cleanup – Model Toxics Control Act) in applications or quantities larger than is typical of household use;

c. Sites that the City believes will be utilized for hazardous waste treatment and storage as set forth in Chapter 70.105 RCW, Hazardous Waste Management, as now or hereafter amended, but may not be covered in the critical materials use activity list;

d. Other contaminants and/or SIC codes that are not currently found on the critical materials use activity list that are subsequently determined by the City to have a high contaminant loading rating.

Those uses or activities determined not to have a high contaminant loading rating are considered to have a low contaminant loading potential and rating.

2. The following process shall be used to determine whether or not critical materials are involved:

a. An initial screening will be performed by the City by comparing the proposed use and any other pertinent information provided by the proponent at his/her expense with the critical materials use activity list. The City will exercise any discretion in judgment in the favor of aquifer protection.

b. If the proposed use is determined to meet one of the criteria under subsection (D)(1) of this section, the City shall require the applicant to provide a list of materials, including quantities to be used, stored or transported in conjunction with the proposed activity. Additional information may be required by the City to be provided by the proponent at his or her expense.

c. After the review of the information supplied by the applicant, the City will either confirm the designation as a critical materials use activity or nullify the tentative designation.

d. If the designation as a critical materials use activity is confirmed, the applicant may respond by accepting the designation as a critical materials use activity or he/she may appeal the designation through the procedures governing appeals of administrative decisions, according to CMC Title 14. Where an appeal is filed, the Washington Department of Ecology, the Washington Department of Health and the Chelan-Douglas Health District shall be notified of all appeal proceedings.

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E. Vulnerability Matrix. A determination of a high, medium, or low vulnerability rating is made by the City from the vulnerability matrix by identifying susceptibility and contaminant loading ratings, as identified above (susceptibility = high [eight to 12], medium [four to seven] or low [zero to three]; contaminant loading = high or low). After determining the susceptibility and contaminant loading ratings for the proposed use and site, the appropriate box on each axis of the vulnerability matrix below will be checked to determine the vulnerability rating. The vulnerability of the site is then determined by the intersection of the susceptibility rating and the contaminant loading rating to be low, medium, or high.

Vulnerability Matrix

		CONTAMINANT LOADING →		General Description (susceptibility)
		LOW	HIGH	
S U S C E P T I B I L I T Y ↓	0 TO 3			Typically low permeability. Depth to groundwater is fairly deep and fairly significant slopes.
	4 TO 7			Higher permeability and shallower depth to groundwater. Less slope potential.
	8 TO 12			Extremely permeable soils. Shallow depth to groundwater and fairly flat terrain.

	Low Vulnerability
	Medium Vulnerability
	High Vulnerability

4.060 General standards.

The following minimum standards shall apply to all development activities determined to have a high or medium vulnerability rating, as determined by this chapter.

A. Development activities within an aquifer recharge area shall be designed, developed and operated in a manner that will not potentially degrade groundwater resources.

B. Alternative site designs, phased development and/or groundwater quality monitoring may be required to reduce contaminant loading where site conditions indicate that the proposed action will potentially degrade groundwater quality.

C. Open space may be required on development proposals overlying areas that are highly susceptible to contamination of groundwater resources.

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D. When wells are required to be abandoned, the applicant shall ensure that they are abandoned according to the State Department of Ecology requirements.

E. Known contaminants shall be removed from stormwater runoff prior to their point of entry into surface or groundwater resources using available and reasonable best management practices.

F. Changes in occupancy and/or use of an existing site, and/or expansions of existing activities are subject to complete evaluation by the City under the provisions of this chapter.

4.070 Specific standards.

The following standards shall apply to the activity identified below, in addition to the general standards outlined in Section 4.060.

A. Any agricultural activities shall incorporate best management practices concerning waste disposal, fertilizer use, pesticide use, and stream corridor management. If necessary, farmers shall seek technical assistance from the Chelan County Conservation District, WSU Cooperative Extension Agent and local field agents.

B. Where otherwise permitted by applicable zoning regulations, landfills, junkyards, salvage yards and auto wrecking yards are prohibited within designated critical aquifer recharge areas. Landfills, junkyards, salvage yards and auto wrecking yards that are proposed to be located outside of designated critical aquifer recharge areas and that have a high or medium vulnerability rating must satisfactorily demonstrate that potential negative impacts to the groundwater would be overcome in such a manner as to prevent adverse impacts to groundwater.

C. Fertilizer, herbicide and pesticide management practices of schools, parks, golf courses and other nonresidential facilities that maintain large landscaped areas shall be evaluated in relation to best management practices as recommended by the Cooperative Extension Service.

D. Commercial, industrial and/or mining uses shall comply with the following minimum provisions:

1. For the purposes of this section, all forms of mining activities shall be considered an industrial use.

2. All commercial and industrial uses that are rated as having a medium or high vulnerability shall submit a contingency plan that identifies the following:

a. Types of hazardous wastes that would be used for the proposed land use.

b. On-site containment facilities designed to handle accidental releases of critical materials.

c. Spill response and notification procedures.

3. All activities designated as critical materials use activities shall only be approved so that:

a. Facilities will be designed and built so that any spilled or leaked materials are contained on site; and

b. Facilities will be designed and built so that any spilled or leaked materials cannot infiltrate into the ground; and

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c. No permanent disposal of any waste containing critical materials shall be allowed on site.

4. Commercial or industrial activities designated as critical materials use activities shall have specially designed and installed storm runoff drainage facilities in areas where spills might occur. Such facilities shall be designed and installed to:

- a. Prevent the commingling of storm runoff and critical materials spills; and
- b. Enhance spill cleanup procedures.

5. Mining activities in areas determined to have a medium or high vulnerability shall comply with the following conditions:

a. Six-foot fencing shall be provided and maintained in good condition at all times in the following locations:

- i. Exterior boundary of any portion of any site on which active operations exist; and
- ii. Exterior boundary of any portion of the site that has been mined and not yet rehabilitated;

b. No excavation within 100 feet of a well or surface water used for potable drinking water is allowed;

c. No excavation into an aquifer used for potable drinking water is allowed;

d. The operators shall comply with all existing water quality monitoring regulations of WSDOE and the Chelan-Douglas health district;

e. A drainage channel shall be constructed around active gravel pit areas to keep surface runoff from outside the pit excavation from entering the pit areas;

f. Fuel storage areas and service facilities shall incorporate provisions to prevent lubricants and petroleum products from contaminating either pit areas or drainage channels;

g. No liquid, asphalt, cement, or water used in a mining operation shall be disposed of in the bottom of a pit;

h. A protective eight-foot high berm or retaining wall shall be required adjacent to property lines where the edge of a pit is within 100 feet of a street or railroad right-of-way;

i. The use of fertilizers, pesticides, herbicides, and critical materials shall not be allowed within 50 feet of an active pit;

j. A sufficient amount of topsoil or suitable material shall be retained on site for revegetation/rehabilitation purposes;

k. Reclamation plans for these sites shall include:

i. A specification of the amount of materials to be left between the aquifer high-water mark (or elevation) and the final grade of the reclaimed site;

ii. Physical barriers, as required in subsection (D)(5)(h) of this section, shall remain unless they are specifically permitted to be removed in a subsequent land use decision by the hearing body; and

iii. Provisions shall be made for limitations of access to, and activities within, the rehabilitated site until the use of the land is changed;

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l. In rehabilitated gravel pits over an aquifer used for a potable water source, new uses requested for the property may be limited or specifically conditioned as determined by the appropriate hearing body; and

m. All mining activities shall be reclaimed per a reclamation plan approved by the Washington State Department of Natural Resources.

E. Utility facilities shall be reviewed and approved consistent with the requirements of subsection D of this section.

F. Underground storage tanks and on-site sewage disposal systems are prohibited within designated critical aquifer recharge areas. Underground storage tanks and on-site sewage disposal systems that are proposed to be located outside of designated critical aquifer recharge areas and that have a high or medium vulnerability rating must satisfactorily demonstrate that potential negative impacts to the groundwater would be overcome in such a manner as to prevent adverse impacts to groundwater.

G. All residential land divisions within the City of Cashmere City limits shall be connected to the City's sanitary sewage collection and treatment facilities. Where an area subject to a land division process occurs within a designated aquifer recharge area, as described by this chapter, a notation shall appear on the face of the final plat indicating the aquifer recharge area designation, and referencing the requirements of this chapter.

H. Wood treatment facilities shall conform to the provisions of subsection D of this section. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces, both natural and man made, are prohibited.

I. As defined and regulated in Chapter 173-218 WAC, Underground Injection Control Program, Class I, III and IV underground injection wells are prohibited. Class II injection wells are permitted under Chapter 173-218 WAC by the Washington State Department of Ecology in conjunction with the Washington State Department of Natural Resources. Class V injection wells, involving the injection of critical materials, may be prohibited by the Washington State Department of Ecology or a permit may be required by said agency. In addition, commercial or industrial uses proposing the injection of critical materials are subject to the provisions of this chapter.

CHAPTER 5 - FREQUENTLY FLOODED AREAS

Sections:

- 5.010 Statutory authorization.**
- 5.020 Findings of fact.**
- 5.030 Statement of purpose.**
- 5.040 Methods of reducing flood losses.**
- 5.050 Lands to which this chapter applies.**
- 5.060 Basis for establishing the areas of special flood hazard.**
- 5.70 Interpretation.**
- 5.080 Warning and disclaimer of liability.**

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- 5.090 Establishment of development permit.**
- 5.100 Designation of the City administrator.**
- 5.110 Duties and responsibilities of the City administrator.**
- 5.120 Variances.**
- 5.130 General standards.**
- 5.140 Specific standards.**
- 5.150 Floodways.**
- 5.160 Encroachments.**
- 5.170 Standards for shallow flooding areas (AO zones).**

5.010 Statutory authorization.

The legislature of the state has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City council ordains as set forth in this chapter.

5.020 Findings of fact.

A. The flood hazard areas identified by the FEMA maps and study adopted in this chapter are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

5.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

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H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

5.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;

D. Controlling filling, grading, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.

5.050 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the shoreline jurisdiction of the City.

5.060 Basis for establishing the areas of special flood hazard.

Within shoreline jurisdiction, the areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Cashmere" dated August 27, 2003, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at City Hall, 101 Woodring, Cashmere, Washington. The best available information for flood hazard area identification shall be the basis for regulation until a new FIRM is issued which incorporates the date utilized. At such time the City adopts new FIRMS, a SMP amendment will be required.

5.070 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Potential impacts to wetlands, fish and wildlife habitat and other critical areas shall be addressed in accordance with the applicable sections of this chapter.

5.080 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by

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manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

5.090 Establishment of development permit.

A. Application for Development Permit. Application for a development permit within areas of special flood hazard shall be made on forms furnished by the City and may include but not be limited to: plans in duplicate drawn to scale showing the nature, locations, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.150(B); and
4. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

5.100 Designation of the planning director.

The planning director is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

5.110 Duties and responsibilities of the planning director.

Duties of the planning director shall include, but not be limited to:

- A. Review all development permits to determine:
1. That the permit requirements of this chapter have been satisfied;
 2. That all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
 3. If the proposed development is located in the floodway, assure that the provisions of Section 5.160 are met.
- B. When base flood elevation data has not been provided in accordance with Section 5.070, the City administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 5.150 and 5.160.
- C. Obtain and maintain the following information:
1. Where base flood elevation data is provided through the Flood Insurance Study or acquired as in subsection B of this section, obtain and record the actual (as built)

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elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level); and
 - b. Maintain the floodproofing certifications required in Section 5.100(B)(3);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Where there are proposed alteration(s) of watercourses, accomplish the following:

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
2. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in CMC Title 14 for administrative appeals. In passing upon such applications, the hearing officer shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

F. The planning director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

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5.120 Variances.

Variances of the requirements of Chapter 5 of Appendix B may be granted as outlined below and as outlined in Chapter 7.8 of this Master Program.

A. Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, or economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

D. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Section 5.120(E)(1) through (11) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection A of this section, and otherwise complies with Section 5.140(A) and (B) and Chapter 7.8 of this Master Program.

G. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 5.120, or conflict with existing local laws or ordinances.

H. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.130 General standards.

In all areas of special flood hazards, the following standards are required:

- A. Anchoring.

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1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

4. All subdivisions shall disclose the presence on each residential lot of one building site, including access, that is suitable for development and is not within the area of special flood hazard; and

5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

5.140 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 5.070 or 5.120(B), the following provisions are required:

A. Residential Construction.

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1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation;

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade;

c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 5.120(C)(2);

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

C. Manufactured Homes. Any manufactured home to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.140(A)(2).

D. Recreational Vehicles. Recreational vehicles placed on sites are required to:

1. Be on site not more than 14 consecutive days;

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2. Be fully licensed and ready for highway use, on their wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

5.150 Floodways.

Located within areas of special flood hazard established in Section 5.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic or hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood damage.

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure, either (a) before the repair, reconstruction, or improvement is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the 50 percent.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

5.160 Encroachments.

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

5.170 Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRMs as AO Zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. New construction and substantial improvements of residential structures within AO Zones shall have the lowest floor (including basement) elevated above the highest

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grade adjacent to the building one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO Zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 5.150(B)(3).

C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

CHAPTER 6 - GEOLOGICALLY HAZARDOUS AREAS

Sections:

- 6.010 Permitted uses and activities.**
- 6.020 Classification.**
- 6.030 Designation.**
- 6.040 Application requirements.**
- 6.050 Geotechnical report.**
- 6.060 General standards.**
- 6.070 Specific standards.**

6.010 Permitted uses and activities.

Uses and activities allowed within designated geologically hazardous areas within shoreline jurisdiction are those uses permitted by this Shoreline Master Program, subject to the provisions of this chapter.

6.020 Classification.

A. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events that may pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard. Classification and rating of geologically hazardous areas will be based upon the risk to development. The following categories shall be used:

1. Known or Suspected Risk. Areas that are susceptible to one or more of the following types of hazards shall be classified as a geologically hazardous area with a known or suspected risk and shall require a geologic site assessment as described in Section 5.090.

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a. Erosion hazard areas identified by the U.S. Department of Agriculture Natural Resources Conservation Service and Chelan County Soil Survey Manual which may experience significant erosion. Erosion hazard areas also include channel migration zones. These include areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. Consult with the United States Department of Agriculture Natural Resources Conservation Service for data to help identify erosion hazard areas;

b. Landslide hazard areas shall include areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors. They include any areas susceptible to mass movement because of any combination of bedrock soil, slope (gradient), slope aspect, structure, hydrology, damage or removal of vegetative cover, or other factors. Examples of these may include, but are not limited to, the following:

i. Sites that are located on or within two hundred fifty feet of areas of documented or historic failures, such as:

(a) Those areas delineated by the United States Department of Natural Resource Conservation Service as having a “severe” limitation for building site development.

(b) Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published by the United States Geological Survey or the Department of Natural Resources Division of Geology and Earth Resources.

(c) Areas located on a landslide feature which has shown movement during the past ten thousand years or which is underlain or covered by mass wastage debris of that period.

(d) Slopes that are adjacent to existing fault planes or similar geologic formations.

ii. Sites that are located on or within two hundred fifty feet from areas with all three of the following characteristics:

(a) Slopes steeper than fifteen percent; and

(b) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

(c) Springs or groundwater seepage.

iii. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones.

iv. Areas located on or within two hundred fifty feet from an alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding.

v. Steep Slopes. Any slope of forty percent or steeper with ten feet of relief or areas adjacent to these slopes, of which shall cover a distance equal to the vertical height of the slope or two hundred fifty feet, whichever is less.

vi. Areas that show evidence of, or are at risk from, sliding that may pose a threat to the public health and safety.

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c. Sites that are located on or within five hundred feet from snow avalanche areas. Snow avalanche areas include areas that show evidence of, or are at risk from, snow avalanches.

d. Sites that are located on or within seismic hazard areas. Seismic hazard areas include areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting, or tsunamis. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington, and ground settlement may occur with shaking. The strength of ground shaking is primarily affected by:

- i. The magnitude of an earthquake;
- ii. The distance from the source of an earthquake;
- iii. The type or thickness of geologic materials at the surface; and
- iv. The type of subsurface geologic structure.

e. Other geological hazard areas:

i. Volcanic hazard areas must include areas subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

ii. Mine hazard areas are those areas underlain by, adjacent to, or affected by mine workings such as adits, gangways, tunnels, drifts, or air shafts. Factors which should be considered include: Proximity to development, depth from ground surface to the mine working, and geologic material.

f. Upon examination of the subject property by a qualified professional pursuant to Section 5.080, if a determination is made that none of the foregoing conditions are present on or adjacent to the property, the qualified professional may state in letter form the circumstances under which the site assessment or report may be waived.

2. No Risk. Areas classified initially as geologically hazardous areas with a known or suspected risk or unknown risk may, upon further study, actually pose no risk to development or to the public health and safety. Where the administrator can determine that no risk from the geologically hazardous area is present, based upon geotechnical reports or the most current, accurate, and complete scientific and technical information available, these areas shall be classified as geologically hazardous areas determined to be of no risk.

3. Unknown Risk. Geologically hazardous areas may be present in the county that cannot readily be identified based upon the criteria of subsection (1) of this section. Geologically hazardous areas of unknown risk include areas where data is not available to determine the presence or absence of a geological hazard. The administrator may require a geologic site assessment and/or geotechnical report to determine the actual presence or absence of a geologically hazardous area.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

6.030 Designation.

All existing areas of the City in shoreline jurisdiction classified according to the provisions contained above in this chapter, as determined by the City, are designated as geologically hazardous areas.

6.040 Application requirements.

Development permit applications shall provide appropriate information on forms provided by the City, including without limitation the information described below. Additional reports or information to identify potential impacts and mitigation measures to geologically hazardous areas may be required if deemed necessary. Detailed studies and reports may be necessary to determine the existence of a geologically hazardous area, and if so, whether or not development will be allowed and what mitigation measures might be necessary where development may occur.

A. A site plan which discloses the following:

1. The location and boundaries of the geologically hazardous area;
2. The location and dimensions of all existing and proposed buildings, roads and other improvements, and their physical relationship to the geologically hazardous area;
3. The location and type of any proposed buffers, including the identification of any other protective measures; and
4. Locations and results of any test holes, excavations, etc., used in evaluating the existence and extent of the geologic hazard;

B. A geotechnical report prepared as described within this title; and

C. A certification from the geotechnical engineer and/or geologist preparing the study and report stating all of the following:

1. The risk of damage from the project, both on- and off-site, is minimal;
2. The project will not materially increase the risk of occurrence of the hazard; and
3. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.

6.050 Geotechnical report.

A. All geotechnical reports shall be prepared by a consultant team including a geologist and/or a geotechnical engineer, or an engineer or an engineering geologist who is knowledgeable of regional geologic conditions and who derives his/her livelihood from employment in one of these specialized fields.

B. A geotechnical report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. More specifically, the report shall evaluate the actual presence of geologic conditions giving rise to the geologic hazard, including without limitation the following:

1. Documentation of site history, evidence of past geologically hazardous activities in the vicinity, quantitative analysis of slope stability and available geologic information;
2. Surface reconnaissance of the site and adjacent areas;

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3. Subsurface exploration of the site to assess potential geologic impacts of the proposal;

4. Hydrologic analysis of slope and/or soil stability;

5. Approximate depth to groundwater;

6. Evaluation of the safety of the proposed project, and identification of construction practices, monitoring programs and other mitigation measures necessary; and

7. Demonstration of the following:

a. There will be no increase in surface water discharge or sedimentation to adjacent properties;

b. There will be no decrease in slope stability on the site nor on adjacent properties;

c. There is no hazard as proven by evidence of no past geologically hazardous activity in the vicinity of the proposed development and a quantitative analysis of slope stability indicates no significant risk to the development proposal and adjacent properties; and

d. The geologically hazardous area can be modified or the development proposal can be designed such that the hazard is eliminated or mitigated, making the site as safe as one without a hazard.

C. The recommendations from a soils engineering report and the engineering geology report shall be incorporated in a geotechnical report and in the grading plan specifications.

1. The soils engineering report, prepared according to Appendix, Chapter and Section 3309.5 of the Uniform Building Code (U.B.C.), shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures if necessary.

2. The engineering geology report, prepared according to Appendix, Chapter and Section 3309.6 of the U.B.C., shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading.

6.060 General standards.

The following minimum standards shall apply to all development activities, including creation of new lots, occurring within designated geologically hazardous areas and their buffers.

A. All projects shall be evaluated to determine whether the project is proposed to be located in a geologically hazardous area, the project's potential impact on the geologically hazardous area, and the potential impact of the geologic hazard on the proposed project.

B. Appropriate buffer areas shall be maintained between all permitted uses and activities and designated geologically hazardous areas.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

1. A minimum buffer of 50 feet shall be established from the top, toe and all edges of geologically hazardous areas.

2. Existing native vegetation within the buffer area shall be maintained.

3. The buffer may be reduced to a minimum of 30 feet when an applicant demonstrates, to the satisfaction of the City, that the reduction will adequately protect the proposed development and the designated geologically hazardous area.

4. Normal nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide for a view corridor, is allowed within the buffer area.

C. Appropriate drainage and erosion control measures, as determined by the City, shall be implemented in designated geologically hazardous areas.

1. All development shall submit for review and approval a drainage and erosion control plan pursuant to the provisions of this title, unless waived by the City.

2. All disturbed areas shall be revegetated in accordance with an approved plan, and completed within six months.

3. Surface drainage shall not be directed across the face of a bluff or into a ravine. If drainage must be discharged from the bluff into adjacent waters, it shall be collected above the face of the bluff and directed to the water by a sealed drain line, and provided with an energy dissipating device.

D. Appropriate grading and excavation measures, as determined by the City, shall be implemented in designated geologically hazardous areas.

1. All development shall submit for review and approval a grading and excavation plan as specified in Chapter 1, unless waived by the City. There shall be minimum disturbance of trees and vegetation on steep slopes and in ravines to minimize erosion and instability.

2. Excavation, grading and earthwork construction in designated geologically hazardous areas shall only be allowed from April 1st to October 15th, except for the following circumstances:

a. Up to 5,000 square feet may be cleared on any lot outside required critical area buffers, subject to approval of a drainage and erosion control and grading plan as required above; and

b. Timber harvest pursuant to DNR-approved forest practices or a clearing and grading permit may be allowed.

3. All disturbed areas shall be revegetated in accordance with an approved plan, and completed within six months.

4. All clearing shall be marked in the field for inspection and approval prior to alteration of the site.

5. The face of any cuts and/or fills on slopes will be prepared, maintained and revegetated to control against erosion.

E. Construction methods should be utilized which minimize risks to structures and which do not increase the risk to the site, or to adjacent properties and their structures, from the geologic hazard.

Appendix B- City of Cashmere Shoreline Critical Areas Regulations

F. Site planning shall minimize disruption of existing topography and natural vegetation, and shall incorporate opportunities for phased clearing.

G. Impervious surface coverage shall be minimized.

H. Any limitations to site disturbance, such as clearing restrictions, imposed as a condition of development approval shall be marked in the field and approved by the City prior to undertaking the project.

I. A monitoring program shall be prepared for construction activities occurring in critical geologic hazard areas.

J. Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion.

6.070 Specific standards.

The following standards shall apply to the activity identified below, in addition to the general standards outlined in Section 6.050.

A. Road Repair and Construction. Construction of any new public or private road is prohibited in a designated geologically hazardous area. Any existing private or public road repair or maintenance may be authorized, subject to the following minimum standards:

1. The repair and maintenance shall not create additional significant adverse impacts to the geologically hazardous area; and
2. Road repair and maintenance is the minimum necessary to provide safe traveling surfaces.

B. Major Developments. All major developments processed by the City according to the provisions governing full administrative review or quasi-judicial review authorized within a designated geologically hazardous area shall comply with the following minimum standards:

1. All plats shall disclose the presence on each residential lot of one building site, including sufficient building area, sewage system, setbacks, and access, that is suitable for development and which is not within the designated geologically hazardous area or its associated buffer;

2. All geologically hazardous areas and their buffers shall be clearly identified on all plats, maps, documents, etc.;

3. Designated geologically hazardous areas and their associated buffers shall be designated and disclosed on the final plats, maps, documents, etc., as open space tracts, nonbuildable lot and buffer areas, or as common areas, with ownership and control transferred to a homeowner's association. Associated geologically hazardous area buffers may alternatively be designated and disclosed on the final plats, maps, documents, etc., as an easement or covenant encumbering the property; and

4. Areas which pose an immediate, significant threat to public safety shall be appropriately fenced and identified, as determined by the City.

C. Surface Water Management. Stormwater retention and detention systems, including percolation systems utilizing buried pipe or french drain, are prohibited within designated geologically hazardous areas and their buffers, unless a geotechnical

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report indicates such a system shall not affect slope stability and the systems are designed by an engineer. The engineer shall also certify that the systems were installed as designed.

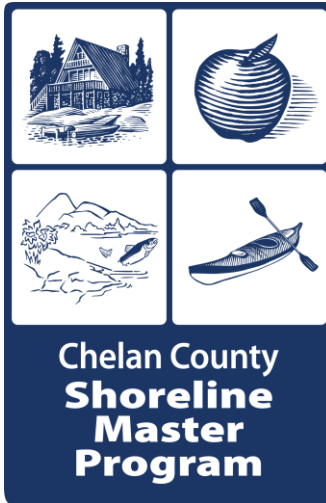
D. Trails and Trail-Related Facilities. Construction of public and private trails and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, viewing platforms and campsites may be authorized within a designated geologically hazardous area, subject to the following minimum standards:

1. Trail facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas;
2. Trail facilities shall minimize the removal of trees, shrubs, snags and other important features;
3. Viewing platforms, interpretive centers, campsites, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of the geologically hazardous area; and
4. All structures shall be constructed with materials complementary to the surrounding environment.

E. Utilities. When no other practical alternative exists, construction of utilities within a designated geologically hazardous area may be authorized, subject to the following minimum standards:

1. Utility corridor shall be jointly used;
2. Corridors shall be revegetated to pre-construction densities with appropriate native vegetation immediately upon completion of construction, or as soon thereafter as possible given seasonal growing constraints. The utility purveyor shall provide an assurance device or surety in accordance with CMC which ensures that such vegetation survives;
3. Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than by parallel roads. If parallel roads are necessary they shall be no greater than 15 feet in width, and shall be contiguous to the location of the utility corridor on the side opposite the designated geologically hazardous area;
4. Construction of sewer lines within a designated geologically hazardous area which are necessary to meet state and/or local health code requirements may be authorized, provided the severity of the designated geologically hazardous area is not increased;
5. Septic system drain fields shall be located outside of the geologically hazardous area and the associated buffers, unless otherwise justified and certified by a qualified geotechnical engineer.

Chelan County
Grant No. G0800231



FINAL

**SHORELINE RESTORATION PLAN for
Shorelines in the City of Cashmere**

Project: Comprehensive Shoreline Master Program Update
• **Task 10: Prepare a Restoration Plan**



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CHELAN COUNTY SHORELINE MASTER PROGRAM UPDATE FINAL SHORELINE RESTORATION PLAN

1. INTRODUCTION

1.1 Purpose

The primary purpose of the Shoreline Restoration Plan is to plan for “overall improvements in shoreline ecological function over time, when compared to the status upon adoption of the master program” (WAC 173-26-201(2)(f)).

