Shoreline Master Program

Draft – December 2022

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BACKGROUND

HISTORY

Lewis County prepared and adopted its first Shoreline Master Program (SMP) in 1974 and the Cities in the Lewis County Coalition (Centralia, Chehalis, Morton, and Winlock) adopted the County's SMP shortly thereafter. The intent of the SMP was to balance the development and protection of the character of the shorelines of the County and the Cities. While the 1974 SMP was amended in 1998, more than 40 years have passed since the original SMP was completed. Much has happened to the shorelines since that time. In addition, State laws and rules have changed as development and conservation practices have evolved.

REGULATIONS

The SMP was prepared to meet the requirements of the Shoreline Management Act (SMA) (Revised Code of Washington [RCW] 90.58), the implementing State rules codified as Chapter 173-26 of the Washington Administrative Code (WAC), the *State Master Program Approval/Amendment Procedures and Master Program Guidelines* revised in 2003, and other applicable Federal, State, and local jurisdiction laws.

The County and the Cities were responsible for updating the SMP, but the SMP had to meet the intent of the SMA and WAC guidelines and was subject to the approval of the Washington State Department of Ecology (Ecology) before it was implemented.

PROCESS

Lewis County Coalition was formed by the County and the four Cities of Centralia, Chehalis, Winlock and Morton to create a collaborative SMP update. To support the work required for the update, Ecology awarded a grant to the Coalition (Grant Agreement No. G1200468).

The Coalition was responsible for the following four tasks:

1. Inventorying the natural characteristics and land use patterns in the shorelines subject to the SMA.

2. Preparing an SMP to establish the goals, policies, and regulations that will define the future of the shorelines covered by the SMA.

3. Reviewing the cumulative impact of reasonably foreseeable development in the shoreline jurisdiction and ensuring future development results in no net loss of ecological functions and processes.

4. Preparing a Restoration Plan that includes goals, policies, and actions for the voluntary restoration of impaired shoreline ecological functions.

The first task was to gather all readily available data regarding the shoreline, determine the area subject to the SMA, and prepare the *Shoreline Inventory and Characterization Report (Report)*.

Once the *Report* was ready, the Coalition held Visioning Workshops in 2013 to obtain citizen questions, concerns, goals, and aspirations regarding the shorelines. The Visioning Workshops helped shape the drafting of the SMP.

COMPONENTS OF THE SMP

The Draft SMP is organized as follows:

A. Main body of the SMP:

Chapter 1: Introduction provides general background information on the State SMA, the development of the SMP for the City, and a general discussion of the authority and administration of the SMP.

Chapter 2: Shoreline Environment Designations establishes, defines and maps the shoreline environment designations of all Shorelines of the State for the City.

Chapter 3: Shoreline Permitting and Administration provides information on the permitting for development and administration of the SMP. This chapter also provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, variances and letters of exemption.

Chapter 4: General Shoreline Management Goals sets forth and establishes the overall goals of the SMP based on the SMA and the City's Comprehensive Plan.

Chapter 5: General Shoreline Management Policies and Regulations identifies the general policies and regulations that apply to uses, developments, and activities in all shoreline areas of the City.

Chapter 6: Specific Shoreline Use Policies & Regulations sets forth policies and regulations governing specific categories of uses and developments typically found in shoreline areas of the City.

Chapter 7: Shoreline Modification Policies & Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline areas of the City.

Chapter 8: Non-conforming Use and Regulations provides policies and regulations for non-conforming uses or structures legally established prior to the adoption of this SMP.

Chapter 9: Definitions and Abbreviations defines terms, acronyms and abbreviations found throughout this document.

B. SMP Appendices A and B include other elements of the SMP:

Appendix A: Shoreline Environment Designation Maps provides general boundary maps for areas subject to the SMP and their specific environment designation.

1 INTRODUCTION

1.01 REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT

The State Legislature passed the Washington's Shoreline Management Act (SMA) (Chapter 90.58 RCW) in 1971 and citizens of the State approved the SMA through referendum in 1972 "…to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines." The SMA and Chapter 173-26 WAC established broad policies that give preference to shoreline uses that:

- **Encourage water-dependent uses**: "…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 States' shorelines…"
- **Protect shoreline natural resources**: including "…the land and its vegetation and wildlife, and the water of the State and their aquatic life…"
- **Promote public access**: "…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 people generally."

The SMA recognizes that shorelines are among the most valuable and fragile of the State's resources. The City recognizes and protects private property rights in the areas subject to the SMA, while aiming to preserve the quality of these unique resources for all State residents.

The primary purpose of the SMA is to manage and protect the State's shoreline resources by planning for reasonable and appropriate uses. Shoreline Master Programs (SMPs) are created and implemented based on a cooperative program of shoreline management between local jurisdictions and the State. With citizen contributions collected through the Coalition's shoreline planning process, the City developed this SMP, and will implement and administer it through shoreline permits and reviews. Ecology will review and approve this SMP, as well as certain local permit decisions.

1.02 AUTHORITY

The Shoreline Management Act of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of the SMP. The SMP must also be in compliance with state implementing rules in the Washington Administrative Code, including Chapters 173-26 and 173-27. The City's Shoreline Administrator is charged with the responsibility of administering the SMP. The City of Chehalis Shoreline Administrator is the Community Development Director and/or designated staff member.

1.03 PURPOSE AND INTENT

The four purposes of the SMP are to:

A. Carry out the responsibilities imposed on the City by the SMA;

B. Promote public health, safety, and general welfare, by providing a guide and regulation for the future development of the shoreline resources of the City;

C. Further the policies and goals of the SMA by adoption of a locally enforced SMP; and

D. Comply with the State SMP Guidelines (Chapter 173-26 WAC); including a particular focus on regulations and mitigation standards to ensure that development in shoreline jurisdiction results in no net loss of ecological functions.

1.04 SHORELINE MASTER PROGRAM DEVELOPMENT

The Coalition obtained grant number G1200468 from Ecology in 2012 to conduct a comprehensive SMP update. The first step in the update process involved an inventory of the areas of the County and the Cities subject to the SMA and documentation of their current physical and biological conditions. Numerous rivers, streams, lakes and their associated wetlands and flood courses comprise the areas in the County and the Cities subject to the SMA. There are over 992 miles of creeks and rivers and 17,147 acres of lakes and reservoirs that meet the definition of Shorelines of the State in the County and the Cities, with approximately 3 riverine miles in the City of Chehalis.

The Public Participation Plan guided public interaction throughout the development of the SMP. Three Citizen Advisory Committees (CACs) reviewed SMP documents, particularly proposed environment designations, policies, and regulations, and provided feedback in a series of public meetings. One CAC covered unincorporated Lewis County and the Cities of Morton and Winlock, while two separate CACs were established for the Cities of Centralia and Chehalis, respectively.

The Shoreline Inventory and Characterization described existing biological and physical conditions for the 16 shoreline management areas that were further classified into 222 shoreline reaches covering the County and the Cities. These shoreline management areas and reaches were analyzed and characterized to create a baseline from which future development actions in the areas subject to the SMA will be measured. A Technical Advisory Committee (TAC) reviewed and commented on the Shoreline Inventory and Characterization.

The public discussed the findings of the Shoreline Inventory and Characterization and proposed shoreline environment designations at four community meetings that covered western Lewis County and the City of Winlock, eastern Lewis County and the City of Morton, the City of Centralia, and the City of Chehalis. Shoreline environment designations were assigned for all the areas subject to the SMA in the County and the Cities. Then goals, policies, and regulations for each shoreline

environment designation and for all activities subject to the SMA were developed to maintain the baseline condition.

Upon completion of the Shoreline Inventory and Characterization Report, and a basic outline draft of the SMP, the City of Chehalis elected to break from the Coalition and complete the SMP update process on its own.

In the Cumulative Impacts Analysis and No Net Loss Report, the City demonstrated that the updated SMP, paired with the current Chehalis Municipal Code, yields no net loss of ecological functions in the area subject to the SMA relative to the baseline established by the Shoreline Inventory and Characterization.

The County and the Cities developed the Restoration Plan to address voluntary, non-regulatory actions the County and the Cities would take to improve areas subject to the SMA above the baseline condition. Ideally, the SMP, in combination with other County, City, and regional efforts, will ultimately produce a net improvement in ecological functions of the shoreline.

1.05 APPLICABILITY

A. The SMP shall be applicable to all person(s), firm, partnership, corporation, organization, local or state governmental agency or other non-federal entity. All proposed uses, activities, and development occurring within shoreline jurisdiction must conform to the intent and requirements of RCW 90.58 and the SMP, whether or not a permit or other form of authorization is required, except when specifically excepted by statute.

B. In addition to the requirements of the SMA, permit review, implementation, and enforcement procedures affecting private property must be conducted in a manner consistent with all relevant constitutional and other legal limitations on the regulation of the private property.

C. The shoreline permit procedures, policies and regulations established in the SMP shall apply throughout the City to all non-Federal developments and uses undertaken on Federal lands; and on lands subject to non-Federal ownership, lease or easement, even though such lands may fall within the external boundaries of a Federal ownership. Federal lands include, but are not limited to, National Forests, Parks, and Wilderness Areas.

D. As recognized by RCW 90.58.350, the provisions of the SMP do not affect treaty rights of Native American tribes.

1.06 RELATIONSHIP TO OTHER CODES, ORDINANCES, AND PLANS

All applicable local, State, and Federal laws shall apply to properties in the area subject to the SMA. Should a conflict occur between the provisions of the SMP and the laws, regulations, codes or rules

promulgated by any other authority having jurisdiction, the requirements that best achieve the goals of the SMA and SMP shall be applied except when constrained by State or Federal law, or where specifically provided otherwise in the SMP.

A. Critical Areas as identified in Chehalis Municipal Code Title 17.21 through 17.26, Division III, that are located within shoreline jurisdiction, shall be regulated by the SMP. Should any conflicts arise, the provisions of the SMP shall apply. The Critical Areas regulations in effect on December 10, 2018, by adoption of Ordinance 849-B, as amended by Ordinance 958B §2 (2016) and Ordinance 982B §1 (2017), shall be incorporated by reference as part of this SMP except as modified below:

1. 17.09.150 Appeals – Does not apply within the shoreline jurisdiction. Any person(s) aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review (appeal) within twenty-one days of the date of filing of the shoreline permit decision.

2. 17.21.030 Critical Areas – Definitions. "Wetland delineation" shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

3. 17.21.083 Reasonable use, does not apply. Application for reasonable use in shoreline jurisdiction shall be processed through the shoreline Variance Permit process.

4. 17.23.010. Wetland Designation. B. Wetlands shall be identified in accordance with the requirements of RCW 36.70A.175 and 90.58.380. Unless otherwise provided for in this chapter, all areas within the city meeting the criteria in the Federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

5. 17.23.010 D. Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Western Washington, revised October 2014 (Ecology Publication No14-06-029), as revised. These categories are generally defined as follows:

    a. Category I. Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime;

or (4) provide a high level of functions.

b. Category II Wetlands. Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

c. Category III Wetlands. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands

d. Category IV Wetlands. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

6. 17.23.030 Wetland buffers. The following revised provisions apply in shoreline jurisdiction:

C. Buffer Dimensions is revised as follows:

	Low Wildlife Function (3-5 points)	Moderate Wildlife Function (6-7 points)	High Wildlife Function (8 points)	High Wildlif Function (9 points)
Wetland Category	Buffer Width (feet)			
Category IV	50	50	50(1)	50(1)
Category III	80	<u>150</u>	<u>260</u>	<u>300</u>
Category II	100	150	260	300
Category I	100	150	260	300

7. 17.23.040 Provisions for small isolated wetlands, does not apply in shoreline jurisdiction. Wetlands within shoreline jurisdiction are considered associated wetlands regardless of

size.

8. 17.23.053 B. Mitigation Ratios. In shoreline jurisdiction, mitigation shall be consistent with the following table of Wetland Mitigation Ratios:

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

9. 17.23.053 F. Adjustment of Ratios does not apply in shoreline jurisdiction.

B. All applicable local, state and federal regulations shall apply to developments and uses in the shoreline jurisdiction provided they do not conflict with the goals, policies and regulations of this SMP.

1.07 CONSISTENCY WITH THE GROWTH MANAGEMENT ACT

The Growth Management Act (GMA) requires that, consistent with RCW 36.70A.480, the goals and policies of the SMP shall be considered an element of the Comprehensive Plan. All regulatory elements of the SMP; including, but not limited to, definitions and use regulations, shall be considered a part of the Chehalis development regulations. Future amendments to the SMP element of the Comprehensive Plan must also follow the amendment procedures of Chapter 90.58 RCW. The SMP was developed to be consistent with the adopted Comprehensive Plan and development regulations.

The State SMP Guidelines identify three criteria to use in evaluating the consistency between the SMP's shoreline environment designation provisions and the Comprehensive Plan elements and

development regulations. In order for shoreline environment designation provisions, Comprehensive Plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

A. **Provisions not precluding one another.** Comprehensive Plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criterion, the provisions of the Comprehensive Plan and the SMP must be consistent. Further, when considered together and applied to any property, the SMP use policies and regulations and the local jurisdiction's zoning or other use regulations should not conflict or eliminate all viable uses of the property.

B. **Use compatibility.** Land use policies and regulations should protect preferred shoreline uses from being affected by incompatible uses. This should prevent existing or potential future water-oriented uses, especially water-dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, the Comprehensive Plan and development regulations should prevent new uses from locating where they are not compatible with or may restrict preferred uses.

C. **Sufficient infrastructure.** Infrastructure and services provided in the Comprehensive Plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the Comprehensive Plan does not provide for sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline environment designations. Pre-existing infrastructure and utility services in shoreline areas shall not be a sole justification for more intense development.

1.08 LIBERAL CONSTRUCTION

As provided for in RCW 90.58.900, the SMP is exempted from the rule of strict construction and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

1.09 SEVERABILITY

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

1.10 AMENDMENTS

Amendments to this SMP shall be processed pursuant to WAC 173-26.

A minimum of every eight (8) years this SMP shall be reviewed, to determine if amendments are necessary, consistent with RCW 90.58.080 and WAC 173-26-090.

1.11 TITLE

This document shall be known and may be cited as the *City of Chehalis Shoreline Master Program* or SMP. This document may also be referred to as *the SMP*.

1.12 EFFECTIVE DATE

The SMP is hereby adopted on the_____date of_____, 20_. The SMP and all amendments thereto shall become effective fourteen days from the date of Ecology's written notice of final action.

2 SHORELINE ENVIRONMENT DESIGNATIONS

2.01 SHORELINE ENVIRONMENT DESIGNATION SYSTEM

The SMA's requirements for shoreline environment designations are found in WAC 173-26-211. The Coalition classified and mapped the area subject to the SMA into shoreline environment designations based on the following four criteria found in the State SMP Guidelines (WAC 173-26-211(2)(a)):

A. **Existing land use patterns**. What land uses have developed in each of the shoreline areas to date, as documented in the *Shoreline Inventory and Characterization Report* and the SMP map folio.

B. **Biological and physical character of the shoreline**. The range of ecological characteristics and functions identified for the shoreline areas and documented in the *Shoreline Inventory and Characterization Report*.

C. **The goals and aspirations of the Cityas documented in the Comprehensive Plan.** Designations were assigned in conjunction with the Comprehensive Plan goals and policies, land use designations, and various other elements. The implementing development codes, parks and recreation plans, sub-area plans, and so forth, were also taken into consideration.

D. **Specific criteria for each shoreline environment designation.** The specific criteria for the aquatic, high-intensity, natural, shoreline residential, rural conservancy, and urban conservancy shoreline environment designations are found in WAC 173-26-211(5).

Based on these four criteria, this chapter establishes the shoreline environment designations used in the SMP. Each shoreline environment is described in this chapter by a statement of purpose, followed by designation criteria, and management policies specific to that shoreline environment. In utilizing the above four criteria the following environment designations are implemented: Aquatic, High Intensity, Shoreline Residential and Urban Conservancy.

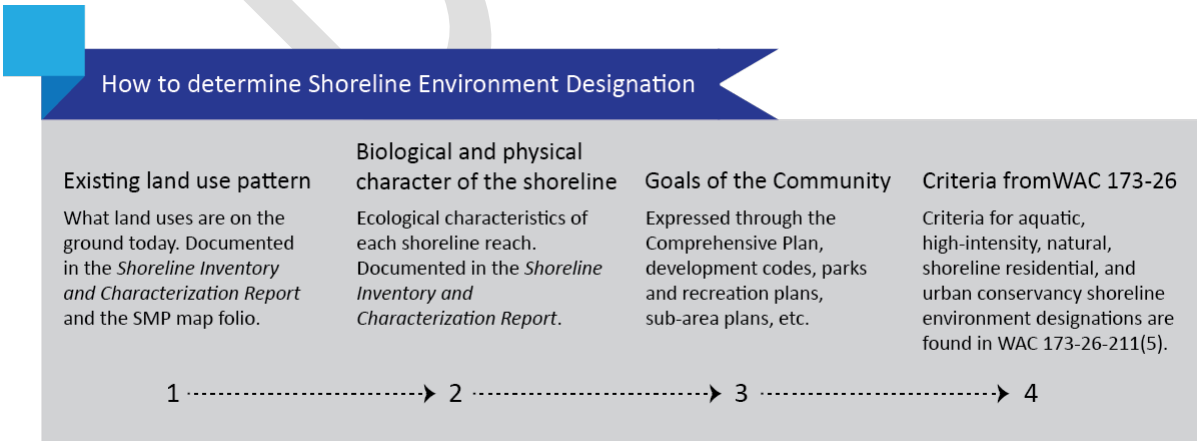

Figure 1: How to Determine Shoreline Environment Designation

2.02 SHORELINE JURISDICTION

A. The SMA defines the extent of the geographic area in the City that is subject to the SMP. According to RCW 90.58.030, the SMP applies to the following Shorelines of the State:

1. Segments of streams or rivers where the mean annual flow is more than twenty (20) cubic feet per second (cfs).
2. Lakes and reservoirs twenty (20) acres and greater in area.
3. Shorelands adjacent to these waterbodies. These include:

a. Lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM);

b. Adopted Federal Emergency Management Agency (FEMA) floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and

c. All wetlands and river deltas associated with the streams and lakes subject to the SMA.