Secondarily, the Shoreline Restoration Plan may enable a jurisdiction to ensure that the minimum requirement of no net loss in shoreline ecological function is achieved on a City-wide basis, notwithstanding any shortcomings of individual projects or activities. By law, activities that have adverse effects on the ecological functions and values of the shoreline must be mitigated (WAC 173-26-201(2)(e)). Proponents of such activities are *individually* required to mitigate for impacts to the subject shoreline areas, or agreed upon off-site areas, to conditions equivalent in ecological function to the baseline levels at the time each activity takes place. However, some uses and developments, either new or ongoing, cannot always be mitigated in kind on an individual project basis, such as a new bulkhead to protect a single-family home, that can be compensated for but not truly mitigated in-kind unless an equivalent area of bulkhead is removed somewhere else. Other impacts may be sufficiently minor on an individual level, such that mitigation is not required, but are cumulatively significant. Additionally, unregulated activities (such as operation and maintenance of existing legal developments) may also degrade baseline conditions.

Finally, the City of Cashmere’s Shoreline Master Program (SMP) applies only to activities in shoreline jurisdiction, yet activities upland of shoreline jurisdiction may have offsite impacts on shoreline functions. Thus, assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly inter-connected environments. For this reason, information about WRIA 45 conditions and activities are provided in this Restoration Plan.

Together, these different project impacts – out of kind, de minimus, and out of jurisdiction – may result in cumulative, incremental, and unavoidable

degradation of the overall baseline condition unless additional restoration of habitat function is undertaken. Accordingly, the Restoration Plan is intended to be a source of ecological improvements implemented by the City and other government agencies, developers, non-profit groups, and property owners inside and outside of shoreline jurisdiction to ensure no net loss of ecological function, and where possible improvement of ecological function.

1.2 Restoration Plan Requirements

This Restoration Plan has been prepared to meet the purposes outlined above as well as specific requirements of the SMP Guidelines. Specifically, WAC Section 173-26-201(2)(f) of the SMP Guidelines (Guidelines)¹ says:

“master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded non-regulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or non-regulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.”

In addition to meeting the requirements of the Guidelines, this Restoration Plan is intended to identify priority focal areas for future restoration and mitigation, support the City’s and other organizations’ applications for grant funding, and to identify the various entities and their roles working within the City to enhance the environment.

1.3 Types of Restoration Activities

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials, and removal of shoreline modifications, such as levees or revetments. Consistent with Ecology’s definition, use of the word “restore,” or any variations, in this document is not intended to encompass actions that

¹ The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

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reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource).

1.4 Contents of this Restoration Plan

As directed by the SMP Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and describe existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the SMP (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) will result in no net loss of ecosystem function, and voluntary actions and partnerships identified in this plan may result in a net improvement in the City of Bothell's shoreline environment in the long term.

2. SHORELINE INVENTORY SUMMARY

2.1 Introduction

The City, in cooperation with the County and other Chelan County cities, completed a comprehensive inventory and analysis of its shorelines (April 2012) as an element of its SMP update. The purpose of the shoreline inventory and analysis was to gain a greater understanding of the existing condition of the City's shoreline environment to ensure the updated SMP policies and regulations will protect local ecological processes and functions. The inventory describes existing physical and biological conditions in shoreline jurisdiction within City limits and the urban growth area and includes recommendations for restoration of ecological functions where they are degraded. The *Shoreline Inventory and Analysis Report* (TWC and Berk 2012) is summarized below to provide context for this Restoration Plan.

2.2 Shoreline Boundaries

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual

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flow is 20 cubic feet per second (cfs) or greater or lakes whose area is greater than 20 acres. In addition, shorelines of statewide significance are those streams and rivers that meet one or more of the following criteria

- “i. that have either: a mean annual flow of 200 cubic feet per second or more, or;*
- ii. the portion downstream from the first 300 square miles of drainage areas.*

Shorelands are defined as:

“those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain 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... Any city or county may also include in its master program land necessary for buffers for critical areas... (RCW 90.58.030)”

The City shoreline boundaries have been updated (subject to City Council and Ecology approval) concurrent with the *Shoreline Inventory and Analysis Report* through use of improved stream flow modeling by the United States Geological Survey mapping that resulted in increased accuracy of jurisdiction identification and mapping and improved wetland information.

2.2.1 Wenatchee (WRIA 45)

The Wenatchee watershed (WRIA 45) is approximately 1,370 square miles, and contains 45 shoreline streams/rivers and 29 shoreline lakes. The area of upland shoreline jurisdiction totals 24,652 acres along 2,159,741 linear feet (409 miles) of shoreline. The headwaters of WRIA 45 originate in the Cascade Mountain range as the Little Wenatchee and White Rivers. These rivers flow into Lake Wenatchee, the source of the Wenatchee River.

2.2.2 City of Cashmere

Shorelands in the City of Cashmere include areas within 200 feet of the ordinary high water mark, floodways, portions of their adjacent floodplains, and any associated wetlands within those floodplains. Waters identified within jurisdiction include Mission Creek and the Wenatchee River. The shoreline acres in the City and UGA equal 238, and the shoreline length equals 12,159 feet.

2.3 Inventory and Analysis Summary

The *Shoreline Inventory and Analysis Report* (TWC and Berk 2012) is divided into seven main sections: Introduction, Current Regulatory Framework Summary, Elements of the Shoreline Inventory, Shoreline-Specific Conditions, Analysis of Ecological Functions and Ecosystem-wide Processes, Land Use Analysis, and Public Access Analysis. Most of these chapters were subdivided into sections for the City and watershed (WRIA 45 - Wenatchee). The WRIA discussions do not include information for the incorporated Cities and their UGAs. The City discussions include the City's UGA. The following inventory is summarized from detailed information presented in the *Shoreline Inventory and Analysis Report*.

2.3.1 Wenatchee (WRIA 45)

Land Use and Physical Conditions

Government/utility uses and resource lands (forestry, agriculture, and other natural resources) dominate the majority of the 75 shorelines. Shorelands within WRIA 45 are currently used for: agriculture, commercial, cultural/recreation/assembly, forestry, government/utility, manufacturing/industry, natural resources, residential, transportation, and open space. WRIA 45 contains unincorporated and incorporated lands.

Water-oriented uses along shorelines in WRIA 45 include agriculture, parks/recreation/recreational activities, resorts and group camps, certain hotel/motels, eating and drinking places, and others. Much of the shorelines tend to be parcels without buildings, largely due to the commercial forest lands in the watershed. Most of the shoreline land is being used for government/utility is expected to remain, even where there are vacant parcels. With future development, the shorelines are likely to see added rural residential, which makes up 17 percent of the current land use, but is planned for over 24 percent of the shoreline lands.

Parks and open space are found along numerous shorelines in WRIA 45. Open space is estimated at approximately 24,699 acres, and park lands total about 17 acres (found along the Columbia and Wenatchee Rivers). Developed public access points include: trails, campgrounds, picnic areas, fishing easements, and boat launches. The trails are extensive, linking various waterbodies as well as running alongside waterbodies. Fishing easements and boat launches are located along the Wenatchee River.

Biological Resources and Critical Areas

Shorelines in WRIA 45 contain a combined total of 19,433 acres of priority habitats and habitat features. The most common habitats, in order of frequency

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of occurrence, are those for elk calving, migration, concentrations, or foraging and mountain goat breeding or concentrations. Twenty-seven separate osprey nest sites are mapped in shoreline jurisdiction, distributed on five waterbodies. Many of the rivers, streams and lakes also contain priority fish species. According to the NWI and hydric soils information, as much as 39 percent of the total shoreline area may be wetlands. Floodplains and geohazard areas, primarily channel migration zones, are also documented in the WRIA.

2.3.1 City of Cashmere

Cashmere is a historic community in the lower Wenatchee River valley known for its agricultural-oriented industries, traditional downtown, and residential character.

Land Use and Physical Conditions

Mission Creek is largely flanked by single-family residential, but also commercial and government uses. The Wenatchee River is fronted mostly by government/utility uses, such as the City's wastewater treatment plant, Riverside Park, City sanitation and recycling facility, and a City mulching facility. Planned land uses are likewise a mix, maintaining the existing pattern of the majority of land for single family on Mission Creek and public for the Wenatchee River. Potential water-oriented uses include agricultural uses, and uses at public parks and open space along both Mission Creek and the Wenatchee River.

There are parcels which do not contain buildings on both Mission Creek (4% of land in the shoreline jurisdiction) and the Wenatchee River (29% of land in the shoreline jurisdiction). The City's two shorelines are mostly committed to urban development today, primarily single-family residential. However, some of the land along the Wenatchee River in the City limits contains older industrial structures or improvements that may redevelop. There may be additional growth on shorelines in the UGA, since this area has not yet fully developed. The City may see additional commercial or industrial uses along Mission Creek, which currently has 9 percent of the land being used for commercial purposes (but 15% of the land is planned for mixed commercial/light industrial and 10% in warehouse industrial).

Public access features include parks and open space along Mission Creek (having approximately 3 acres of parks and 1 acre of open space, equaling 7% of shoreline jurisdiction) and the Wenatchee River (with approximately 36 acres of open space at 33% of shoreline jurisdiction and over 32 acres in parks, equaling 29% of shoreline jurisdiction). Other public access features include a river access ramp easement along the Wenatchee River within Riverside Park, as well as visual access corridors from lands east and west of the Wenatchee River in the vicinity of US 2, Riverside Park, and higher elevations. Shoreline trails are

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present along both Mission Creek (602 feet in length) and the Wenatchee River (14,522 feet in length).

Biological Resources and Critical Areas

Shorelines in the City of Cashmere and its UGA contain a combined total of 46 acres of priority habitats and habitat features. Both the Wenatchee River and Mission Creek contain priority fish species. According to the NWI and hydric soils information, as much as 24 percent of the total shoreline area may be wetlands.

The critical area most prevalent on the City's Wenatchee River shoreline is "frequently flooded areas", followed by channel migration zone. A significant portion of the City is protected by a City-owned, Corps-certified/built levee on the Wenatchee River. However, one of the gaps in the Wenatchee River levee located along Riverfront Drive, south of the Cotlets Way bridge, is susceptible to flooding during heavy rains or high elevation snow melt.

3. RESTORATION GOALS AND OBJECTIVES

The following subsections discuss restoration goals and objectives previously identified in local WRIA, City and County planning efforts. Discussions are divided between the WRIA and City when applicable. The WRIA discussion does not include information for the City and its UGA. The City discussion includes the City's UGA.

Many of the watershed planning and salmon recovery efforts are administered by the Chelan County Natural Resources Department (CCNRD). Current activities include Wenatchee River Watershed (WRIA 45) planning and implementation, a County-wide salmon recovery grant program through Washington Salmon Recovery Funding Board, and habitat conservation plan development under the Federal Endangered Species Act (Chelan County website). The goals and objectives of the above plans will be discussed in Section 3.1, below.

The CCNRD also supports a regional salmon recovery effort, the Upper Columbia Salmon Recovery Board (UCSRB), and staffs the Chelan County Water Conservancy Board (Chelan County website). The mission statement of the UCSRB, whose planning area includes all of Chelan County except for the Chelan watershed, is:

"To restore viable and sustainable populations of salmon, steelhead, and other at risk species through collaborative, economically sensitive efforts, combined resources, and wise resource management of the Upper Columbia region."

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Restoration efforts throughout the County could focus on addressing the 12 factors for decline that were identified in the *Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan* (UCSRB 2007) for covered species. Areas for improvement may address the following factors:

- Social, Cultural, and Economic Factors
- Public Policy
- Management Actions
- Harvest
- Hatcheries
- Hydropower
- Habitat (includes alteration from land use practices, logging, mining, diversions, and other uses)
- Ecological Factors
- Factors Outside the ESU [Evolutionarily Significant Unit] and DPS [Distinct Population Segment]
- Interaction of Factors
- Current Threats
- Uncertainties

3.1 WRIA 45

Planning Unit Objectives

The Wenatchee Watershed Planning Unit, which includes Chelan County and the Cities of Wenatchee, Cashmere and Leavenworth, has a defined mission “to collaboratively develop a management plan for sustaining and improving watershed and community health.” To implement this plan, the WRIA 45 Planning Unit’s goal is to: “protect water resources, habitat and water use in a way that balances the educational, economic and recreational values associated with a healthy community.” The WRIA 45 Planning Unit will work to achieve this goal by meeting the following three objectives:

1. Assess water supply and use, and develop strategies for meeting current and future needs for both in-stream and out-of-stream use (Water Quantity and Instream Flow Subcommittee).
2. Protect and enhance habitat of threatened and endangered and culturally important species throughout the Wenatchee Watershed, improving overall habitat function and connectivity (Habitat Subcommittee).
3. Address polluted water bodies that do not meet state and federal water quality standards (Water Quality Technical Subcommittee).

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The WRIA 45 Planning Unit identified 25 opportunities for actions in the Wenatchee watershed, including six short-term actions and four hatchery-oriented actions. Details are covered in Volume 1 of the *Wenatchee Watershed Management Plan (WWMP)* (Wenatchee Watershed Planning Unit 2006). These recommended actions and planned implementation strategies meet the WRIA 45 Planning Unit's three objectives by indentifying watershed-wide actions (pertaining to instream flow, quantity, growth and land use, quality, habitat, implementation, and outreach) and sub-watershed specific actions. Tables 2-1 through 2-16 of the WWMP (2006) present summaries of the recommended actions and the agency(s) or entity(s) responsible for implementation; Table 2-6 lists specific implementation actions.

Planning Unit Implementation Strategies, Benchmarks, and Funding

The WWMP suggests that voluntary, cooperative measures are preferable to regulatory enforcement approaches. Implementation actions in the WWMP may need additional assessment and planning before implementation can proceed and responsibilities can be assumed, and that funding considerations may limit the implementation process, although federal entities are expected to support the strategies in the plan within the limits of available financial resources.

Funding sources for recommended actions would be determined by the implementation entity. Examples of potential private and public funding sources include Aquatic Lands Enhancement Account (ALEA), Bonneville Environmental Foundation Watershed Program, The Bullitt Foundation, Coastal Protection Fund (CPF), The Compton Foundation Environmental Grants, Family Forest Fish Passage Program (WDNR), Fish America Foundation Conservation Grant, Riparian Habitat Protection in the Washington Wildlife and Recreation Program (WWRP), and the UCSRB.

The UCSRB *Draft Upper Columbia Spring Chinook Salmon, Steelhead, and Bull Trout Recovery Plan* (2005) calls for administrative reviews to assess project implementation success, as well and for monitoring of recovery actions for their effectiveness in fulfilling goals. The WWMP also recommends an adaptive management strategy for actions that may require further development, additional data collection, or subsequent modification.

The *Wenatchee River Integrated Status and Effectiveness Monitoring Program (ISEMP)* is also in place to evaluate and document the progress and success of habitat actions. The ISEMP is a collaborative effort funded through various federal, state and local efforts. It builds on existing monitoring programs and consists of pilot status and trend monitoring efforts for anadromous salmonids and their habitat, as well as effectiveness monitoring for suites of habitat restoration projects in the Wenatchee Watershed.

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Wenatchee River Channel Migration Zone Study Objectives

CCNRD conducted a *Wenatchee River Channel Migration Zone Study-Phase I* in 2003. The purpose of the CMZ Study Phase I was to provide the technical foundation to allow the selection and prioritization of salmonid habitat restoration, enhancement, and preservation projects (Jones and Stokes Inc. 2004). The study objectives were to 1) evaluate historic changes in channel behavior and vegetation for the lower Wenatchee River (from Leavenworth to the mouth) and some of its tributaries (mouths of the Icicle, Peshastin and Mission Creeks, and the lower four miles of Nason Creek), 2) project areas where these rivers and streams may migrate or erode their banks in the future, and 3) identify potential restoration sites to improve salmon habitat (CCNRD website).

Phase II of the CMZ Study was subsequently completed to quantify physical and biological mechanisms linked to the salmonid habitat limiting factors, and prioritize potential habitat restoration, enhancement, and preservation actions. Twenty-four restoration sites were selected for preservation, enhancement, or restoration. The sites included areas that could be preserved because of their existing high-quality habitat adjacent to the Wenatchee River, and their need for additional off-channel habitat and riparian vegetation. The CCNRD has made it a goal to restore and protect these 24 sites.

Wenatchee River Channel Migration Zone Study Implementation Strategies, Benchmarks, and Funding

Potential restoration and protection opportunities are reviewed by CCNRD in an ongoing manner. No timetable or implementation strategy specific to the 24 sites listed in the CMZ study exists. Rather, the sites will be considered as viable options for restoration and preservation activities discussions. Funding for restoration and preservation projects may differ, as some public funds and private entities may be available solely for one of these project types. For example, one of the projects (identified as CMZ 2, and referenced in the WWMP) was initiated by a private property owner and then was finalized and will be constructed by the Yakama Nation using Bonneville Power Administration mitigation funds. The Boise State University Finance Center website (<http://efc.boisestate.edu/watershed/searchmenu.asp>) provides a potential listing of available grants and other funds for the projects and sites suggested in the CMZ study.

Upper Valley Plan Objectives

A Steering Committee and the Chelan County Public Utilities District (CCPUD) partnered to develop a vision plan with opportunities for the upper Wenatchee River valley, including the communities of Leavenworth, Peshastin, Dryden, Cashmere, and Monitor. They identified goals, objectives and a list of potential

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river access sites and fisheries enhancement opportunities along the Wenatchee River.

A summary of the *Upper Valley Plan's* purpose was to: 1) identify interpretive sites, river access points, and fisheries and wildlife enhancement opportunities along the Wenatchee River corridor, that have the potential to increase the public's knowledge and understanding of CCPUD's salmon and wildlife habitat enhancement programs; and to 2) build on existing tourism by creating attractions, new tourism opportunities (with an emphasis on the environment, education, recreation, culture, and art), visibility of the valley's resources, leveraging efforts of other groups that share common goals, and protect and enhance natural habitats (J.T. Atkins & Company PC. 2003). The plan identifies opportunity sites in:

1. Leavenworth (at the Leavenworth National Fish Hatchery, Blackbird Island, Icicle Creek/Wenatchee River confluence, irrigation projects, Wenatchee River habitat work, Icicle Loop Trail, potential interpretive trail at an old railbed site east of Leavenworth, gateway for "back roads" scenic drive, and Trout Unlimited projects).
2. Peshastin (at an old mill site, mill intake station, old railroad corridor, Kiwanis Park, Main Street, a historic log structure, Peshastin Creek/Wenatchee River confluence, and at railroad bridge and sandy beach).
3. Dryden (at a beaver pond site, dam site, powerhouse site, old school site, downtown Dryden, old dump site and public access above railroad and between railroad and SR 2).
4. Cashmere (at the Chelan Co. museum, a fishing hole on the north shore of the Wenatchee R., Sunset Highway Industrial Park, Raft Park and PUD kiosk, a flood area below Bethlehem construction).
5. Monitor (at Sleepy Hollow viewpoint, Green Bridge, gateway for "back roads" scenic drive, irrigation site, Monitor Bridge, riparian area, Chelan Co. Park, Wenatchee Foothills trail).

Upper Valley Plan Implementation Strategies, Benchmarks, and Funding

Implementation plans for the Upper Valley Plan goals begin obtaining 501c3 for the Steering committee, hiring a project director, and acquiring office space and equipment. Community meetings and meetings with reviewing agencies to determine permitting requirements are the following step. The remainder of the plan is aimed at identifying and procuring funding. Potential funding sources are not specified but may include both acquiring project specific funds from

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private and public entities as well as teaming to complete projects with existing programs and groups such as the Chelan-Douglas Land Trust, Washington State Department of Transportation, The Audubon Society, and CCNRD.

Washington Department of Ecology Total Maximum Daily Load (TMDL) Objectives

The U.S. Environmental Protection Agency (EPA) has approved a TMDL (the Wenatchee River Watershed Dissolved Oxygen and pH Total Maximum Daily Load Water Quality Improvement Plan (TMDL) (Ecology 2009). The TMDL identified three water bodies in the project area exceeding dissolved oxygen standards and six exceeding pH standards. The overarching goal of the TMDL plan is to meet water quality standards; thus, the goal is to reduce total phosphorus from point and nonpoint sources to the Wenatchee River. The timeline for compliance with water quality standards is 10 years from TMDL approval, or 2019. Fifty specific activities and goals are identified in Table 5 of the TMDL. They include supporting and regional phosphorus reduction activities, point and nonpoint source activities, facility planning and design, monitoring activities, and habitat improvements.

Washington Department of Ecology Total Maximum Daily Load (TMDL) Implementation Strategies, Benchmarks, and Funding

Three phases and a number of targets are defined to track progress toward goals. Timelines are in Table 3 of the TMDL and summarized below:

Phase/Target	Definition	Timeline
Phase 1	Point and nonpoint source reductions, data collection and model calibration	2009-2013
Target 1	50% nonpoint source loading reduction	2014
Phase 2	Modification of load and wasteload allocations (if needed); identification of additional nonpoint source reductions	2014-2015
Phase 3	Additional load reductions implemented	2015-2019
Target 2a	NPDES compliance	2019
Target 2b	Reduction in remaining nonpoint source loading	2019
Final Target	Water quality standards achieved	2019

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Dissolved oxygen and pH data will be collected every five years to monitor progress toward the goals. Adaptive management will be employed to ensure that goals are achieved. Compliance monitoring will continue after compliance with water quality standards is achieved.

A number of funding resources presently support the TMDL or will potentially provide technical assistance or monetary support as projects are implemented. These sources include the CCD, which is a current recipient of a Centennial Clean Water Fund grant for TMDL activities; CCNRD, which provides incentive payments for implementation of riparian restoration activities; NRCS, which provides technical assistance to farmers and ranchers and may also be a funding source; and a number of jurisdictions and entities, including Chelan County, the Chelan County PUD, and the Cities of Wenatchee, Leavenworth, and Cashmere, have all shown interest in investigating sources of nonpoint source phosphorus loading.

3.2 City of Cashmere

The *City of Cashmere Comprehensive Land Use Plan* (2008) is intended to be a guide for the growth and development within and surrounding the community that is both sensitive to the environment and to guide the needs of the community residents. Environment-related goals of the plan are as follows:

1. Encourage the most appropriate use of land throughout the community.
2. Conserve and protect and restore natural beauty and other natural resources.

The City of Cashmere is a member of the Wenatchee Watershed Planning Unit, and as such is committed to supporting the relevant objectives and actions of the *Wenatchee Watershed Management Plan*. As reported in the *Shoreline Inventory and Analysis Report* (TWC and J&S 2009), the *Wenatchee Watershed Management Plan* (Wenatchee Watershed Planning Unit 2006) includes four specific habitat actions for the Lower Wenatchee Watershed, which includes the City of Cashmere:

- LowWenH-1: Use practical and feasible means to increase stream flows (within the natural hydrologic regime and existing water rights) in the Wenatchee River (UCSRB 2005).
- LowWenH-2: Reduce water temperatures by restoring riparian vegetation along the river (UCSRB 2005).
- LowWenH-3: Increase habitat diversity and quantity by restoring riparian habitat along the Wenatchee River, reconnecting side channels and the floodplain with the river, and increasing large woody debris in the side channels (UCSRB 2005).

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- LowWenH-4: Protect existing riparian habitat and channel migration floodplain function (UCRTT 2002).

Five separate habitat actions, as follows, are included for the Mission sub-watershed:

- MissionH-1: Re-establish connectivity throughout the assessment unit by removing, replacing, or fixing artificial barriers (culverts and diversions) (UCSRB 2005).
- MissionH-2: Use practical and feasible means to increase stream flows (within the natural hydrologic regime and existing water rights) in Mission Creek (UCSRB 2005).
- MissionH-3: Decrease water temperatures and improve water quality by restoring riparian vegetation along the stream (UCSRB 2005).
- MissionH-4: Reduce unnatural sediment recruitment to the stream by restoring riparian habitat and improving road maintenance (UCSRB 2005).
- MissionH-5: Increase habitat diversity and quantity by restoring riparian habitat, reconnecting side channels and the floodplain with the channel, increasing large woody debris within the channel, and by adding instream structures (UCSRB 2005).

Several of the water-quality actions for the lower Wenatchee watershed address inputs of nutrients, particularly phosphorus to the Wenatchee River. Many parks and other intensively maintained lawns or landscape areas are potential sources of nutrient run-off. The Plan specifically mentions a need to reduce phosphorus inputs from wastewater treatment plants, including the City of Cashmere's facility, and notes that the City is one of several members of a partnership formed to address dissolved oxygen and pH problems that are related to phosphorus. The Plan also includes 19 water-quality actions in the Lower Wenatchee Watershed and 33 water-quality actions for the Mission sub-watershed.

The *Wenatchee Watershed Management Plan* provides guidelines regarding implementation strategies, timelines, and potential funding sources. These are described in Section 3.1.3 of this document.

4. LIST OF EXISTING AND ONGOING PROGRAMS

4.1 WRIA 45 Watershed Plans

The WRIA 45 Planning Unit explains in their *Phase IV – Detailed Implementation Plan* [(DIP) April 2008] that:

“The Wenatchee Watershed (WRIA 45) has been listed by the State Department of Ecology as one of the 16 basins in the state with critical and inadequate streamflows for fish.”

The WRIA 45 Planning Unit therefore developed an approach and ranking strategy to prioritize actions for implementation of the WWMP (WWPU 2006). The DIP (WWPU 2008) provides priorities and a practical schedule for implementing actions previously identified in Volume 1 of the WWMP (WWPU 2006), along with additional salmon recovery and water quality related actions that have evolved since the DIP was adopted. This management tool targets the status and completion of existing and ongoing projects, and can be found in Table 3-2 of the WRIA 45 Planning Unit’s *Phase IV – Detailed Implementation Plan* (WWPU 2008).

4.2 Chelan County Natural Resource Department Efforts

The Chelan County Natural Resource Department (CCNRD) administers watershed planning and salmon recovery efforts in Chelan County. Current activities include Wenatchee River Watershed (WRIA 45) planning and implementation, a countywide salmon recovery grant program through Washington Salmon Recovery Funding Board, and habitat conservation plan development under the Federal Endangered Species Act (Chelan County website). The CCNRD also supports the Upper Columbia Salmon Recovery Board (UCSRB) and staffs the Chelan County Water Conservancy Board. The CCNRD manages a variety of state, federal, and local project and planning grants that assist watershed planning and salmon recovery efforts in Chelan County. Details about CCNRD programs and funding can be found online at http://www.co.chelan.wa.us/nr/nr_main.htm.

The CCNRD’s current restoration strategies and efforts primarily stem from those identified in: watershed plans and DIPs previously mentioned; the *Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan’s* (2007) implementation schedule; and various studies, such as the Wenatchee River CMZ study. The CCNRD also implements “need-based” projects as they arise

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(E. Fonville, personal communication, March 9, 2009), which may consist of native riparian plantings and stream buffer restoration for private land owners in collaboration with the Chelan-Douglas Land Trust (CDLT).

UCSRB Implementation Schedule

The *Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan* (UCSRB 2007) provides a regionally and federally accepted framework for implementing coordinated recovery actions, while providing a “roadmap” towards implementation of priority habitat actions. The UCSRB has successfully completed single-project-focused actions that 1) reopen tributary habitat, 2) preserve key habitat areas, and 3) protect countless fry and smolt from entrainment in irrigation diversions. One recent project success story, sponsored by the CCNRD, includes the Nason Creek Oxbow Reconnection project in the upper Wenatchee valley (located between mile post 0.83 and 1.33 on Hwy. 207). This project reconnected a half-mile-long oxbow (secondary channel) by installing two 12-foot-wide fish-friendly culverts. The reconnection restored access to 21.7 acres of off-channel refuge, rearing and over-wintering habitat for juvenile salmonids.

While these single-project-focused actions significantly contribute to recovery efforts, “there is a growing consensus among biologists, project managers and the entities providing salmon recovery funding, that the greatest current opportunities for habitat restoration projects that will yield the greatest biological benefits are found in the yet to be addressed large-scale, multi-years, multi-million dollar recovery activities” (UCSRB 2009). In a recent memo regarding funding and project coordination of salmon recovery projects in the Upper Columbia, UCSRB members state that “the priority of the UCSRB is to restore salmonid populations ... through the development of a mid-range implementation/3-year work plan and coordinated funding.” The UCSRB is currently updating their comprehensive, coordinated and strategic approach to restoration to address the “large-scale, multi-year, multi-million dollar recovery activities.” The implementation plan that the CCNRD works from can be found online at <http://www.ucsrb.com/theplan.asp>. Implementation actions pertain to: water quantity and quality, water temperature extremes, habitat diversity and quantity, obstructions, riparian/floodplain, sediment, diversions, species interactions, depleted nutrients, nutrient limitations, and ecosystem function.

Outreach and Education

The CCNRD sends out mailers (postcards) updating the community about educational workshops and workgroups, such as the Shoreline Master Program update meetings.

4.3 Comprehensive Plan Policies

The *City of Cashmere Comprehensive Land Use Plan "The Heart of Cashmere"* (January 14, 2008, Ordinance 1117) is intended to guide the needs of residents and environment throughout growth and development within and surrounding the community. Because the "community" of Cashmere extends beyond the actual city limits, it is important that this plan and the *Chelan County Comprehensive Plan* (2005) are complementary. Countywide planning policies as well as the overall policies of the GMA are intended to assure that all levels of government are communicating and working towards respective plans that are compatible and consistent. The Comprehensive Plan describes general goals and objectives that will be used to make decisions that balance the needs and desires of the residents of the Cashmere area. The Plan should clearly state the community's vision for future growth and development, as the city zoning codes, building codes and land use regulations will be established or updated.

Goals of the plan are as follows:

1. Encourage the most appropriate use of land throughout the community.
2. Lessen traffic congestion and accidents.
3. Secure safety from fire.
4. Encourage the formation of neighborhood or community units.
5. Secure an appropriate allotment of land area in new developments for all the requirements of community life.
6. Conserve and protect and restore natural beauty and other natural resources.
7. Facilitate the adequate provision of transportation.

4.4 Critical Areas Regulations

The *City of Cashmere Comprehensive Land Use Plan "The Heart of Cashmere"* (2008) states, "the quality of life of different communities is directly related to the quality of environmental factors, such as air and water quality...subtle and prolonged degradation of these things can undermine the community's appeal and viability." Therefore, following requirements of the Growth Management Act (GMA) and using the "best available science", the Comprehensive Plan provides reference maps, a description of the City's classification and designation of critical areas, as well as goals and policies to protect them.

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The City's general goal is to "preserve and protect the quality of the area's natural features and maintain a harmonious relationship between the man-made community and the natural environment" (City of Cashmere 2008). More specific goals are as follows:

Goal: The City's wetlands will be protected to the greatest extent possible because they provide important functions that help define the quality of life in the community.

Goal: Protect fish and wildlife habitat areas as an important natural resource for the City, particularly in regard to their economic, aesthetic and quality of life values.

Goal: The City seeks to protect the public health, safety and welfare of its residents by providing protection of potable water sources, primarily through careful monitoring and control of areas demonstrated to be critical aquifers and/or which play a crucial role in recharging our groundwater supplies.

Goal: Protect the frequently flooded areas that are known to be critical parts of the natural drainage system by limiting and controlling potential alterations and/or obstructions to those areas.

Goal: The City will provide appropriate measures to either avoid or mitigate significant risks that are posed by geologic hazard areas to public and private property and to public health and safety.

The City's critical areas regulations are currently being updated.

4.5 Stormwater Management and Planning

As described in the *City of Cashmere Comprehensive Land Use Plan "The Heart of Cashmere"* (2008), stormwater drainage facilities are available throughout most of the City. Major components of the system consist of piping, manholes, catch basins and outfalls. Extensions to the stormwater system are primarily done by land development and the cost of the extension is borne by the developer. The City of Cashmere will be evaluating the stormwater system for Ecology's Phase II, Stormwater Management Regulations compliance in the near future.

4.6 Public Environmental Education

The City of Cashmere's Riverside Center is a gathering place for music, culture and educational activities within the City. People living in and around Cashmere also utilize City parks for swimming programs, sports leagues, school

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and youth programs, and community events. The City has an existing Park Plan, part of the *City of Cashmere Comprehensive Land Use Plan "The Heart of Cashmere"* (2008), that identifies that the parks should be developed to perform two different and distinctive functions: 1) provide facilities for the City's residents, therefore making Cashmere a more desirable place to live; and 2) provide facilities for the visitors who come into the area, thereby enhancing the City's economy.

The City's Parks and Recreation goal is to, "encourage the retention of open-space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks." A policy associated with this goal links schools and natural resource education to parks.

Policy: Cooperate with and support Cashmere School District in making school property available for public recreational use.

4.7 Audubon Society Efforts

The North Central Washington (NCW) chapter of the Audubon Society is dedicated to furthering the knowledge and conservation of the environment of North Central Washington, our Nation, and the World (NCW Audubon website). Chapter president, Mark Oswood, expresses the goals, hopes, aspirations, and plans of the NCW Audubon Society to: promote resource decisions based on the best available data; be honest brokers in environmental conflicts; believe that sustainable economies are the only road into the future; believe in citizen science and life-long learning; act as "outside consultants" – leading field trips, holding outdoor classes, and doing "dirt work"; and watch, count and protect birds, "one of the grandest expressions of life" (NCW Audubon website).

The NCW chapter of the Audubon Society participates in the Wenatchee River Watershed (WRIA 45) Planning. The *Wild Phlox*, a NCW Audubon Society newsletter (edited by Teri Pieper), reaches approximately 450 members across the four-county (Chelan, Douglas, Okanogan, Ferry) chapter territory, providing monthly environmental updates and opportunities for Audubon birders and environmental enthusiasts alike. More information about the NCW Audubon Society can be found online at <http://www.ncwaudubon.org>.

4.8 Cascadia Conservation District Efforts

Watershed Planning

The Cascadia Conservation District (CCD) (formerly the Chelan County Conservation District) is involved with the Wenatchee (WRIA 45) watershed planning effort, led by Chelan County.

Land Owner Assistance Program

Numerous projects occur each year, with recent projects along Chumstick Creek, Mission Creek, and Wenatchee Rivers (R. Malinowski, personal communication, February 17, 2009). The CCD has assisted in diverse ways by providing: side channel reconnection, off-channel juvenile salmonid rearing habitat, installation of LWD structures and boulder structures for instream habitat complexity, native riparian plantings to stabilize streambanks and provide canopy cover, installation of livestock fencing, elimination of fish entrainment in irrigation diversions through designing and updating new fish screens, and construction of groundwater wells to replace surface water diversions. Primarily the CCD works with private landowners to enhance riparian areas while providing fish-friendly conveyance to irrigation ditches, thereby reducing annual instream disturbance from diversion maintenance. By installing instream log cross vanes, LWD (with intact rootwads) and boulder clusters, irrigation pools are allowed to form (with fish screens), minimizing diversion impacts to fish and stream habitat. The CCD continues to assist local landowners and watersheds.

Water Metering

In an effort to encourage voluntary compliance with state metering requirements, the CCD has partnered with the Washington State Department of Ecology to provide cost-share funding to assist Chelan County diversion owners with the installation of adequate metering equipment.

Education and Outreach

- *Kids in the Creek*

Cascadia Conservation District participates in the *Kids in the Creek* program that was developed by local volunteers. This program won First Place for 2006 Environmental Education Curriculum from the National Association of Interpretation Media. The objectives of the program show how streams and watersheds work. Students walk away with an understanding of how their actions can affect stream health, in both negative and positive ways. They learn about watersheds, stream habitat, water quality, riparian areas, and macroinvertebrates. More information about the *Kids in the Creek*

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program can be found online:

<http://www.bpa.gov/corporate/KR/ed/kidsinthecreek/homepage.htm>

- *Wenatchee River Salmon Festival*

The CCD participates in the *Wenatchee River Salmon Festival*, hosted annually by the Leavenworth National Fish Hatchery and the Okanogan and Wenatchee National Forests. The festival's mission is to "provide high quality natural resource education, promote outdoor recreation, and share the cultural significance of salmon to the people of the Northwest."

Information about the Wenatchee River Salmon Festival can be found online at <http://www.salmonfest.org>.

For more details, contact the Cascadia Conservation District by phone (509) 664-9370 or look them up on the internet at <http://www.cascadiacd.org>.

4.9 Chelan-Douglas Land Trust Efforts

Land Protection

The Chelan-Douglas Land Trust (Land Trust) protects lands throughout Chelan County, either through conservation easements or acquisition (B. Bugert, e-mail correspondence, February 13, 2009). Land is eligible for Land Trust protection based on the following qualifying criteria:

- Is it habitat for endangered, threatened or rare species?
- Does it contain exemplary natural ecosystems such as old-growth forests or migratory waterfowl staging/wintering areas?
- Does it include shoreline and riparian areas?
- Does it include wetlands, floodplains, or other lands important for the protection of water quality?
- Is it undeveloped land in close proximity to urban development?
- Does it have important recreational opportunities?
- Does it include parcels that could be connected to greenbelt corridors between privately protected or publicly held properties?
- Does it include unique local scenic viewpoints or outstanding physiographic features that help define the character of our locale and enhance our community's sense of place?
- Is it valuable for timber or agricultural production?
- Is it a heritage site of historic and or prehistoric value?
- Does it include ecosystems of educational or scientific value?
- Is the landowner amenable to the conservation goals of the land trust?

The Land Trust is currently collaborating with Chelan County Natural Resources to do riparian plantings along Icicle Creek and potentially future

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projects throughout the County (B. Bugert, e-mail correspondence, February 13, 2009).

Education and Outreach

- *Chelan County Good Neighbor Handbook*
To promote community stewardship, the Land Trust publishes the *Chelan County Good Neighbor Handbook* as a tool to ensure people do their part in keeping the County a special place to live. The handbook is available online at:
<http://www.cdlandtrust.org/Good%20Neighbor%20HB%20for%20web.pdf>
- *Workshops*
The Land Trust is working to make the case that land conservation is a good investment for local communities. They believe that, “we do not need to choose between a healthy economy and healthy landscapes” (Chelan-Douglas Land Trust website). As part of this effort, the Land Trust partners with several local organizations to present workshops on various topics ranging from the economy to the environment. Recent workshops cover noxious weeds, sustainable landscaping and insects.
- *Conservation Roundtable, Ag and Environment Dialog, Environmental Film Series*
The Land Trust works closely with a wide variety of landowners, conservation groups, farmers, and resource agencies to develop innovative approaches to natural resource management. The Conservation Roundtable seeks to facilitate communication and collaboration among conservation groups. This dialog fosters understanding and collaboration among farmers, agriculture groups, and environmental groups to promote sustainable, productive, and profitable farms in the region. The Land Trust sponsors a monthly environmental film series (Chelan-Douglas Land Trust website).

The Land Trust is able to work quickly and creatively with local citizens, helping to preserve the unique character of the region and enhance the quality of life for residents, visitors, and future generations. For more details, contact the Chelan-Douglas Land Trust by e-mail: info@cdlandtrust.org or phone: (509) 667-9708.

4.10 Chelan County Public Utility District Efforts

Habitat Conservation Plan

The Chelan County Public Utility District (PUD) is collaborating with local, state, and federal governments; tribes; and private landowners to restore and protect salmon and steelhead habitat in the mid-Columbia and its tributaries. As part of the Habitat Conservation Plan (HCP) Tributary Program, the PUD funds projects

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to help protect and enhance salmon and steelhead spawning, rearing and migration. These projects will help the PUD meet its HCP commitment of “no-net-impact” to migrating fish. One such project includes the acclimation and rearing of summer steelhead on Blackbird Island in Leavenworth. The PUD, as part of its mitigation responsibility for the Wenatchee River basin has been rearing summer steelhead in the Blackbird Island fish pond each spring since 2009 (D. Davies, e-mail correspondence, March 9, 2009). Additional information about steelhead acclimation on Blackbird Island is found in the Trout Unlimited section below (Section 4.11).

Potential PUD projects may include bank and shoreline restoration, removal of migration barriers, enhancing stream flows, native riparian plantings, wetland restoration, constructing in-stream habitat structures, acquiring conservation easements or other means to preserve critical floodplain properties, and reconnecting relic side channels to provide rearing habitat (CCPUD website). Any individual or group can propose an HCP project through either of following two funding options. The General Salmon Habitat Program will fund projects costing \$25,000 or more. The Small Projects Program is for projects costing less than \$25,000 and is designed to encourage community groups working in cooperation with landowners (CCPUD website).

FERC Licensing

The PUD has restored a historic Wenatchee River side-channel as off-channel refuge and rearing habitat for salmonids. Located near Dryden, the groundwater-fed channel was enhanced (into pool/riffle habitat with large woody debris) and now provides spawning and rearing habitat. Monitoring reports have identified juvenile chinook and coho salmon and steelhead rearing, and adult coho salmon spawning in the enhanced channel (J. Osborn, personal communication, March 17, 2009). Continued monitoring of the site will include electrofishing and snorkel surveys and the collection of temperature data (J. Osborn, personal communication, March 17, 2009).

Education and Outreach

The PUD offers public tours of the Rocky Reach Hydroelectric Project that begin at the Rocky Reach Visitor Center. These tours include detail about the PUD’s fish recovery efforts throughout the Columbia River basin in addition to the dams fish bypass system, assorted hatchery projects and restoration/mitigation projects.

4.11 Trout Unlimited Efforts

The mission of the Washington Council of Trout Unlimited and the Icicle Chapter is to, “CONSERVE, PROTECT AND RESTORE” cold water fisheries,

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their watersheds and ecosystems, as a means of maintaining our quality of life!" Trout Unlimited has been on the forefront of fisheries restoration work at the local, state and national levels. Their website explains that they remain committed to applying "the very best information and thinking available" to conservation work and have developed cutting-edge tools to help direct efforts toward those fish populations most in need of protection or restoration.

Trout Unlimited's Icicle chapter, with backing from the City of Leavenworth, restored a fish pond on Blackbird Island about 50 feet from the Wenatchee River to make it suitable for raising 53,000 steelhead per year in cooperation with the Chelan County PUD. Trout Unlimited acquired water rights which allowed constant stream flow into the pond from the Wenatchee River via inlet/outlet structures installed in October of 2008. The goal is to acclimate (imprint) steelhead on Wenatchee River water in hopes of having returning adults and potentially a Wenatchee River steelhead fishery in years to come. The pond has dual use as a steelhead rearing facility (smolts released into the river) and kids fishing derby pond (using sterile trout planted after steelhead smolt release). Chelan County Natural Resources Department (CCNRD) and Trout Unlimited planted 500 trees and bushes around the pond.

4.12 United States Fish and Wildlife Service Efforts

Restoration

The USFWS has been involved in numerous restoration projects and activities in Chelan County. Currently the USFWS is involved in the implementation of habitat restoration projects associated with the Wenatchee Watershed Planning Unit, Integrated Status and Effectiveness Monitoring Project (ISEMP), CCNRD, CCD, and the Yakama Nation. The USFWS actively participates on several interdisciplinary teams that work towards Wenatchee watershed restoration efforts including: the Upper Columbia Regional Technical Team (RTT), Upper Columbia Salmon Recovery Board, the Mid-Columbia HCP Tributary Sub-Committee and the Priest Rapids Coordinating Committee's Habitat Sub-Committee. The USFWS also provides funding for restoration activities through the Western Native Trout Initiative, the National Fish Passage Program (NFPP), Partners for Fish and Wildlife and the Fisheries Restoration and Irrigation Mitigation Program. More information about the USFWS involvement in these programs can be found online at http://www.fws.gov/pacific/Fisheries/sp_habcon/index.html.

In Chelan County, the USFWS is the lead agency on two extensive projects in the Wenatchee basins. These projects are summarized below.

- *Icicle Creek Restoration*

Appendix C- City of Cashmere Shoreline Restoration Plan

In 2006, the BOR and the USFWS convened a Project Alternative and Solution Study (PASS) to sequentially evaluate habitat restoration and water intake for the Leavenworth NFH. Goals for this project are to: improve fish passage and stream habitat; improve management and conservation efforts for water use by the irrigation district, Leavenworth NFH and Sleeping Lady Resort; and increase fish survival and spawning success in Icicle Creek. A group of policy and technical representatives from the USFWS, BOR, other federal and state resource agencies, the Yakama Nation, and the Wild Fish Conservancy were all invited to contribute staff to a technical team. Beginning in October 2006, the technical team collaborated and developed a preferred alternative design for the new Leavenworth NFH water intake system, which was approved for implementation by the USFWS and the BOR in November 2007. Final approval for the project is still pending due to the required completion of NEPA, various permits, and related actions.

In February 2008, the PASS effort shifted focus towards habitat restoration within the historic channel of Icicle Creek (adjacent to Leavenworth NFH). Restoration will include the construction of roughened fish passage channel and restoration of a normative flow regime. Additional habitat improvements may include LWD placement and native riparian plantings. The BOR has budgeted funds for PASS meetings, facilitation, engineering design, and related efforts during FY 2009 in support of the technical team's goal of finalizing plans for the restoration project as soon as possible. Once the project plan is finalized and approved, the USFWS will re-initiate and complete consultation on implementation of the plan and Leavenworth NFH operations, in addition to completing NEPA compliance procedures prior to initiating construction of this project. (The above information was provided via e-mail communication with Jim Craig, USFWS Mid-Columbia FRO, March 10, 2009).

- *Chumstick Passage Barrier Removal*

The USFWS and the CCNRD are working with local land owners to remove 17 fish passage barriers along Chumstick Creek. Approximately 20 miles of instream habitat will be restored to steelhead, spring chinook and reintroduced coho salmon with the removal of barriers on Chumstick Creek (including the North Road). This project is possible with funding from Bonneville Power Administration (BPA) and the National Fish Passage Program (NFPP). (The above information was provided via e-mail communication with Jim Craig, USFWS Mid-Columbia FRO, March 10, 2009).

Appendix C- City of Cashmere Shoreline Restoration Plan

Education and Outreach

The USFWS's Mid-Columbia FRO is also a lead and partner in several education and outreach programs throughout the County. They inform the public about local restoration efforts, while providing environmental education to the community.

- *Kids in the Creek*
The USFWS partners with the CCD on this program, described in detail in CCD section above.
- *Wenatchee River Salmon Festival*
The USFWS is one of the lead entities that host the *Wenatchee River Salmon Festival* each year at the Leavenworth National Fish Hatchery. The CCD is one of the festival sponsors. Detail about the festival can be found in section 4.8 above.

For more information about the USFWS's programs and/or reports, contact the Mid-Columbia Fisheries Resource Office (FRO) in Leavenworth at (509) 548-7573 or look online at <http://www.fws.gov/midcolumbiariverfro>.

4.13 United States Forest Service Efforts

Restoration

The USFS is responsible for vegetation/fuel and road management and is an active participant in watershed-level restoration efforts throughout Chelan County. The Leavenworth Ranger District may assist in watershed planning efforts in addition to the research and monitoring programs for fish and wildlife species of the watershed, including participation in the ISEMP (P. Archibald, personal communication, February 26, 2009).

Education and Outreach

The USFS is implementing its *Respect the River* program that educates recreational users about riparian protection, managing and restoring riparian vegetation, reducing stream bank erosion, and improving floodplain water storage (Chelan County Conservation District 2006).

4.14 Yakama Nation Efforts

Yakama Nation projects throughout the mid- and upper-Columbia's ceded lands follow the tribes mission, "to preserve, protect, enhance, and restore culturally important fish populations and their habitats throughout the Zone of Influence of the Yakama Nation and to protect the rights of Yakama Nation members to utilize these resources as reserved for them in the Treaty of 1855." The

Wenatchee basin is one area in Chelan County that the Yakama Nation hopes to “demonstrate the fishery benefits of integrated land and water management practices” (Yakama Nation website).

The Yakama Nation’s Mid-Columbia Field Station (located in Peshastin) has lead restoration efforts that have successful returned extirpated coho salmon to the Wenatchee basin. Restoration efforts are focused on upper Wenatchee River tributaries, with rearing at the Leavenworth NFH and naturalized acclimation ponds along Nason Creek. The Yakama Nation also participates in numerous salmon recovery and watershed planning efforts, in addition to the research and monitoring programs for fish species of the watershed, including participation in the ISEMP.

Please see the following website for more information about the Yakama Nation Fisheries program: <http://host119.yakama.com>

5. LIST OF ADDITIONAL PROJECTS AND PROGRAMS TO ACHIEVE LOCAL RESTORATION GOALS

Additional restoration opportunities, not previously mentioned in WRIA and other watershed planning efforts, were identified in the *Analysis Report* (TWC and J&S 2009) as follows:

Riverside Park: Wenatchee River spring and fall discharges of 20,000 cfs or greater threaten the existing streamside canopy cover, vegetation and dike stability. Left and right bank reduction of shoreline armoring, addition of LWD, river meandering and revegetation could stabilize the stream bank and create off-channel salmonid spawning and juvenile rearing areas. Nature interpretive signs can be posted to entice the birding and naturalist communities to utilize this park. Special restoration attention to the left bank could decrease noise from U.S. Highway 2, improving the overall park and City aesthetic.

Chelan County Historical Museum and Pioneer Village: Similar Wenatchee River armor reduction, stream bank stabilization and revegetation, as mentioned above, can continue downstream of the Riverside Park to the end of Riverfront Drive (right bank) and the Chelan County Historical Museum and Pioneer Village (left bank). The Chelan County Historical Museum and Pioneer Village has wonderful restoration potential providing opportunities for public involvement and education.

Appendix C- City of Cashmere Shoreline Restoration Plan

Mission Creek: Seasonal floods cause considerable property damage, bank erosion and sediment loss throughout the creek. Reduce armoring and improve native vegetative cover to add habitat complexity and contribute to large woody debris recruitment. Creation of off-channel areas may minimize flooding and provide salmonid spawning and juvenile rearing areas. A combination of native revegetation and bioengineering techniques could be provided to secure the bank from excessive erosion.

General: At an October 2008 public meeting, a number of attendees commented that several sections of the Wenatchee River and Mission Creek contain debris (old tractors, large metal pieces, household appliances etc...) that could be removed to improve stream and fish habitat, and City aesthetics.

6. PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

As previously noted, the shoreline areas in Chelan County and the City of Cashmere occupy industrial, commercial, agricultural, multi- and single-family residences, and public recreation/open space areas. Therefore, efforts should be made to improve and retain shoreline ecological function through the promotion of restoration and healthy practices at all levels, from large-scale industrial users to single-family property owners. Chelan County and the City of Cashmere already have very active environment-focused communities with a strong restoration and education focus. Continued improvement of shoreline ecological functions along the many shorelines requires a comprehensive watershed approach, which combines all planning and implementation efforts.

The following table outlines possible schedules and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

Table 1. Implementation Schedule and Funding for Restoration Projects, Programs and Plans.

Restoration Project/Program	Schedule	Funding Source or Commitment
4.1 WRIA 45 Participation	WRIA 45 DIP: 1) Implementation is ongoing	Implementation goals identified in the WRIA 45 DIP are being completed in addition to salmon recovery and water quality actions that have evolved since the DIP was adopted. Funding entities have been identified in the DIP and will be addressed as funds become available.

Appendix C- City of Cashmere Shoreline Restoration Plan

Restoration Project/Program	Schedule	Funding Source or Commitment
4.2 Chelan County Department of Natural Resources	Ongoing	Coordinate with the County as applicable on implementation of actions as guided by the UCSRB Implementation Plan, the Wenatchee River CMZ study and watershed plans and DIP's (listed above) as funding and grant money is available.
4.3 Comprehensive Plan Policies	Amended 2008	The City makes substantial staff time commitments in the course of project and program reviews to determine consistency and compliance with the recently updated comprehensive plans.
4.4 Critical Areas Regulations	Amended 2008	The City makes substantial staff time commitments in the course of project and program reviews to determine consistency and compliance with the recently updated critical areas regulations.
4.5 Stormwater Management and Planning	Ongoing	Drainage systems will be updated as new development occurs. The City makes substantial staff time commitments in the course of multi-agency drainage studies, management and planning efforts.
4.6 Public Education	Ongoing	Education is identified as essential to the region in several park/recreation and comprehensive plans. City staff time and materials are provided in developing and planning for public education and outreach opportunities.
4.7 Audubon Society Efforts	Ongoing	The City will cooperate with NCW Audubon as appropriate in planning efforts and education/outreach opportunities as funding allows.
4.8 Cascadia Conservation District Efforts	Ongoing	The City will cooperate with the CCD as appropriate to support in planning efforts, project implementation, and education/outreach opportunities as funding allows.
4.9 Chelan-Douglas Land Trust Efforts	Ongoing	The City will cooperate with the Land Trust as appropriate to support land protection efforts and planning efforts, project implementation, and education/outreach opportunities as funding allows.

Appendix C- City of Cashmere Shoreline Restoration Plan

Restoration Project/Program	Schedule	Funding Source or Commitment
4.10 Chelan County Public Utilities District Efforts	Ongoing	The City will cooperate with the CCPUD as appropriate to support goals and opportunities identified in the HCP tributary program in addition to projects required as part of PUD’s FERC relicensing.
4.11 Trout Unlimited Efforts	Ongoing	The City will cooperate with Trout Unlimited as appropriate to support fish protection and conservation efforts throughout the region as funding allows.
4.12 United States Fish and Wildlife Service Efforts	Ongoing	The City will cooperate with the USFWS in restoration, conservation and education/outreach opportunities throughout the region as funding allows.
4.13 United States Forest Service Efforts	Ongoing – limited projects	The City will cooperate with USFS as appropriate to support restoration, research, monitoring and education/outreach opportunities and partnerships.
4.14 Yakama Nation Efforts	Ongoing	The City will cooperate with Yakama Nation as appropriate to support watershed planning, restoration, research, and monitoring opportunities as funding allows.

City planning staff will track all land use and development activity, including exemptions, within their respective shoreline jurisdictions, and will incorporate actions and programs of other departments as well. Reports will be assembled by each jurisdiction that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, linear feet of shoreline armoring removed or modified levees, changes to square footage of over-water cover, or number of fish passage barriers corrected.

The report would also recommend or describe relevant updates to WRIA and City goals and implementation plans, and outline current and ongoing implementation of various programs and restoration actions (by local government or other groups) that relate to watershed health.

The staff reports will be assembled to coincide with Comprehensive Plan updates and will be used, in light of the goals and objectives of the Shoreline Master Program, to determine whether implementation of the SMPs is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the *Shoreline Inventory and Analysis Report* (TWC and Berk 2012). In the long term, the City should be able to demonstrate a net improvement in its shoreline environments.