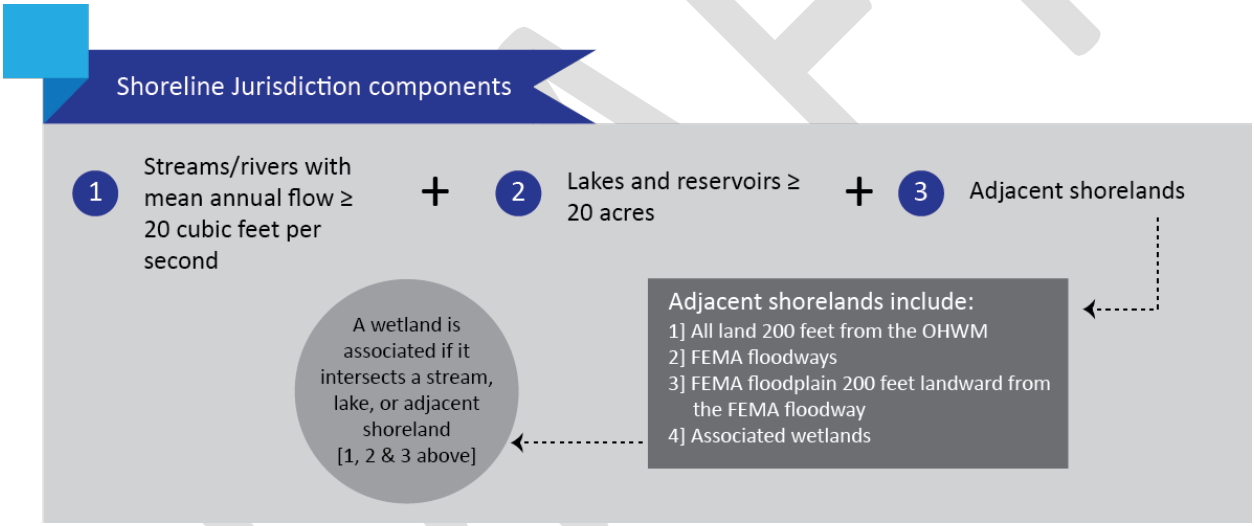

Figure 2: Shoreline Jurisdiction Components

B. In the City, the following rivers and lakes are shorelines of the state:

1. Chehalis River – a Shoreline of Statewide Significance
2. Newaukum River
3. Unnamed Lake – commonly referred to as Airport Lake
4. Salzer Creek

5. The City has chosen to predesignate areas in the UGA for future regulation, consistent with WAC 173-26-150. The shoreline environment designation for a predesignated shoreline area shall take effect concurrent with annexation. Until annexed into city limits, the City has no jurisdictional authority for shoreline permitting in the UGA and development in UGAs is subject to the Lewis County SMP. The following shorelines in the UGA are pre-designated:

    a. Berwick Creek

    b. Dillenbaugh Creek

6. The City has chosen not to extend shoreline jurisdiction to include the entire 100- year floodplain or land necessary for buffers for critical areas.

7. 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 the City's Shoreline Master Program.

2.03 SHORELINES OF STATEWIDE SIGNIFICANCE

A. The following policies shall apply to Shorelines of Statewide Significance:

1. *Recognize and protect the statewide interest over local interest.*

    a. Balance protection of the statewide interest with local jurisdiction concerns and private property rights.

    b. Consult the Washington State Departments of Fish and Wildlife (WDFW) and Ecology, affected Native American tribes, and other resource agencies regarding development proposals that could affect anadromous fisheries.

    c. Recognize State agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.

2. *Preserve the natural character of the area subject to the SMA.*

    a. Designate and administer shoreline environment designations and use regulations to protect the ecology and environment of the shoreline.

    b. Restore, enhance, and redevelop those areas where intensive development already exists to reduce adverse impact on the environment and accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.

    c. Protect and restore existing diversity of vegetation and habitat values,

wetlands, and riparian corridors associated with shoreline areas.

d. Protect and restore habitats for State-listed priority species.

3. *Support actions that result in long-term benefits over short-term benefits.*

   a. Evaluate the short-term economic gain or development convenience relative to the long-term impairments to the natural shoreline.

   b. Preserve resources and values of the shoreline areas for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.

   c. 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.

4. *Protect the resources and ecology of the shoreline.*

   a. To minimize adverse impacts to regionally important wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes, all shoreline development will be located, designed, and managed consistent with mitigation sequencing, as defined in Chapter 9 of this SMP. All development should result in no net loss of shoreline ecosystems and ecosystem-wide processes.

   b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.

5. *Increase public access to publicly owned areas of the shoreline.*

   a. 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.

   b. Locate development landward of the OHWM so that access to the shoreline is enhanced and opportunities for public access are not precluded.

6. *Increase recreational opportunities for the public in the area subject to the SMA.*

   a. Encourage and plan for development of public recreational facilities in the shoreline.

   b. Reserve areas for lodging and related facilities on uplands away from the shorelines, with provisions for non-motorized access to the shoreline.

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

2.03 OFFICIAL SHORELINE MAP AND UNMAPPED SHORELINES

A. The Chehalis Community Development Department shall keep the Official Shoreline Map for the City. The map may be viewed at any time during normal business hours. Copies may be requested. A copy is included in SMP Appendix A.

B. If the exact location of a shoreline environment designation boundary line is unclear, the following rules shall apply:

1. Boundaries that are shown as approximately following lot, tract, or section lines shall be so construed.

2. Boundaries that are shown as approximately following roads or railways shall be respectively construed to follow the nearest right-of-way edge.

3. Boundaries that are shown as approximately parallel to or extensions of features shall be construed to be parallel to or extensions of features when determining boundaries.

4. Where boundary line adjustments or other modifications not indicated on the official shoreline maps involve two or more parcels with different shoreline environment designations, a designation of Urban Conservancy shall be assigned as the shoreline environment designation for the subject properties. This designation will remain until the shoreline environment designation is revised through the SMP amendment process consistent with the amendment process found in Section 3.19 of this SMP.

C. The extent of shoreline jurisdiction as depicted on the Official Shoreline Map is for planning purposes only; the actual location of shoreline jurisdiction, as determined by the location of the OHWM, floodplain, floodway, and wetland boundaries, as applicable, must be determined in the field at the time a development is proposed.

D. All areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an "Urban Conservancy" designation until the shoreline can be redesignated through a master program amendment (WAC 173-26-211(2)(e)).

2.04 SPECIFIC SHORELINE ENVIRONMENT DESIGNATIONS

2.04.01 Aquatic

A. Purpose

The purpose of the Aquatic shoreline environment designation is to protect, restore, and manage the unique characteristics and resources of areas waterward of the ordinary high water mark (OHWM).

B. Designation Criteria

Assign the Aquatic shoreline environment designation to lands waterward of the

OHWM.

C. Management Policies

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

1. Allow new over-water structures for water-dependent uses, public access, or ecological restoration.
2. Limit the size of new over-water structures to the minimum necessary to support the structure's intended use.
3. Encourage multiple uses of over-water facilities to reduce the impacts of development and increase effective use of water resources.
4. Minimize interference with surface navigation, consider impacts to public views, and allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration in the location and design of all developments and uses.
5. Design and manage shoreline uses and modifications to prevent degradation of water quality and alteration of natural hydrographic conditions.
6. Prohibit uses that adversely affect the ecological functions of critical freshwater habitats except where necessary to achieve the objectives of RCW 90.58.020, andthen only when the impacts are mitigated to ensure no net loss of ecological functions.
7. Reserve space for shoreline preferred uses, while considering upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing critical habitats, aesthetics, public access, and views.

2.04.02 High Intensity

A. Purpose

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

B. Designation Criteria

Assign the High Intensity shoreline environment designation to the areas subject to the SMA that currently support high intensity uses related to commerce, industry, public facilities, or transportation. Also, assign to areas that are suitable for high intensity water-oriented uses. High Intensity areas should have the following

characteristics:

1. Can support high-intensity uses without degradation to existing shoreline function;
2. Designated by the City's Comprehensive Plan and zoning for high intensity, commercial, industry, multifamily, public, or mixed-use development; and
3. Have few biophysical limitations to development such as floodways, floodplains, steep slopes, or landslide hazard areas.

C. Management Policies

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

1. Prioritize uses on sites with physical access the water in the following order of preference:
   a. Water-dependent
   b. Water-related
   c. Water-enjoyment
2. Allow the development of new non-water-oriented uses as part of mixed-use development, on sites where there is no direct physical access to the water, or where the applicant can demonstrate that the use will not conflict with or limit opportunities for water-oriented uses.
3. Design new development to result in no net loss of ecological function.
4. Restore and remediate shoreline areas within new development or redevelopment sites consistent with State and Federal laws.
5. Require visual and physical access where feasible with physical access prioritized over visual access.
6. Require full use of existing urban lands in the area subject to the SMA before expanding intensive development.
7. Allow for non-water-oriented uses within this designation where water-dependent uses are not possible because a lake, river, or stream is unnavigable; or where there is a developed roadway between the OHWM and the proposed use.
8.

2.04.03 Urban Conservancy

A. Purpose

The Urban Conservancy shoreline environment designation is intended to provide for ecological protection and rehabilitation of open space, flood plain and other critical areas in urban and already developed areas.

B. Designation Criteria

The Urban Conservancy shoreline environment designation is assigned to areas with the following characteristics:

1. Appropriate and planned for low-intensity agricultural, recreational, and residential development that are compatible with maintaining or restoring the ecological functions, and that are not generally suitable for water-dependent uses;
2. Are suitable for water-related or water-enjoyment uses;
3. Possess development limitations, due to the presence of critical environmental features including but not limited to:
    a. Erosion hazard areas;
    b. Open space areas;
    c. Wetlands; or
    d. Flood hazard areas;
4. Have the potential for development that is compatible with ecological restoration;
5. Retain important ecological functions, even though partially developed; or
6. Are undesignated areas.

C. Management Policies

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

1. Allow primary uses that preserve the natural character of the shoreline environment, promote preservation of open space, floodway, floodplain, or critical areas directly, or over the long-term.
2. Allow uses that result in restoration of ecological functions if the use is otherwise compatible with the purpose of the environment and setting.
3. Implement public access and public recreation objectives whenever feasible and significant ecological impacts can be mitigated.
4. Give preferred water-oriented uses priority over non-water-oriented uses. Water-dependent and recreational development should be given highest priority.

5. Ensure that standards for new development for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications result in no net loss of ecological functions or degrade other shoreline values.

3 SHORELINE PERMITTING AND ADMINISTRATION

This chapter describes the administrative procedures and enforcement of a permit system that implements the SMP. Issuance of a shoreline permit or letter of exemption from the Shoreline Administrator does not exclude the requirements for other City, State, and Federal permits, procedures, and regulations.

3.01 PERMIT PROCESSING - GENERAL

A. The Shoreline Administrator shall be responsible for the administration of the permit system in accordance with the requirements of the SMA and regulations adopted as part of the SMP as it pertains to the City. This shall include, but not be limited to, determinations of whether a development is exempt or requires a shoreline substantial development permit, conditional use permit, and/or variance.

B. The Shoreline Administrator shall ensure that administrative provisions are in place so that SMP permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property.

C. Administrative Interpretations

1. The Shoreline Administrator shall have the authority to interpret this SMP.
2. As part of this process, the Shoreline Administrator shall consult with Ecology to ensure that formal written interpretations are consistent with the purpose and intent of the SMP and the applicable guidelines.
3. Pursuant to WAC 173-26-140, formal written interpretations of shoreline policies or regulations shall be submitted to Ecology for review to insure formal written interpretations are consistent with the purpose and intent of the SMA and the applicable guidelines. Such interpretations will be enforced as if it is part of this code.
4. Formal interpretations shall be kept on file at the Chehalis Community Development Department, shall be available for public review, and shall periodically be incorporated into the SMP during required update processes.

D. The Shoreline Administrator shall determine if the application is complete based upon the information required by this section.

E. The Shoreline Administrator and/or Hearing Examiner may recommend conditions for the approval of permits as necessary to ensure consistency of the project with the SMA and the SMP.

F. Except for Letters of Exemption, the following timelines shall be applicable:

1. Determination of completeness issued within 28-days of receipt of application.
2. Notice of Application provided within 14-days of application being complete.
3. Notice of Application may be combined with the SEPA and application comment period. The combined comment periods shall not be less than 30-days.
4. If a public hearing is requested, Notice of Public Hearing shall be published not less than 15-days prior to the date of the hearing.
5. All shoreline permit decisions, whether approvals or denials, shall be filed with Ecology consistent with WAC 173-27-130.
6. Appeals of Substantial Development Permit decisions shall be initiated within 21-days of the date of filing of the City's decision.
7. Ecology shall render a decision on Conditional Use and Variance Permits within 30-days of receipt of the City's decision.

G. Work may not commence until such time as all permits and approvals have been obtained and all appeal periods have lapsed.

H. Work must commence within (two) 2 years of permit issuance.

I. Work must be completed within (five) 5 years of permit issuance.

J. A one-year extension of time may be granted if the applicant can show reasonable factors exist that delayed the project, if a request is filed before the expiration date and notice of the proposed extension is given to parties of record and Ecology.

3.02 DEVELOPMENTS NOT REQUIRED TO OBTAIN SHORELINE PERMITS OR LOCAL REVIEWS

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

A. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

B. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

C. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

F. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes.

3.03 PROVISIONS APPLICABLE TO ALL SHORELINE PERMITS

A. Unless specifically excepted by statute, all proposed uses and development occurring within the area subject to the SMA must conform to, and be consistent with, Chapter 90.58 RCW and this SMP whether a permit is required or not.

B. No use, development and/or alteration within shoreline jurisdiction may take place until such time as a shoreline substantial development permit, conditional use permit, letter of exemption and/or variance have been obtained.

C. Applications for shoreline permits shall be processed in accordance with the appropriate sections of the Chehalis Municipal Code (CMC). If conflicts between the provisions of the SMP and the CMC, the SMP regulations shall apply.

D. Relief from shoreline master program development standards and use regulations may be granted, under the provisions of RCW 90.58.580, when a shoreline restoration project causes, or would cause, a landward shift in the ordinary high water mark. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology. The City shall keep on file all reviews, actions, decisions, etc. within shoreline jurisdiction.

E. Shoreline permits can be coordinated with State Environmental Policy Act (SEPA) checklist process. However, the public comment period for shoreline permits shall not be less than 30- days.

3.04 GENERAL APPLICATION SUBMITTAL REQUIREMENTS

A. Applications for shoreline permits and/or letters of exemptions shall be made on forms provided by the Shoreline Administrator. Applications shall be substantially consistent with the information required by WAC 173-27-180 including but not limited to the following:

1. Complete cover sheet and application form as provided by the City.

2. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not a representative of either.
3. The name, address and phone number of the applicant's representative, if other than the applicant.
4. The name, address and phone number of the property owner, if other than the applicant.
5. The property address, and identification of the section, township, and range to the nearest quarter, quarter section, or latitude and longitude to the nearest minute. If the project is located in open water areas, the latitude and longitude coordinates shall be required.
6. Identification of the waterbody.
7. A detailed description of the proposed project including the proposed use(s) and the activities necessary to accomplish the project.
8. A description of the property as it now exists including its physical characteristics, improvements, and structures.
9. A description of the general vicinity of the proposed project including identification of the adjacent uses, structures, improvements, intensity of development, and physical characteristics.
10. A site plan consisting of maps and elevation drawings, drawn to scale, depicting the following:
    a. The boundary of the parcel(s) of land upon which the development is proposed.
    b. The OHWM of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location but should be as precise as possible. Further requirements/studies may be required to determine an exact location of the OHWM, if needed to ensure no adverse impact. If the OHWM is neither adjacent to nor within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM.
    c. Existing and proposed land contours. The contours should be at 10' intervals, or at intervals sufficient to accurately determine the existing character of the property.
    d. A delineation of all wetland areas that will be altered and/or impacted by the development.
    e. A general description of the character of vegetation found on the site.
    f. The dimensions and locations of all existing and proposed structures and

improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

g. Where applicable, landscaping plans for the project.

h. Where applicable, plans for development of areas, located on or off site, to be used as mitigation for impacts associated with the proposed project.

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

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

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

l. On all shoreline variance applications, the plans shall clearly indicate where development could potentially occur without need of a variance, the physical features, and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

3.05 NOTICES FOR SHORELINE PERMITS

A Notice of Application shall be provided within fourteen (14) days after the determination of completeness and shall include the following:

A. The date of the application, the date of the notice of completeness for the application, and the date of the notice of application;

B. A description of the project, a description of the permit applications and studies submitted or requested under RCW 36.70B.070, RCW 36.70B.090 and WAC 173-27-180; A description of studies submitted and the location and times where they can be viewed;

C. A statement that the Public Comment period is open for not less than thirty (30) days, and statements of the right of any person to comment on the application, receive notice and in the case of a conditional use permit or variance, notice to participate in a public hearing, request a copy of the decision made and any appeal rights;

D. A shoreline substantial development permit is an administrative approval not requiring a hearing but the City will accept comment prior to close of the 30-day comment period before issuing a permit decision;

E. If a CUP or variance, the date time and place of the public hearing shall be noted in the notice. The date and time and place of the hearing shall be scheduled at the notice of the application;

F. Any other information deemed appropriate based on the nature of application;

G. Notice shall be given by at least one of the following methods:

1. Mailing notice within 300 feet of the real property owners as defined by the assessor's office;

2. Posting the site with notice in a conspicuous manner.

3.06 REVISIONS OF SHORELINE PERMITS

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

B. When an applicant wants to revise a shoreline permit, the applicant must submit detailed plans and text describing the proposed changes. If the Shoreline Administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with the SMP and the SMA, the Shoreline Administrator may approve the revision. Within the scope and intent of the original permit means all of the following:

1. No additional over-water construction is involved,

2. Ground area coverage and height is not increased more than ten percent;

3. Additional structures do not exceed a total of 250 square feet or ten percent, whichever is less;

4. The revision does not authorize development to exceed shoreline height, buffer, or any other requirement of the SMP;

5. Additional or revised landscaping is consistent with conditions (if any) attached to the original permit;

6. The use authorized in accordance with the original permit is not changed; and

7. No substantial adverse environmental impact will be caused by the project revision.

C. If the sum of the proposed revision and any previously approved revisions exceed the criteria above, an application for a new shoreline permit must be submitted.

D. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. The city shall notify parties of record of its action.

E. If the revision involves a shoreline variance or conditional use, the revision also must be reviewed and approved by Ecology. The City shall notify parties of record of Ecology's decision per WAC 173-27-100. The City or Ecology decision on revision to the shoreline permit may be appealed within 21 days of the date of filing, in accordance with the SMA.

F. Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's own risk until the expiration of the appeals deadline.

G. Revisions to permits under WAC 173-27-100 shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

3.07 SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS

A. The City is the final authority on issuance of a shoreline substantial development permit. Upon approval, approval with conditions or denial of a substantial development permit application, the final City decision shall be forwarded to the Department of Ecology for filing consistent with WAC 173-27-130. Ecology has the option to appeal the City's decision.

1. A decision on a shoreline substantial development permit shall be granted by the Administrator after a recommendation has been given by the Development Review Committee (DRC). A permit may be approved, approved with conditions, or denied.
   Permits may be approved, or approved with conditions, only when the development proposed is consistent with the following:
   a. Goals, policies and regulations of the SMP and SMA.
   b. The Chehalis Comprehensive Plan, development codes, and associated regulations.
2. Compliance with the State Environmental Policy Act (SEPA) shall be required. Review of the substantial development permit should be coordinated with SEPA review. The combined comment period shall not be less than 30-days.
3. Once the comment period lapses, if no public hearing is requested, the permit may be processed and submitted to Ecology.
4. If a public hearing is requested, the process outlined in CMC 17.09.130 shall be followed.
5. The Chehalis Hearing Examiner shall preside over the public hearing and follow the procedures outlined in CMC 2.50.
6. Consistent with RCW 90.58.180, any person(s) aggrieved by the City's

permit decision may file an appeal to the Shorelines Hearings Board within 21 days of the date of filing of the decision.

7. When a substantial development permit and conditional use or variance permit are required for a development, the submittal of the permits to Ecology shall be made concurrently.

3.08 SHORELINE CONDITIONAL USE PERMITS

A. The Department of Ecology is the final authority for review and approval of Conditional Use Permits.

B. Pursuant to WAC 173-27-210 and WAC 173-27-160, the criteria below shall constitute the minimum criteria for review and approval of a shoreline conditional use permit. Uses classified as conditional uses by the regulations of the SMP, or unclassified uses, may be authorized; provided, that the applicant can demonstrate all of the following:

1. The proposed use is consistent with the policies of RCW 90.58.020, the policies of the SMP, Chehalis Comprehensive Plan and other applicable plans or regulations;
2. The proposed use will not interfere with the normal public use or access to public shorelines;
3. The proposed use and design of the project will be compatible with other authorized uses in the area and with uses planned for the area under the Comprehensive Plan and SMP;
4. The proposed use will cause no unreasonably adverse effects to the shoreline area, will result in no net loss of ecological functions, and will not be incompatible with the environment designation or zoning classification in which it is to be located;
5. The public interest suffers no substantial detrimental effect;
6. The proposed use is in the best interest of the public health, safety, morals or welfare; and consideration of cumulative impacts resulting from the proposed use has occurred and has demonstrated that no substantial cumulative impacts are anticipated, consistent with WAC 173-27-160(2).

C. Compliance with the State Environmental Policy Act (SEPA) shall be required. Review of the Conditional Use Permit should be coordinated with SEPA review. The combined comment period shall not be less than 30-days.

D. Uses, which are specifically prohibited by the SMP may not be authorized under this section.

E. Conditional Use Permits require review and recommendation by the Chehalis Hearing

Examiner. The Hearing Examiner may forward recommended conditions to City staff, who may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria.

F. The decision of the Hearing Examiner shall be the final decision of the City. Upon approval, approval with conditions, or denial; the application shall be submitted to Ecology for review and filing consistent with WAC 173-27-130.

G. Ecology shall be the final authority authorizing a shoreline conditional use permit consistent with WAC 173-27-200. Ecology shall render a decision to approve, approve with conditions, or deny the application within 30 days of receipt of the complete submittal.

3.09 SHORELINE VARIANCE PERMITS

A. The purpose of a shoreline variance is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020.

B. Pursuant to WAC 173-27-210 and WAC 173-27-170, the criteria below shall constitute the minimum criteria for review and approval of a shoreline variance. A shoreline variance for development that will be located landward of the OHWM (per RCW 90.58.030(2)(c) definition), and/or landward of a wetland as defined in RCW 90.58.030(2)(h) may be authorized, provided the applicant can demonstrate all of the following:

1. The strict requirements of the bulk, dimensional or performance standards set forth in the SMP preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the SMP; the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the SMP, and not, for example from deed restrictions or situations/conditions created by the applicant's own actions;
2. The design of the project will be compatible with other permitted uses within the area and with future uses planned for the area. The use will not cause adverse impacts to the shoreline environment;
3. The shoreline variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and
4. The public interest will suffer no substantial detrimental effect.

C. Shoreline variances for development that will be located either waterward of the OHWM or in a wetland as defined in RCW90.58.030(2)(h) may be authorized, provided the applicant

can demonstrate all the criteria stated above as well as the following:

1. The strict application of the bulk, dimensional or performance standards set forth in the SMP precludes all reasonable use of the property not otherwise prohibited by the SMP; and
2. The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the shoreline variance.

D. In the granting of all shoreline variance approvals, consideration shall be given to the cumulative impact of additional requests for like actions in the area. If shoreline variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of all the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment or result in a net loss of ecological functions.

E. Shoreline variances from the use regulations of the SMP are prohibited.

F. The Shoreline Administrator and/or Hearing Examiner may forward recommended conditions to attach to the approval of the variance as necessary to assure consistency of the proposal with the above criteria.

G. Compliance with the State Environmental Policy Act (SEPA) shall be required. Review of the Conditional Use Permit should be coordinated with SEPA review. The combined comment period shall not be less than 30-days.

I. The decision of the Hearing Examiner shall be the final decision of the City. Upon approval, approval with conditions, or denial; the permit shall be submitted to Ecology for review and filing consistent with WAC 173-27-130. Ecology shall be the final authority authorizing a shoreline variance consistent with WAC 173-27-200.

3.10 SHORELINE LETTERS OF EXEMPTION

A. Exemptions shall be construed narrowly. A letter of exemption shall be required for a development that is exempt from the requirements for a shoreline substantial development permit. A letter of exemption is not an exemption from compliance with the policies and regulations of the SMP, SMA or any other regulatory requirement.

B. Letters of Exemption shall be prepared by the Shoreline Administrator, kept on file at the Chehalis Community Development Department and copies submitted to Ecology. The letter of exemption shall indicate the specific exemption provision(s) from WAC 173-27-040 that are being applied to the development and provide a summary of the analysis demonstrating consistency of the project with the SMA and the SMP.

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

D. The Shoreline Administrator may attach conditions to letters of exemption as necessary to

assure consistency of the proposal with the SMA and the SMP.

E. To qualify for a letter of exemption, the proposed use, activity, or development must meet the requirements as described and listed in WAC 173-27-040.

F. The burden of proof that a project qualifies for an exemption rests with the applicant.

G. Relationship to Conditional Use and Variance Permits:

1. A development or use that is listed as a shoreline conditional use in accordance with the SMP or is an unlisted use, must obtain a shoreline conditional use permit even though the development or use does not require a substantial development permit.

2. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the SMP, such development or use can only be authorized by approval of a shoreline variance

H. Some projects conducted on Shorelines of the State also require review and approval by federal agencies. Ecology is designated as the coordinating agency for the State with regard to permits issued by the USACE. The following is intended to facilitate Ecology's coordination of local jurisdiction actions, with regard to exempt development, with Federal permit review.

1. When an exempt development is subject to federal permit requirement(s), the Shoreline Administrator shall prepare a letter of exemption, and transmit a copy to the applicant and Ecology. The Shoreline Administrator shall prepare a letter of exemption to go along with the following federal permit(s), if applicable:
   a. USACE Section 10 permit under the Rivers and Harbors Act of 1899 (project occurring on or over navigable waters); or Section 404 permit under the Federal Water Pollution Control Act of 1972 (projects involving the discharge of dredge or fill material to any water or wetland areas).

2. Ecology will be notified prior to issuance of the letter of exemption. The letter of exemption shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the Shoreline Administrator's analysis of how the project is consistent with the SMP and the SMA. The letter of exemption granted may be conditioned to ensure that the activity is consistent with the SMA and the SMP.

3.11 PUBLIC HEARING AND DECISION

3.11.01 BURDEN OF PROOF FOR DEVELOPMENT CONFORMANCE

A. The burden of proving that a proposed use or development is consistent with the criteria set forth in the SMP, as well as the requirements of the SMA, shall be on the applicant.

3.11.02 PUBLIC HEARING PROCESS

A. In accordance with the Chapter 17.09., the Hearing Examiner shall hold at least one open record public hearing on each application for a shoreline conditional use permit, or variance in shoreline jurisdiction. The Hearing Examiner will make the final decision at the open record hearing or may take testimony and close the hearing and issue a written decision within 10 days of the hearing.

B. If, for any reason, testimony on a matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Hearing Examiner may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.

C. The Hearing Examiner shall make and enter written findings from the record and conclusions thereof, which support the recommendation. The findings and conclusions shall set forth the manner in which the recommendation is consistent with the criteria set forth in the SMA and the SMP.

3.11.03 NOTICE OF DECISION

A. The Shoreline Administrator shall notify the following persons in writing of the City's action on a shoreline substantial development permit. A conditional use permit, or variance must be approved by Ecology but the City must still provide notice of decision within 14 days of the Hearing Examiner's or Ecology's final decision:

1. The applicant;

2. Ecology, consistent with WAC 173-27-130;

3. The State Attorney General;

4. Any person who has provided written or oral comments on the application or at the public hearing; and

5. Any person who has written the Shoreline Administrator requesting notification.

3.12 DATE OF FILING AND DEVELOPMENT START DATE

A. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailedsimultaneously with any Substantial Development Permits for the project.

B. The permit and documentation of the final local decision will be mailed together with the complete application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

C. Construction pursuant to a shoreline substantial development permit, conditional use permit, or variance shall not begin or be authorized until 21 days from the date the permit was filed, or until all review proceedings initiated within 21 days of the date of such filing have been terminated.

D. The date of filing for shoreline substantial development permits is the date of actual receipt by Ecology of the City's decision. With regard to conditional use permits and variances, the date of filing means the date Ecology's decision is transmitted by Ecology to the City.

E. When a proposal requires both a substantial development permit and a conditional use permit or variance, the date of filing for the conditional use permit or variance shall apply.

F. Consistent with RCW 90.58.140(6), the state's Shoreline Hearings Board 21-day appeal period starts with the date of filing.

3.13 APPEALS OF DECISIONS

Any person aggrieved by the granting or denying of a shoreline substantial development permit, conditional use permit, or variance may seek review from the State Shorelines Hearings Board. Review may be requested by filing a petition for review with the board within 21 days of the date of filing of the decision, as defined by RCW 90.58.140(6) and by concurrently filing copies of such request with the Clerk, Ecology and the Attorney General's office. State Shorelines Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC.

3.14 TIME REQUIREMENTS AND REVISIONS

A. The time requirements of this Section shall apply to all shoreline substantial development permits and to any development authorized in accordance with a shoreline conditional use permit or variance authorized by the SMP.

B. Construction activities shall be commenced or, where no construction activities are involved, the use shall be commenced within two years of the effective date of a shoreline substantial development permit, conditional use permit, or variance. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the permit or variance and to Ecology.

C. Authorization to conduct development activities shall terminate five years after the effective date of a shoreline substantial development permit, conditional use permit, or variance. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and Ecology.

D. The effective date of a substantial development, conditional use, or variance permit shall be the date of filing as provided in RCW 90.58.140(6) and this SMP. The permit time periods in this SMP do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on such permits or approvals.

E. Revisions to permits, in accordance with the provisions of WAC 173-27-100, may be authorized after original permit authorization has expired; provided 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. The Shoreline Administrator 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 and the SMP shall require a new permit application.

3.15 INSPECTIONS

The Shoreline Administrator or designee may enter the subject property to enforce the provisions of the SMP and inspect progress to ensure compliance. Such inspections shall be made during normal business hours, or upon another mutually agreed to date and time. It is the applicant's responsibility to schedule all required inspections at the appropriate stages.

3.16 PENALTIES, VIOLATIONS AND ENFORCEMENT

The SMA imposes significant penalties for violation of the SMA and this SMP. A violation constitutes a gross misdemeanor, which is punishable by fine or imprisonment pursuant to RCW 90.58.220. In addition to the criminal penalty, the SMA imposes liability on any person violating the SMA or conditions of a permit for all damage to public or private property resulting from the violation. Furthermore, if liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party. (RCW 90.58.230). Violations are also subject to the provisions of CMC Title 17.09.160, RCW 90.58.140, and RCW 90.58.180 and WAC 173-27.

3.17 SHORELINE MASTER PROGRAM REVIEW

The following guidelines are to be used for review of the SMP:

A. The SMP shall be reviewed periodically, at least once every 8 years as required by RCW 90.58.080(4)(b) beginning on or before June 30, 2022 and every 8 years thereafter. Amendments shall be made as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

B. The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to document the cumulative effect of all project review actions in shoreline jurisdiction. It will also be used to evaluate periodically the effectiveness of the SMP in achieving no net loss of ecological functions in shoreline jurisdiction, with respect to both permitting authorized developments (including mitigation and restoration actions), letters of exemption, and enforcement actions. This process may involve a joint effort by the City, State resource agencies, affected Native American tribes, and other parties.

C. As part of any required SMP update, an evaluation report assessing the effectiveness of the SMP in achieving the no net loss standard shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.

D. The SMP periodic review and update process shall be consistent with the requirements of Chapter 173-26 WAC or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

E. The City should use a process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. Related to the constitutional takings limitation, a process established for this purpose is set forth in a publication entitled, State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property, first published in February 1992.

3.18 SHORELINE MASTER PROGRAM AMENDMENTS

The following guidelines are to be used for any amendments to the SMP:

A. Any of the provisions of the SMP may be amended as provided for in RCW 90.58.120, RCW 90.58.200, and Chapter 173-26 WAC. Amendments shall also be subject to the procedures in applicable city codes.

B. Amendments or revisions to the SMP, as provided by law, do not become effective until approved by Ecology.

4 GENERAL SHORELINE MANAGEMENT GOALS

SHORELINE MASTER PROGRAM GOALS

The State SMP Guidelines (WAC 173-26-186(3)) require that all relevant policy goals must be addressed in the planning policies of the SMP. This section contains goals that express the long-term vision of the City and its citizens for their shorelines. These goals provide the basis for the more detailed SMP shoreline uses, policies and regulations in chapters 5 - 7.

4.10 CIRCULATION ELEMENT GOAL

Derived from RCW 90.58.100(2)(d): " .....consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element."

Goal CIR-1. Encourage a multi-mode, multi-purpose circulation system, which provides efficient and safe movement of people with no net loss of ecological functions.

4.11 CONSERVATION ELEMENT GOAL

Derived from RCW 90.58.100(2)(f): "….for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection."

Goal CONS-1. Encourage sensible management of renewable shoreline resources and preservation of non-renewable shoreline resources.

Goal CONS-2. Encourage restoration of degraded ecological functions.

4.12 ECONOMIC DEVELOPMENT ELEMENT GOAL

Derived from RCW 90.58.100(2)(a): "….for the location and design of industries, projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of Shorelines of the State."

Goal ED-1: Encourage full and complete utilization of resources to improve the standard of living for residents of the City of Chehalis, while assuring that these resources are utilized in a manner consistent with assuring no net loss of ecological function and no adverse effects to the shoreline environment.

Goal ED-2: Give priority to water-oriented uses. The highest priority should be given to water-dependent uses.

Goad ED-3: Encourage economic development in areas with pre-existing and/or partially developed properties.