Based on the results of these assessments, the City may make recommendations for changes to its SMP.

7. RESTORATION PRIORITIES

This restoration plan, a phase of the Shoreline Master Program update process (consistent with WAC 173-26-201(2)(f)), includes “goals, policies and actions for restoration of impaired shoreline ecological functions.” Restoration opportunities have been “designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program.” This Restoration Plan demonstrates how specific potential projects match and meet regional or City-wide goals and objectives of the region, watershed planning entities, and environmental organizations that contribute or could potentially contribute to improved ecological functions of the shoreline. Prioritization of specific projects and project types, implementation strategies, and schedules will be based on information found in watershed or basin plans.

The process of prioritizing actions that are geared toward restoration of the City shoreline areas involves balancing ecological goals with a variety of site-specific constraints. Briefly restated, the City environmental protection and restoration goals include 1) protecting watershed processes, water quality and quantity; 2) protecting open/recreational space and the habitats for fish and wildlife; and 3) contributing to ESA listed spring chinook and steelhead conservation and recovery efforts. Constraints that are specific to the City of Cashmere include 1) the community’s diverse past and present land uses and desires (that includes livestock grazing, orchards, and logging), 2) rivers and streams that have been confined by roads or that have altered flow regimes from the construction of levees, and 3) the highly developed and armored shorelines along the Wenatchee River. While much of the County lands offer good ecological functions (generally the upper basins and forest/wild lands of each drainage), opportunities have been recognized to further enhance ecological functions, conservation and education of these shorelands. Goals and constraints were used or will be used in the watershed plan and implementation plan to develop shoreline restoration actions and a ranking prioritization of projects, programs, or sub-basins specific to WRIA 45 and the City of Cashmere.

Appendix C- City of Cashmere Shoreline Restoration Plan

Although restoration project/program scheduling has been suggested and summarized in each watershed and entity planning effort identified in Chapters 3 and 4, the actual order of implementation may not always correspond with the priority level assigned to that project/program. This discrepancy is caused by a variety of obstacles that interfere with efforts to implement projects in the exact order of their perceived priority. Some projects, such as those associated with riparian planting, are *relatively* inexpensive and easy to permit and should be implemented over the short and intermediate term despite the perception of lower priority than projects involving extensive shoreline restoration or large-scale capital improvement projects. Projects with available funding will be initiated immediately for the worthwhile benefits they provide and to preserve a sense of momentum while permitting, design, site access authorization, and funding for the larger, more complicated, and more expensive projects are under way.

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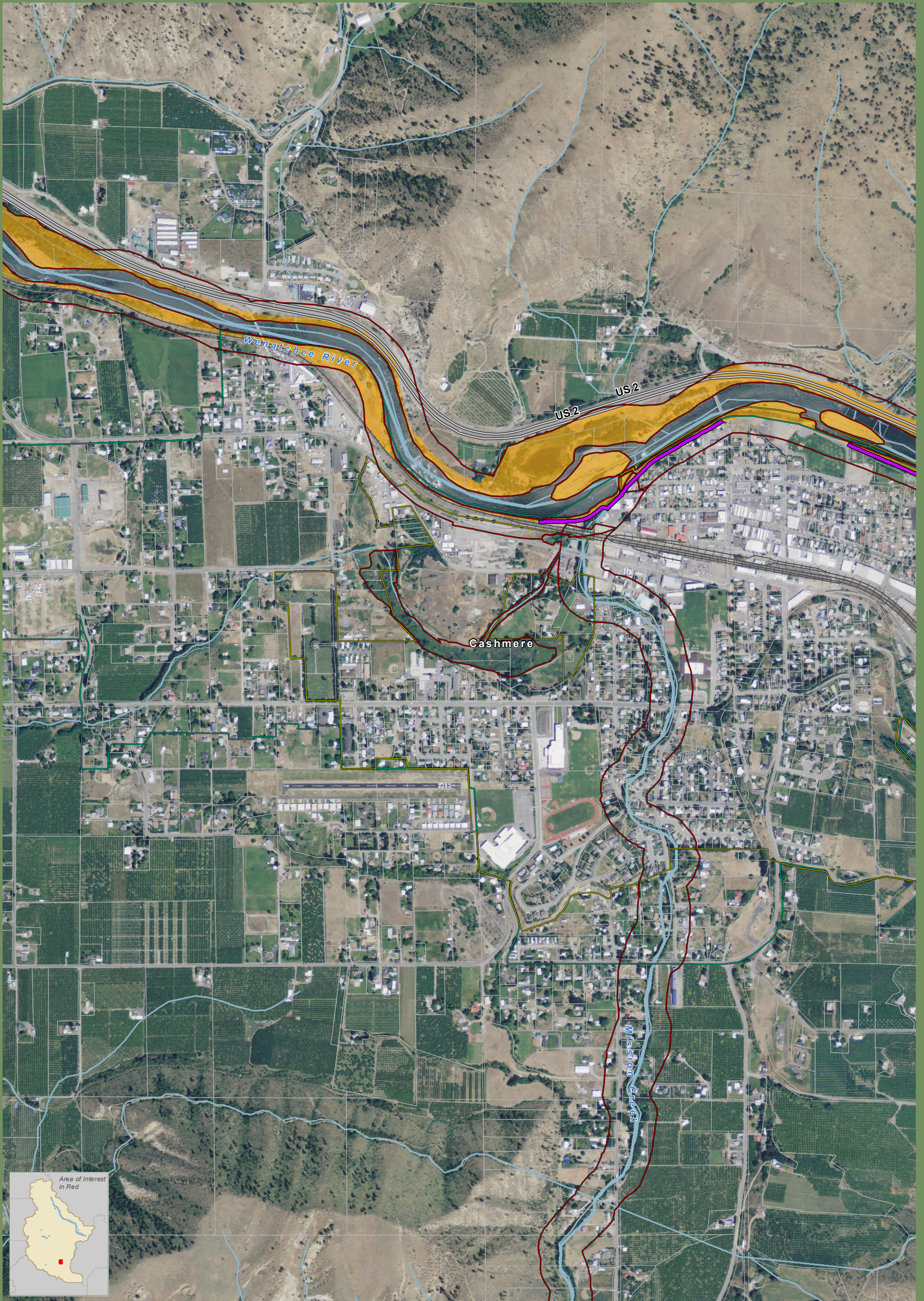
Yakama Nation Fisheries website. <http://host119.yakama.com>

9. LIST OF ACRONYMS AND ABBREVIATIONS

BOR.....	Bureau of Reclamation
CCCD	Chelan County Conservation District
CCD	Cascadia Conservation District
CCNRD	Chelan County Natural Resource Department
CCPUD.....	Chelan County Public Utilities District
CDLT	Chelan Douglas Land Trust
cfs	cubic feet per second
CMZ.....	channel migration zone
DIP	Detailed Implementation Plan
DPS	Distinct Population Segment
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
FERC.....	Federal Energy Regulatory Commission
FRO.....	Fisheries Resource Office
FWHCA	Fish and Wildlife Habitat Conservation Area
GIS	Geographic information systems
ISEMP.....	Integrated Status and Effectiveness Monitoring Project
LWD	Large Woody Debris
NEPA.....	National Environmental Policy Act
NFH.....	National Fish Hatchery
NOAA Fisheries.....	National Marine Fisheries Service
NPDES.....	National Pollutant Discharge Elimination System
NPS	National Park Service

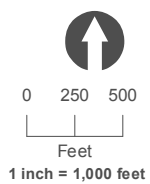
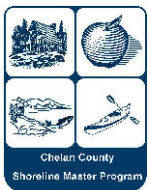
Appendix C- City of Cashmere Shoreline Restoration Plan

NRCS.....	Natural Resources Conservation Service
OHW/M	ordinary high water/mark
PUD	Public Utility District
RCW	Revised Code of Washington
SMA.....	Shoreline Management Act
SMP.....	Shoreline Master Program
UCRTT	Upper Columbia Regional Technical Team
UCSRB.....	Upper Columbia Salmon Recovery Board
UGA.....	Urban Growth Area
USFS	United States Forest Service
USFWS	U.S. Fish and Wildlife Service
WAC.....	Washington Administrative Code
WDFW.....	Washington Department of Fish and Wildlife
WDNR.....	Washington Department of Natural Resources
WRIA.....	Watershed Resource Inventory Area
WWMP.....	Wenatchee Watershed Management Plan
WWPU	Wenatchee Watershed Planning Unit



SMP Regulatory Channel Migration Zone

Cashmere 01



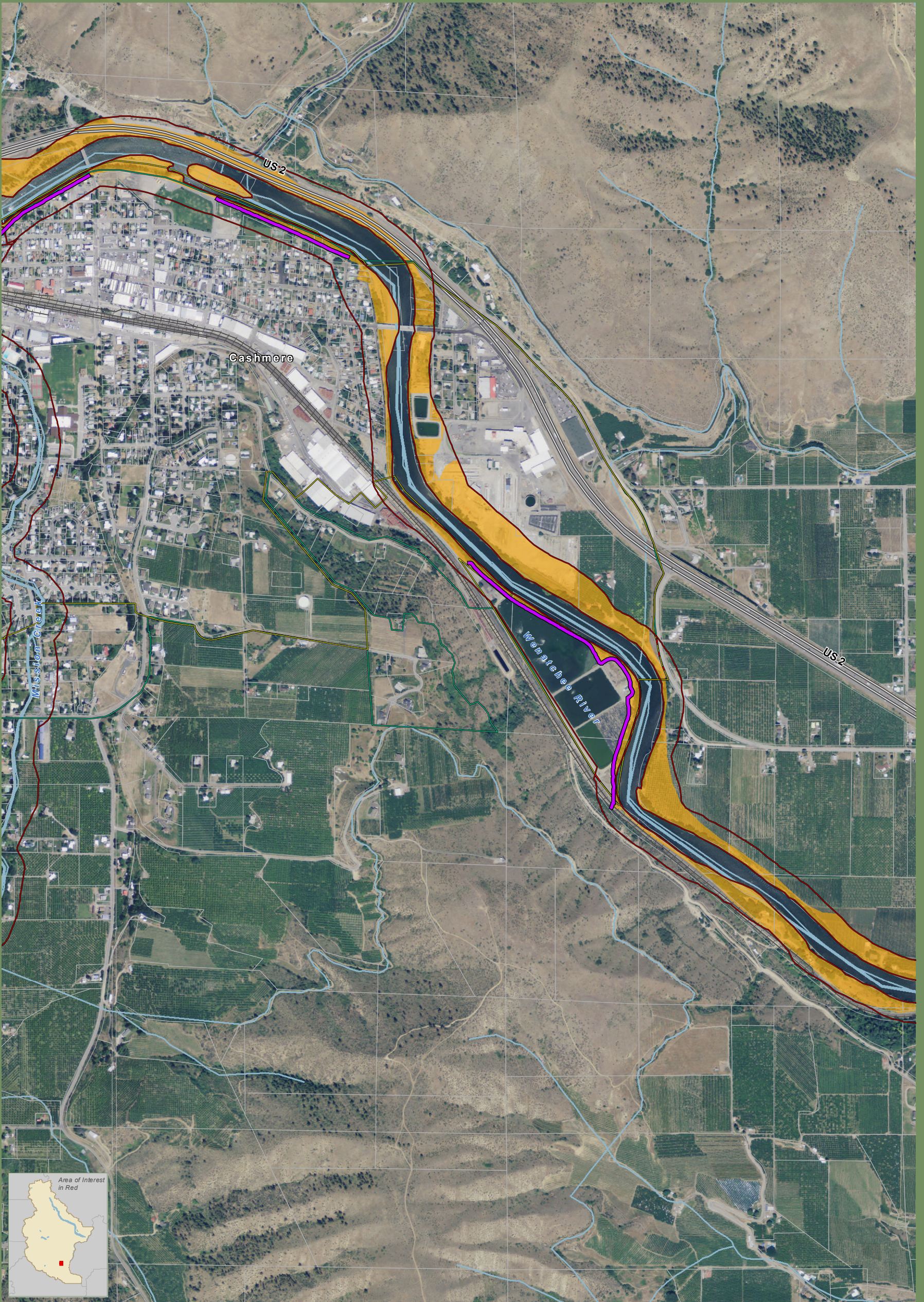
June 9, 2014.
Data: WA DOE,
WA OFM, USFWS,
FEMA, NPS, USACE



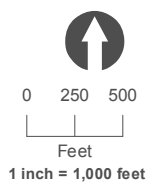
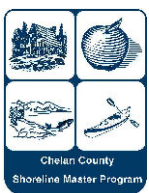
- SMP Regulatory Channel Migration Zone
- Rivers & Streams
- Highways
- Railroads
- Parcels

- Jurisdiction
- City Boundaries
- UGA Boundaries
- Cashmere Levee Centerlines

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



SMP Regulatory Channel Migration Zone Cashmere 02



June 9, 2014.
Data: WA DOE,
WA OFM, USFWS,
FEMA, NPS, USACE

- SMP Regulatory Channel Migration Zone
- Rivers & Streams
- Highways
- Railroads
- Parcels
- Jurisdiction
- City Boundaries
- UGA Boundaries
- Cashmere Levee Centerlines

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Cashmere Shoreline Public Access Plan

This Cashmere Shoreline Public Access Plan documents how the City has planned for parks and recreation in the community, particularly along the Wenatchee River and Mission Creek, pursuant to WAC 173-26-221 (4)(c), including identifying specific public needs and opportunities to provide public access through an open public process. This plan is based on the City's *Comprehensive Plan* land use, parks and recreation, and capital facilities elements, as well as a detailed parks and recreation functional plan. The City's efforts address a variety of shoreline access opportunities and circulation for pedestrians, bicycles, and vehicles between shoreline access points, and include recommended projects and actions.

Shoreline Public Access Laws and Rules

Public access refers to the ability of the general public "to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations" (WAC 173-26-221(4)(a)). Public access can be physical access such as via a trail or park and/or visual such as a view corridor from a road.

Public access is a preferred use per the Shoreline Management Act (RCW 90.58.020). The Shoreline Master Program (SMP) Guidelines require that public access be provided with most new development, except that more flexibility is allowed where there is a coordinated public access planning process (WAC 173-26-221(4)(c)). When public access is addressed in a SMP, it implements the "public trust doctrine" which is a common law principle holding that "the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses." While the doctrine "protect(s) public use of navigable water bodies below the ordinary high water mark," the doctrine "does not allow the public to trespass over privately owned uplands to access the tidelands."¹ Generally, public or private landowners are limited in terms of liability when there are unintentional injuries to any public access users based on state law at RCW 4.24.210.

Shoreline Recreation Goals and Plans

The City of Cashmere's 2008 *Comprehensive Plan* includes Park and Recreation goals that seek to improve the existing parks and recreation facilities, as well as add new ones:

¹ See the State of Washington's Department of Ecology's website at: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/public_trust.html. Accessed March 24, 2010.

City of Cashmere Shoreline Public Access Plan

- Plan for a recreational trail along the Wenatchee River from Goodwin Road to the East End of the Sewage treatment plant.
- Establish a plan for improvement of the kayak park and improve direct river access at Riverside Park.
- Provide efforts to support or develop a river trail access plan on dike.
- Establish a plan to develop a park at the mulch site, and connect a trail system on dike to connect to Riverside Park.

Based on these *Comprehensive Plan* goals, the City prepared the *Comprehensive Park & Recreation Plan 2009-2015*. The plan identifies numerous parks and recreation improvements which include converting other government-owned properties into passive and active parks areas, including the sewage treatment lagoons, mulching center, portions of power substation properties, among others. This will add substantially to park and public access opportunities in the community.

Some key *Comprehensive Park & Recreation Plan* goals and policies include:

- Develop a well-maintained, interconnected system of multi-functional parks, trails, recreation facilities and open spaces that is attractive, safe and available to all segments of the City's population, and supports the community's established neighborhoods and small town atmosphere. (PRG 1.0)
- Ensure that new park and recreational services are provided concurrent with new development. (PRG 2.0)
 - All new development shall provide funds or park lands for concurrent park development and maintenance. (PRP 2.1)
 - Require on-site (or nearby off-site) development of recreation facilities or appropriate and usable park land in conjunction with the approval of any development project. (PRP 2.3)
 - Require development projects along designated trail routes to be designed to incorporate the trail as part of the project. (PRP 2.4)
- Develop, operate and maintain parks and recreation facilities in a manner that is responsive to the site, and balances the needs of the community with available funding. (PRG 3.0)
- Cooperate with other jurisdictions, public agencies, and the private sector to provide park, open space and recreation facilities. (PRG 4.0)
- Protect and preserve as open space areas that: are ecologically significant sensitive areas; provide significant opportunities for restoration buffers between uses and link open space; provide trails and/or wildlife corridors; or enhance fish habitat. (PRG 5.0)

Parks and Recreation Plans and Public Review Process

The City’s parks and recreation goals and plans have been created with extensive public review as described in the table below. Public review opportunities have included citizen committees, open houses, surveys, public meetings and hearings. Notices were made to a wide variety of agencies as well as citizens.

Parks Documentation and Process	Description
Comprehensive Plan and Parks and Recreation Plan	City of Cashmere Comprehensive Land Use Plan, Adopted 2008, including parks and recreation goals and policies. Parks and Recreation Comprehensive Plan 2009-15. Adopted 2009. Plan includes planning process, existing system, goals and standards, and implementation including a capital improvement program.
Public Involvement Process	Comprehensive Plan: Planning Commission meetings and legislative hearings. Parks and Recreation Plan: Meetings with user groups, open houses, parks and recreation survey, news ads, public meetings and workshops, Parks and Recreation Commission meetings, and legislative hearings.

Current and Planned Facilities in Shoreline Jurisdiction

The following table summarizes public access features found along the two Cashmere shorelines, based on the “Shoreline Inventory and Analysis Report for Shorelines in Chelan County and the Cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee” dated March 2009.

Waterbody	Shoreline Acres	Parks & Public, Open Space Acres	Trails– Existing & Proposed Feet	Visual Access	Other Shoreline Facilities
Mission Creek	71.55	4	602 (0.11 mile)	Visible at some road crossings. Limited visibility due to width, vegetation, land use, etc.	None
Wenatchee River	166.20	65	14,522 (2.75 mile)	Visible in the vicinity of US 2, Riverside Park, and higher elevations.	Take-out ramp for rafters and kayakers, picnic area, sport courts and playfields.

City of Cashmere Shoreline Public Access Plan

Along the Wenatchee River the City has planned for improved shoreline recreation access both at current parks and at other public lands to be converted to recreation uses. Additional trail miles are also planned on a dike as well as along public roads. The City's current and planned facilities are shown on the Public Access maps located at the conclusion of this document.

Community Parks and Recreation Standards

The City's *Parks and Recreation Comprehensive Plan* includes level of service standards for different facilities community wide. These standards were considered in the development of specific parks and recreation improvements for the current and future population in Cashmere.

Facility Type	Level of Service Standard
Parks and Open Space	acres/1000 population
Mini	0.5
Neighborhood	2
Community	7
Regional	8
Open Space Areas	5
Trails	miles/1000 population
Trails	0.5
Pathways	0.25
Bikeways	0.25

Public Access Analysis & Objectives by Shoreline Reach

The City has planned an extensive trail along the Wenatchee River, improvements to existing parks, and new parks and recreation opportunities at public sites along the river. Mission Creek has fewer existing and planned parks, recreation, or trail facilities, but is largely developed with small lot single-family dwellings. Public access conditions are presented in order of numbered reaches as mapped in the "Shoreline Inventory and Analysis Report for Shorelines in Chelan County and the Cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee" dated March 2009.

Waterbody and Reach	Current Shoreline Facilities	Planned Shoreline Facilities	Discussion
Wenatchee River			

City of Cashmere Shoreline Public Access Plan

Waterbody and Reach	Current Shoreline Facilities	Planned Shoreline Facilities	Discussion
CCA 01	None	CCA 01 R: Treatment Plant Natural Area	Current wastewater lagoons to be converted. Planned recreation includes observation platforms, interpretative trail, passive areas, restrooms, and parking.
CCA 02	CCA 02 L: Open Space	CCA 02 R: Proposed Riverfront Trail	Riverfront trail to be multi-use such as pedestrian, bicycle, and equestrian.
CCA 03	CCA 03 L: Cashmere Museum & Pioneer Village CCA 03 R: Cashmere Avenue Park	CCA 03 L: Proposed Riverfront Trail CCA 03 L: Future Park (Jarvis site)	Trail – see above The site is currently undeveloped with trees and shrubs. Future plans call for a passive mini-park.
CCA 04	CCA 04 L: Open Space CCA 04 R: Existing Trail (partial), Fishing Easement	CCA 04 R: Proposed Riverfront Trail	Trail – see above
CCA 05	CCA 05 R: Riverside Park	CCA 05 R: Riverside Park improvements	Future improvements include Riverfront Trail, picnic facilities, watercraft ramp, passive and active play areas, restrooms, and parking.
CCA 06	None	CCA 06 R: Riverfront Trail	Trail – see above
CCA 07	CCA 07 R: Trail	CCA 07 R: Riverfront Trail	Trail – see above
CCA 08	CCA 08 R: Visual access from street rights of way	None	Area is in single family residential use. Limited future development potential due to presence of small lots.
CCA 09	CCA 09R: River Street Park	CCA 09 R: Riverfront Trail and River Street Park Improvements	Trail – see above River Street Park improvements include play area, picnic area, and sidewalk extension.
CCA 10	None	CCA 10 R: Riverfront Trail	Trail – see above

City of Cashmere Shoreline Public Access Plan

Waterbody and Reach	Current Shoreline Facilities	Planned Shoreline Facilities	Discussion
CCA 11	None	CCA 11 R: Mulching Center Park	Riverfront Trail, fitness trail, observatory, sport courts, sports fields, picnic area, and parking.
CCA 12	None	CCA 12 R: Riverfront Trail	Trail – see above
CCA 13	None	CCA 13 R: Riverfront Trail	Trail – see above
Mission Creek			
CCA 01	CCA 01 R: Visual access from street rights of way.	None	Area is in single family residential use. Limited future development potential due to presence of small lots.
CCA 02	CCA 02 R: River Street Park	CCA 02 R: Riverfront Trail and River Street Park Improvements	CCA 02 R: Trail – see above River Street Park – see above CCA 02 L: Appears to be sliver of a right of way for railroad or road.
CCA 03	CCA 03 R: Community Pool	None	Site has outdoor swimming pool, picnic area, some shade trees and grass, with some parking.
CCA 04	Some limited visual access from rights of way.	None	Area is in single family residential use. Limited future development potential due to presence of small lots. There is one City-owned lot along the stream south of Pioneer Avenue. The property near the intersection of Pioneer Ave and Mission Creek is right-of-way, and not suitable for public access.
CCA 05	CCA 05 R: Natatorium Park, School Fields and Facilities	None	

Waterbody and Reach	Current Shoreline Facilities	Planned Shoreline Facilities	Discussion
CCA 06	Some limited visual access from rights of way.	None	Same as CCA 04. There is another City-owned lot along the stream adjacent to Chapel Street. The City property contains an old water pump house that is no longer in use; it is not suitable for public access.

The City’s plan creates significant new opportunities for shoreline parks and recreation in the community, and will likely meet community needs beyond the City’s capital planning period that presently extends to the year 2015. For example, the City’s plan calls for a minimum 2.13 miles of trails throughout the City by the year 2015, but the plan provides approximately 2.86 miles in the shoreline jurisdiction alone.

Implementation

The City will implement its shoreline public access plan through the capital investment plan contained in the *Comprehensive Park & Recreation Plan 2009-2015*. The capital investment plan will be included in the City’s budget in the appropriate year that the facility is to be implemented. The City anticipates this plan to be updated on or before the close of 2015. The Shoreline Master Program update also contains public access and recreation standards designed to be compatible with and support the shoreline public access plan. The City may also revisit its shoreline public access plan during periodic reviews of the SMP, anticipated every eight years. (RCW 90.58.080)

Supporting Maps

The following attached maps are provided for reference and in support of the shoreline public access plan:

- Public Access maps prepared for the Shoreline Master Program update, July 2012.

CUMULATIVE IMPACT ANALYSIS for the City of Cashmere Shoreline Master Program

Project: Comprehensive Shoreline Master Program Update

- **Task 9: Develop Cumulative Impacts Analysis**

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CUMULATIVE IMPACTS ANALYSIS

FOR CITY OF CASHMERE SHORELINE MASTER PROGRAM

1 INTRODUCTION

1.1 Shoreline Management Act Requirements

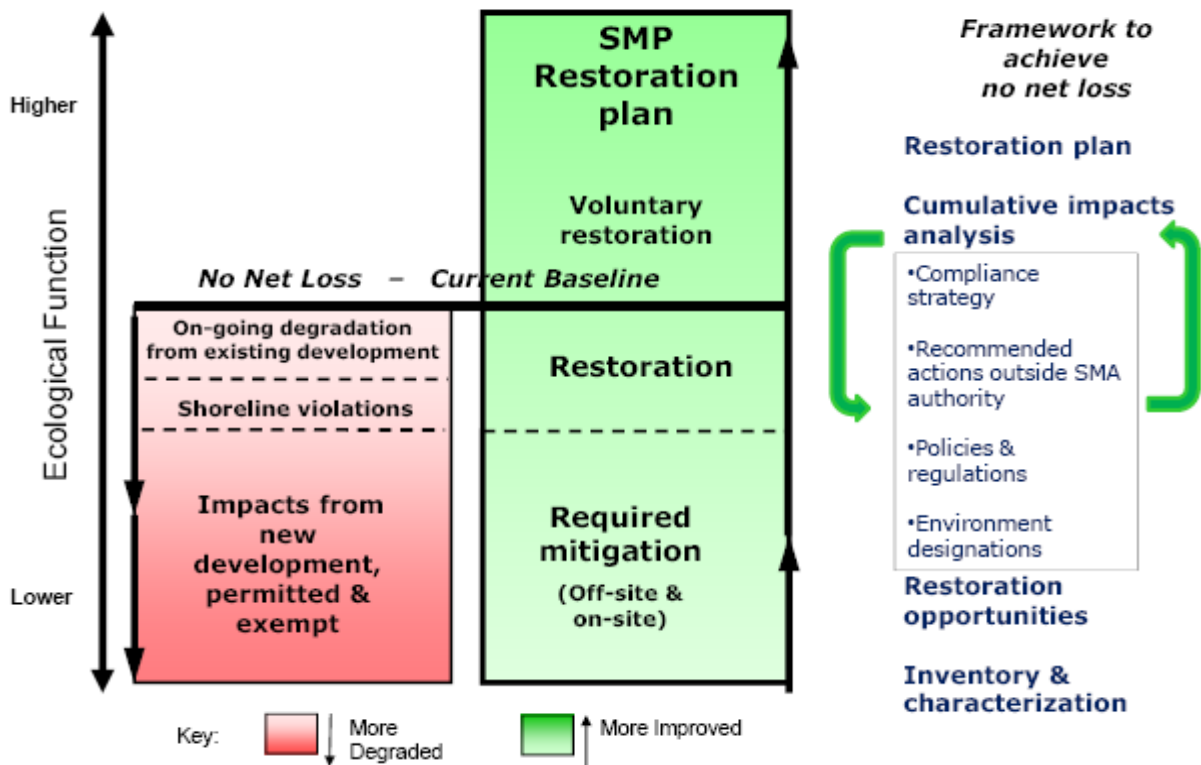
The Shoreline Management Act guidelines require local shoreline master programs to regulate new development to “achieve no net loss of ecological function.” The guidelines (WAC 173-26-186(8)(d)) state that, “To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts.”