4.13 FLOOD HAZARD PREVENTION ELEMENT GOAL

Derived from RCW 90.58.100(2)(h): "…gives consideration to the statewide interest in the prevention and minimization of flood damages."

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

Goal FHP-2. Encourage open space and passive recreational uses in floodplain areas.

4.14 HISTORIC, CULTURAL, SCIENTIFIC, AND EDUCATIONAL ELEMENT GOAL

Derived from RCW 90.58.100(2)(g): "..... for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values."

Goal HCSE-1. Protect, preserve, and restore areas and sites having historic, cultural, educational, or scientific values.

Goal HCSE-2. Coordinate with all appropriate agencies, including but not limited to, state, tribal and local agencies, to ensure uses are appropriate and resources are preserved and protected.

4.15 PUBLIC ACCESS ELEMENT GOAL

Derived from RCW 90.58.100(2)(b): "….making provisions for public access to publicly owned areas."

Goal PA-1: Assure that intrusions created by public access will not endanger life, property, public or private property rights, or have detrimental effects on fragile natural features.

Goal PA-2: Upgrade the quality of existing public access and provide additional accesses, which are safe, compatible with the natural features, and widely distributed to avoid concentration of user pressure

4.16 RECREATIONAL ELEMENT GOAL

Derived from RCW 90.58.100(2)(c): "Provide for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas."

Goal REC-1: Maintain existing recreational opportunities to serve the demands of the citizens and visitors, while ensuring no net loss of ecological functions.

Goal REC-2: Plan for and encourage development of a variety of new supplemental shoreline recreational opportunities to serve the demands of the citizens and visitors, while ensuring no net loss of ecological functions.

4.17 RESTORATION ELEMENT GOAL

Derived from WAC 173-26-201(2)(f) and RCW 90.58.100(2)(i): "Any other element deemed appropriate or necessary to effectuate the policy of this chapter."

Goal REST-1. Encourage restoration of previously degraded areas so that they may be renewed or restored to a natural or useful condition.

Goal REST-2. Provide technical and administrative support to help coordinate and facilitate restoration projects between individuals, organizations and agencies.

4.18 SHORELINE USE ELEMENT GOAL

Derived from RCW 90.58.100(2)(e): "…..considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land."

Goal SU-1. Assure that shoreline development corresponds with the character and physical limitations of the land and water. Promote a viable pattern of land and water use without disrupting environmental quality.

Goal SU-2. Enhance protection of the shoreline environment by proper siting, monitoring and regulating of shoreline uses and developments. Require mitigation for all adverse impacts.

Goal SU-3. Limit public health, safety and general welfare risks by limiting development in critical areas.

5 GENERAL SHORELINE MANAGEMENT POLICIES & REGULATIONS

The following general policies and regulations apply to developments, uses, or activities in any shoreline environment designation. These provisions are inclusive, allowing them to apply to all shoreline environments as well as specific shoreline developments, uses and activities. The intent of the general policies and regulations is to protect environmental resources, reduce likelihood of harm to life or property from hazardous conditions, and promote access to shorelines.

Each section below contains a description of its purpose, followed by 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 policies and regulations contained in this chapter are derived from the SMA and the State SMP Guidelines. Regulations ensure that no net loss of ecological functions necessary to sustain shoreline natural resources occurs. The policies and regulations in this chapter supplement other adopted ordinances and rules.

5.01 UNIVERSALLY APPLICABLE POLICIES AND REGULATIONS

The purpose of this section is to develop and utilize polices and regulations that are applicable to any shoreline permit process and/or review.

A. POLICIES

1. Involve appropriate Federal, State, and Tribal governments in the shoreline application review process, as required.
2. Pursue planning processes through regulation of development of private property to the extent that is consistent with relevant constitutional and other legal limitations.
3. Keep a record of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.
4. The Shoreline Administrator should evaluate shoreline conditions as part of the shoreline permit review process on an ongoing basis to determine if intervention is necessary to ensure no net loss of ecological functions, to protect and enhance visual quality, and to identify and protect significant historic or cultural resources in the shoreline. Specific issues to address in evaluations include, but are not limited to the following:

a. Water quality.

b. Conservation of aquatic vegetation and control of noxious weeds.

c. Changing visual character as a result of new development or redevelopment and individual vegetation conservation practices along shoreline and upland areas.

d. Shoreline stabilization and modifications.

e. Significant historic or cultural resources within shoreline jurisdiction resulting from research, inventories, discoveries, or new information.

B. REGULATIONS

1. All shoreline uses and development within shoreline jurisdiction, regardless of whether or not they require a shoreline permit, must conform to the SMA and to the policies and regulations of the SMP.
2. If provisions of the SMP conflict, or if there is a conflict with other policies and regulations adopted by the City, the provisions most directly implementing the objectives of the SMA, as determined by the Shoreline Administrator, shall apply unless specifically stated otherwise.
3. Shoreline uses, modifications, and conditions listed as prohibited shall not be eligible for consideration as a shoreline variance or conditional use.

5.02 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

The purpose of this section is to prevent destruction or damage to sites containing valuable and/or irreplaceable archeological or historic resources within shoreline jurisdiction. Policies and regulations apply to archaeological and historic resources recorded by the Washington State Department of Archaeology and Historic Preservation (DAHP), local jurisdictions, affected Native American tribes, or that are inadvertently discovered during site development.

A. POLICIES

1. Permanently preserve archeological or historic sites for scientific study and public observation whenever feasible. In areas known to contain significant archaeological and historic data, shoreline permits should be conditioned to allow for site inspection and evaluation to ensure proper salvage of such data.
2. Prevent the destruction of, or damage to, a site that has been inadvertently discovered or has historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Native American tribes and the DAHP.

3. Encourage consultation with professional archaeologists and historians to identify areas containing potentially valuable archaeological or historic data, and to establish procedures for salvaging data. Appropriate agencies to consult include, but are not limited to, the Lewis County Historical Society, DAHP, Confederated Tribes of the Chehalis Reservation, Cowlitz Indian Tribe, Nisqually Indian Tribe, and the Quinault Indian Tribe.
4. Design and operate a proposed development to be compatible with continued protection of the archaeological or historic site, if development or demolition activity is proposed adjacent to an identified archaeological or historic site.

B. REGULATIONS

1. In areas documented to contain archaeological resources, the issued permits shall require a site inspection in accordance with WAC 173-26-221(1)(c) by a professional archaeologist in coordination with affected Native American tribes. Failure to complete a site survey in accordance with State law shall be considered a violation of the shoreline permit.
2. Where a professional archaeologist has identified an area or site as having significant value, or where an area or site is listed in Federal, State, or local historical registers, the local jurisdiction may require an evaluation of the resource and establish appropriate conditions. These conditions may include the preservation or retrieval of data, proposal modifications to reduce impacts, or other mitigation authorized through the State Environmental Policy Act (SEPA), or other Federal, State, or local jurisdiction's laws.
3. The applicant shall stop work immediately and contact the City, DAHP, and affected Native American tribes if archaeological resources are uncovered during work.

5.03 ECOLOGICAL PROTECTION AND CRITICAL AREAS

This section applies policies and regulations to the management of critical areas located within shoreline jurisdiction. The purpose of this section is to provide a level of protection to critical areas within the shoreline area to ensure no net loss of ecological functions. Critical areas include the following:

- Wetlands
- Critical aquifer recharge areas
- Fish and wildlife habitat areas
- Frequently flooded areas
- Geologically hazardous areas

A. POLICIES

1. Carry out shoreline use and development in a manner that results in no net loss of ecological functions.
2. Consider project-specific and cumulative impacts in assessing the potential for net loss of ecological functions.
3. Protect existing ecological functions and ecosystem-wide processes through regulations and development standards for shoreline height, stabilization, vegetation conservation, buffers, critical areas, and water quality.
4. Promote human uses and values in critical area provisions, such as public access and aesthetic values, provided they do not adversely affect ecological functions.

B. REGULATIONS

1. The provisions of this section and the City's Critical Areas Regulations, subject to the exceptions listed in SMP Section 1.06(A), shall apply to all uses, alterations, or developments within the area subject to the SMA, whether or not a shoreline substantial development permit, conditional use permit, variance, or letter of exemption is required.
2. Unless otherwise stated, critical area buffers and shoreline buffers shall be protected or enhanced in accordance with the SMP and CMC.
3. Applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts to ecological functions resulting from new development and redevelopment in shoreline jurisdiction in the following order of priority. Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
    a. Avoid the impact altogether by not taking a certain action or parts of an action;
    b. Minimize impacts by limiting the magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts such as project redesign, relocation, or timing;
    c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
    d. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
    e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
    f. Monitor the impact and the compensation projects and take appropriate corrective measures.
4. Mitigation shall be required for all projects having unavoidable impacts on ecological

functions. Mitigation ratios are established in the Critical Areas Regulations for impacts to wetlands and wetland buffers. All other mitigation shall be designed to result in no net loss of ecological functions to the greatest extent feasible.

5. When compensatory measures are appropriate in accordance with the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and are located on-site of the impact.
6. Alternative compensatory mitigation, off-site and within the watershed, that addresses limiting factors or identifies critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.
7. Hydrologic connections between waterbodies and associated wetlands shall be protected.
8. The cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.
9. Mitigation plans shall be prepared by a qualified professional and at a minimum contain all of the following:
    a. Narrative on why the impact cannot be avoided.
    b. Description of why other less impacting alternatives are not feasible.
    c. Description of how the project complies with the mitigation sequencing, as defined in subsection 3 of this section.
    d. Mitigation ratios at a minimum of 1:1, or greater, whichever will ensure no net loss of ecological functions.
    e. Maintenance and monitoring plan throughout the life of the use, or until such time as an alternative plan is approved.
    f. A bond may be required to ensure success of the mitigation plan.
    g. Any other requirement necessary to ensure no net loss of ecological functions, as determined by the Shoreline Administrator.
    h. Applicants must record the final approved mitigation plan and corresponding conditions with the Lewis County Auditor.

5.04 FLOOD HAZARD MANAGEMENT

The purpose of this section is to provide actions to reduce flood damage or hazards caused by uses, development, and shoreline modifications proposed in flood hazard areas. Flood hazard management measures may consist of the following nonstructural and structural measures:

Nonstructural measures such as:

- Shoreline buffers;
- Land use controls;
- Wetland restoration;
- Use relocation;
- Biotechnical measures; and
- Stormwater management programs.

And of structural measures, such as

- Dikes;
- Levees;
- Revetments;
- Floodwalls;
- Dams;
- Channel realignment; and
- Elevation of structures consistent with the National Flood Insurance Program (NFIP).

Although some flood hazard management measures may serve a dual function as shoreline stabilization, their primary purpose is to control the location of floodwaters directly. The City implements flood hazard management through plans and policies such as:

- Comprehensive Plan;
- The Lewis County Multi-Jurisdictional Hazard Mitigation Plan;
- Watershed Management Plans; and
- Critical area regulations;
- Flood hazard regulations; and
- Stormwater regulations.

A. POLICIES

1. Achieve flood hazard management through a coordinated and integrated approach of plans, regulations, and programs.
2. Prefer non-structural flood hazard management measures to structural measures where feasible. New structural flood hazard reduction measures are allowed only where demonstrated to be necessary, and when non-structural methods are infeasible, and mitigation is accomplished.
3. Limit development and shoreline modifications within the CMZ that interfere with the natural process of channel migration.
4. Assure flood hazard protection measures do not result in a net loss of ecological functions and ecosystem-wide processes associated with rivers and streams.
5. Plan for and facilitate returning river and stream conditions to more natural hydrological conditions where feasible and appropriate.
6. Require new publicly funded dike or levee projects to dedicate and improve public access, subject to exceptions.

B. REGULATIONS

1. All proposed flood hazard management projects shall comply with the provisions of this SMP as well as the Lewis County Multi-Jurisdictional Hazard Mitigation Plan, CMC Chapter 17.22 – Frequently Flooded Areas, and all other applicable local, state and federal regulations.
2. Development in floodplains shall not increase flood hazards.
3. New development or new uses in the area subject to the SMA, including subdivision of land, should not be established when it would be reasonably foreseeable that the use or development would require structural flood hazard reduction measures within the flood plain or floodway.
4. New structural flood hazard management measures are permitted if:
    a. No net loss of ecological functions and values will occur;
    b. A scientific or engineering analysis confirms they are necessary to protect existing development; and
    c. Nonstructural flood hazard management measures are not feasible.
5. If new structural flood hazard management measures are required, they shall be placed landward of the associated wetlands and buffer areas, except where no alternative exists as documented in a geotechnical analysis or other necessary study.
6. New structural publicly-funded flood hazard management measures, including dikes and

levees, shall dedicate and improve public access except when those improvements would:

a. Cause health or safety hazards or security problems;

b. Result in significant ecological impacts;

c. Create a conflict of uses; or

d. Cost a disproportionate or unreasonable amount relative to the total long-term cost of the development.

7. Removal of gravel for flood management purposes shall be consistent with all applicable codes and permitted only after a biological and geomorphological study demonstrates that extraction:

   a. Provides a long-term benefit to flood hazard management;

   b. Does not result in a net loss of ecological functions; and

   c. It is part of a comprehensive flood management solution.

8. If a Channel Migration Zone (CMZ) is identified, new development within the CMZ shall not interfere with the process of channel migration or cause a net loss of ecological functions. Development in the CMZ and floodways is limited to:

   a. Actions that protect or restore the ecosystem-wide process or ecological functions;

   b. Forest practices in compliance with the Forest Practices Act;

   c. Existing and ongoing agricultural practices, provided no new restrictions to channel movement occur;

   d. Mining uses conducted consistent with the shoreline environment designation and with provisions of WAC 173-26-241(3)(h);

   e. Bridges, utility lines, and other public utility and transportation structures where no feasible alternative exists, or the alternative would result in an unreasonable and disproportionate cost;

   f. Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes;

   g. Repair and maintenance of an existing legal use, given that repair and maintenance do not cause significant ecological impacts or increase flood hazard in other areas;

   h. Modifications or additions to an existing legal use, provided channel migration is not further limited and that new development includes appropriate protection of ecological functions;

   i. Development where existing structures prevent active channel movement and flooding;

j. Measures to reduce shoreline erosion, if the following is demonstrated:

i. The erosion rate exceeds that which would normally occur in a natural condition,

ii. The measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and

iii. The measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

5.05 PUBLIC ACCESS

As provided for in WAC 173-26-221(4), public access to the Shorelines of the State is the ability of the 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." The purpose of this section is to allow for appropriate public access to Shorelines of the State.

A. POLICIES

1. Establish policies and regulations that protect and enhance the public's right to both visual and physical access to Shorelines of the State to the greatest extent feasible.
2. Regulate design, construction, and operation of permitted uses in Shorelines of the State to minimize interference with the public's use of the water, whenever practical. Provisions such as maximum shoreline height limits, buffers, and view corridors should be considered to preserve and enhance views from private or public property.
3. Increase public access where appropriate. The City should seek to increase the amount and diversity of public access to shorelines consistent with adopted parks and recreation plans, the natural shoreline character, private property rights, public rights under the Public Trust Doctrine, and public safety.
4. Design public access to minimize potential impacts to private property and individual privacy, safeguard private property rights, and maintain public safety while meeting the intent of the SMA. Public access does not include the right to enter upon or cross private property, except where dedicated public rights-of-way or easements are established or where development is specifically designed to accommodate public access.
5. Maintain, enhance, and increase public access in accordance with the following priorities unless found infeasible:
   a. Maintain existing public access sites and facilities, rights of way, and easements.
   b. Provide new or enhance existing public access opportunities on existing public lands and easements.

c. Acquire property and/or easements to add public access opportunities to implement adopted public access plans or to recognize opportunities to protect areas that hold unique value for public enjoyment.

d. Encourage public access to shorelines as part of new or expanded shoreline developments.

6. Shoreline development plans by public entities; including local jurisdictions, port districts, State agencies, and public utility districts, must include public access measures unless it is unsafe, unsecure, and/or negatively affects the shoreline environment.

B. REGULATIONS

1. Shoreline public access shall be required for the following shoreline developments and uses unless determined to be infeasible:

   a. Shoreline recreation in accordance with SMP Section 6.02.10.

   b. New structural public flood hazard reduction measures, such as dikes and levees;

   c. Shoreline development by public entities, including local jurisdictions, port districts, State agencies, and public utility districts; and

   d. New marinas when water-enjoyment uses are associated with the marina.

   e. New water-related, water-enjoyment or nonwater-dependent uses.

   f. New, expanded or substantially altered uses that result in disturbance of an existing public access.

   g. Commercial and industrial developments.

   h. Residential developments involving five or more dwelling units.

2. Shoreline public access shall be required to the extent allowed by law for all water-enjoyment, water-related, and non-water-dependent developments and for the subdivision of land into five or more parcels except when any of the following conditions are present:

   a. The development consists of four or less dwelling units;

   b. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;

   c. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

   d. Significant environmental impacts will result from the public access that cannot be mitigated;

   e. Significant undue and unavoidable conflict between any access provisions and the

proposed use or adjacent uses would occur and cannot be mitigated;

f. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

g. Legal limitations preclude public access;

h. The subject site is separated from the shoreline waterbody by intervening public or private improvements such as highways, railroads, existing structures, or similar improvements, and public access is not desirable or feasible; or

i. Adequate public access already exists along the subject property or is planned in adopted public plans.