The Guidelines further elaborate on the concept of net loss as follows:

“When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of “net” as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.” [WAC 173-26-201(2)(c)]

In short, updated SMPs shall contain goals, policies and regulations that prevent degradation of ecological functions relative to the existing conditions as documented in that jurisdiction’s characterization and analysis report. For those projects that result in degradation of ecological functions, the required mitigation must return the resultant ecological function back to the baseline. This is illustrated in the figure below. The jurisdiction must be able to demonstrate that it has accomplished that goal through an analysis of cumulative impacts that might occur through implementation of the updated SMP. Evaluation of such cumulative impacts should consider:

- (i) current circumstances affecting the shorelines and relevant natural processes [Chapter 2 below and Shoreline Analysis Report];
- (ii) reasonably foreseeable future development and use of the shoreline [Chapter 3 below and Shoreline Analysis Report]; and
- (iii) beneficial effects of any established regulatory programs under other local, state, and federal laws.” [Chapter 5 below]



Source: Department of Ecology

As outlined in the *Shoreline Restoration Plan* prepared as part of this SMP update, the SMA also seeks to restore ecological functions in degraded shorelines. This cannot be required by the SMP at a project level, but Section 173-26-201(2)(f) of the Guidelines says: “master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions.” See the Shoreline Restoration Plan for additional discussion of SMP policies and other programs and activities in Chelan County and the City of Cashmere that contribute to the long-term restoration of ecological functions relative to the baseline condition.

1.2 Methodology

This cumulative impacts analysis was prepared consistent with direction provided in the Shoreline Master Program Guidelines as described above and using the information, both textual and graphic, developed and presented in the *Shoreline Analysis Report* as well as information developed to support SMP development. To the extent that existing information was sufficiently detailed and assumptions about possible new or re-development could be made with reasonable certainty, the following analysis is quantitative. However, in many cases information about existing conditions and/or redevelopment potential was not available at a level that could be assessed quantitatively or the analysis would be unnecessarily complex to reach a conclusion that could be derived more simply. Further, ecological function does not have an easy metric. For these reasons, much of the following analysis is more qualitative.

Analysis of cumulative impacts is generally limited to areas that fall within the proposed shoreline jurisdiction; however, because floodplains, channel migration zones, and rivers are closely interconnected and may not be captured within shoreline jurisdiction, the area outside of the immediate shoreline jurisdiction was considered in determining effects for areas with mapped channel migration zones and for Shorelines of Statewide Significance.

The Aquatic shoreline environment is not evaluated individually in this CIA. Most development activities do not occur below the ordinary high water mark (OHWM), more typically occurring in the adjacent upland shoreland environments. However, shoreline modifications below the OHWM, such as boat launches or bank armoring, usually occur in conjunction with adjacent upland development and were evaluated in this analysis.

To estimate potential changes in land use along the shoreline, a land capacity analysis was conducted projecting growth over a 20-year timeframe. The land capacity analysis estimates development that may occur in the future along shorelines given draft shoreline use environments and development standards. The method to determine shoreline land capacity is summarized below.

1. Determine shoreline use boundaries. The land capacity analysis includes all lands within shoreline jurisdiction, generally 200 feet upland of the ordinary high water mark, associated wetlands, the floodway, and up to 200 feet of floodway-contiguous floodplain where present. Additionally, in two cases parcels partially included in jurisdiction and extending beyond are included:
 - Channel migration zone areas, since rivers may move over time; and
 - Shorelines of Statewide Significance, due to the importance of these waterbodies and the ecosystem-wide processes emphasized in WAC 173-26-251.

2. Compile City land capacity analyses. Based on adopted Comprehensive Plan and City planner input, assumptions about vacant, partially used, and under-utilized properties have been compiled.
3. Determine land status. The analysis estimates developable acres by City and Urban Growth Area (UGA). The developable acres are also sorted by waterbody, shoreline environment designation, and future land use/zoning category. Developable acres include: 1) vacant (no building value); 2) partially used (e.g. single-family properties containing one home, but the land can be further subdivided); or 3) under-utilized (land value exceeds building value on multifamily, commercial or industrial properties).
4. Deductions. Constraints such as critical areas, shoreline buffers, rights of way, and infrastructure are deducted from gross acres. Market factor reductions, which account for land that may not be available (e.g. owner does not wish to develop), are also included.
5. Densities or floor area ratios are applied to the net buildable acres to estimate total future dwellings or commercial/industrial square feet.
6. Public and mineral lands. Due to the different purposes for public lands/land trusts and mineral lands, typical assumptions regarding dwelling and commercial/industrial density were not applied. However, because these shoreline properties could be altered due to a variety of public purposes such as recreation, utilities, or resource extraction, acres estimates are provided for the City/UGA, as appropriate.

Appendix B provides a detailed matrix of assumptions and maps illustrating the categories of land status, including the three buildable categories as well as public and land trust properties.

Based on the results of the quantitative analysis of anticipated development, a qualitative analysis was performed to determine how foreseeable growth patterns might result in impacts to shoreline functions. A qualitative evaluation of potential impacts associated with possible future development, including upland development, overwater structures, shoreline armoring, mining, and aquaculture, was conducted at a County-wide level. For each waterbody with anticipated development within shoreline jurisdiction, effects were evaluated in terms of hydrologic, shoreline vegetation, hyporheic, and habitat functions. A qualitative analysis was performed to determine how applicable regulations related to each of the impacts identified, and what, if any regulations should be added or expanded to create more protection.

2 SUMMARY OF EXISTING CONDITIONS

2.1 Shoreline Analysis Report

The Shoreline Analysis Report included an evaluation of existing conditions in Chelan County and the Cities of Cashmere, Chelan, Entiat, Leavenworth, and Wenatchee. The sources and limitations of the data are listed in Table 9 of the Shoreline Analysis Report. Several types of data, including geology, soils, vegetation, impervious surface coverage, provide a regional characterization of existing conditions, but are not appropriate for a local or parcel-based quantitative evaluation of existing conditions. Other data, including critical areas, may require a site-specific study to confirm the presence or absence of mapped features. Data gaps in the inventory data include aquifer recharge areas and shoreline stabilization. For a complete assessment of data limitations, assumptions, and data gaps, see Table 9 and Chapter 8 of the Shoreline Analysis Report. The following table (Table 1) provides a summary of existing conditions by shoreline waterbody in the City of Cashmere.

2.2 City of Cashmere

Mission Creek is largely flanked by single-family residential, but also commercial and government uses. The Wenatchee River is fronted mostly by open space and government/utility uses, such as the City's wastewater treatment plant, Riverside Park, City sanitation and recycling facility, and a City mulching facility.

Shoreline vegetation along the shorelines of the Wenatchee River is generally limited to a thin strip of shrubs and trees. Scattered trees occur on single-family residential parcels. The City's Riverside Park includes a large mowed lawn and large paved and gravel parking lots, which provide parking and river access for recreational boaters and the general public. In the southeast portion of the City and UGA, orchards, stormwater treatment ponds, the railroad, and industrial areas with extensive impervious surfaces are separated from the River by a relatively narrow band of trees. The railroad and commercial areas are situated close to the River in the City's northwestern UGA, and shoreline vegetation is sparse.

Similar to the Wenatchee River shoreline, a narrow riparian corridor exists along Mission Creek. Impervious surface coverage is particularly high in the City's industrial areas, including the area at the mouth of Mission Creek. Roads intersect and run parallel to the Creek, and developed areas ranging from single-family houses to public facilities abut the Creek's course along most of its length within the City. Due to the Creek's proximity to development, much of the shoreline is armored. The extent of development along the Creek tends to limit the potential for natural channel processes.

Shorelines in the City of Cashmere and its UGA contain a combined total of 46 acres of priority habitats and habitat features. Both the Wenatchee River and Mission Creek contain priority fish species. According to the NWI information, as much as 24% of the total shoreline area may be wetlands.

The critical area most prevalent on the City’s Wenatchee River shoreline is “frequently flooded areas.” Most of the City is protected by a City-owned, Corps-certified/built levee on the Wenatchee River. However, there is a gap in the Wenatchee River levee along Riverfront Drive, south of the Cotlets Way bridge. The area near Riverfront Drive is susceptible to flooding during heavy rains or high elevation snowmelt.

A summary table (Table 1) provides further details on each waterbody’s shoreline characteristics.

Table 1. Summary Table of Basic Characteristics of Each Shoreline Waterbody in the City of Cashmere and its Urban Growth Area.

Jurisdictional Streams	Area of Upland Shoreline Jurisdiction (acres)	Major Existing Land Uses ¹	Ownership Profile ²	Critical Area/Priority Habitat or Species (PHS) ³ Presence	Presence of Impaired Waterbodies (303d list)? Yes/No Category 4 and 5 listed	Area (square feet) and Percent Coverage of Overwater Structures
Mission Creek	71.55	Single Family Residential (54%), No Category (22%), Government/Utility (10%), Natural Resources (4%), Open Space (4%), Other Residential (3%), Agriculture (3%), Cultural/Recreation/ Assembly (2%), Commercial (1%), Forestry (1%), Transportation (1%)	Private 96% Public (Municipal) 4%	PHS mule deer PHS riparian zones 7% wetland FEMA floodplain	Yes: 4A- DDT	0 sf

Jurisdictional Streams	Area of Upland Shoreline Jurisdiction (acres)	Major Existing Land Uses ¹	Ownership Profile ²	Critical Area/Priority Habitat or Species (PHS) ³ Presence	Presence of Impaired Waterbodies (303d list)? Yes/No Category 4 and 5 listed	Area (square feet) and Percent Coverage of Overwater Structures
Wenatchee River	166.20	Open Space (23%), No Category (22%), Single Family Residential (19%), Manufacturing/ Industrial (12%), Government/ Utility (14%), Agriculture (5%), Cultural/Recreation/ Assembly (3%), Forestry (1%), Transportation (1%), Commercial (<1%), Other Residential (<1%), Undeveloped Land (<1%)	Private 63% Public (Municipal, State) 37%	PHS mule deer zone PHS riparian zone 31% wetland Channel migration zone FEMA floodplain	Yes: 4A-Temperature	2,085 sf, <1%

¹ Major existing land use is reported by acres located in shoreline jurisdiction rather than full parcels. "Government/Utility" includes governmental services, utilities, and other transportation and communication utilities.

² Acres of shoreline owned by public or private entities. Public includes municipal, county, PUD, state, and federal lands.

³ PHS = Priority habitat or species as identified by WDFW

3 ANTICIPATED DEVELOPMENT

3.1 Introduction

The table below (Table 2) provides a summary of the likely development potential within the proposed environment designations for each shoreline waterbody within the City of Cashmere and its UGA. As explained in Section 1.2, the land capacity analysis includes all lands within shoreline jurisdiction, generally 200 feet upland of the ordinary high water mark, associated wetlands, the floodway, and up to 200 feet of floodway-contiguous floodplain where present. Additionally, in two cases parcels partially located in jurisdiction and extending beyond are included:

- Channel migration zone areas, since rivers may move over time; and
- Shorelines of Statewide Significance, due to the importance of these waterbodies and the ecosystem-wide processes emphasized in WAC 173-26-251.

For this reason, most of the cells in Table 2 contain two numbers. The first number represents acreage, square feet or units in the “study area,” which includes the shoreline jurisdiction as well as the remainder of any parcels that extend outside of jurisdiction if they are located in CMZs or are on Shorelines of Statewide Significance. The second number (in parentheses) represents just the acreage, square feet or units in shoreline jurisdiction. In many cases, the numbers are identical where a waterbody is not a Shoreline of Statewide Significance and does not contain CMZs that extend outside of shoreline jurisdiction.

It is important to note that this analysis is intended to give an overall picture of the potential for development along shorelines, but is not an exact predictor of which parcels may develop or redevelop. In addition, the analysis does not provide a “rate” of development.

3.2 City of Cashmere

The City of Cashmere study area is projected to allow for up to 52 single-family units (around 24 units if excluding existing homes), 9 multi-family units, around 27,762 commercial square feet, and about 31,510 industrial square feet. More

commercial development is expected along the Wenatchee River and more industrial development is expected along Mission Creek. About 60% of the housing units are expected along Mission Creek and the balance on the Wenatchee River. About one-fourth of the residential dwellings are expected in shoreline jurisdiction, though most of the commercial and industrial space is expected in shoreline jurisdiction.

Table 2. Potential for Future Development in the City of Cashmere.

Environment Designation / Waterbody	Acres in Total Shoreline Jurisdiction	Acres Outside of Buffers in Study Area (Jurisdiction)	Net Acres- Vacant in Study Area (Jurisdiction)	Net Acres- Partially Used/ Underused in Study Area (Jurisdiction)	Single Family Units in Study Area (Jurisdiction)	Multi-Family Units in Study Area (Jurisdiction)	Commercial Sq Ft in Study Area (Jurisdiction)	Industrial Sq Ft in Study Area (Jurisdiction)	Net Public Use Acres in Study Area (Jurisdiction)
High Intensity									
Mission Creek	13.52	10.49 (8.13)	3.06 (0.70)	2.24 (2.24)	3 (3)	0	7,705 (7,705)	18,061 (18,061)	8.0 (8.0)
Wenatchee River	63.00	70.66 (25.68)	0.39 (0.39)	3.20 (1.88)	0	0	15,058 (10,183)	13,453 (7,512)	14.04 (9.13)
Shoreline Residential									
Mission Creek	33.40	12.32 (12.32)	1.21 (1.21)	8.18 (8.18)	29 (29)	0	0 (0)	0 (0)	2.9 (2.9)
Wenatchee River	17.69	18.59 (12.40)	0.20 (0.08)	7.49 (4.81)	22 (12)	9 (8)	0 (0)	0	0.58 (0.18)
Urban Conservancy									
Associated Wetlands	12.08	0	0	0	0	0	0	0	0
Shoreline Park/Public									
Wenatchee River	21.96	13.39 (8.44)	0	0	0	0	0	0	13.4 (8.4)

3.3 Cashmere UGA

The unincorporated Cashmere UGA is expected to see minimal residential development, mostly along Mission Creek at about 14 dwellings in shoreline jurisdiction. Minimal commercial and industrial square feet are also projected in the study area and even less in shoreline jurisdiction; all of this non-residential development is predicted along the Wenatchee River.

Table 3. Potential for Future Development in the Cashmere City-Associated UGA.

Environment Designation / Waterbody	Acres in Total Shoreline Jurisdiction	Acres Outside of Buffers in Study Area (Jurisdiction)	Net Acres- Vacant in Study Area (Jurisdiction)	Net Acres- Partially Used/ Underused in Study Area (Jurisdiction)	Single Family Units in Study Area (Jurisdiction)	Multi-Family Units in Study Area (Jurisdiction)	Commercial Sq Ft in Study Area (Jurisdiction)	Industrial Sq Ft in Study Area (Jurisdiction)	Net Public Use Acres in Study Area (Jurisdiction)
High Intensity									
Mission Creek	1.45	0.73 (0.73)	0	0.67 (0.67)	1 (1)	0	0	0	0
Wenatchee River	18.90	3.11 (1.20)	1.06 (0.74)	2.05 (0.46)	1 (0)	0	6,710 (1,507)	10,736 (2,411)	0
Shoreline Residential									
Mission Creek	12.64	8.08 (8.08)	0	5.78 (5.78)	13 (13)	0	0	0	0
Wenatchee River	1.89	0.67 (0.09)	0	0	0	0	0	0	0
Urban Conservancy									
Mission Creek-Associated Wetlands	2.53	0	0	0	0	0	0	0	0
Shoreline Park/Public									
Wenatchee River	4.23	0	0	0	0	0	0	0	0

4 PROPOSED SMP PROVISIONS

In its Shoreline Master Program Handbook, Ecology identified the following components of SMP provisions as potential means to help achieve no net loss of ecological functions.

- **Establish appropriate shoreline environment designations.** The environment designations must reflect the inventory and characterization. A shoreline landscape that is relatively unaltered should be designated Natural and protected from any use that would degrade the natural character of the shoreline.
- **Prohibit uses** that are not water-dependent or preferred shoreline uses. For example, office and multi-family housing buildings are not water-dependent or preferred uses.
- **Require that all future shoreline development**, including water-dependent and preferred uses, is carried out in a manner that limits further degradation of the shoreline environment.
- **Require buffers and setbacks.** Vegetated buffers and building setbacks from those buffers reduce the impacts of development on the shoreline environment.
- **Establish strong policies and regulations.** Policies and regulations will define what type of development can occur in each shoreline environment designation, determine the level of review required through the type of shoreline permit, and set up mitigation measures and restoration requirements.
- **In all cases, require mitigation sequencing.** The SMP must include regulations that require developers to follow mitigation sequencing: avoid impacts, minimize impacts, rectify impacts, reduce impacts over time, compensate for impacts, monitor impacts and take corrective measures.

The proposed SMP provisions described below implement the above guidance to the extent consistent with each community's local Comprehensive Plan and vision, facilitating the County and Cities' achievement of the no net loss standard.

4.1 Environment Designations

The first line of protection of the City's shorelines is the environment designation assignments. Appendix A of this Cumulative Impacts Analysis identifies the prohibited and allowed uses and modifications in each of the shoreline environments for each local jurisdiction.

Each table clearly shows a hierarchy of higher-impacting uses and modifications being allowed in the already highly altered shoreline environments, with uses more limited in the less developed areas either through prohibition or a requirement for a Shoreline Conditional Use Permit. This strategy helps to minimize cumulative impacts by concentrating development activity in lower functioning areas that are not likely to experience significant function degradation with incremental increases in new development.

4.1.1 City of Cashmere

In the City of Cashmere, current land use is closely associated with level of alteration and the resulting environment designation. The City's environment designations include Aquatic, Shoreline Park/Public, Urban Conservancy, Shoreline Residential, and High Intensity (Figure 1). Shoreline Park/Public applies to the City's waterfront park land and other public property on the Wenatchee River. The Urban Conservancy designation applies to the shoreline-associated wetlands west of Mission Creek. Figure 2 shows how shoreline functions are distributed among the different shoreline environments. The High Intensity environment includes pockets of higher functioning shoreline reaches. The Urban Conservancy environment includes a relatively intact wetland area; however, the wetland only scored as moderate function through the analysis scoring approach, primarily because the shoreline analysis approach was not designed for this rare circumstance of a shoreline jurisdictional wetland that is not substantially contiguous with the shoreline waterbody itself.

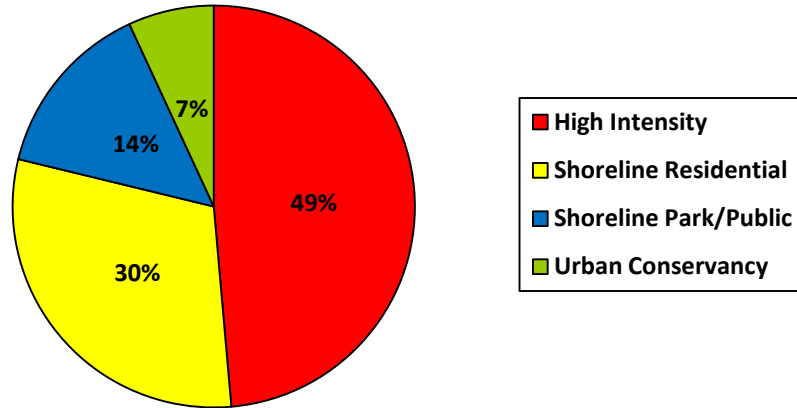


Figure 1. Distribution of Shoreline Environment Designations in the City of Cashmere

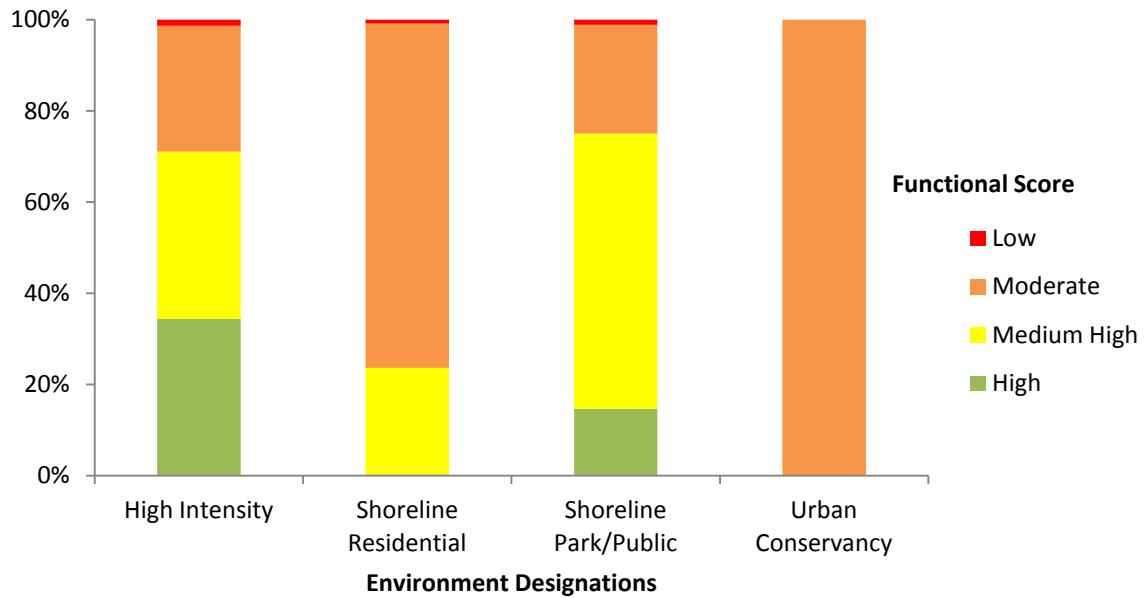


Figure 2. Distribution of Shoreline Functional Scores among Environment Designations in the City of Cashmere

4.1.2 City-Associated Urban Growth Areas

Environment designations within the County’s Urban Growth Areas were classified to be consistent with the City’s designations with which they are associated.

Cashmere UGA

Nearly half of the shoreline lands within the City of Cashmere’s UGA are designated as High Intensity environment (Figure 3). These areas include those places that are already developed with industrial uses along the Wenatchee River, and one developed parcel on Mission Creek. There is a limited area of Shoreline Residential use along the Wenatchee River and a more substantial area on Mission Creek. Most of the Shoreline Park/Public land is planned for future parks and trails development. Little differentiation in shoreline functions is apparent among environment designations in the Cashmere UGA (Figure 4).

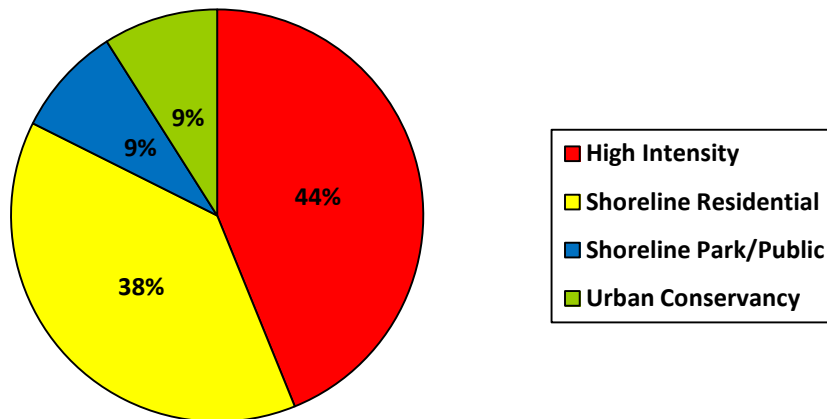


Figure 3. Distribution of Shoreline Environment Designations for Unincorporated Areas in the City of Cashmere’s UGA

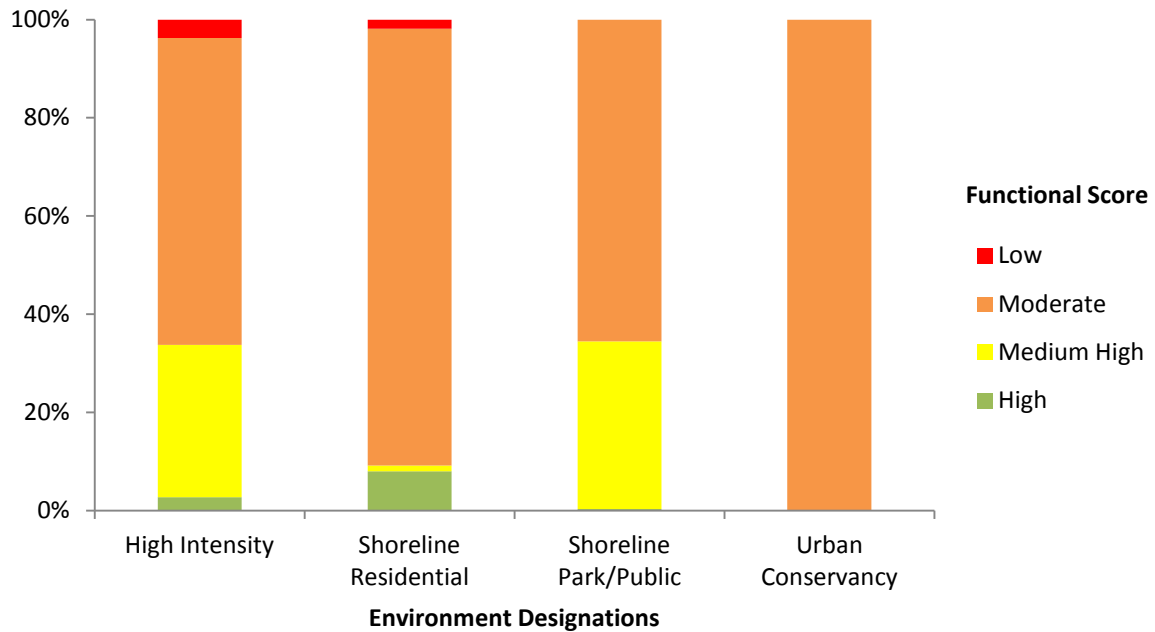


Figure 4. Distribution of Shoreline Functional Scores among Environment Designations in Unincorporated Areas of City of Cashmere’s UGA

4.1.3 Shoreline Buffers

Specific shoreline buffers were developed by environment designation, as shown in Table 4, below. Proposed buffers were tailored to existing conditions in each environment to ensure that no net loss of functions is attained.

Table 4. Shoreline Buffers by Environment Designation for the City of Cashmere.

Environment Designation	Standard Buffer ^{1,3}	Standard Reduced Buffer ^{1,3}	Maximum Reduced Buffer ^{1,3}
Urban Conservancy	This designation is a wetland. The wetland is in shoreline jurisdiction and any uses and developments in the wetland are regulated by this SMP. The wetland’s buffer is located outside shoreline jurisdiction and is regulated under the City’s Critical Areas Regulations in CMC 18.10B.		
Non-shoreline streams and other critical areas and buffers in shoreline jurisdiction	Regulated under Appendix B of this SMP		
Shoreline Residential	50’	37.5’	25’ ²
Shoreline Park/Public	70’	52.5’	35’
High Intensity	70’	52.5’	35’

Note 1: All buffer measurements for all environment designations are measured from the OHWM. See 1-11 below for criteria guiding buffer reductions and alterations.
 Note 2: When the Shoreline Residential environment is upland of the Shoreline Park/Public environment, the maximum reduced buffer in the Shoreline Residential environment is 35’ rather than 25’.

Note 3: Standard buffers listed may not be as wide in some areas as the applicable identified floodways. These buffers represent the vegetation conservation buffers necessary to protect fish, wildlife, habitat, and water quality. Where floodways are present, new structural developments or additions to legally existing structural developments at adoption of this SMP, or structural developments on a parcel after it may be further subdivided, shall be set back the greater of the shoreline buffer or 5 feet landward of the upland edge of the floodway, unless such development is otherwise allowed in the floodway per Section 5.190.A in Appendix B of the SMP.

4.2 General Policies and Regulations

The SMP contains numerous general policies, with supporting regulations (see SMP Chapter 4), intended to protect the ecological functions of the shoreline and prevent adverse cumulative impacts. The General Policies and Regulations chapters apply to all activities, uses and modifications. These regulations are summarized below in Table 5, including an indication of which function or functions the regulation helps to protect.

Table 5. Summary of Key SMP General Regulations that Protect Ecological Functions.

Shoreline Ecological Functions ¹				SMP Regulations Providing Protection for Ecological Functions
Hydrologic	Water Quality	Shoreline Vegetation	Habitat	
X	X	X	X	4.2.2.B (5.8.2.D, 5.9.2.A) Mitigation sequencing is required
X	X	X	X	4.2.2.C (4.5.2.I) Mitigation is required for all projects that have adverse impacts on shoreline ecological functions
X	X	X	X	4.2.2.I The City will weigh cumulative effects of all uses and development, including exempt development. The City may condition or prohibit projects that result in unmitigated, adverse cumulative impacts.
X				4.3.2.D Specific uses permitted in the floodplain and channel migration zone include: 1. Actions that protect or restore the ecological processes or functions; 2. Forest practices; 3. Existing and ongoing agricultural practices; 4. Mining consistent with Section 5.13 and shoreline environment designation; 5. Public utility and transportation structures where no other feasible alternative exists; 6. Repair, maintenance, modifications, or additions to an existing use, provided that channel migration is not further limited, or flood hazards increased, and that new development includes protection of ecological functions. 7. Development in cities and UGAs where existing structures prevent active channel movement and flooding. 8. Measures to reduce excessive shoreline erosion that are accompanied by mitigation of impacts.
		X	X	4.5.2.C.1 A mitigation plan must be prepared when adverse impacts to shoreline vegetative functions are proposed.
				4.5.2.E Significant trees shall be retained. If removal of a non-hazard significant tree is approved within the shoreline buffer, minimally a two-for-one replacement is required.
		X	X	4.5.2.F Tree removal other than hazard tree removal shall be mitigated at a 1:1 ratio.
		X	X	4.5.2.G One view corridor, limited to 25 percent of the width of the lot frontage, or 25 feet, whichever distance is less, may be permitted per lot with the submittal of a restoration plan. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.
X	X	X	X	4.5.2.H Clearing and grading shall be minimized.
	X	X	X	4.5.2.L New structures or developments are prohibited within shoreline buffers.
X	X			4.6.2.A Shoreline use and development shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws. (WAC 173-26-221(6)(b)(i))
X	X			4.6.2.B New development shall provide stormwater management facilities in accordance with the current Stormwater Management Manual for Eastern Washington.
X	X			4.6.2.C Low Impact Development (LID) techniques shall be considered and implemented to the greatest extent practicable.
X	X			4.6.2.D Existing public stormwater management systems and facilities shall be retrofitted and improved to incorporate LID techniques wherever feasible.
X	X			4.6.2.F Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through an approved temporary erosion and sediment control (TESC) plan.
	X			4.6.2.G On-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards. All buildings within the City limits shall have all sanitary facilities connected to the City wastewater system.
	X			4.6.2.H All materials that may come in contact with water shall be constructed of materials, such as untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals.

¹ Only primary effects of ecological functions are identified. Many actions may have indirect effects on each ecological function category.

4.3 Shoreline Uses and Modifications

The SMP contains numerous shoreline modification and use policies and supporting regulations (see SMP Chapter 5) intended to protect the ecological functions of the shoreline and prevent adverse cumulative impacts. Key shoreline use and modification regulations that help protect ecological functions are summarized below in Table 6, including an indication of which function or functions the regulations helps to protect.

Table 6. Summary of Key SMP Shoreline Use and Modification Regulations that Protect Ecological Functions.

Shoreline Ecological Functions ¹				Specific Shoreline Use or Modification	Potential Direct and Indirect Impacts to Shoreline Function	SMP Regulations Providing Protection for Ecological Functions	Related Watershed Restoration Efforts Underway or Planned (See Section 4.5)
Hydrologic	Water Quality	Shoreline Vegetation	Habitat				
X	X	X	X	All	See below	5.3.2.C; 5.6.2.A; 5.11.2.D; 5.13.2.C; 5.15.2.H; 5.16.2.A.4; 5.17.2.D; 5.18.2.A; 5.19.2.B; 5.20.2.I No net loss of ecological function	Refer to section 4.5
	X	X		Agriculture	Pesticide/ fertilizer runoff; Nutrient enrichment; Fecal coliform contamination; Riparian vegetation clearing; Erosion of fine sediment	5.3.2.D.2 Feedlots not qualifying as existing agriculture are to be located outside of shoreline buffers, vegetation conservation areas, and 100-year floodplains; to be a minimum of 4 feet between ground surface and water table surface; and to meet BMPs.	<ul style="list-style-type: none"> • Upper Columbia Salmon Recovery Plan- Irrigation practice improvements; address irrigation withdrawals; Habitat Farming Enterprise Program • Wenatchee TMDL- point and nonpoint source reductions; incentives for riparian restoration • NRCS- Technical assistance and funding to farmers
X		X	X	Aquaculture	Hydrologic alterations; Diversion of streamflow; Nutrient enrichment; Potential competition with native populations Potential for fisheries enhancement from conservation hatcheries managed to enhance native salmonid populations	5.4.2.A.3 Aquaculture sites shall be selected to avoid and minimize the need for and degree of floodplain or floodway alteration, channel migration zone alteration, shoreline stabilization, native vegetation removal, and/or wetland alteration. Non-commercial aquaculture operations may be required to submit a site alternatives analysis.	<ul style="list-style-type: none"> • Upper Columbia Salmon Recovery Plan - Conservation hatcheries
			X			5.4.2.B Aquaculture that involves substantial aquatic substrate modification or sedimentation through dredging, trenching, digging, or other similar mechanisms, shall not be permitted in areas where the proposal would have long-term adverse impacts on important fish or wildlife habitats.	
			X			5.4.2.E No introduced species without approval state approval.	
	X		X			5.4.2.J If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and for all experimental aquaculture activities, baseline and periodic operational monitoring by a qualified professional may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts.	
		X	X	Boating Facilities	Alteration of submerged aquatic vegetation, nearshore habitat, predator /prey relationships, and benthic community assemblages; Reduction in shoreline vegetative functions;	5.5.2.A.1 New boating facilities are not allowed over areas of aquatic or emergent vegetation unless other options are not available or the facility would result in a net improvement of shoreline ecological functions.	
X			X			5.5.2.A.2 New boating facilities are not allowed in the channel migration zone, in areas that would require dredging, where a flood hazard will be created, or where impacts to shoreline ecological functions and processes cannot be mitigated. Expansions of existing boating facilities should be designed to minimize the need for new or maintenance dredging.	
	X		X			5.5.2.A.3 Moorage at new or expanded boating facilities must be located at depths to prevent prop scour.	
X						5.5.2.A.4 Boating facilities to be located and designed to avoid the need for shoreline stabilization. If stabilization is necessary, only the minimum needed is permitted.	
X	X	X	X			5.5.2.B.1 Impacts of boating facilities are to be avoided, minimized, and mitigated, following mitigation sequencing.	

Shoreline Ecological Functions ¹				Specific Shoreline Use or Modification	Potential Direct and Indirect Impacts to Shoreline Function	SMP Regulations Providing Protection for Ecological Functions	Related Watershed Restoration Efforts Underway or Planned (See Section 4.5)
Hydrologic	Water Quality	Shoreline Vegetation	Habitat				
X			X	Alteration of hydrologic processes; Alteration of sediment transport processes; Water quality impacts from facility construction, boat use and maintenance	5.5.2.B.2 The number and dimensions of boating facilities shall be minimized to the extent possible.		
X					5.5.2.B.3 Launch ramps must be designed to minimize effects on hydrologic and sediment transport processes.		
		X	X		5.5.2.C.3 Covered moorage, including watercraft lift canopies, is prohibited.		
	X				5.5.2.E.1 Discharge of solid waste (including fish waste) or sewage into a waterbody is prohibited. Boating facilities are to provide garbage or litter receptacles.		
X		X	X		5.5.2.F .1 and 2 Applicants for new or expanded boating facilities must provide an assessment of demand, habitat surveys, critical area studies, and mitigation plans and an assessment of demand.		
X			X		5.5.2.F.4 New boat launch facilities are allowed only if existing facilities do not meet public demand		
		X	X		5.5.2.G Mitigation sequencing shall be followed for shall any new or replacement boating facilities.		
X				Breakwaters, jetties, groins, weirs, and barbs	5.6.2.C Groins are prohibited except as a component of a professionally designed community or public beach management program that encompasses an entire reach for which alternatives are infeasible, or where installed to protect or restore shoreline ecological functions or processes		
X					5.6.2.D The size of breakwaters, jetties, groins weirs and barbs shall be limited to the minimum necessary		
X					5.6.2.E Jetties and breakwaters are prohibited except as an integral component of a professionally designed marina. Where permitted, floating, portable or submerged breakwater structures, or smaller discontinuous structures, are preferred where physical conditions make such alternatives with less impact feasible.		
X	X		X	Dredging	5.8.2.A New development shall be sited and designed to avoid and minimize the need for dredging.	<ul style="list-style-type: none"> Wenatchee River Channel Migration Zone Study- 24 sites identified for preservation, enhancement, and restoration of off-channel habitats and riparian vegetation. 	
X	X		X		5.8.2.B Dredging is permitted under specific circumstances when other alternatives are not feasible.		
X	X		X		5.8.2.F Disposal of dredge material is only allowed when ecological functions will be maintained or enhanced and when erosion, sedimentation, floodwaters and runoff will not increase shoreline impacts.		
X	X		X		5.8.2.G Disposal of dredged material within the channel migration zone is discouraged and requires a conditional use permit.		
X	X		X		5.8.2.I Dredge material disposal in open waters may only occur under the following conditions: 1. Offshore habitat will be protected, restored, or enhanced; 2. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated; 3. Shifting and dispersal of dredge material will be minimal; and 4. Water quality will not be adversely affected.		
X	X		X		5.2.8.J A detailed analysis of purpose, existing conditions, potential impacts, proposed dredging methods, frequency, and duration, quantity of dredge material, and plans for disposal and maintenance dredging is required to apply for a conditional use permit.		
X		X	X	Fill and excavation	5.9.2.B Fill and excavation within wetlands, floodways, channel migration zones, or waterward of the OHWM are only permitted under the following conditions: 1. Water-dependent uses, public access, and cleanup and disposal of contaminated sediments; 2. Disposal of dredged material conducted in accordance with the Dredged Material Management Program of WA DNR and/or the Dredged Material Management Office of the Corps; 3. Expansion or alteration of transportation facilities of statewide significance where alternatives to fill are infeasible; or 4. Ecological restoration or enhancement. Except for an ecological restoration project, fills waterward of the OHWM require a conditional use permit.	<ul style="list-style-type: none"> Upper Columbia Salmon Recovery Plan – Outreach on functions of wetlands; Update NWI based on known wetlands 	
X					5.9.2.C Fills or excavation not to be located where shoreline stabilization will be necessary to protect materials placed or removed.		
	X				5.9.2.F All fill and excavation proposals require temporary erosion and sediment control (TESC) plan, including BMPs.		

Shoreline Ecological Functions ¹				Specific Shoreline Use or Modification	Potential Direct and Indirect Impacts to Shoreline Function	SMP Regulations Providing Protection for Ecological Functions	Related Watershed Restoration Efforts Underway or Planned (See Section 4.5)
Hydrologic	Water Quality	Shoreline Vegetation	Habitat				
X	X	X	X	Forestry practices	Reduced infiltration; Increased peak flows; Erosion; Increased impacts of rain-on-snow events; Reduced habitat complexity	5.10 Forest practices are prohibited in the City of Cashmere.	
	X			Industrial Uses	Water contamination; Reduced vegetative functions	5.11.2.B Nonwater-oriented industrial uses are allowed only if the site is physically separated from the shoreline by another property or public right-of-way prior to adoption of this SMP. On properties fronting the shoreline, new nonwater-oriented industrial development is prohibited, unless it provides a significant public benefit and it is part of a mixed-use project that includes water-dependent uses or navigability is severely limited at the proposed site.	<ul style="list-style-type: none"> Wenatchee TMDL- point and nonpoint source reductions; incentives for riparian restoration
	X					5.11.2.C Accessory nonwater-dependent industrial development must be upland of the water-dependent or water-related portions of the development and comply with shoreline environment buffers for nonwater-oriented uses.	
	X		X			5.11.2.F Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. Federal and state requirements for hazardous materials clean up or management shall be addressed.	
X				In-water Work and In-water Structures	Alteration of hydrologic processes; Alteration of sediment transport processes; Alteration of instream habitats; Erosion	5.2.2.A In-water structures and activities will be sited and designed to avoid the need for future shoreline stabilization activities and dredging. Modifications and uses located in the Aquatic environment shall be the minimum size necessary.	<ul style="list-style-type: none"> Upper Columbia Salmon Recovery Plan – Replace fish screens for irrigation structures
X		X	X			5.2.2.L Alteration or disturbance of the bank and bank vegetation will be limited to the minimum necessary.	
X			X			5.12.2.A Channelization projects that degrade shoreline functions are prohibited.	
	X	X				5.12.2.B Filled areas resulting from installation of in-water structures must be stabilized with bioengineering approaches.	
	X					5.12.2.C In-water structures must be constructed and maintained in a manner that does not degrade water quality.	
X			X			5.2.2.P and 5.12.2.E Natural in water features such as snags, uprooted trees, or stumps shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.	
	X		X	Mining	Water quality impairments; Floodplain habitat disturbance; Disturbance of benthic substrate	5.13.2.A. Recreational in-water mining is allowed in shoreline jurisdiction. All other types of mining in shoreline jurisdiction are prohibited..	
	X		X			5.13.2.B Recreational mining shall strictly follow the requirements of the Washington Department of Fish and Wildlife's Gold and Fish Pamphlet. Any recreational mining activities that do not follow the requirements of the Pamphlet are required to obtain a Shoreline Conditional Use Permit.	
X		X	X	Private moorage facilities	Alteration of submerged aquatic vegetation, predator /prey relationships, and benthic community assemblages; Alteration of hydrologic processes; Alteration of sediment transport processes	5.14 Private moorage and boat launch facilities serving four or fewer residential units are prohibited in the City of Cashmere.	
	X			Recreational Uses	Water quality impacts from pesticides/ fertilizers and boat use and maintenance	5.15.2.E Best management practices must be employed to prevent chemical contamination from the use of pesticides and fertilizers for recreation uses.	<ul style="list-style-type: none"> Wenatchee TMDL- point and nonpoint source reductions; incentives for riparian restoration
X			X	Residential	Reduced infiltration;	5.16.2.A.3, 5.16.2.B.2 Design and location to eliminate the need for future stabilization and flood control measures	<ul style="list-style-type: none"> Proposed restoration at

Shoreline Ecological Functions ¹				Specific Shoreline Use or Modification	Potential Direct and Indirect Impacts to Shoreline Function	SMP Regulations Providing Protection for Ecological Functions	Related Watershed Restoration Efforts Underway or Planned (See Section 4.5)
Hydrologic	Water Quality	Shoreline Vegetation	Habitat				
		X	X	Development	Reduced shoreline vegetative functions; Water quality impacts from household wastes	5.16.2.A.5 Cluster development to avoid critical areas and to preserve natural features and minimize physical impacts.	<ul style="list-style-type: none"> Riverside Park and Chelan County Historical Museum. Mission Creek restoration opportunities to use bioengineering approaches to stabilize banks
	X		X			5.16.2.D New over-water residences and floating homes are prohibited.	
	X					5.16.2.E Liveboards are prohibited in the City of Cashmere.	
X			X	Shoreline Stabilization	Hydrologic and sediment transport alterations; Simplification of nearshore habitat; Reduction in shoreline vegetative functions	5.18.2.A, 5.18.2.E The SMP provisions establish a preference for soft structural shoreline stabilization over hard structural stabilization.	<ul style="list-style-type: none"> Upper Columbia Salmon Recovery Plan – streambank protection through habitat acquisitions; projects to improve off-channel habitat (levee removal, side channel reconnection, and floodplain restoration) Proposed restoration at Riverside Park and Chelan County Historical Museum. Mission Creek restoration opportunities to use bioengineering approaches to stabilize banks
X			X			5.18.2.B New and enlarged shoreline stabilization is not permitted unless a geotechnical analysis indicates that 1) it is needed to protect an existing structure from erosion, or 2) it is needed to protect a new development from erosion caused by wind and waves, and that non-structural approaches are not feasible. Shoreline stabilization is also allowed to protect ecological restoration projects or hazardous substance remediation.	
X			X			5.18.2.C If shoreline stabilization repairs are conducted waterward of the existing stabilization, they need to meet the provisions of a new stabilization measure.	
X			X			5.18.2.D Replacement of shoreline stabilization measures must meet the same standards as new stabilization measures, except that a geotechnical analysis is not required for replacement with an “softer” stabilization approach. Replacement of hard stabilization structures may not occur further waterward than the existing structure. Some fill waterward of the OHWM is permitted to provide enhancement of shoreline ecological functions.	
X		X	X			5.18.2.E Establishes standards for the minimization and mitigation of stabilization impacts. Mitigation measures include: improving substrate conditions waterward of the OHWM and planting native vegetation along the shoreline.	
X			X			5.18.2.F.3 Fill behind hard structural shoreline stabilization is limited to 1 cubic yard per linear foot.	
X	X	X	X			5.19.2.B.4 New roads and railroads must be setback from the OHWM as much as possible.	
X	X		X	5.19.2.D Shoreline crossings are to be designed to have the least ecological impacts.	<ul style="list-style-type: none"> Upper Columbia Salmon Recovery Plan – Culvert removals and upgrades, road reconstruction, removal, and drainage upgrades 		
	X	X		5.19.2.1 Parking facilities are prohibited unless parking outside of shoreline jurisdiction is not feasible to support the planned primary use.			
		X	X	Utilities	Reduced vegetative functions; Habitat disturbance	5.20.2 Provisions to minimize the ecological impact of utilities through location, design, and restoration of any disturbed areas.	<ul style="list-style-type: none"> Upper Columbia Salmon Recovery Plan –Riparian habitat planting

¹ Only primary effects of ecological functions are identified. Many actions may have indirect effects on each ecological function category.

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4.4 Critical Areas

The SMP contains policies and regulations governing critical areas found within shoreline jurisdiction (see SMP Appendix B) intended to protect the ecological functions of the shoreline and prevent adverse cumulative impacts. Buffer requirements included in these regulations are generally consistent with the City's critical areas regulations that apply outside of shoreline jurisdiction. In the City's UGA, the County will apply the City's SMP regulations except that the County's critical areas regulations will be applied to any critical areas. These regulations are summarized for the County and the City of Cashmere in Table 7.

Table 7. Summary of Shoreline Critical Area Buffer Requirements.

Jurisdiction	Wetland Rating System	Stream Classification System	Buffer Width (feet)				
			Wetlands	High Intensity	Low Intensity		
Chelan County	Ecology E. WA (2004)	WA DNR (WAC 222-16-030)	Cat 1	300	200		
			Cat 2	200	100		
			Cat 3	150	75		
			Cat 4	50	50		
			Shoreline Streams/Lakes				
			Natural	250	200		
			Conservancy	250	200		
			Rural	150	100		
			Urban	100	75		
			Lower Lake Chelan (w/ conditions)	50	25		
			Non-Shoreline Streams/Lakes				
			Type S	250	200		
			Type F	200	150		
			Type Np	150	100		
Type Ns	50	50					
City of Cashmere	Ecology E. WA (2004/2007)	Two-tiered system based on sensitivity of habitat to development-related disruption	Wetlands	Standard buffer	Maximum additional buffer width based on habitat scores		
			Cat 1	75	75		
			Cat 2	75	75		
			Cat 3	60	NA		
			Cat 4	40	NA		
			Aquatic Habitat	Level 1 Critical	Level 2 Awareness		
				Minor 75	Minor 50		
				Major 100	Major 75		

A summary of key regulations in each jurisdiction are described below.

4.4.1 County

The County identifies Class I and Class II Fish and Wildlife Habitat Conservation Areas, which are allotted different levels of protection (Appendix B, Chelan County, 1.070.1). Development proposals within 1,000 feet of a wildlife habitat conservation area require notice to the state and review by the shoreline administrator (Appendix B, Chelan County, 1.080 and 1.090). A Habitat Management and Mitigation Plan is required for major development in Class I Fish and Wildlife Habitat Conservation Areas and may be required of minor developments in Class I, as well as major and minor developments in Class II Fish and Wildlife Habitat Conservation Areas, subject to the Shoreline Administrator's review of likely impacts (Appendix B, Chelan County, 1.110). For existing parcels with lot depths of three hundred feet or less, the riparian buffer width may be reduced to a maximum of twenty-five percent of the lot depth; provided, said riparian buffer is not less than twenty-five feet in width or less than the common line setback, whichever is greater (Appendix B, Chelan County, 1.140).

Development within wetlands and wetland buffers also requires a Habitat Management and Mitigation Plan, which demonstrates that mitigation sequencing was followed (Appendix B, Chelan County, 2.120). Buffer averaging is allowed for all fish and wildlife habitat conservation areas and wetland critical areas provided specific criteria, including that it will not degrade functions and that not averaging the buffer width would result in a hardship for the landowner (Appendix B, Chelan County, 1.130 and 2.080).

The County's regulations limit the creation of new lots within frequently flooded areas and prohibit new residential development within the floodway. New lots may be created within frequently flooded areas, provided the following:

- a buildable area in each lot is provided outside the floodway;
- all improvements, including parking areas, are located outside the floodway;
- roads necessary to access permitted improvements may cross the floodway if no reasonable route exists outside the floodway; and
- open space lots may be located within the 100-year floodplain (Appendix B, Chelan County, 4.030).

Regulations specific to geologically hazardous areas apply to erosion hazard areas, landslide hazard areas (including steep slopes (>40%)), and avalanche hazard areas. Performance standards (Appendix B, Chelan County, 5.070) include measures to minimize and manage risks and ecological impacts.

4.4.2 City of Cashmere

In the City of Cashmere, standard wetland buffers range from 40-75 feet. For Category I and II wetlands, standard buffer widths may be increased by 15-75 feet depending on habitat scores of the wetlands (Table 2.1 of Appendix B, City of Cashmere). Standard buffer widths assume that specific measures to minimize impacts on wetlands are implemented (Table 2.2 of Appendix B, City of Cashmere). These measures include actions to address lighting and noise impacts, stormwater runoff (water quality and quantity), and habitat corridors. If these measures are not implemented, the standard buffer width is increased by 33% (2.050.A.2 of Appendix B, City of Cashmere).

The City's regulations prohibit encroachments, including fill, new construction, substantial improvements, and other development in the floodway unless an engineering study can demonstrate that the development will not increase flood levels (5.190 of Appendix B, City of Cashmere). General regulations provide that new subdivisions shall identify a buildable area in each lot outside the floodplain (5.170.D of Appendix B, City of Cashmere).

4.5 Shoreline Restoration Plan

As discussed above, one of the key objectives that the SMP must address is “no net loss of ecological shoreline functions necessary to sustain shoreline natural resources” (Ecology 2004). However, SMP updates seek not only to maintain conditions, but to improve them:

“...[shoreline master programs] include planning elements that when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county (WAC 173-26-201(c)).”

The guidelines state that “master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program” (WAC 173-26-201(2)(f)). Pursuant to that direction, the County and Cities prepared a Shoreline Restoration Plan.

Practically, it is not always feasible for shoreline developments and redevelopments to achieve no net loss at the site scale, particularly for those developments on currently undeveloped properties or a new pier or bulkhead. The Restoration Plan, therefore, can be an important component in making up that difference in ecological function that may otherwise result just from implementation of the SMP. The Restoration Plan represents a long-term vision

for restoration that will be implemented over time, resulting in incremental improvement over the existing conditions.

The Shoreline Restoration Plan identifies a number of project-specific opportunities for restoration on both public and private properties inside and outside of shoreline jurisdiction, and also identifies ongoing County and City programs and activities, non-governmental organization programs and activities, and other recommended actions consistent with a variety of watershed-level efforts.

Major shoreline restoration opportunities for WRIA 45 and the City of Cashmere that could contribute to achievement of no net loss of ecological functions or improvement in ecological functions are summarized below.

4.5.1 County

Many of the watershed planning and salmon recovery efforts in the County are administered by the Chelan County Natural Resources Department (CCNRD). Relevant to the City of Cashmere, current activities include Wenatchee River Watershed (WRIA 45) planning and implementation, a County-wide salmon recovery grant program through Washington Salmon Recovery Funding Board, and habitat conservation plan development under the Federal Endangered Species Act (Chelan County website). Each completed plan has established goals and objectives and includes a list of restoration opportunities. Funding is available to implement priority restoration opportunities through the watershed planning act, grant funding (e.g., Salmon Recovery Funding Board (SRFB), Aquatic Lands Enhancement Account (ALEA), Bullitt Foundation, Washington Wildlife and Recreation Program (WWRP), Bonneville Environmental Foundation Watershed Program) and funding commitments from various implementation entities (e.g., Ecology, Bonneville Power Administration (BPA)).

Upper Columbia Salmon Recovery Board

The CCNRD supports regional salmon recovery efforts and the Upper Columbia Salmon Recovery Board (UCSRB). The *Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan* (UCSRB 2007) provides a regionally and federally accepted framework for implementing coordinated recovery actions, while providing a “roadmap” towards implementation of priority habitat actions. The UCSRB has successfully completed single-project-focused actions that 1) reopen tributary habitat, 2) preserve key habitat areas, and 3) protect countless fry and smolt from entrainment in irrigation diversions. One recent project success story, sponsored by the CCNRD, includes the Nason Creek Oxbow Reconnection project in the upper Wenatchee valley (located between mile post 0.83 and 1.33 on Highway 207). This project reconnected a half-mile-long oxbow (secondary channel) by installing two 12-foot-wide fish-friendly culverts. The reconnection

restored access to 21.7 acres of off-channel refuge, rearing and over-wintering habitat for juvenile salmonids.

While these single-project-focused actions contribute to recovery efforts, there is an increasing focus on implementing “large-scale, multi-year, multi-million dollar recovery activities” (UCSRB 2009). The UCSRB is currently updating their comprehensive, coordinated and strategic approach to reflect this new focus. The implementation plan that the CCNRD works from can be found online at <http://www.ucsrb.com/theplan.asp>. Implementation actions pertain to: water quantity and quality, water temperature extremes, habitat diversity and quantity, obstructions, riparian/floodplain, sediment, diversions, species interactions, depleted nutrients, nutrient limitations, and ecosystem function. Examples of actions found in the implementation plan are included in Table 6, above.