3. In addressing SMP Section 5.06.B.2 above, the applicant must first demonstrate, and then the local jurisdiction must determine in its findings, that all feasible alternatives have been exhausted, including, but not limited to:

   a. Where physical access is not feasible, visual access is provided instead;

   b. Regulating access by such means as limiting hours of use to daylight hours;

   c. Separating uses by such means as fences, terracing, landscaping, signage, etc.;

   d. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system; or

   e. Provision of an off-site public access or proportional contribution in accordance with SMP Section 5.06.B.4 below that allows public access at a site physically separated from, but capable of serving, the proposal.

4. Projects that meet the exception criteria in SMP Section 5.05.B.2 above, but that result in unavoidable adverse impacts to shoreline public access, shall either build or make a proportional contribution to off-site public access facilities or improvements. 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:

   a. Enhancing a nearby public property, such as an existing public recreation site or public access; an existing public access; improving a road, street or alley abutting a body of water; or a similar site in accordance with local jurisdiction standards;

   b. Providing, improving or enhancing public access on another property under the control of the applicant; or

   c. Providing other equivalent measures.

5. Instead of on-site or off-site public access improvements, the local jurisdiction may require, or an applicant may propose, a proportional contribution. A proportional contribution may be

assessed through the SEPA process, where appropriate, such as where the off-site improvement is best located.

6. The cost of providing the off-site public access shall be proportionate to the total long-term cost of the proposed development.
7. The proportional contribution agreements or mitigation measures shall address the responsibility and cost for operation and maintenance.
8. Where public access is to be provided by a trail, the following requirements shall apply:
    a. The trail shall be no greater than ten feet in surface width, and in addition, may include one-foot gravel shoulders. Not including landscaping, no more than eight feet of improved surface is preferable in most cases;
    b. Landscaping should be native and drought tolerant or site appropriate; and
    c. Other specific conditions as may be described in the adopted Parks, Recreation and Open Space Plan.
9. Public access facilities shall be compatible with adjacent private properties using vegetative buffering or other techniques to define the separation between public and private space.
10. Required public access sites shall be fully developed and available for public use prior to occupancy or use of the development.
11. Public access easements and permit conditions shall be recorded as a separate document or on the face of a plat or short plat. Recording with the Lewis County Auditor's Office shall occur at the time of permit approval.
12. The applicant shall construct, install, and maintain approved signs that indicate the public's right of access and hours of access in conspicuous locations at public access sites. Alternatively, where public access is prohibited, property owners may install signs indicating this, subject to size and location restrictions in a required permit.
13. 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.
14. The city may not vacate any road, street, or alley abutting a body of water except as provided under RCW 35.79.035 as follows:
    a. The vacation is sought to enable the city to acquire the property for port, water access, boat moorage or launching sites, park, public view, recreation, or educational, or other public purposes;
    b. The City, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for port, water access, boat moorage, launching sites, park, public view, recreation, or education purposes;

c. The vacation is sought to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

d. Before adopting a resolution vacating a street or alley, pursuant to RCW 35.79.035, the City shall:

   i. Compile an inventory of all rights-of-way that abut the same body of water that is abutted by the street or alley sought to be vacated;

   ii. Conduct a study to determine if the street or alley to be vacated is suitable for any of the following purposes: Port, boat moorage, launching sites, water access, park, public view, recreation, or education;

   iii. Hold a public hearing on the proposed vacation, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to the Responsible Official indicating his or her objection; and

   iv. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (ii) of this subsection, and that the vacation is in the public interest.

e. No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the City only for acquiring additional water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

15. Public access shall be designed to achieve no net loss of ecological functions. Where impacts are identified, mitigation shall be required in compliance with SMP section 5.03.

16. Public access proposals shall be conditioned as necessary to ensure compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, and/or compatibility with adjacent properties.

17. Approved signs that indicate the public's right and hours of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.

5.06 SCIENTIFIC AND EDUCATION RESOURCES

The purpose of this section is to identify guidelines, studies and educational uses of the shoreline area. Such uses shall be compatible with existing uses, public access and conducted in a manner that results in no net loss of ecological functions.

A. POLICIES

1. Require permits or letters of exemption for scientific and educational uses that may impact ecological functions, water quality and/or interfere with public access.
2. Conduct scientific studies and educational uses in a manner that minimizes impacts and results in no net loss of ecological functions.

B. REGULATIONS

1. Uses and activities shall not jeopardize wildlife populations and organisms and shall result in no net loss of ecological functions.
2. Biological habitats shall not be permanently altered (temporary impacts may be permitted) unless associated with an approved enhancement and/or restoration project.

5.07 VEGETATION CONSERVATION AREA

The purpose of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation. Vegetation conservation is an important part of the establishment of shoreline buffers. Provisions for vegetation conservation include restrictions on plant clearing, vegetation restoration, and the control of invasive weeds and non-native species. Vegetation conservation excludes activities covered under the FPA unless otherwise stated.

A. POLICIES

1. Protect and restore ecological functions and ecosystem-wide processes provided by vegetation conservation along shorelines.
2. Ensure no net loss of ecological functions, protect and restore critical areas and maintain the natural shoreline character to the greatest extent feasible.
3. Explore opportunities to eliminate non-native invasive species and encourage the planting and enhancement of native vegetation.
4. Conserve native vegetation by restricting clearing to the minimum amount necessary for an approved use to maintain shoreline ecological functions.
5. Allow the selective pruning of trees for safety and view protection.
6. Permit clearing of vegetation associated with dike or levee maintenance as necessary to provide protection from flood hazards.

7. Prohibit speculative vegetation removal.
8. Prohibit developments or uses within geologically hazardous areas.
9. Prohibit developments or uses that pose a foreseeable risk to the public and/or property.

B. REGULATIONS

1. The minimum setback required by Table 6-3 in section 6.05 of this SMP, or the minimum Critical Areas buffers within shoreline jurisdiction required by CMC Title 17, whichever is greater, shall be considered the vegetation conservation area.
2. Clearing and grading regulations are found in SMP Section 7.07. All clearing and grading activities must be in compliance will all applicable local, state and federal regulations.
3. Vegetation conservation standards shall not apply retroactively to existing, legally established uses and developments. Existing, lawfully established landscaping and gardens within shoreline jurisdiction may be maintained in their existing condition.
    a. This includes, but is 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.
    b. 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.
4. Following a determination by a licensed arborist, or with the concurrence of the City, trees that are in immediate danger of collapse and represent a clear hazard to persons or property may be removed without a permit. Immediate danger of collapse means that the tree is already leaning, surrounding soil is heaving, and there is significant likelihood that the tree or a portion of it will fall before a permit can be obtained. Replacement and/or compensatory mitigation may be required.
5. Clearing of invasive, noxious non-native vegetation is allowed only if hand-held equipment is used and native vegetation is promptly reestablished in the disturbed area.
6. Restoration projects shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case non-invasive plant materials may be used.
7. Aquatic vegetation control shall only occur where native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds.

8. Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the Shoreline Administrator within one year. Replanted areas subject to the SMA shall be planted and maintained such that the vegetation is at least 90% reestablished within three years. A bond may be required to ensure success of the replanted areas, as determined by the Shoreline Administrator.
9. During construction, vegetation in the area subject to the SMA shall be protected by implementation of appropriate erosion and sedimentation controls.
10. In those instances where management of vegetation as required by the 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 the SMP will not apply. The applicant shall submit documentation of conflicting provisions with shoreline permit applications and shall comply with all other provisions of this section and the SMP that are not strictly prohibited by certifying or licensing agencies.
11. Developments or uses that will result in adverse impact to vegetation conservation areas will require a compensatory mitigation plan. Such mitigation plan shall be prepared by a qualified professional and include the minimum actions necessary to ensure no net loss of ecological functions. A minimum of 1:1 ratio shall be required.
12. Water-oriented uses allowed in Table 6-1 of this SMP may be located within a vegetation conservation area, provided they are located, designed, constructed and operated to minimize the impacts to the maximum extent feasible. Such uses shall comply with the setbacks of Table 6-3 in section 6.05 of this SMP. Compensatory mitigation may be required.

5.08 WATER QUALITY

Prevent impacts to water quality and stormwater quality that would result in a loss of ecological functions, a significant impact to aesthetic qualities, or recreational opportunities.

A. POLICIES

1. Avoid significant ecological impacts by properly locating, designing, constructing and operating shoreline uses and developments.
2. To the greatest extent feasible, prevent impacts to water and stormwater quality that would result in net loss of shoreline ecological function, significant impacts to aesthetic qualities, or recreational opportunities.
3. Prohibit uses and developments that have a foreseeable risk of contamination of ground and surface waters. Such uses include, but are not limited to, the following:

storage, disposal and land application of waste; feedlots; junk yards; storage of hazardous waste, etc.

4. Locate, design, construct and operate measures for controlling erosion and stormwater runoff. Such measures should utilize best management practices (BMPs).

B. REGULATIONS

1. Stormwater management systems shall be engineered, constructed, operated and maintained to avoid significant ecological impacts by impacting water quality, quantity or hydrology.
2. Permits must be obtained for stormwater management systems that include best management practices and a Temporary Erosion and Sediment Control (TESC) Plan.
3. Structures that may come in contact with the water must be constructed of materials that cause no adverse impact to water quality and/or aquatic plants and animals. Materials used for structural components shall be approved by all applicable agencies prior to commencing construction or use.
4. If needed, engineering and/or reports from a qualified professional may be required for structural components to ensure no adverse impact from discharge of pollutants from waves, rain and/or runoff.

6 SPECIFIC SHORELINE USE POLICIES & REGULATIONS

This chapter contains specific shoreline use policies and regulations that apply to specific uses or development in any environment designation. Each section includes policies and regulations that apply to uses and developments whether a permit or letter of exemption is required or not. Policies are statements of principles that guide and determine present and future decisions. Regulations are rules that govern developments, uses, or activities.

6.01 GENERAL SHORELINE USE REGULATIONS

A. POLICIES

1. Shorelines are a limited ecological and economic resource. Apply the following priorities in the order listed when determining allowable uses or resolving use conflicts in the area subject to the SMA:
    a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health;
    b. Give preference to water-dependent and associated water-related uses;
    c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives;
    d. Locate single-family and multi-family residential uses where they can be developed without significant impact to ecological functions or displacement of water-dependent uses; and
    e. Limit non-water-oriented uses to those locations where the uses described above are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the SMA.
2. Locate accessory uses, such as parking, service buildings or areas, access roads, utilities, signs, and storage, landward of required shoreline buffers and water-oriented developments or other approved uses.
3. Locate, design, and manage developments through bulk and dimensional regulations, shoreline buffers, and other measures to ensure that the development will not result in a net loss of shoreline ecological functions.
4. Implement regulations for shoreline buffers consistent with critical area buffers and protecting existing ecological functions, accommodating water-oriented and preferred

uses, recognizing existing development patterns, and minimizing the creation of non-conforming uses and developments.

5. Protect beneficial uses, including ecological functions and water-dependent uses and water-oriented uses. Design, locate, and operate shoreline uses in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.
6. Prohibit uses that would result in a net loss of shoreline ecological functions, adversely affect the quality or extent of habitat for native species, adversely affect other habitat conservation areas, or interfere with navigation or other water-dependent uses.
7. If avoiding all significant adverse impacts to the shoreline is infeasible, minimize the impact to the greatest extent feasible and require mitigation and regular monitoring and maintenance.

B. REGULATIONS

1. Use and development standards shall not apply retroactively to existing, legally established structures, uses and developments in place at the time of the adoption of the SMP update. Such existing structures, uses and developments, including residential appurtenances, may be maintained, repaired, and operated within the shoreline jurisdiction and the shoreline buffers.
2. Development shall comply with all bulk and dimensional requirements found in CMC Title 17, as well as any other applicable local, state and federal regulations.
3. Shoreline developments shall locate their water-oriented portions along the shoreline and place other facilities landward or outside the area subject to the SMA to the greatest extent feasible.
4. Shoreline uses and developments shall be designed to complement the setting of the property and minimize glare and impacts to view corridors. Shoreline applicants shall demonstrate efforts to minimize potential impacts.

6.02 SHORELINE PERMITTED, CONDITIONAL AND PROHIBITED USES

A. The Permitted, Conditional, and Prohibited Use Table 6-1 establishes the uses allowed within each shoreline environment. Where there is a conflict between the table and the written provisions in the SMP, the written provisions shall apply.

B. Authorized uses are subject to the policies and regulations of the SMP and are only allowed in the area subject to the SMA when allowed by the underlying zoning.

C. Uses identified as Permitted require either a shoreline substantial development permit in accordance with SMP Section 3.04 or a letter of exemption pursuant to SMP section 3.07.

If any part of a proposed development is not eligible for an exemption, then a shoreline substantial development permit is required for the entire proposed development.

D. Uses identified as Conditional require a shoreline conditional permit pursuant to SMP section 3.05. Any use not listed in the Permitted, Conditional, and Prohibited Tables shall require a shoreline conditional use permit, even if the use does not require a shoreline substantial development permit, unless the Shoreline Administrator determines that the unclassified use is similar to a use listed in the Permitted, Conditional, and Prohibited Table 6-1.

E. Accessory uses shall be subject to the same shoreline permit process and SMP provisions as their primary use. An accessory use shall not be established prior to the establishment of its primary use.

F. The permit process indicated in the Permitted, Conditional, and Prohibited Uses Table 6-1 applies to new, expanded, modified, or replacement uses.

Table 6-1: City of Chehalis Permitted, Conditional, and Prohibited Uses Table

City of Chehalis Shoreline Uses (1,2)	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic (3)
Key: P = Permitted Use, C = Conditional Use, X = Prohibited				
Agriculture	P	P	P	X
Aquaculture	C	C	C	C
Boating Facilities	P	P	P	C
Commercial Development				
Water-Oriented	P	C	C	X
Non-water-Oriented	P	X	X	X
Forest Practices	P	P	P	X
Industrial Development				
Water-Oriented	P	C	X	X
Non-water-Oriented	P	X	X	X
In-Water Structure	-	-	-	C
Mining	C	X	X	X
Parking (4)	P	P	P	X
Recreational Development (5)				
Water-Oriented	P	P	P	P (6)
Non-water-Oriented	P	P	C	X
Trails	P	P	P	C
Residential Development (7)	P	P	P	X

City of Chehalis Shoreline Uses (1,2)	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic (3)
Signs	P	P	P	X
Transportation Facilities				
New Roads related to Permitted Shoreline Uses	P	P	P	X
Bridges for Motorized and Non-Motorized Uses	C	C	C	C
Expansions of Existing Circulation Systems	C	C	C	X
Utilities (Primary) – Accessory utilities to be reviewed as part of the primary use.				
Transmission lines within existing rights-of-way	P	P	P	C
Transmission lines outside of existing rights-of-way	P	C	C	C
Solid waste disposal or transfer sites	X	X	X	X
Wastewater treatment facilities	P	X	X	X
Other primary utility facilities	C	X	X	X

Notes:

(1) In the event of a conflict between the table and the regulatory text, the text shall govern.

(2) Any use that would substantially degrade the ecological functions should not be allowed. In addition, development shall be subject to the allowed uses established by the underlying zoning.

(3) Where a use would be located both upland and over-water, the more restrictive standards apply.

(4) Parking is allowed as an accessory use to an approved use as noted in SMP Section 6.02.09. Off-street parking lots or parking structures as a primary use are prohibited in all shoreline environments.

(5) Concession stands, gift shops, and interpretive centers are permitted as accessory uses when limited to serving a related, permitted recreational use in the Shoreline Residential and Urban Conservancy SED.

(6) Only water-dependent uses are permitted in the Aquatic SED.

(7) Home occupations, as established by CMC 17.90: Home Occupation, are incidental and accessory to a residential use. Use the 'Residential' use category to determine whether they are allowed in a particular shoreline environment designation.

6.02.01 AGRICULTURE

Agriculture includes, but is not limited to, the commercial production of horticultural, viticultural, and floricultural products, vegetables, fruit, berries, grains, feed or forage for livestock, Christmas trees, and livestock that has long term commercial significance as well as other definitions of agricultural use found in WAC 173-26-020(3).

A. Policies

1. Permit all agricultural activities legally existing as of the updated SMP date of adoption to continue.
2. Condition new agricultural development to be consistent with its shoreline environment designation. Significant new agricultural development should be located and designed to assure no net loss of ecological functions and no significant adverse impact on other resources and values in the area subject to the SMA.
3. Implement best management practices to protect the shoreline and aquatic environments from bank failure, erosion, siltation, and surface runoff, consistent with critical area regulations.
4. Develop voluntary conservation programs to support new agricultural activities, while ensuring no net loss of ecological functions.
5. Maintain vegetative cover in areas subject to frequent flooding.
6. Prohibit the storage of toxic or hazardous chemicals used for agricultural practices in shoreline areas subject to flooding.

B. Regulations

1. Agricultural uses and development shall be consistent with its shoreline environment designation, ensure no net loss of ecological function, and have no significant adverse impact on other shoreline resources and values.
2. Agricultural practices must prevent and control erosion of soils and bank materials within shoreline areas. Control measures must conform to guidelines and standards of the US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS).
3. Pesticides and herbicides must be handled, applied, and disposed of in accordance with provisions of the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Control Act (RCW Chapter 15.58).
4. New feedlot operations and animal waste retention and storage areas are prohibited.
5. The bulk disposal of inorganic farm wastes, chemicals, fertilizers, and associated containers and equipment within shorelines areas is prohibited.

6. The storage of toxic or hazardous chemicals used for agricultural practices in shoreline areas subject to flooding is prohibited.
7. Conversion of agricultural land to non-agricultural uses shall be consistent with the shoreline environment designation, the SMP regulations applicable to the proposed use, and all other applicable local, state and federal regulations.
8. A shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).