WRIA 45

Wenatchee River Channel Migration Zone Study

CCNRD conducted a *Wenatchee River Channel Migration Zone Study-Phase I and II* to provide the technical foundation and to quantify physical and biological mechanisms linked to the salmonid habitat limiting factors, and prioritize potential habitat restoration, enhancement, and preservation actions. Twenty-four restoration sites were selected for preservation, enhancement, or restoration. The sites included areas that could be preserved because of their existing high-quality habitat adjacent to the Wenatchee River, and their need for additional off-channel habitat and riparian vegetation. The CCNRD has made it a goal to restore and protect these 24 sites.

No timetable or implementation strategy specific to the 24 sites listed in the CMZ study exists. Rather, the sites will be considered as viable options for restoration and preservation activities discussions. Funding for restoration and preservation projects may differ, as some public funds and private entities may be available for funding.

Upper Valley Plan

A Steering Committee and the Chelan County PUD partnered to develop a vision plan with opportunities for the upper Wenatchee River valley, including the communities of Leavenworth, Peshastin, Dryden, Cashmere, and Monitor. They identified goals, objectives and a list of potential river access sites and fisheries enhancement opportunities along the Wenatchee River.

The plan identifies opportunity sites in:

- **Leavenworth:** at the Leavenworth National Fish Hatchery; Blackbird Island; Icicle Creek/Wenatchee River confluence; irrigation projects; Wenatchee River habitat work; Icicle Loop Trail; potential interpretive trail at an old railbed site east of Leavenworth; gateway for “back roads” scenic drive; and Trout Unlimited projects.
- **Peshastin:** at an old mill site; mill intake station; old railroad corridor; Kiwanis Park; Main Street; a historic log structure; Peshastin Creek/Wenatchee River confluence; and at railroad bridge and sandy beach.
- **Dryden:** at a beaver pond site; dam site; powerhouse site; old school site; downtown Dryden; old dump site and public access above railroad and between railroad and SR 2.
- **Cashmere:** at the Chelan Co. museum; a fishing hole on the north shore of the Wenatchee R.; Old Mill; Raft Park and CCPUD kiosk; a flood area below Bethlehem construction; Goodwin Bridge; and Devil’s Gulch mountain bike area.
- **Monitor:** at Sleepy Hollow viewpoint; Green Bridge; gateway for “back roads” scenic drive; irrigation site; Monitor Bridge; riparian area; Chelan Co. Park; Wenatchee Foothills trail.

Implementation of the Upper Valley Plan includes establishing a non-profit, conducting community and agency coordination meetings, and identifying and procuring funding. Potential funding sources may include teaming with organizations such as the Chelan-Douglas Land Trust, Washington State Department of Transportation, The Audubon Society, and CCNRD.

Washington Department of Ecology Total Maximum Daily Load (TMDL)

The U.S. Environmental Protection Agency (EPA) has approved a TMDL (the Wenatchee River Watershed Dissolved Oxygen and pH Total Maximum Daily Load Water Quality Improvement Plan (TMDL) (Ecology 2009). The TMDL identified three waterbodies in the project area exceeding dissolved oxygen standards and six exceeding pH standards. The timeline for compliance with water quality standards is 10 years from TMDL approval, or 2019. Fifty specific activities and goals are identified in the TMDL. They include supporting and regional phosphorus reduction activities, addressing point and nonpoint source activities, facility planning and design, monitoring activities, and habitat improvements.

Timelines for the three phases of TMDL implementation are summarized in Table 8.

Table 8. TMDL implementation timeline

Phase/Target	Definition	Timeline
Phase 1	Point and nonpoint source reductions, data collection and model calibration	2009-2013
Target 1	50% nonpoint source loading reduction	2014
Phase 2	Modification of load and wasteload allocations (if needed); identification of additional nonpoint source reductions	2014-2015
Phase 3	Additional load reductions implemented	2015-2019
Target 2a	NPDES compliance	2019
Target 2b	Reduction in remaining nonpoint source loading	2019
Final Target	Water quality standards achieved	2019

Dissolved oxygen and pH data will be collected every five years to monitor progress toward the goals. Adaptive management will be employed to ensure that goals are achieved. Compliance monitoring will continue after compliance with water quality standards is achieved.

Funding sources include the CCD, which is a current recipient of a Centennial Clean Water Fund grant for TMDL activities; CCNRD, which provides incentive payments for implementation of riparian restoration activities; NRCS, which provides technical assistance to farmers and ranchers and may also be a funding source; and a number of jurisdictions and entities, including Chelan County, the Chelan County PUD, and the Cities of Wenatchee, Leavenworth, and Cashmere, have all shown interest in investigating sources of nonpoint source phosphorus loading.

4.5.2 City of Cashmere

Riverside Park

Wenatchee River spring and fall discharges of 20,000 cfs or greater threaten the existing streamside canopy cover, vegetation and dike stability. Left and right bank reduction of shoreline armoring, addition of LWD, river meandering and revegetation could stabilize the stream bank and create off-channel salmonid spawning and juvenile rearing areas.

Chelan County Historical Museum and Pioneer Village

Similar Wenatchee River armor reduction, stream bank stabilization and revegetation, as mentioned above, can continue downstream of the Riverside Park to the end of Riverfront Drive (right bank) and the Chelan County Historical Museum and Pioneer Village (left bank). The Chelan County Historical Museum and Pioneer Village has restoration potential providing opportunities for public involvement and education.

Mission Creek

Seasonal floods cause considerable property damage, bank erosion and sediment loss throughout the creek. Reduce armoring and improve native vegetative cover to add habitat complexity and contribute to large woody debris recruitment. Creation of off-channel areas may minimize flooding and provide salmonid spawning and juvenile rearing areas. A combination of native revegetation and bioengineering techniques could be provided to secure the bank from excessive erosion.

5 OTHER REGULATORY PROGRAMS

5.1 Effects of Current County and City Regulations

5.1.1 Critical Areas Regulations

Critical Areas Regulations prepared under the Growth Management Act and adopted through County and City ordinance apply to designated critical areas outside of shoreline jurisdiction. Chelan County and the City of Cashmere each have their own set of critical area regulations that dictate protection of environmentally sensitive areas, including wetlands, streams (fish and wildlife habitat conservation areas), geologically hazardous areas, frequently flooded areas, and aquifer recharge areas. All regulations use a version of the Department of Ecology’s Eastern Washington Wetland Rating System.

Table 9 summarizes critical areas regulations for the County and the City.

Table 9. Critical Areas Regulations Outside of Shoreline Jurisdiction.

Jurisdiction	Date of Last Update	Wetland Rating System	Stream Classification System	Buffer Width (feet)					
				Wetlands	High Intensity	Low Intensity			
Chelan County	2007	Ecology E. WA (2004)	WA DNR Interim water typing system (WAC 222-16-031)						
				Cat 1	300	200			
				Cat 2	200	100			
				Cat 3	150	75			
				Cat 4	50	50			
				Shoreline Streams/Lakes					
				Natural	250	200			
				Conservancy	250	200			
				Rural	150	100			
				Urban	100	75			
				Lower Lake Chelan (w/ conditions)	50	25			

Jurisdiction	Date of Last Update	Wetland Rating System	Stream Classification System	Buffer Width (feet)		
				Non-Shoreline Streams/Lakes		
				Type S	250	200
				Type F	200	150
				Type Np	150	100
				Type Ns	50	50
City of Cashmere	2010	Ecology E. WA (2004/2007)	Two-tiered system based on sensitivity of habitat to development-related disruption	Wetlands	Standard buffer	Maximum additional buffer width based on habitat scores
Title No. CMC Chapters 18.10A-F General; Wetlands; Fish & Wildlife Cons. Areas; Aquifer Recharge Areas; Freq. Flooded Areas; Geolog. Haz. Areas.				Cat 1	75	75
				Cat 2	75	75
				Cat 3	60	NA
				Cat 4	40	NA
				Aquatic Habitat	Level 1 Critical	Level 2 Awareness
					Minor 75	Minor 50
					Major 100	Major 75

5.1.2 Chelan County

Comprehensive Plan: The *Chelan County Comprehensive Plan 2000* (with Amendments through January 2009) guides land use and many other elements for a horizon period of 20 years.

In addition to the basic elements required by the Growth Management Act (GMA), such as land use, rural, housing, transportation, utilities, capital facilities, economic, and parks and recreation, Chelan County’s Comprehensive Plan contains optional subarea plans. Subarea plans focus on smaller geographic areas and allow the County and citizens to develop local visions for a community’s future. The County has adopted subarea plans for Sunnyslope, Peshastin, and Malaga. Other subarea plans are in draft stages, such as for Manson and Lake Chelan.

Land use designations fall into three broad categories: urban, rural, and resource. All categories can be found along waterbodies; some categories that are particularly prevalent include: commercial forest lands, rural residential, water, and commercial agriculture. Local areas of rural resort and recreation, rural village, rural waterfront, and rural industrial area, among others, are focused in smaller areas.

Zoning Code: The Comprehensive Plan and Subarea Plans are implemented through the Development Regulations, including the Zoning Code. Title 11 of the Chelan County Code provides zoning standards that more specifically direct

uses, building bulk, scale, and location, and other design considerations. The zones match the Comprehensive Plan designations.

Floodplain Regulations: Floodplain regulations are contained within Chapter 3.20 – Flood Hazard Development and Chapter 11.84 – Frequently Flooded Areas Overlay District. Flood hazards as regulated under Chapter 3.20 are defined as “those lands which have been determined to carry the capacity of a base flood as identified by the Federal Insurance Administration.” “Frequently flooded areas” as regulated under Chapter 11.84 are defined as “[t]hose areas located within the one-hundred-year floodplain” as mapped by FEMA. Chapter 11.84 prohibits residential construction in floodways. New lots in frequently flooded areas are only allowed if a buildable area is available outside of the floodway, and if all improvements, including parking, are constructed outside of the floodway. Other development in frequently flooded areas must comply with Chapter 3.20 and the SMP. Chapter 3.20 contains a number of standards for developments approved in flood hazard areas, including requirements for anchoring, use of best practices in construction methods and materials, design standards for residential and nonresidential construction, limitations on fill/grading activities that would reduce the area’s ability to store or move flood water. Non-residential encroachments into the floodway are prohibited except as certified by a professional engineer.

5.1.3 City of Cashmere

Comprehensive Plan: The *City of Cashmere Comprehensive Plan “The Heart of Cashmere”* (January 14, 2008, Ordinance 1117) provides for urban land use designations in the City and UGA, and addresses other important elements such as capital facilities (e.g. parks and recreation). The Comprehensive Plan may be updated no more frequently than on an annual basis.

Zoning Code: Title 18 Zoning regulates land in the city limits related to uses, building bulk, scale, and location, and other design considerations. Until land is annexed, the County is responsible for permitting in the UGA. However, the County has a Memorandum of Understanding with the City regarding the adoption and use of the City’s zoning and zoning standards for review of proposals in the City’s UGA.

Floodplain Regulations: Chapter 15.36 of the Cashmere Municipal Code addresses flood damage prevention. Under these regulations, the City applies standards to “areas of special flood hazard,” which are equivalent to the extent of FEMA’s 100-year floodplain. General standards are provided for all types of special flood hazard areas, including requirements for anchoring, use of best practices in construction methods and materials, and design standards for residential and nonresidential construction, including manufactured homes.

Additional specific standards are provided for floodways, including general prohibition on new construction, fill, and certain improvements unless certified by a professional engineer. Finally, additional specific standards are provided for “shallow flooding areas,” which generally corresponds to those areas that experience sheet flow between depths of 1 to 3 feet outside of a defined channel. Chapter 18.10E of the critical areas code contains complementary regulations for frequently flooded areas.

5.2 State Agencies/Regulations

Aside from the Shoreline Management Act, State regulations most pertinent to development in the Cities’ and County’s shorelines include the State Hydraulic Code, the Growth Management Act, State Environmental Policy Act, tribal agreements and case law, Watershed Planning Act, Water Resources Act, and Salmon Recovery Act. A variety of agencies (e.g., Washington Department of Ecology, Washington Department of Fish and Wildlife, Washington Department of Natural Resources) are involved in implementing these regulations or otherwise own shoreline areas. The Department of Ecology reviews all shoreline projects that require a shoreline permit, but has specific regulatory authority over Shoreline Conditional Use Permits and Shoreline Variances. Other agency reviews of shoreline developments are typically triggered by in- or over-water work, discharges of fill or pollutants into the water, or substantial land clearing.

Depending on the nature of the proposed development, State regulations can play an important role in the design and implementation of a shoreline project, ensuring that impacts to shoreline functions and values are avoided, minimized, and/or mitigated. During the comprehensive SMP update, the County and Cities will consider other State regulations to ensure consistency as appropriate and feasible with the goal of streamlining the shoreline permitting process. A summary of some of the key State regulations and/or State agency responsibilities follows.

Washington Department of Natural Resources: Washington Department of Natural Resources (WDNR) is charged with protecting and managing use of State-owned aquatic lands. Toward that end, water-dependent uses waterward of the ordinary high water mark require review by WDNR to establish whether the project is on State-owned aquatic lands. If WDNR has jurisdiction, the project may be required to obtain an Aquatic Use Authorization from WDNR and enter into a lease agreement. Certain project activities on State-owned aquatic lands are exempt from these requirements. WDNR recommends that all proponents of a project waterward of the ordinary high water mark contact WDNR to determine jurisdiction and requirements.

Washington Department of Ecology: The Washington Department of Ecology may review and condition a variety of project types, including any project that needs a permit from the U.S. Army Corps of Engineers (see below), any project that requires a shoreline Conditional Use Permit or Shoreline Variance, and any project that disturbs more than 1 acre of land. Project types that may trigger Ecology involvement include pier and shoreline modification proposals and wetland or stream modification proposals, among others. Ecology's three primary goals are to: 1) prevent pollution, 2) clean up pollution, and 3) support sustainable communities and natural resources (<http://www.ecy.wa.gov/about.html>). Their authority comes from the State Shoreline Management Act, Section 401 of the Federal Clean Water Act, the Water Pollution Control Act, the Federal Coastal Zone Management Act of 1972, the State Environmental Policy Act, the Growth Management Act, and various RCWs and WACs of the State of Washington.

Washington Department of Fish and Wildlife: Chapter 77.55 RCW (the Hydraulic Code) gives the Washington Department of Fish and Wildlife (WDFW) the authority to review, condition, and approve or deny "any construction activity that will use, divert, obstruct, or change the bed or flow of State waters." Practically speaking, these activities include, but are not limited to, installation or modification of piers, shoreline stabilization measures, culverts, bridges and footbridges. These types of projects must obtain a Hydraulic Project Approval from WDFW, which will contain conditions intended to prevent damage to fish and other aquatic life, and their habitats. In some cases, the project may be denied if significant impacts would occur that could not be adequately mitigated.

Watershed Planning Act: The Watershed Planning Act of 1998 (Chapter 90.82 RCW) was passed to encourage local planning of local water resources, recognizing that there are citizens and entities in each watershed that "have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources." Chelan County and partners in the County have taken advantage of the available funding for watershed planning to complete the watershed management plan for the Wenatchee watershed (WRIA 45) in 2006 (Wenatchee Watershed Planning Unit).

State Forest Practices Act: Activities related to growing, harvesting, or processing timber are regulated under Washington's State Forest Practices Act (WAC 222) administered by Washington State DNR and are not regulated under the SMA unless the land is being converted to another use besides growing trees or the commercial harvest is within 200 feet of a shoreline of statewide significance and exceeds the harvest limits established in the SMA. Conversions must comply with the provisions in the SMP for the new use.

5.3 Federal Agencies/Regulations

Federal regulations most pertinent to development in the Cities' and County's shorelines include the Endangered Species Act, the Clean Water Act, and the Rivers and Harbors Appropriation Act. Other relevant federal laws include the National Environmental Policy Act, Anadromous Fish Conservation Act, Clean Air Act, and the Migratory Bird Treaty Act. A variety of agencies (e.g., U.S. Army Corps of Engineers [Corps], National Marine Fisheries Service, U.S. Fish and Wildlife Service) are involved in implementing these regulations, but review by these agencies of shoreline development in most cases would be triggered by in- or over-water work, or discharges of fill or pollutants into the water.

Depending on the nature of the proposed development, federal regulations can play an important role in the design and implementation of a shoreline project, ensuring that impacts to shoreline functions and values are avoided, minimized, and/or mitigated. A summary of some of the key State regulations and/or State agency responsibilities follows.

Section 404: Section 404 of the federal Clean Water Act provides the Corps, under the oversight of the U.S. Environmental Protection Agency, with authority to regulate "discharge of dredged or fill material into waters of the United States, including wetlands" (http://www.epa.gov/owow/wetlands/pdf/reg_authority_pr.pdf). The extent of the Corps' authority and the definition of fill have been the subject of considerable legal activity. However, it generally means that the Corps must review and approve many activities in shoreline waterbodies, and other streams and wetlands. These activities may include wetland fills, stream and wetland restoration, and culvert installation or replacement, among others. Similar to Washington State Environmental Policy Act (SEPA) requirements, the Corps is interested in avoidance, minimization, restoration, and compensation of impacts.

Federal Endangered Species Act (ESA): Section 9 of the ESA prohibits "take" of listed species. Take has been defined in Section 3 as: "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The take prohibitions of the ESA apply to everyone, so any action of the City that results in a take of listed fish or wildlife would be a violation of the ESA and exposes the City to risk of lawsuit. Per Section 7 of the ESA, the Corps must consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on any projects that fall within Corps jurisdiction (e.g., Section 404 or Section 10 permits) that could affect species listed under the Federal Endangered Species Act. These agencies ensure that the project includes impact minimization and compensation measures for protection of listed species and their habitats.

Clean Water Act: The federal Clean Water Act has a number of programs and regulatory components, but of particular relevance to Chelan County is the National Pollutant Discharge Elimination System (NPDES) program. In Washington State, the Department of Ecology has been delegated the responsibility by the U.S. Environmental Protection Agency for managing implementation of this program. The County and the City of Wenatchee are engaged in compliance with the NPDES Phase II Municipal Stormwater General Permit requirements that address stormwater system discharges to surface waters.

6 SUMMARY OF POTENTIAL IMPACTS OF LIKELY DEVELOPMENT AND EFFECTS OF SMP

WAC 173-26-186(8)(d) guides local master programs to evaluate and consider cumulative impacts of “reasonably foreseeable future development on shoreline ecological functions.” The most commonly anticipated changes in shoreline development involve residential, commercial, and industrial development. These activities include upland development, and may also include the development of overwater structures and/or shoreline stabilization. As directed by the WAC, the policies and regulations in the proposed SMP are designed to ensure that cumulative impacts do not result in a net loss of ecosystem functions. A discussion of the general potential impacts of these anticipated developments and the countywide effects of the SMP are provided in Sections 6.1-6.3, below.

Potential development is not limited to residential, commercial and industrial uses; however, the location, timing, and impacts of less common uses and development projects are less predictable. WAC 173-26-201(3)(d)(iii) provides guidance that “for those projects and uses with unanticipatable or uncommon impacts that cannot be reasonably identified at the time of master program development, the master program policies and regulations should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is not net loss of ecological function of the shoreline after mitigation.”

Potential uses and projects with less predictable implementation and impacts include such activities as aquaculture. In addition to regulations that avoid, minimize, and mitigate for potential impacts from these less common developments, the proposed SMP includes specific regulations that require these types of developments to demonstrate on an individual basis that proposed

projects will not result in a loss of ecological functions. Because these developments will be required to demonstrate no net loss on an individual basis, these types of projects will generally not be addressed in great detail in this cumulative impacts analysis.

6.1 Summary of Potential Impacts Associated with Upland Development and Effects of SMP

6.1.1 General

The most commonly anticipated changes in shoreline use involve residential, commercial, and industrial development. These developments and developments accessory to these uses, including utility and transportation infrastructure, generally involve impacts to shoreline functions, which typically result from the replacement of pervious, vegetated areas with impervious surfaces and/or a landscape management regime that includes chemical treatments of lawn and landscaping. These actions have multiple potential effects on shoreline ecological functions, including:

- Reduction in ability of site to improve quality of waters passing through the untreated vegetation and healthy soils.
- Potential contamination of surface water from chemical and nutrient applications.
- Increase in surface water runoff due to reduced infiltration area and increased impervious surfaces, which can lead to excessive soil erosion and subsequent in-water sediment deposition.
- Elimination of upland habitat occupied by wildlife that use riparian areas.

The amount of space between the shoreline and a structure is an excellent quick evaluation of shoreline condition. The extent of native vegetation and the amount of impervious surfaces are often important indicators of shoreline function since these factors influence the quantity of stormwater runoff reaching shorelines. Changes in vegetation are a significant consideration when evaluating the net effects of development on shoreline ecological function. The conservation of riparian vegetation is critical to the ecological functions of the watercourses and waterbodies in Chelan County. Riparian vegetation provides filtration of upland contaminants, bank stability, shading of waterbodies, habitat complexity (both aquatic and terrestrial), a source of terrestrial insect prey for fish, and increased water storage potential.

Table 10 identifies the potential impacts of specific likely changes in development in the City of Cashmere and its UGA and the primary anticipated effects of the SMP.

Table 10. Summary of Potential Impacts Associated with Upland Development in Shoreline Jurisdiction.

Shoreline Function	Major Types of Anticipated Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Effects of SMP
Hydrologic (includes hyporheic)	<ul style="list-style-type: none"> • Additional residential development within existing pockets of residential uses • Commercial and industrial development • Improvement and expansion of transportation and utility infrastructure • Creation of more parks/public access sites 	<ul style="list-style-type: none"> • Modification of flow regimes and channel migration with construction of buildings, roads, or recreational-use structures • Increased runoff from added impervious surface and vegetation loss, increased potential for localized flooding, increased erosion and reduced groundwater recharge • Reduced groundwater recharge combined with increased stormwater runoff rates means higher high flow volumes and lower seasonal low flow rates • Higher flows alter stream sediment balance 	<ul style="list-style-type: none"> • Shoreline environment designations to concentrate development in least sensitive areas • Development restrictions in floodplains and channel migration zones • Clustering of development to minimize physical impacts • Shoreline crossings for utilities and transportation to be designed to minimize ecological impacts • Mitigation standards for vegetation clearing
Water quality		<ul style="list-style-type: none"> • Increase in runoff and associated water quality impacts • Increase in runoff and associated water quality impacts with the creation of new impervious surfaces • Vegetation loss reduces filtration of excess nutrients, sediments and pollutants during hyporheic exchange. 	<ul style="list-style-type: none"> • Provisions to maintain surface and groundwater quality • Standards for stormwater management and low impact development • BMPs to minimize erosion • Industrial development encouraged to locate where environmental cleanup and restoration can be incorporated. • Vegetated buffer standards
Shoreline vegetation		<ul style="list-style-type: none"> • Decrease in shoreline/riparian vegetation • Vegetation loss increases the potential for erosion, bank instability, turbidity, higher water 	<ul style="list-style-type: none"> • Clustering of development to minimize physical impacts • Vegetated buffer standards • Mitigation standards for vegetation clearing

Shoreline Function	Major Types of Anticipated Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Effects of SMP
		temperatures <ul style="list-style-type: none"> • Vegetation loss reduces refuge and foraging opportunities for fish and wildlife • Vegetation loss produces less LWD for habitat forming processes 	
Habitat		<ul style="list-style-type: none"> • Loss of or disturbance to riparian habitat • Loss of instream habitat complexity, less LWD for habitat forming processes • Vegetation loss reduces terrestrial insect subsidies • Increased flow rates scour and redistribute gravel beds needed for spawning 	<ul style="list-style-type: none"> • Clustering of development to minimize physical impacts • Provisions to locate and design utilities and transportation infrastructure to avoid sensitive areas and restore disturbed areas • Vegetated buffer standards • Mitigation standards for vegetation clearing

Provisions in the proposed SMP guide future development and redevelopment to avoid, minimize, and mitigate for shoreline impacts caused by upland development. As described in Section 4.2 and summarized in Table 5, provisions in the proposed SMP address potential impacts to vegetative, habitat, water quality, and hydraulic functions. The following specific use provisions also help to avoid a net loss of shoreline function from upland development:

- Cluster residential development to avoid ecologically sensitive areas.
- Design subdivisions of land so that newly developed lots will be able to comply with SMP requirements and not require a Shoreline Variance.
- Locate, design, and mitigate for roads and utilities servicing upland development.
- Locate industrial development where environmental cleanup and restoration of the shoreline area can be incorporated. Address federal and state requirements for hazardous materials clean up or management.

In addition to the above provisions, vegetation conservation and shoreline buffer regulations are critical to maintaining and/or improving the functions of existing riparian vegetation. It is important that impervious surfaces be separated from the waterbody to the extent that those surfaces replace vegetation. In the SMP,

shoreline buffer standards were established specific to each environment designation, and the effects of these shoreline buffers will be discussed below in Section 7. Wetland buffers found in the City's shoreline critical areas regulations also limit the effects of development on shoreline-associated wetlands.

In general, new residential, commercial, and industrial development is expected within shoreline jurisdiction in the City and its UGA over the next 20 years. Standards for stormwater control, vegetation conservation, mitigation, buffers, and other measures in the SMP, will help maintain ecological functions of the shoreline over the long term.

6.1.2 Ongoing Agriculture

Ongoing agricultural activities are not regulated by the SMA and are therefore not subject to the provisions in the proposed SMP. New agricultural activities are largely exempt from shoreline substantial development permits but must comply with other provisions in the SMP, including implementing best management practices. Agricultural activities are expected to continue in the lower river valleys in the City and its UGA.

6.1.3 Upland Development outside of Shoreline Jurisdiction

Although SMP regulations only apply within shoreline jurisdiction, development outside of shoreline jurisdiction may influence shoreline ecological functions. The potential impacts of development outside of shoreline jurisdiction tend to be more indirect than impacts within shoreline jurisdiction; nevertheless, their potential effects can be significant, and include the following:

- Reduced infiltration potential on hillslopes and in headwater areas increases surface flows and reduces groundwater storage. This increases peak flows and flashiness of shoreline waterbodies, and may result in channel incision and reduced instream channel complexity.
- Increased impervious surfaces and reduced infiltration increases runoff of untreated waters and the potential for water quality degradation through the introduction of herbicides, pesticides, and heavy metals, and other toxic compound to the shoreline waterbody.
- Elimination of upland wildlife corridors.
- Development in channel migration zones and floodplains is inherently susceptible to damage. Efforts to protect new developments have the potential to isolate floodplains and prevent channel migration, thereby interfering with shoreline processes.

Because SMP provisions do not apply to upland areas outside of shoreline jurisdiction, other local regulations, including zoning codes, critical areas regulations, floodplain regulations, and stormwater regulations, as well as applicable state and federal regulations will guide development in those areas. Specifically, critical areas regulations for erosion hazards, included in geologically hazardous areas, are expected to limit future development in channel migration zones. Despite these regulations and the spatial separation from the shoreline, developments near shoreline jurisdiction may have some impacts to shoreline functions. For those areas where extensive development is anticipated in the study area, but outside of shoreline jurisdiction, particular attention should be paid during review of those projects under other regulations to ensure that the upland impacts are fully mitigated and no net loss of functions is achieved.

6.2 Summary of Potential Impacts Associated with Shoreline Stabilization and Effects of SMP

Shoreline stabilization measures typically have the following effects on ecological functions compared to natural shorelines:

- Reduced connectivity between floodplain and river, leading to reduced channel migration potential, floodplain habitat diversity, and floodplain functions.
- Reduction in nearshore habitat quality for juvenile salmonids and other aquatic organisms. Specifically, shoreline complexity from downed wood and emergent vegetation that provide forage and cover may be reduced or eliminated. Elimination of shallow-water and off-channel habitats reduces opportunities for small fish to find refuge from predators and from high flows.
- Reduction of natural sediment recruitment from the shoreline. This recruitment is necessary to replenish substrate and preserve shallow water conditions.
- Increase in wave energy at the shoreline if shallow water is eliminated, resulting in increased nearshore turbulence that can be disruptive to juvenile fish and other organisms.

Repairs and replacements of existing bulkheads perpetuate the conditions described above. Table 11 identifies the potential impacts of specific likely changes in development in the City and its UGA.

Table 11. Summary of Potential Impacts Associated with Shoreline Stabilization in Shoreline Jurisdiction.

Shoreline Function	Major Types of Anticipated Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Effects of SMP Provisions
River/Stream			
Hydrologic (includes hyporheic)	New, replaced, and repaired shoreline modification such as bulkheads for shoreline residential uses, parks and public access sites, and other water dependent uses	<ul style="list-style-type: none"> • Reduction in LWD recruitment and other organic material as shoreline habitats are altered • Modification of flow regimes and channel migration Reduction in floodplain function leads to higher peak flows, less groundwater recharge, and greater sediment scour, erosion, and channel migration downstream • Reduction of natural sediment recruitment from the shoreline. This recruitment is necessary to replenish substrate and preserve shallow water conditions. 	<ul style="list-style-type: none"> • Residential development to avoid the need for future stabilization or flood control • Demonstration of need to protect primary structure required for new stabilization • Mitigation requirements include improving substrate conditions waterward of OHWM
Water quality		<ul style="list-style-type: none"> • Water quality impacts associated with construction • Reduction in floodplain connectivity reduces floodplain filtration potential • Removal of shoreline vegetation increases water temperatures 	<ul style="list-style-type: none"> • Mitigation requirements include planting native vegetation
Shoreline vegetation		<ul style="list-style-type: none"> • Potential associated vegetation loss increases potential for erosion, turbidity, higher water temperatures potential 	<ul style="list-style-type: none"> • Mitigation requirements include planting native vegetation
Habitat		<ul style="list-style-type: none"> • Reduction in shoreline complexity and emergent vegetation that provides forage and cover • Reduced floodplain connectivity limits off-channel refuge for fish during high flows • Reduction of natural 	<ul style="list-style-type: none"> • Preference for soft-shoreline stabilization • Mitigation requirements include improving substrate conditions waterward of OHWM and planting native vegetation

Shoreline Function	Major Types of Anticipated Future Development Likely to Affect Shoreline Function	Potential Impacts to Shoreline Function	Effects of SMP Provisions
		sediment recruitment from the shoreline. This recruitment is necessary to replenish substrate and preserve shallow water conditions <ul style="list-style-type: none"> • Elimination of shallow-water habitat may also increase vulnerability of juvenile salmonids to aquatic predators 	

The SMP sets standards for new and repaired shoreline armoring, as well as conditions and uses where new shoreline armoring is allowed or prohibited. Under the proposed SMP, new developments must be designed and sited to avoid the need for structural shoreline stabilization wherever feasible. Residential subdivisions must be designed so that shoreline stabilization will not be required. Structural shoreline stabilization is not allowed except to protect restoration projects, or unless a geotechnical analysis demonstrates that it is necessary to protect a primary structure from erosive action caused by currents, waves, or other waterward processes.

Where structural stabilization is necessary, the SMP establishes a preference for soft structural stabilization and requires that the size of the structure be minimized to the greatest extent possible. Together, these measures should successfully minimize the extent of new shoreline stabilization, and may result in a reduction or softening of existing stabilization measures. Finally, the SMP requires mitigation for stabilization impacts. Mitigation measures include improving substrate conditions waterward of the OHWM and planting native vegetation along the shoreline. These measures are expected to mitigate for the changes in shoreline gradient associated with stabilization and to ensure that shoreline vegetative functions are maintained, or in some cases, improved.

Both the Corps and the WDFW have jurisdiction over new shoreline stabilization projects and repairs or modifications to existing shoreline stabilization. Where actions may affect federally threatened or endangered species, the Corps must consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) regarding potential Endangered Species Act issues. As part of those agencies' efforts to minimize and compensate for shoreline stabilization-

related impacts, the federal agencies require mitigation, frequently through the implementation of native shoreline planting plans. Further, NMFS requires additional impact compensation measures for many bank modification projects, including angling the face of the structure landward to reduce wave turbulence, and/or shifting the structure as far landward as feasible.

Over time, the combined effects of the proposed SMP, implementation of the Shoreline Restoration Plan, permit reviews from the WDFW and the Corps, and planned restoration actions are expected to result in a reduction or softening of existing stabilization structures, and any new stabilization structures that are permitted will be accompanied by appropriate minimization and mitigation measures to offset shoreline impacts.

7 CUMULATIVE IMPACTS ON ECOLOGICAL FUNCTION

In addition to the relevant regulations discussed in those sections above, the City developed certain regulations specific to local conditions, plans, and interests. For example, shoreline buffer regulations were developed based on existing conditions and planned development. The following discussion will build on the general discussion of potential impacts and effects of general SMP regulations from Section 6 to present a summary analysis of how planned development is likely to affect existing conditions on a local scale in light of local SMP regulations, other regulations (Section 5), and planned restoration (Section 4.5).

7.1 City of Cashmere

The land use capacity analysis identified potential single-family, multi-family, commercial, and industrial development within the High Intensity and Shoreline Residential environments of the Wenatchee River and Mission Creek (Table 12). The majority of developable lands are either under-utilized or partially used, so development is likely to involve redevelopment of existing uses. The land use analysis identified areas of commercial and industrial use potential in the Shoreline Residential environment; however, new commercial and industrial uses are not permitted in the Shoreline Residential environment. No new residential, commercial, or industrial development is expected in the Shoreline Park/Public environment or in the Urban Conservancy environment; together these environment designations cover 21% of the City's shoreline area. Additional public uses are possible on the Wenatchee River within the Shoreline Park/Public environment.

Existing uses on Mission Creek are primarily single-family residential development, but also commercial and government uses. Much of the shoreline is armored and shoreline crossings occur frequently, interfering with natural channel processes. Industrial areas near the mouth of Mission Creek and in the southeast portion of the City on the Wenatchee River have extensive impervious surface coverage, and are separated from the River by a relatively narrow band of trees. Shoreline vegetation on both shorelines is generally limited to a thin strip of shrubs and trees. Most of the City is protected by a City-owned, Corps-certified/built levee on the Wenatchee River, which disrupts typical riparian functions.

Table 12. Summary of waterbodies with likely residential, commercial, and industrial development in shoreline jurisdiction in the City of Cashmere.

Waterbody / Environment Designation	Acres in Total Shoreline Jurisdiction	Acres Outside of Buffers in Study Area (Shoreline Jurisdiction)	Single Family Units in Study Area (Jurisdiction)	Multi-Family Units in Study Area (Jurisdiction)	Commercial Sq Ft Study Area (Jurisdiction)	Industrial Sq Ft in Study Area (Jurisdiction)
High Intensity						
Mission Creek	13.52	10.18 (7.83)	3 (3)	0	7,705 (7,705)	18,061 (18,061)
Wenatchee River	63.00	70.66 (25.68)	0	0	15,058 (10,183)	13,453 (7,512)
Shoreline Residential						
Mission Creek	33.40	23.51 (23.37)	29 (29)	0	0	0
Wenatchee River	17.69	18.59 (12.40)	22 (12)	9 (8)	0	0

* Despite land use analysis results, these uses are not permitted in the specified environment designation.

Upland development has several potential impacts on shoreline ecological functions, as discussed in Section 6.1. These impacts are influenced by the extent of development and impervious surface coverage, the location of the development and proximity to the waterbody, and the quality and extent of vegetated buffers.

Development on Mission Creek and the Wenatchee River is expected to occur among existing areas of similar uses. The City’s standard shoreline buffer width in the High Intensity environment is 70 feet from the OHWM, and in the Shoreline Residential environment, the standard buffer width is 50 feet from the OHWM. Where floodways are present, new structural developments must be

set back the greater of the shoreline buffer or 5 feet landward of the upland edge of the floodway, unless such development is otherwise allowed in the floodway. SMP regulations provide some variability in the buffer standards to accommodate unique site characteristics, provide better long-term protection for the environment, and increase functional performance in degraded or impaired areas. Modest buffer reductions are allowed if other actions are taken to improve the ecological functions of the buffer. Buffer reductions beyond 25%, but not more than 50%, of the standard buffer may be allowed, but must be accompanied by a demonstration that other siting alternatives are not possible and a critical area study documenting that the “no net loss” standard will be met. When the Shoreline Residential environment is upland of the Shoreline Park/Public environment, the maximum reduced buffer in the Shoreline Residential environment is 35' rather than 25'. Functional improvements offset potential functional decline related to a reduction in buffer width.

Along Mission Creek, a random sampling of setbacks in the City indicates that existing average setbacks in the Shoreline Residential environment are approximately 45 feet wide, so the proposed SMP provisions will allow for residential development with buffers similar to existing uses. Existing residential development along Mission Creek includes shoreline stabilization measures. In order to replace armoring, residents will need to demonstrate that it is necessary to protect a primary structure, and they will be required to consider soft shoreline stabilization alternatives. New developments are required to be located and designed to avoid the future need for shoreline stabilization measures. In some cases, on Mission Creek, this may mean that houses will need to be set back farther from the shoreline than the standard shoreline buffer width. Together, shoreline stabilization standards are expected to result in a reduction in stabilization impacts over time.

With the exception of four parcels in the City's downtown area, parcels with anticipated development on the Wenatchee River are separated from the shoreline by another parcel or use, and the setbacks of these parcels will exceed required buffer widths. Additionally, as noted above, a levee runs along the City's shorelines, which generally disrupts typical riparian functions. The retention of vegetation and control of stormwater are still important for these properties separated from the shoreline to ensure that shoreline functions are not degraded further. The SMP encourages industrial development to incorporate cleanup and restoration into development plans, so environmental enhancement is possible associated with industrial redevelopment of the shoreline.

In addition to shoreline buffer standards, the proposed SMP designates tree retention standards, which promote the retention of significant trees. Where tree removal is unavoidable, trees shall be replaced at a 2:1 ratio within the shoreline buffer, or at least a 1:1 ratio within shoreline jurisdiction outside of the shoreline

buffer. This provision helps to ensure that forested vegetation in the shoreline environment, and the associated existing functions, which include shade and filtration of sediment, nutrients, and toxic compounds, will be maintained.

Continued development of recreational and public access areas along the shorelines of the City present potential increases in the intensity of land use in the City’s public lands. Such changes could result in the removal of vegetation and increased impervious surfaces. The City’s proposed SMP regulations require mitigation for any potential impacts associated with development of public access. Furthermore, the proposed SMP requires the implementation of best management practices to limit water quality impacts from the use of pesticides or fertilizers that could be associated with the maintenance of public use sites. Restoration opportunities in the City’s parks were identified in the Shoreline Restoration Plan. Opportunities include reduction of shoreline armoring, addition of LWD, river meandering and revegetation in Riverside Park and Chelan County Historical Museum and Pioneer Village along the Wenatchee River.

7.2 Cashmere UGA

Approximately 14 single-family developments are expected in shoreline jurisdiction of the unincorporated Cashmere UGA amidst existing residential development (Table 13). Minimal commercial and industrial development is also projected along the Wenatchee River in the High Intensity environment. Existing conditions in the High Intensity environment include substantial impervious surface coverage and sparse shoreline vegetation. No development is anticipated in the Shoreline Park/Public or Urban Conservancy environments, which together cover 16% of the shoreline area.

Table 13. Summary of waterbodies with likely residential, commercial, and industrial development in shoreline jurisdiction in the City of Cashmere UGA.

Waterbody / Environment Designation	Acres in Total Shoreline Jurisdiction	Acres Outside of Buffers in Study Area (Shoreline Jurisdiction)	Single Family Units in Study Area (Jurisdiction)	Multi-Family Units in Study Area (Jurisdiction)	Commercial Sq Ft in Study Area (Jurisdiction)	Industrial Sq Ft in Study Area (Jurisdiction)
High Intensity						
Mission Creek	1.45	0.73 (0.73)	1 (1)	0	0	0
Wenatchee River	18.90	3.11 (1.20)	1 (0)	0	6,710 (1,507)	10,736 (2,411)
Shoreline Residential						
Mission Creek	12.64	8.08 (8.08)	13 (13)	0	0	0

Potential impacts of residential, commercial, and industrial development are discussed in Section 6.1. These impacts are primarily influenced by the extent and type of development and impervious surface coverage, the location of the development and proximity to the waterbody, and the quality and extent of vegetated buffers.

The only potential commercial and industrial developments in the UGA are separated from the shoreline by another shoreline development. For those parcels separated from the shoreline, the control of stormwater runoff is likely the most significant concern for shoreline functions. Stormwater management is required in the SMP to be consistent with Ecology's latest stormwater manual for Eastern Washington, which provides standards and best management practices for the control and treatment of stormwater runoff.

SMP provisions for the City of Cashmere apply to the associated Urban Growth Area. The City's standard shoreline buffer width in the Shoreline Residential environment is 50 feet from the OHWM. Reductions of up to 25 percent of the standard buffer may be approved if the applicant provides a mitigation plan that results in a higher functioning buffer than a standard buffer width without enhancement, or if existing conditions prevent functional riparian conditions. Reductions of up to 50 percent of the standard buffer may be permitted if other siting alternatives are not possible, and the applicant demonstrates that the proposed development either improves or does not result in a net loss of ecological functions. Buffer enhancements are expected to compensate for any losses associated with a reduced buffer width.

In addition to shoreline buffer standards, the proposed SMP designates tree retention standards, which promote the retention of significant trees. Where tree removal is unavoidable, trees shall be replaced at a 2:1 ratio within the shoreline buffer, or at least a 1:1 ratio within shoreline jurisdiction outside of the shoreline buffer. This provision helps to ensure that forested vegetation in the shoreline environment, and the associated existing functions, which include shade and filtration of sediment, nutrients, and toxic compounds will be maintained.

8 NET EFFECT ON ECOLOGICAL FUNCTIONS

The CIA indicates that future growth is likely to be targeted in specific waterbodies and environment designations the City and its UGA, and these

developments have the potential to impact specific shoreline functions. This analysis can help inform City officials of potential future shoreline impacts and the importance of specific proposed SMP provisions.

The proposed SMP, which includes the Shoreline Restoration Plan, is expected to protect and improve shorelines within the City and its UGA while accommodating the reasonably foreseeable future shoreline development. No net loss of shoreline ecological function will be achieved, and ecological functions may improve over time. Other local, state and federal regulations, acting in concert with this SMP, will provide further assurances of improved shoreline ecological functions over time.

As discussed above, major elements of the SMP that ensure no net loss of ecological functions fall into five general categories: 1) environment designations (Chapter 3), 2) general policies and regulations (Chapter 4), 3) shoreline use and modification provisions (Chapter 5), 4) critical areas regulations (Appendix B of the SMP), and 5) Shoreline Restoration Plan (Appendix C of the SMP).

Environment designations: The Shoreline Analysis Report provided the information necessary to assign environment designations by segment to each of the shoreline waterbodies (see **Chapter 3 of the SMP**). Shoreline uses and modifications were then individually determined to be either permitted (as substantial developments or conditional uses) or prohibited in each of those environment designations. The most uses and modifications are allowed in areas with the highest level of existing disturbance.

General provisions: **Chapter 4** of the SMP contains a number of regulations on a contribute to protection and restoration of ecological functions; these regulations pertain to shoreline critical areas, vegetation conservation and shoreline buffers, flood hazard reduction, and water quality.

Shoreline modification and use provisions: **Chapter 5** of the SMP addresses regulations specific to identified uses and modifications. Shoreline modification regulations emphasize minimization of size of structures, and use of designs that do not degrade and may even enhance shoreline functions. Use regulations prohibit uses that are incompatible with the existing land use and ecological conditions, and emphasize appropriate location and design of the various uses. These regulations also emphasize avoidance and minimization of ecological impacts via appropriate setbacks, protection and enhancement of vegetation, reduction of impervious surfaces and use of innovative designs such as LID techniques that do not degrade and may even enhance shoreline functions.

Shoreline Restoration Plan: The *Shoreline Restoration Plan* (**Appendix C** of the SMP) identifies a number of project-specific opportunities for restoration on both

public and private properties inside and outside of shoreline jurisdiction, and also identifies ongoing County and City programs and activities, restoration partners, and recommended actions consistent with WRIA 45 watershed-level efforts.

The following are some of the key features identified in the proposed SMP and this evaluation which protect and enhance shoreline ecological functions.

- Regulations focus development and growth in areas that are already developed or where functions are already degraded, while protecting those areas that are ecologically intact or otherwise sensitive to development pressures.
- Vegetation conservation areas and structural setbacks throughout the City are based on environment designation and existing conditions. Larger setbacks are required in areas with a higher need for protection of shoreline resources.
- SMP provisions require any projects with potential for significant adverse ecological effects to follow mitigation sequencing to avoid, minimize and mitigate any impacts.
- Planned restoration along the shorelines of the County and City will provide opportunities to restore shoreline ecological functions.
- Emphasis on achieving no net loss of shoreline ecological functions throughout shoreline jurisdiction.

Given the above provisions of the SMP, including the Shoreline Restoration Plan and the key features listed above, implementation of the proposed SMP is anticipated to achieve **no net loss of ecological functions in the shorelines of the City of Cashmere.**

9 LONG-TERM MONITORING

City planning staff will track all land use and development activity, including exemptions, within its shoreline jurisdiction, and will incorporate actions and programs of other City departments as well. Reports will be assembled that provide basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained,

reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, linear feet of shoreline armoring removed or modified levees, or number of fish passage barriers corrected.

The report would also recommend or describe relevant updates to City goals and implementation plans, and outline current and ongoing implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff reports will be assembled to coincide with Comprehensive Plan updates and will be used, in light of the goals and objectives of the Shoreline Master Program, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the Shoreline Analysis Report. In the long term, the City should be able to demonstrate a net improvement in its respective shoreline environments.

Based on the results of these assessments, the City may make recommendations for changes to its SMP.

10 REFERENCES

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APPENDIX A: SHORELINE USE AND MODIFICATION MATRIX

Shoreline Use and Modification Matrix for the City of Cashmere.

The chart is coded according to the following legend. SD/E = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements SCU = Shoreline Conditional Use X = Prohibited –the use is not eligible for a Variance or Conditional Use Permit N/A = Not Applicable; All permitted and conditional uses are subject to general policies and regulations and use and modification regulations in Chapters 4 and 5 of this SMP and the zoning code.	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
Agriculture	X	X	SD/E	SD/E	X
Agricultural-Commercial	X	X	X	SD/E	X
Aquaculture	X	X	X	SCU	SCU
Boating Facilities: Marinas and Boat Launches					
All docks, including community/public/commercial docks and marinas	X	X	X	X	X
Public boat launch facility	X	SD/E	SCU	SD/E	SD/E
Private commercial boat launch facility	X	X	X	X	X
Community boat launch facility	X	X	SCU	X	SCU
Breakwaters/jetties/weirs/groins/barbs	X	SCU	SCU	SCU	SCU ¹
Commercial Uses					
Water-dependent uses	X	SD/E	X	SD/E	SCU
Water-related & Water-enjoyment	X	SD/E	X	SD/E	X
Nonwater-oriented uses	X	SD/E	X	SD/E	X
Mixed use commercial	X	SD/E	X	SD/E	X
Mixed use residential	X	SD/E	X	SD/E	X
Dredging and dredge materials disposal					
Dredging	N/A	N/A	N/A	N/A	SD/E
In-water disposal	N/A	N/A	N/A	N/A	SCU
Upland disposal outside of channel migration zone (CMZ)	X	SCU	SD/E	SD/E	N/A
Upland disposal inside of CMZ	X	SCU	SCU	SCU	N/A
Fill					
Upland outside of CMZ	SCU	SD/E	SD/E	SD/E	X
Upland inside of CMZ	SCU	SCU	SCU	SCU	X

The chart is coded according to the following legend. SD/E = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements SCU = Shoreline Conditional Use X = Prohibited –the use is not eligible for a Variance or Conditional Use Permit N/A = Not Applicable; All permitted and conditional uses are subject to general policies and regulations and use and modification regulations in Chapters 4 and 5 of this SMP and the zoning code.	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
	In-water restoration	N/A	N/A	N/A	N/A
In-water non-restoration	N/A	N/A	N/A	N/A	SCU
Forest Practices	X	X	X	X	X
Industrial Uses					
Water-dependent uses	X	SCU	X	SD/E	SCU
Water-related uses	X	SCU	X	SD/E	X
Nonwater-oriented uses	X	X	X	SD/E	X
Institutional²					
Water-oriented	SCU	SD/E	SD/E	SD/E	SCU
Nonwater-oriented	SCU	SD/E	SCU	SCU	X
In-Stream Structures	X	N/A	N/A	N/A	SD/E
Mining					
In-water mining (recreational)	X	X	X	X	SD/E
All other mining	X	X	X	X	X
Private Moorage or Boat Launch Facilities	X	X	X	X	X
Recreational Uses²					
Water-dependent	X	SD/E	SD/E	SD/E	SD/E
Water-related	X	SD/E	SD/E	SD/E	SD/E
Water-enjoyment	X	SD/E	SD/E	SD/E	SD/E
Nonwater-oriented	X	S/DE	SCU	SCU	X
Residential Uses					
Single-family	X	X	SD/E	SD/E	X
Multi-family	X	X	SD/E	SD/E	X
Over-water, Floating, Liveaboards	N/A	N/A	N/A	N/A	X
Shoreline habitat and natural systems enhancement projects	SD/E	SD/E	SD/E	SD/E	SD/E
Shoreline Stabilization					
Hard structural shoreline stabilization	X	SCU	SD/E	SCU	SD/E
Bioengineering or Soft structural shoreline stabilization	X	SD/E	SD/E	SD/E	SD/E
Dikes, levees	X	SCU	SCU	SCU	New=X Repair=SD/E

<p>The chart is coded according to the following legend.</p> <p>SD/E = Permitted, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements</p> <p>SCU = Shoreline Conditional Use</p> <p>X = Prohibited –the use is not eligible for a Variance or Conditional Use Permit</p> <p>N/A = Not Applicable;</p> <p>All permitted and conditional uses are subject to general policies and regulations and use and modification regulations in Chapters 4 and 5 of this SMP and the zoning code.</p>	Urban Conservancy	Shoreline Park/Public	Shoreline Residential	High Intensity	Aquatic
Transportation and Parking					
Local / Regional	SCU	SD/E	SD/E	SD/E	SCU
Utilities					
Small / Large	SCU	SD/E	SD/E	SD/E	SCU
Management Plans per Sections 5.8, 5.15 and 5.21	SD/E	SD/E	SD/E	SD/E	SD/E

¹ Those structures installed to protect or restore ecological functions, such as woody debris installed in streams, may be processed as a Substantial Development Permit.

² When the use is also commercial, it is also subject to Commercial use standards and matrix allowances

APPENDIX B: LAND CAPACITY ANALYSIS

CASHMERE UGA

Total

Density Chart

Outside Jurisdiction

Density Chart

Shoreline Jurisdiction

				Assumptions											Assumptions																								
				0.8	0.75	0.75	0.5	0.5	See chart	0.25	0.4							0.8	0.75	0.75	0.5	0.5	See chart	0.25	0.4														
				ROW/ Public	Mkt F Vac	Mkt F PU/UU	Share Com	Share Ind	DU/AC	DU SF	DU MF	COM SF	IND SF	Public Acres	Net Acres	ROW/ Public	Mkt F Vac	Mkt F PU/UU	Share Com	Share Ind	DU/AC	DU SF	DU MF	COM SF	IND SF	Public Acres	DU/AC	DU SF	DU MF	COM SF	IND SF	Public Acres							
WATERBODY	Environment Designation	ZONING	LCA CATEGORY	Sum of Total Acres	Sum of Jurisdiction Acres																																		
Mission Creek	High Intensity	Suburban Residential	Partially Used	0.667564627	0.667565	0.534052	0.400539		1.201616	1.201616																													
		Suburban Residential		0.667564627	0.667565																																		
	High Intensity Total			0.667564627	0.667565	0.5	-	0.4	-	-	1.2	1.2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
	Shoreline Residential	Single Family	Partially Used	1.68929888	1.6892958	1.351439	1.013579		6.081476	6.081476																													
		Single Family Total		1.68929888	1.6892958																																		
		Suburban Residential	Partially Used	4.087302946	4.087307	3.269842	2.452382		7.357145	7.357145																													
		Suburban Residential Total		4.087302946	4.087307																																		
	Shoreline Residential Total			5.776601834	5.7766028	4.6	-	3.5	-	-	13.4	13.4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
Mission Creek Total				6.444166461	6.4441678	5.2	-	3.9	-	-	14.6	14.6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
Wenatchee River	High Intensity		Vacant	0.924191127	0.599345																																		
			Total	0.924191127	0.599345																																		
		Mixed Comm-Lt. Ind.	Under-Utilized	2.05380674	0.461282	1.643045		1.232284	0.616142	0.616142				6709.787	10735.659	1.59	1.27	0.955515	0.477757422	0.477757422				5202.778325	8324.44532														
		Mixed Comm-Lt. Ind. Total		2.05380674	0.461282																																		
		Suburban Residential	Vacant	0.136224398	0.136224719	0.10898	0.081735	0.081735		0.245204	0.245204																												
		Suburban Residential Total		0.136224398	0.136224719																																		
	High Intensity Total			3.114222265	1.196851719	1.8	0.1	1.3	0.6	0.6	0.2	0.2	-	6,709.8	10,735.7	-	1.6	1.3	-	1.0	0.5	0.5	-	-	-	5,202.8	8,324.4	-	0.2	0.2	-	1,507.0	2,411.2						
Wenatchee River Total				3.114222265	1.196851719	1.8	0.1	1.3	0.6	0.6	0.2	0.2	-	6,709.8	10,735.7	-	1.6	1.3	-	1.0	0.5	0.5	-	-	-	5,202.8	8,324.4	-	0.2	0.2	-	1,507.0	2,411.2						
Grand Total				9.558388726	7.641019519	6.9	0.1	5.2	0.6	0.6	14.9	14.9	-	6,709.8	10,735.7	-	1.6	1.3	-	1.0	0.5	0.5	-	-	-	5,202.8	8,324.4	-	14.9	14.9	-	1,507.0	2,411.2						
	Partially Used Adjustment									7.0	7.0																												
Grand Total	Adjusted			9.6	7.6	6.9	0.1	5.2	0.6	0.6	7.9	7.9	-	6,709.8	10,735.7	-	1.6	1.3	-	1.0	0.5	0.5	-	-	-	5,202.8	8,324.4	-	7.9	7.9	-	1,507.0	2,411.2						