6.02.02 AQUACULTURE

Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals. Locations for aquaculture are relatively restricted due to requirements for water quality, temperature, flows, oxygen content, and adjacent land uses.

A. Policies

1. Recognize aquaculture as a water-dependent use, and as a preferred use when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species.
2. Recognize limited availability of suitable locations for aquaculture uses because of specific requirements related to water quality, temperature, oxygen content, currents, adjacent land use, wind protection and navigation.
3. Prefer forms of aquaculture that involve lesser environmental and visual impacts, and lesser impacts to native plant and animal species.
4. Design, locate, and operate aquacultural facilities in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.
5. Consider beneficial and 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.
6. Prohibit new aquaculture uses that would interfere with other water-dependent uses and would restrict navigational and recreational access.

B. Regulations

1. Water-dependent portions of 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 considered water-dependent or water- related facilities. All other elements of aquaculture facilities shall be located outside the shoreline

buffer, unless those facilities are deemed water-related and proximity to the water-dependent project elements is critical to implementation of the facility's purpose.

2. New aquaculture operations shall be required to demonstrate that the location of the proposed facilities avoids and minimizes impacts to on-site critical areas and habitats to the maximum extent feasible. Mitigation sequencing, as defined in Chapter 9 of this SMP, shall be applicable.
3. Aquaculture facilities shall be designed and located so as not to spread disease to native aquatic life, establish new non-native species, which cause significant ecological impacts, or significantly affect the aesthetic qualities of the shoreline.
4. Aquaculture that involves substantial aquatic substrate modification or sedimentation through dredging, trenching, digging, or other mechanisms, shall not be permitted in areas where the proposal would have long-term adverse impacts on fish or wildlife habitats. The degree of substrate modification shall be limited to the minimum necessary for feasible aquaculture operations at the site.
5. Aquaculture is not permitted in areas where it would significantly conflict with navigation and other water-dependent uses.
6. New aquatic species that were not previously found or cultivated in the City shall not be introduced into fresh waters without prior written approval of the WDFW and the Washington State Department of Health (WDOH).
7. As determined by the Shoreline Administrator, 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 or the magnitude of probable significant adverse environmental impacts.

6.02.03 BOATING FACILITIES

Boating facilities include public and private marinas, boat launches, boatlifts, , and mooring structures, but do not include docks or piers serving four or fewer single family residences.

A. Policies

1. Recognize that boating and moorage facilities are water-dependent uses and should be given priority for shoreline location to facilitate public access.
2. Minimize the amount of shoreline modification, in-water structure, and over-water cover for boating and moorage facilities.
3. Protect other water-dependent uses, adjacent uses and visual impacts when locating, designing, and operating boating and moorage facilities.

4. Ensure no net loss of ecological functions or other significant adverse impacts when locating and designing boating and moorage facilities, and, where feasible, enhance degraded or scarce shoreline features.
5. Restrict boating and moorage facilities to the minimum size necessary for safety and practicality for the primary use.
6. Avoid adverse effects to recreational opportunities, such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing navigation, and unduly obstructing navigable waters.
7. Limit accessory uses at boating and moorage facilities to water-oriented uses, or uses that provide physical or visual shoreline access for substantial numbers of the public. Non-water- dependent accessory uses should be located outside of the area subject to the SMA or outside of the shoreline buffer whenever possible.
8. Boat launch ramp facilities should be coordinated with park and recreation plans and, the Washington State Parks and Recreation Commission, and Washington State Department of Natural Resources (WDNR), to provide recreational resources efficiently, avoid unnecessary duplication, and minimize adverse impacts to shoreline ecological functions and processes.

B. Regulations

1. Boating facilities shall not allow live-aboard vessels.
2. Accessory developments, such as parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities, are only allowed if necessary to support the water-oriented use.
3. Non-water-oriented accessory uses must be located outside of shoreline jurisdiction or outside of the shoreline buffer whenever possible.
4. Any moored boats must be located in water deep enough to prevent prop scour, dredging, etc.
5. Boating facilities must be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Ensure exterior finish of all structures is generally non-reflective to reduce glare.
6. New docks are allowed only for water-dependent uses or public access.
7. Launch ramps must be located to minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.
8. New covered moorage is prohibited, except when necessary for the operation of a water-dependent use at commercial, industrial, or transportation-related facilities.

6.02.04 COMMERCIAL DEVELOPMENT

Commercial developments are those uses that are involved in wholesale and retail trade or business activities. They may range from small businesses to large office buildings and retail complexes. Many commercial developments are intensive users of space because of extensive floor areas and facilities, such as parking, necessary to service them.

A. Policies

1. Give priority to water-oriented commercial developments, which are dependent on a shoreline location or provide an opportunity for substantial numbers of people to enjoy the shoreline. Encourage non-water-oriented commercial development to locate landward or outside of the area subject to the SMA.
2. Give preference to uses in the order listed:
    a. Water-dependent uses over water-related uses.
    b. Water-related uses over water-enjoyment uses.
    c. All water-oriented uses over non-water-oriented uses.
3. Encourage new commercial development on shorelines to locate in areas where current commercial uses exist.
4. Place parking lots and associated facilities landward away from the OHWM to prevent contaminants from entering the water.
5. Design new commercial development to protect the public's health, safety, and welfare and shoreline ecological functions, and provide public access and views where feasible.

B. Regulations

1. Water-dependent, water-related, and water-enjoyment uses are permitted where allowed by zoning and the SMP, with preferences given as follows:
    a. Water-dependent uses over water-related uses.
    b. Water-related uses over water-enjoyment uses.
    c. All water-oriented uses over non-water-oriented uses
2. Non-water-oriented uses may be located with water-oriented commercial uses as part of a mixed-use development
3. Public access and ecological restoration shall be provided for all commercial development unless such improvements are demonstrated to be infeasible and may impact existing navigation, recreation, and public access.
4. New non-water-oriented commercial development is prohibited in the area subject to the SMA unless one of the following applies:

a. Non-water-oriented use is part of a mixed-use project that includes water-oriented uses and provides a significant public benefit such as providing public access or ecological restoration.

b. Navigability is severely limited on the site and the commercial use provides a significant public benefit such as public access or ecological restoration.

c. The site is physically separated from the shoreline by another property or public right of way.

5. Accessory commercial development; such as parking, storage, service areas, etc., 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 non-water-oriented uses. It may also be allowed in existing structures or where necessary in support of water-oriented uses.

6.02.05 FOREST PRACTICES

Forest management practices are those methods used for the protection, production, and harvesting of timber. The Forest Practices Act (FPA - Chapter 76.09 RCW) is the basis of management of commercial forest uses within the area subject to the SMA. The Washington State Department of Natural Resources (WDNR) is responsible for all forest practices including those within the areas subject to the SMA.

A. Policies

1. Avoid timber harvesting on shorelines with slopes of such grade that much sediment would be generated, unless adequate erosion control and restoration can be expeditiously accomplished.

2. Conduct timber harvesting practices in shoreline areas to maintain the State and Federal water quality standards.

3. Prevent logging and thinning operations from accumulating slash and other debris in contiguous waterways.

4. Insure that timber harvesting on Shorelines of Statewide Significance does not exceed the limitations established in RCW 90.58.150 except in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.

5. Conduct logging within shoreline areas to ensure the maintenance of buffer strips of ground vegetation, brush, alder, and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

6. Use proper road and bridge design, location and construction, and maintenance practices to prevent development of roads and structures, which would adversely

affect shoreline resources.

7. Reforest where necessary to provide stability to areas, which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of logged area.

8. Ensure that forest practice conversions to nonforest uses do not result in net loss of ecological functions or significant adverse impacts.

B. Regulations

1. All forest practices, undertaken on shorelines shall comply with the applicable policies and provisions of the FPA, Chapter 76.09 RCW as amended, and Chapter 222 WAC as administered by the local jurisdiction.

2. Preparatory work associated with the conversion of land to non-forestry uses or developments shall be consistent with the following:

   a. Limit the conversion to the minimum necessary to accomplish the purpose and intent of the proposed land use.

   b. Ensure no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources, and values provided for in RCW 90.58.020 such as navigation, recreation, and public access.

   c. Preparatory work must be located outside the required SMP buffers, critical area buffers, and vegetation conservation areas.

   d. Preparatory work must be in compliance with the underlying zoning and all other applicable local, state and federal regulations.

3. Forest management activities that minimize the potential for catastrophic wildfires and hazard tree removal are allowed consistent with applicable State regulations and this SMP. Mitigation may be required in compliance with SMP section 5.03.

4. Forest practices along shorelines of statewide significance shall be consistent with the requirements of RCW 90.58.150. Exceptions to these standards require a shoreline conditional use permit.

5. A forest practice that only involves timber cutting is not a development and does not require a shoreline substantial development permit of letter of exemption. A forest practice that includes activities other than timber cutting may be a development and may require a substantial development permit, as required by WAC 222-50-020.

6.02.06 INDUSTRIAL DEVELOPMENT

A. Policies

1. Allocate sufficient quantities of suitable shoreline area for water-related industry.

2. Prefer development and redevelopment of existing industrial areas.
3. Locate transportation and utility corridors upland of the facility they serve.
4. Give preference, in order listed, to water-dependent uses, followed by water-related uses, and non-water-oriented industrial uses.
5. Encourage new industrial development to locate where environmental cleanup and restoration can be incorporated.
6. Locate, design, and construct industrial development in a manner that assures no net loss of shoreline ecological functions and does not have significant adverse impacts to other shoreline resources and values.

B. Regulations

1. Industrial uses shall be allowed in conformance with the underlying zoning requirements and the provisions of the SMP.
2. Water-dependent and water-related uses are permitted where allowed by zoning and the SMP. Water-dependent industrial uses shall be given preference over water-related uses.
3. Public access should be incorporated when feasible. Public access should be required for new industrial development on publicly owned land.
4. Non-water-oriented uses are prohibited in the shoreline jurisdiction unless it meets the following criteria:
    a. It is part of a mixed-use development that includes water-dependent uses and provides a significant public benefit such as public access or ecological restoration;
    b. Navigability is severely limited on the site and the industrial use provides a significant public benefit of public access or ecological restoration; or
    c. The site is physically separated from the shoreline by another property or public right of way.
5. 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.
6. Accessory development includes, but is not limited to, parking, warehousing, open-air storage, waste storage and treatment, and transportation corridors.
7. Industrial development shall not result in a net loss of shoreline ecological functions or have significant negative impacts to shoreline use, resources, and values such as navigation, recreation, and public access.

6.02.07 IN-WATER STRUCTURES

A. Policies

1. Design in-water structures to be compatible with the long-term use of resources, such as public access, recreation, and fish migration.

2. Locate, design, construct, and maintain in-water structures to give due consideration to public interests, watershed processes, historic and cultural resources, and ecological functions, with special emphasis on protecting and restoring priority habitats and species.
3. Site and design in-water structures to be consistent with appropriate engineering principles, including, but not limited to, guidelines of the WDFW, NRCS, and the United States Army Corps of Engineers (USACE). Planning and design of in-water structures should be consistent with and incorporate elements from applicable watershed management and restoration plans or surface water management plans.
4. Encourage non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources as an alternative to in-water structures.
5. Incorporate native vegetation as part of in-water structure proposals to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management.

B. Regulations

1. Upland cut-and-fill slopes and back-filled areas resulting from installation of in-water structures shall be stabilized with bioengineering approaches.
2. In-water structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters.
3. No motor vehicles, appliances, other similar items or parts thereof, demolition debris, except non-toxic, non-chemically contaminating, reclaimed materials, nor other solid waste shall be used as in-water structures.
4. Natural in-water features such as snags, uprooted trees, or stumps shall be left in place unless it can be demonstrated that they are causing bank erosion or higher flood stages or pose a hazard to navigation or human safety. Navigation suitability shall be determined by the Shoreline Administrator.
5. A qualified professional shall design in-water structures. In-water structures shall allow for natural groundwater movement and surface runoff, preserve valuable recreation resources and aesthetic values, and not be a safety hazard or obstruct water navigation as determined by the Shoreline Administrator.
6. 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 and the City of Chehalis. The professional design shall include a maintenance schedule. Evaluation of the suitability of the dam shall include a downstream safety analysis.

7. Construction of in-water structures may not commence without having obtained all applicable local jurisdiction, State, and Federal permits and approvals.
8. Design of in-water structures by public entities shall include public access to the shorelines whenever feasible. At a minimum, in-water structures should not decrease public access or use potential of shorelines.

6.02.08 MINING

A. Policies

1. Design and conduct new mining and associated uses to result in no net loss of shoreline ecological functions and processes.
2. Prefer mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.
3. Do not locate new mining on shorelines where unavoidable adverse impacts on other users or resources taken together, equal or outweigh the benefits from mining. Mining of shorelines having high value for public recreation should not be permitted.
4. Permit new or the renewal, extension, or reauthorization of mining only where detailed operation plans and studies demonstrate that fish habitat, upland habitat and water quality will not be significantly harmed and the operation will not adversely affect hydrologic processes nor increase bank erosion or flood damage.
5. Begin land reclamation immediately after the termination of mining operations. Use of reclaimed mine property must be consistent with the SMP and provide appropriate ecological functions consistent with the location coordinated with state Surface Mining Reclamation Act requirements.

B. Regulations

1. New mining shall not be permitted within a 400-foot radius of a fish or aquaculture facility, or dam.
2. New mining shall be allowed in designated fish and wildlife habitat areas only as a part of an approved flood control program or a habitat restoration or enhancement plan.
3. Mining shall only be approved when the material proposed to be extracted is only available in a shoreline location.
4. New mining locations shall be consistent with the underlying zoning.

5. Permit applications for mining operations shall be accompanied by operation plans, reclamation plans, and analysis of environmental impacts sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation.

6. Mining operations and subsequent use(s) shall not cause permanent impairment or loss of floodwater storage, wetland, or other stream corridor features and habitats. Mitigation in compliance with SMP Section 5.03 shall provide for replacement at equal value at a minimum and adequate monitoring and repair/replacement as needed.

7. The applicant shall review and consider incorporating applicable portions of the Shoreline Restoration Plan as well as critical area mitigation, if any, into the proposed Reclamation Plan.

8. In reviewing reclamation plans together with permit applications, the Shoreline Administrator shall determine whether the plan is consistent with the SMP, the shoreline restoration plan, and other City of Chehalis regulations. After the applicant has been given reasonable opportunity to revise the plan, an inconsistent reclamation plan shall constitute sufficient grounds for denial of a shoreline permit.

9. New mining waterward of the OHWM or CMZ of a shoreline waterbody shall not be permitted unless:

    a. Removal of specified quantities of materials at precise locations will not adversely affect the natural processes of gravel transportation.

    b. The mining and associated permitted uses will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

    c. The mining impacts are addressed under SEPA Chapter 43.21C RCW and SEPA rules of Chapter 197-11 WAC.

    d. Such uses will not divert flood flows and increase the flooding of downstream or upstream flood hazard areas or threaten public or private properties; and

    e. A shoreline conditional permit is obtained.

10. In considering renewal, extension, or reauthorization of mining waterward of the OHWM in locations where mining was previously conducted, compliance with #9 above, to the extent that no such review has previously been conducted. Where there has been prior review within 5 years of the date of application for the renewal, extension or reauthorization, the Shoreline Administrator shall review previous determinations to assure compliance under current site conditions.

11. Mining proposals shall be consistent with WDNR Surface Mine Reclamation standards found in Chapter 332-18 WAC and Chapter 78.44 RCW.

6.02.09 PARKING

A. Policies

1. Plan, locate, and design parking facilities where they will have the least impact on shoreline features, will not result in a net loss of shoreline ecological functions, or do not affect existing or planned water-dependent uses.
2. Minimize parking to the least amount needed to adequately support an approved use or development.

B. Regulations

1. Parking facilities are allowed only as accessories to authorized shoreline uses. Stand-alone parking facilities are prohibited.
2. Parking facilities servicing structures shall be located upland from the principal structure being served, except in the following cases:
    a. When parking facilities are within or beneath the structure and adequately screened.
    b. In cases when an alternate orientation would have less adverse impact.
    c. When parking to address specific Americans with Disabilities Act (ADA) requirements is required.
3. Exterior parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent and abutting properties.
4. Parking facilities shall be designed to incorporate low impact development practices, such as permeable surfaces and bioswales, to the extent feasible, and must be in compliance with all applicable water quality, stormwater and landscaping requirements.

6.02.10 RECREATIONAL DEVELOPMENT

A. Policies

1. Prefer recreational development as a shoreline use to support access, enjoyment, and use of the water and shorelines area.
2. Locate, design, and operate recreational development in a manner consistent with the purpose of the environmental designation in which it is located.
3. Prevent recreational development from resulting in a net loss of shoreline ecological

functions.

4. Encourage the use of publicly owned lands for public access and development of recreational opportunities.
5. Protect private property rights. Minimize and mitigate negative impacts on adjoining properties.
6. Encourage public acquisition of shoreline areas for developing a wide variety of water-related recreation opportunities.
7. Encourage the linkage of shoreline parks and public access points.
8. Locate parking areas landward away from the immediate edge of the water and recreational beaches to protect the limited supply of recreational shoreland. Provide access by walkways or other methods.
9. Provide facilities for intensive recreational uses where sewage disposal and water supply can meet public health standards.
10. Encourage preservation of scenic views and vistas.

B. Regulations

1. Recreational development shall comply with the applicable Parks and Recreation element of the Chehalis Comprehensive Plan.
2. Recreational uses and facilities shall be designed to be primarily related to access, enjoyment, and use of the water.
3. Proposed recreation uses shall be designed, located, and operated consistent with the purpose and intensity of the shoreline environment designation and environmental conditions and achieve no net loss of ecological functions.
4. Accessory uses and support facilities such as maintenance facilities and parking lots should be consolidated and located in upland areas outside shoreline buffers to the extent feasible, except for access to water-dependent facilities, such as boat launches.
5. Where recreation facilities for public access include over-water structures, such as public view or fishing platforms, those over-water structures should comply with relevant requirements of SMP Section 6.02.10.
6. For recreation developments such as golf courses and playfields, the applicant shall submit plans demonstrating the BMPs and methods to be used to prevent chemical applications and resultant leachate from entering adjacent waterbodies. Management that utilizes organic treatments, integrated pest management (IPM), or non-synthetic chemicals are preferred where feasible and practical.

7. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent overflow onto adjacent private properties.
8. Proposals for recreational development shall include facilities for water supply, wastewater, and garbage disposal.
9. Only water-dependent uses shall be located immediately upland of the OHWM.
10. Accessory and primary water-oriented uses shall be located upland of a water-dependent use except ADA parking may be located per SMP Section 6.09 when no other location is feasible.
11. New or expanded water-oriented uses shall avoid existing natural areas and comply with vegetation management of SMP Section 5.08.
12. Existing primary non-water-oriented uses may only expand if they are located upland of water-oriented uses and if the expansion does not displace water-oriented uses.
13. Water-enjoyment recreational uses may be expanded in compliance with this SMP and the underlying zoning.
14. Existing water-oriented uses may not be converted to a non-water-oriented use except when the existing water-oriented use is separated from the OHWM by a levee or another property under separate ownership.
15. New or expanded uses must comply with all applicable Stormwater Management regulations.
16. Construction of new or expanded pedestrian trails must meet mitigation sequencing requirements, as defined in Chapter 9 of this SMP, and may require mitigation in compliance with SMP Section 5.03.

6.02.11 RESIDENTIAL DEVELOPMENT

A. Policies

1. Set back residential development and accessory structures and uses from steep slopes and shorelines vulnerable to erosion so that structural improvements and/or stabilization are not required to protect such structures.
2. Develop residential uses in a manner that ensures no net loss of shoreline ecological functions. Provisions include shoreline buffer areas, shoreline armoring, vegetation conservation requirements, on-site sewage system standards, and aesthetic enhancement.
3. Prohibit new over-water residential development except piers, docks and floats in compliance with SMP Section 6.02.10.
4. Provide public access to shoreline areas with new multifamily residential

development, including the subdivision of land for more than four parcels.

5. Encourage clustering of residential developments to minimize impact to the environment and views, and maximize open spaces.

6. Single family residences are a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

B. Regulations

1. New subdivisions shall not create lots that require structural stabilization, cause erosion, increase flood hazards, or reduce slope stability for the life of the project.

2. New subdivisions must include facilities for water supply, wastewater, stormwater, solid waste, access, utilities, and other support facilities in conformance with the standards of the Chehalis Municipal Code and all other applicable local, state and federal regulations.

3. Residential developments must be designed, configured and developed in a manner that ensures no net loss of ecological functions and eliminates the need for a shoreline variance for future development. Subdivisions must also achieve these results at full build-out of all the lots and throughout all phases of development.

4. Subdivisions shall be required to cluster residential units and structures where necessary to avoid critical areas, preserve natural features and minimize physical impacts.

5. Residential accessory structures, including normal appurtenances, shall meet the criteria of this section.

6. Residential developments shall be located, designed, and constructed in a manner that prevent the need for new flood hazard management measures that would cause significant impacts to other properties or public improvements.

7. Multiunit residential development, including the subdivision of land for five or more lots shall provide public access.

8. The primary use shall be established prior to the accessory use.

6.02.12 SIGNS

A. Policies

1. Protect vistas and viewpoints and do not impair the visual access to the water by the placement of signs.

2. Locate outdoor advertising signs outside of the shoreline jurisdiction unless it can be

demonstrated that views will not be substantially obstructed and the location is in compliance with the underlying zoning.

3. Construct signs in a manner that minimizes visual obstruction of the shoreline and waterbodies.

B. Regulations

1. All signs shall be located and designed to minimize interference with visual access to the shoreline area.
2. All public access points shall be marked with signs, such as traffic control, way finding, monument, historic, or cultural site markers, etc.;
3. Commercial signs advertising an approved use shall comply with Chapter 17.86 of the Chehalis Municipal Code.
4. All signs must be installed in compliance with the underlying zoning.

6..02.13 TRANSPORTATION FACILITIES

A. Policies

1. Locate new roads and transportation facilities outside of shoreline jurisdiction to the greatest extent feasible.
2. Require public agencies and developments to provide circulation facilities including roads, streets, alleys, pedestrian, bicycle, and public transportation facilities, consistent with local, State, and Federal standards and sufficient to meet adopted levels of service.
3. Allow for the siting of essential public facilities, which include State or regional transportation facilities as defined in RCW 47.06.140.
4. Plan, locate, and design transportation facilities where routes will have the least possible adverse effect on shoreline features, will not result in a net loss of shoreline ecological functions, or adversely affect existing or planned water-dependent uses.
5. Allow road maintenance and reconstruction in accordance with the BMPs adopted by the local jurisdiction and the State Department of Transportation.
6. Encourage multi-use trails in shoreline jurisdiction consistent with public access and recreation development policies and regulations.
7. Provide for safe pedestrian and other non-motorized travel in scenic corridors with public roadways. In addition, provisions should be made for sufficient viewpoints, rest areas, and picnic areas in public shorelines.
8. Keep existing highways with high aesthetic value in service as scenic routes.

9. Encourage piers and bridges to reduce the likelihood of fill placement within shoreline jurisdiction.

B. Regulations

1. Transportation facilities shall be located within existing rights-of-way to the greatest extent feasible.

2. New crossings or expansion of existing crossings, where necessary, shall go across shoreline buffers as near perpendicular as possible, shall be designed to minimize impact to aquatic habitat and allow for fish passage, 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.

3. If no feasible alternative exists to placing a new transportation facility in the area subject to the SMA, a mitigation plan by a qualified professional must be prepared consistent with the provisions of with SMP Section 5.03.B.10and SMP Appendix B - Critical Areas Regulations.

4. When expansions of transportation facilities are unavoidable in the area subject to the SMA, the proposed facilities shall be located and designed to achieve the following:

    a. Minimize possible adverse effects on unique or fragile shoreline features.

    b. No net loss of shoreline ecological functions.

    c. Avoid adverse impacts on existing or planned water-dependent uses.

    d. Setback from the OHWM to the maximum feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses.

    5. Transportation and primary utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of waterbodies to the maximum extent feasible to minimize adverse impacts to the area subject to the SMA.

    6. Road designs must provide safe pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.

    7. 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.

    8. Trails shall be planted or landscaped to provide a visual 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.

9. Existing roads that are of a non-paved surface, such as gravel, may be paved provided such facilities comply with all applicable water quality, stormwater, landscaping, and other applicable requirements of the SMP.

10. The city shall not vacate a road, street, alley or other public way abutting a water body except as provided for by RCW 35.79.035 and section 5.06 of this SMP.

6..02.14 UTILITIES

A. Policies

1. Locate utilities so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground or designed to minimize damage to the shoreline aesthetic quality.
2. Locate and design utilities to accommodate future growth and development adequately.
3. Restore shoreline areas damaged by installation or maintenance of utilities.
4. Provide public access to the shoreline whenever a major utility line utilizes a shoreline location or crossing along that right-of-way unless the utility presents a serious hazard to the public.
5. Locate utilities in existing rights of way and corridors to the greatest extent feasible.
6. Locate sewage treatment, water reclamation, and power plants where they do not interfere with other public uses of the water and shoreline. Waste treatment ponds for water related industry should occupy as little shoreline as possible.

B. Regulations

1. Utilities shall be allowed in the area subject to the SMA if alternate non-shoreline routes are proven infeasible and installation results in no net loss of ecological functions. If required, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of SMP Section 5.03.B.10 and the City of Chehalis Critical Areas Ordinance.

2. On-site utility features serving a primary use, such as water, sewer or gas lines to a residence, are accessory utilities and shall be considered a part of the primary use. Consult standards of the primary use of the property for additional standards relevant to the placement of accessory uses such as utilities.

3. Water intake and water or fish conveyances between a waterbody and an aquaculture facility are not considered utilities.
4. Utilities shall be designed and constructed to meet all adopted engineering standards.
5. New utility installation shall provide for compatible, multiple use sites, and rights of way whenever feasible. Compatible uses include shoreline access points, trail system, and other forms of recreation and transportation, providing these uses do not interfere with utility operation, endanger public health and safety, or cause a significant and disproportionate liability for the owner.
6. Installations shall 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.
7. 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.
8. All new permanent utility systems shall be underground except where technical, environmental, or geological conditions makes undergrounding prohibitive.
9. The clearing and grading necessary for installation or maintenance shall be kept to the minimum width necessary to prevent interference by vegetation with proposed transmission facilities. Impacts associated with removal of vegetation or clearing shall be mitigated on the property.
10. After the installation of a utility system or the completion of a maintenance project, the disturbed area shall be returned to pre-development conditions, at a minimum. This may include, but is not limited to, regrading to match the natural terrain, replanting of native species to prevent erosion, providing appropriate vegetative cover, etc.
11. If an underwater location is necessary, the following performance standards apply:
    a. The design, installation, and operation shall minimize impacts to the waterway and/or aquatic ecosystems.
    b. Seasonal work windows may be made a condition of approval.
    c. Work may not commence until all applicable local, State and Federal permits and approvals have been obtained.
    d. A maintenance schedule and emergency repair protocol shall be prepared and recorded.
    e. All adverse impacts shall be mitigated in compliance with SMP Section 5.03.
    f. It shall be adequately demonstrated that no other alternative is feasible that would be less of an impact.

12. Non-water-oriented utility production and processing facilities, or parts of those facilities that are non-water-oriented, shall not be allowed in the area subject to the SMA unless it can be demonstrated that no other feasible option is available.

13. Where no other practical alternative exists to the excavation for and placement of wells, tunnels, utilities, or on-site septic systems in a shoreline buffer, a mitigation plan must be prepared by a qualified professional. Work must be consistent with such mitigation plan, SMP Section 5.03 and the City of Chehalis Critical AreasOrdinance.

14. New and reconfigured outfalls shall be located to avoid impacts to existing native aquatic vegetation. The diffuser or discharge point(s) for new or expanded outfalls must be located waterward of the OHWM and at a buffer distance beyond the near shore/littoral area, to avoid impacts to existing native aquatic vegetation. The outfall pipe shall be subsurface within the near shore.

6.03 SHORELINE HEIGHT REGULATIONS

A. Except in the High Intensity designation, no permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, except if approved through a shoreline variance permit.

B. To exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:

1. Overriding considerations of the public interest will be served.

2. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed, demonstrated by compliance with 6.04 View Corridor Analysis.

3. Height in excess of the maximum allowed by the underlying zoning shall be prohibited.

Table 6-2: City of Chehalis Shoreline Height Regulations Table

City of Chehalis Standard	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Maximum Shoreline Height	50 feet	35 feet	35 feet	35 feet

6.04 VIEW CORRIDOR ANALYSIS

A. Applicants for new or expanded buildings or structures exceeding the height regulations of Table 6-2 shall identify and address impacts to views from substantial numbers of residences and public areas, If any, as follows:

1. Site design shall provide for view corridors between buildings using building separation, setbacks, pitched roofs and other mitigation.
2. The Shoreline Administrator shall review shoreline public access plans, location of Federal- or State-designated scenic highways, government-prepared view studies, SEPA documents, applicant-prepared studies and other available information to determine appropriate view corridor location.
3. The maximum width of a view corridor shall not exceed 25% of the lot width. Where vegetation removal is required for a view corridor, the view corridor may be limited to 25% of the lot width or 25 feet; whichever is less.

B. The review process and view analysis shall consider the following:

1. The cumulative view obstruction created by the proposed development combined with other developments that exceed 35 feet in height within a 1,000-foot radius of the proposed development;
2. Overall views that are lost, compromised, or retained;
3. Available view corridors; and
4. Surface water views lost, compromised, or retained.
5. For phased developments, the view analysis shall be prepared in the first phase and include all proposed buildings at full build out.
6. Less than 30% of the private and/or public view of the shoreline shall be impacted.

C. The following structures are exempt from the height regulations provided all other requirements of the SMP are met:

1. Dams
2. Shipping cranes
3. Freight moving equipment
4. Utility poles
5. Bridges
6. Chimneys
7. Tanks
8. Towers
9. Cupolas

10. Steeples
11. Flag Poles
12. Stacks
13. Silos
14. Open railings
15. Other similar structures as determined by the Shoreline Administrator

6.05 SHORELINE BUFFERS

For the purposes of this section, the shoreline buffer shall mean the area as measured horizontally from, and perpendicular to, the ordinary high water mark. This area is the vegetation conservation area (see Section 5.08).

A. Policies

1. Protect aquatic resources by establishing buffers of native vegetation.
2. Design and operate uses and developments in a manner that preserves the native vegetation in the buffer area and ensures no net loss of ecological functions.
3. Encourage the removal of non-native vegetation in the buffer area and replanting with native vegetation.
4. To protect aquatic resources, shoreline buffers shall consist of native plant materials, unless the existing buffer consists of developed and maintained ornamental landscape, in which case non-invasive plant materials may be used.
5. The design of uses in the shoreline buffer shall avoid removing existing native vegetation to the maximum extent practicable. Any impacts to existing native vegetation or ecological functions must be mitigated as outlined in SMP Section 5.03 and the City of Chehalis Critical Areas Ordinance.
6. Removal of native vegetation must be compensated at no less than a 1:1 ratio with supplemental native shrub and groundcover plantings in the shoreline buffer. Mature tree and shrub removal shall be addressed in the mitigation plan.
7. When the shoreline buffer would not benefit from enhancement, such as when the shoreline buffer has a fully functioning vegetated natural area, compensatory plantings may be installed in a corridor perpendicular to the OHWM and extending upland of the shoreline buffer outside of the development footprint.
8. Existing development located inside the standard shoreline buffer may expand vertically to the standard height restriction or landward of the development.
9. These provisions do not apply to those portions of water-dependent or direct shoreline public access development that require improvements or uses adjacent to the OHWM,

such as haul-out areas for retail establishments providing boat and motor repair and service, boat launch ramps for boat launches, swimming beaches or other similar uses.

10. Where space is available, the required native vegetation shall be planted in the shoreline buffer area that is not being used for water-dependent or public access uses.

B. Regulations

1. Buffers are measured horizontally from, and perpendicular to, the OHWM.
2. The buffer designated in Table 6-3 or other critical area buffers, whichever is greater, shall be applicable.
3. Allowed uses in the shoreline buffer area, with applicable mitigation measures, are as follows:

   a. Consistent with the use allowances for each environment designation, water-dependent uses and development may be located at the OHWM, or as prescribed by conditions added to a permit.

   b. Uses accessory to water-dependent uses should be located outside the shoreline buffer unless at least one of the following criteria is met:

      i. A location in the shoreline buffer is necessary for operation of the water-dependent use or development, such as a road to a boat launch facility.

      ii. On legally established public lands whose use is primarily related to access, enjoyment, and use of the water. Such uses shall not conflict with or limit opportunities for other water-oriented uses.

      iii. The applicant's site has topographical constraints where no other location for the development is feasible, such as a water-dependent use or development is located on a parcel substantially encumbered by a required shoreline buffer.

      In these circumstances, uses and developments accessory to water-dependent uses must be designed and located to minimize intrusion into the shoreline buffer and must be consistent with SMP Sections 5.03 and 5.08, and the City of Chehalis Critical Areas Ordinance.

   All other accessory uses and developments proposed to be located in a shoreline buffer must obtain a shoreline variance in accordance with SMP Section 3.06 unless otherwise allowed by the SMP.

   c. Essential public facilities as defined by RCW 36.70A.200, pre-existing public access, and pre-existing recreation facilities and their accessory uses and developments may be located and minimally expanded in the shoreline buffer if the use cannot be

reasonably accommodated or accomplished outside of the shoreline buffer.

i. Essential public facilities must demonstrate that alternative sites are not feasible.

ii. Accessory uses or expansions must be consistent with use allowances for each environment designation and the underlying zoning.

iii. These uses must be designed and located to minimize intrusion into the shoreline buffer and should be consistent with SMP Section 5.03 and City of Chehalis Critical Areas Ordinance.

d. Education, scientific research, and passive recreational uses are allowed within established shoreline buffers without a shoreline permit; provided, the use does not include such elements as the construction of facilities or disturbance of the site, to support such uses. These uses may include, but are not limited to: fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, bicycling, etc.

e. Site investigative work necessary for land use application submittals such as surveys, soil logs, drainage tests and other related work, may occur within established shoreline buffers. In every case, shoreline buffer impacts should be avoided or minimized and disturbed areas shall be immediately restored to pre-disturbed conditions or better.

4. Shoreline Buffer Averaging. The city may allow buffer widths to be averaged under the following circumstances:

a. The width of a shoreline buffer may be averaged, thereby reducing the width of a portion of the shoreline buffer and increasing the width of another portion of the shoreline buffer.

b. A mitigation plan shall be prepared by the applicant as Section 5.03.B.10 of this SMP. The applicant will need to demonstrate to the satisfaction of the shoreline administrator that the following criteria are addressed:

i. The waterbody and associated shoreline buffer have significant differences in characteristics depending on location that affect its habitat functions;

ii. The shoreline buffer is increased adjacent the higher-functioning area of habitat or more sensitive portion of the waterbody and decreased adjacent to the lower-functioning or less sensitive portion;

iii. The shoreline buffer averaging does not reduce the ecological functions or values of the waterbody and associated shoreline buffer, or the shoreline buffer

averaging, in conjunction with vegetation enhancement, increases ecological functions or values;

iv. The total area of the shoreline buffer after averaging is equal to the area of the required shoreline buffer without averaging and all increases in shoreline buffer dimension for averaging are generally parallel to the OHWM;

v. The shoreline buffer at its narrowest point is never less than seventy-five percent of the required width;

vi. The slopes adjacent to the waterbody within the shoreline buffer area are stable and the gradient does not exceed thirty percent; and

vii. The applicant implements all feasible measures to reduce the adverse effects of adjacent land uses and ensure no net loss of ecological functions

5. Shoreline Buffer Width Modifications

a. Buffer width reductions of up to 25% of the standard shoreline buffer may be approved administratively if the applicant prepares a mitigation plan as outlined in 5.03.B.10 and demonstrates to the satisfaction of the Shoreline Administrator that the following applies:

i. A mitigation plan in accordance with Section 5.03.B.10 indicates that enhancing and reducing the shoreline buffer by removing invasive plants, planting native vegetation, installing habitat features, or other means, will result in a shoreline buffer area that functions at a higher level than the existing standard shoreline buffer; or

ii. Conditions unique to the site, including legally existing uses, developments established prior to the effective date of the SMP, or naturally existing topographic barriers, exist between the proposed development and the OHWM, which substantially prevent or impair delivery of most natural functions from the subject upland property to the waterbody.

b. Buffer width reductions beyond the administratively approved 25% shall require a Shoreline Variance. The Variance application must demonstrate the following:

i. The use cannot be accommodated outside of the shoreline buffer.

ii. All impacts have been adequately mitigated per SMP section 5.03 to ensure no net loss of ecological function.

iii. Modification of building height would not allow the shoreline buffer to be met.

Table 6-3: City of Chehalis Shoreline Buffers Table

Use	Shoreline Buffers by SED[1]			
	Aquatic	**High Intensity**	**Shoreline Residential**	**Urban Conservancy**
Agricultural	X	50’	50’	50’
Aquaculture				
Primary operations	N/A	0’	0’	0’
Accessory operations		150’	150’	150’
Boating Facilities				
Water-dependent	N/A	0’	0’	0’
Water-related		75’	75’	75’
Accessory/non-water-oriented		150’	150’	150’
Commercial				
Water-dependent	N/A	0’	0’	0’
Water-related / water-enjoyment		75’	75’	75’
Non-water-oriented		150’	X	X

Use	Shoreline Buffers by SED[1]			
	Aquatic	**High Intensity**	**Shoreline Residential**	**Urban Conservancy**
Industrial				
Water-dependent	N/A	0’	0’	0’
Water-related / water-enjoyment		75’	75’	75’
Non-water-oriented		150’	X	X
Recreation				
Water-dependent	N/A	0’	0’	0’
Water related / water-enjoyment[2]		75’	75’	75’
Non-water-oriented		150’	150’	150’
Residential				
Single-family / Single-unit	X	75’	75’	75’
Multi-family / Other		150’	150’	150’
Transportation / Utilities				
Water-dependent	N/A	0’	0’	0’
Water-related / water-enjoyment		75’	75’	75’
Non-water-oriented		150’	150’	150’

N/A: Aquatic is the designation for the water surface.
X: the use is prohibited in that shoreline environment designation.

NOTES:

1. Shoreline buffers are measured from the OHWM. Other critical area buffers may apply and exceed the buffer required by this table. The more restrictive regulation that best achieves the goals of the SMA shall apply.
2. With the preparation of a mitigation plan that minimizes the amount of reduction to the maximum extent possible, as outlined in Section 5.03.B.10, walking paths, biking paths and other pedestrian ways may be located closer than the required 75’ buffer. Mitigation may be required.

7 SHORELINE MODIFICATION POLICIES & REGULATIONS

This chapter contains specific shoreline modification policies and regulations that apply to those activities that modify or alter the physical form of the shoreline in any environment designation. By definition, shoreline modification activities are undertaken in support of, or in preparation for, a permitted shoreline use. A single permitted use may require several different shoreline modifications.

Shoreline modification activities include, but are not limited to, the construction of the following:

- Soft and hard shoreline stabilization measures
- Breakwaters, jetties, groins, and weirs

And actions such as:

- Dredging and dredge material
- Fill and excavation

At a minimum, shoreline modification policies and regulations are intended to assure no net loss of the ecological functions necessary to sustain shoreline natural resources. They are also intended to prevent, reduce, and mitigate the negative environmental impacts of proposed shoreline modification activities consistent with the goals of the SMA.

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.

7.01 SHORELINE MODIFICATION TABLE

Table 7-1 Shoreline Modifications, establishes which specific shoreline modification activities are allowed within each of the shoreline environments. Shoreline modification activities are permitted, allowed with conditions, or prohibited. Refer to individual standards in this chapter for a full explanation of modifications and required conditions for permitted uses.

Table 7-1: Shoreline Modifications Table

Shoreline Modifications[1]	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Shoreline Stabilization[2]				
Soft stabilization	P	P	P	C
Hard stabilization	C	C	C	C
Breakwaters, jetties, groins, weirs, etc.[3]	C	C	C	C
Dikes, levees and instream structures	C	C	C	C
Dredging and Dredge Material	C	C	C	C
Fill, Grade and Excavation[4]				
≤500 cubic yards	P	P	P	C
>500 cubic yards	C	C	C	C
Floats, Piers and Docks	P	P	P	C
Restoration and Enhancement	P	P	P	P

Notes:

1) In the event of a conflict between Table 7-1 and the regulatory text, the text shall hold.
2) See Chapter 9 Definitions for a description of soft and hard stabilization methods.
3) Breakwaters, jetties, weirs, groins and similar structures require a shoreline conditional use permit, except when such structures are installed to protect or restore ecological functions, such as woody debris installed in streams. In such cases, it would be considered a permitted shoreline modification.
4) Fill, grade and excavation is generally prohibited unless it is part of an approved shoreline use or development and located landward of the OHWM. Any such project must comply with CMC 17.22.035 Zero-rise policy.

7.02 GENERAL SHORELINE MODIFICATION PROVISIONS

The following provisions apply to all shoreline modification activities, whether shoreline modifications address a single or multiple properties. Additional requirements detailed in other sections of the SMP apply. Where other requirements may conflict with the provisions contained in this chapter, the more restrictive standard shall apply.

A. POLICIES

1. Ensure shoreline modifications individually and cumulatively do not result in a net loss of ecological functions.
2. Limit the amount and extent of shoreline modification activities to reduce the negative effects of shoreline modifications to the greatest extent feasible.
3. Plan for enhancement of impaired ecological functions where it is feasible, appropriate, and accommodates permitted uses.
4. Allow only shoreline modifications that are appropriate to the specific environmental designation in which they are located.
5. Prefer those types of shoreline modifications that have a lesser impact on ecological functions. Promote soft over hard shoreline modification measures.
6. Prohibit new development that would require shoreline stabilization measures that would have an adverse impact on adjacent or down stream properties and/or areas.
7. Ensure land subdivisions are designed to not require shoreline stabilization for future individual lot development.
8. Prohibit structural shoreline stabilization on or at the base of an eroding bluff except where legally existing primary structures are threatened, and non-structural stabilization methods have been determined to be inadequate by a geotechnical analysis.
9. Locate, design, and maintain shoreline stabilization measures to protect and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features, and assure no net loss of ecological functions. Consider the ongoing river, stream, or lake processes and the probable effects of proposed shoreline stabilization measures on other properties.
10. Coordinate the development of shoreline stabilization among affected property owners and public agencies, particularly those that cross boundaries between jurisdictions.
11. Shoreline stabilization measures should not be developed to create additional property.

B. REGULATIONS

1. Structural shoreline modifications shall be allowed if necessary to support or protect an allowed primary structure, a legally permitted shoreline use that is in danger of loss or substantial damage, or are necessary for mitigation or enhancement. A geotechnical analysis by a qualified professional shall be required, and include estimates of the rate of erosion and urgency, and must demonstrate non-structural measures are infeasible and the project will result in no net loss of ecological functions.
2. The Shoreline Administrator shall base all decisions regarding shoreline modification on best available scientific/technical information and a comprehensive analysis of site-specific conditions provided by the applicant.
3. Shoreline modifications must be designed and located to ensure they will not result in a net loss of shoreline ecological functions and will not have significant adverse impacts to shoreline uses, resources, and values provided for in RCW 90.58.020.
4. Existing structures may be maintained, repaired, and replaced ; however, enlargements of an existing structural shoreline stabilization measure shall be considered new and must meet requirements for a new stabilization structure. In the case of replacement, need must be demonstrated and the structure shall not encroach waterward of the OHWM or beyond the existing structure unless there are essential safety or environmental concerns.
5. All disturbed areas shall be restored and protected from erosion by using native vegetation or other means.
6. If located on the convex side of the water body, stabilization measures shall be designed, and located to allow the stream to maintain point bars and associated aquatic habitat through normal growth and gradual accumulation.
7. Structural/hard shoreline modifications may be allowed to protect historic or cultural resources when nonstructural measures, such as planting vegetation or installing on-site drainage improvements are not feasible or not sufficient to avoid continued degradation, disturbance or erosion of a site.
8. The following shall be applicable to all shoreline stabilization measures:
    a. A geotechnical analysis by a qualified professional shall be required. Additional studies may be required to ensure no net loss of ecological functions.
    b. Shoreline modifications shall be limited in number and extent to the minimum necessary.
    c. Measures shall be located, designed and operated to ensure no net loss of ecological functions.

d. Non-structural stabilization measures shall be given preference over structural measures.
e. Soft structural measures shall be given preference over hard structural measures.

9. Shoreline modifications shall be limited in number and extent.

7.03 BIOENGINEERING

A. Policies

1. Give preference to bioengineering methods to protect existing primary structures and residences over hard shoreline stabilization methods.
2. Give preference to projects that include self-sustaining vegetation and material over those projects/materials that require regular maintenance.

B. Regulations

1. Bioengineering projects shall require geotechnical analysis that indicates a definite need to protect a primary structure or use, but the potential damage is not an imminent threat.
2. Bioengineering projects shall require the following:
   a. Native plants with as much diversity as feasible.
   b. All cleared areas shall be replanted and fully established within three years of completing work. A monitoring plan shall be submitted to ensure 90% viability and functionality of the project at all times.
   c. The bioengineering project area shall be protected and maintained in perpetuity to prevent disturbance of the site. Signage and other necessary methods may be required to ensure such protection.
   d. All construction and activities shall be scheduled to minimize the impact to water quality, wildlife habitat and to optimize the survival and establishment of new vegetation.

7.04 BREAKWATERS, JETTIES, GROINS, WEIRS

A. Policies

1. Limit projects to the minimum necessary to protect existing development. It shall be demonstrated by all necessary scientific, technical, etc. data that non-structural measures are not feasible and projects will result in no net loss of ecological functions.
2. Projects should achieve protection of water quality, fish and wildlife habitat, and natural floodplain processes.
3. Allow breakwaters, jetties, groins, and weirs to be located waterward of the OHWM only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

4. Consider alternative structures, including floating, portable, or submerged breakwater structures, or several smaller discontinuous structures, where physical conditions make such alternatives with less impact feasible.

B. Regulations

1. New or expanded 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 and that it supports water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Breakwaters, jetties, weirs, 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.
3. Structures shall be designed to protect critical areas and shall provide for mitigation as defined in WAC 173-26-201(2)(e).
4. The size of breakwaters, jetties, groins, and weirs shall be limited to the minimum necessary as determined by a qualified professional to provide protection for the structure or use it is intended to protect.
5. A qualified professional, including an engineer, hydrologist, or geomorphologist shall design and certify proposed designs for new or expanded structures.
6. Proposals for breakwaters shall be consistent with the WDNR Aquatic Land Management standards.
7.

7.05 DIKES, LEVEES AND INSTREAM STRUCTURES

A. Policies

1. Give preference to non-structural measures over structural measures.
2. Encourage projects that protect water quality, fish and wildlife habitat, recreation areas and natural floodplain functions.
3. Prohibit structural projects that would result in new development of previously undeveloped areas of 100-year floodplain and channel migration zones, loss of flood storage capacity in undeveloped 100-year floodplain areas, or increased flood levels.

4. Encourage the removal of dikes, levees and instream structures when feasible and beneficial.
5. Require instream structures to protect natural and cultural resources.
6. Prohibit new and/or expanded developments and subdivisions that would likely result in future structural flood control projects within a stream, river, lake, channel migration zone or floodway over the life of the development.

B. Regulations

1. Locate, design, construct and maintain dikes, levees and instream structures to ensure the following:
   a. Compliance with all local, state and federal regulations.
   b. No net loss to ecological functions.
   c. The effects on geohydraulic shoreline processes will not cause damage to shoreline resources or other property.
   d. Continued maintenance of the physical integrity of the shoreline.
   e. Compatibility with long term, multiple uses of shoreline resources where applicable.
2. Compensatory mitigation for adverse impacts shall be required to ensure no net loss of ecological functions.
3. New dikes and levees may be constructed as part of a shoreline environmental protection plan, approved watershed plan or approved stormwater drainage basin plan and shall be designed to comply with the following:
   a. Located to protect shoreline ecological processes and functions.
   b. Limited in height to the minimum necessary to protect adjacent properties from the projected flood stage.
   c. Setback landward of the floodway boundary to the greatest extent feasible.
   d. Located to not interfere with channel migration except to protect existing structures and infrastructure.
   e. Located so the stream can utilize as much of its natural flood storage as feasible.
   f. Shall not be constructed of dredged materials from adjacent wetlands or stream areas unless part of an approved comprehensive flood and habitat protection plan.
4. New dikes and levees shall not be constructed within the floodway unless necessary for the protection of bridges, roads and other infrastructure.

5. Instream structures for flood control projects shall be permitted only when engineering and scientific studies by qualified professionals indicates the following:
    a. The instream structure is necessary to protect health, safety and/or existing development.
    b. No other nonstructural measures are feasible.
    c. The proposed instream structure is in compliance with an adopted comprehensive flood hazard management plan, part of an approved mitigation or restoration project or an approved watershed basin plan.
    d. Cumulative impacts to the watershed have been evaluated and will result in no net loss to ecological functions.
    e. The project shall result in the preservation of recreational resources and aesthetic values.

7.06 DREDGING AND DREDGE MATERIAL

Dredging is the excavation or displacement of the bottom or shoreline of a waterbody waterward of the OHWM for purposes of flood control, navigation, utility installation, construction or modification of essential public facilities, or restoration by means of sediment or soil removal.

This section is not intended to cover other excavations waterward of the OHWM that are incidental to construction of an authorized use or modification such as bulkhead replacements, large woody debris installations, boat launch ramp installation, or pile placement.

A. Policies

1. Conduct dredging in a manner that minimizes significant ecological impacts. Require mitigation for impacts that cannot be avoided to ensure no net loss of ecological function.
2. Permit dredging as part of restoration or enhancement, public access, or flood storage, if deemed consistent with the SMP.
3. Prohibit dredging waterward of the OHWM to obtain fill material except when dredge material is necessary for restoration of shoreline ecological functions.
4. Site and design new development to avoid or minimize the need for new maintenance dredging, where avoidance is not possible.
5. Prefer the disposal of dredged material on land outside of the area subject to the SMA to open water disposal. Disposal of dredged material on shorelands or wetlands within a river's channel migration zone should be discouraged.

6. Allow dredging for existing navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged or existing authorized locations, depths, and widths.
7. Allow dredging for maintenance of existing irrigation reservoirs, drains, canals and/or ditches for agricultural and stormwater purposes.

B. Regulations

1. All dredging projects shall include the following:
    a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this SMP.
    b. An analysis of the existing shoreline and potential adverse impacts.
    c. A site plan outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry and have data points at a minimum of two-foot depth increments.
    d. 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 about the stability of bedlands adjacent to the proposed dredging and spoils disposal areas.
    e. A detailed description of potential adverse impacts to ecological functions and processes.
    f. A mitigation plan to address identified adverse impacts to ecological functions or processes.
    g. A detailed description of the physical, chemical, and biological characteristics of the dredge materials to be removed, including:
        i. Physical analysis of material to be dredged, such as the material composition and amount, grain size, organic materials present, source of material, etc.
        ii. Chemical analysis of material to be dredged, such as volatile solids, chemical oxygen demand, grease and oil content, mercury, lead, and zinc content, etc.
        iii. Biological analysis of material to be dredged.
    h. A description of the method of materials removal, including facilities for settlement and movement.
    i. Dredging procedure, including the estimated length of time it will take to complete dredging, method of dredging, and amount of materials removed.

j. Frequency and quantity of project maintenance dredging.
k. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:
    i. Dredge material disposal area.
    ii. Physical characteristics including location, topography, existing drainage patterns, surface and ground water.
    iii. Size and capacity of disposal site.
    iv. Means of transportation to the disposal site.
    v. Proposed dewatering and stabilization of dredged material.
    vi. Methods of controlling erosion and sedimentation.
    vii. Future use of the site and conformance with land use policies and regulations.
    viii. Plan for disposal of maintenance spoils for at least a 10-year period.
l. Hydraulic modeling studies sufficient to identify existing hydraulic patterns and probable effects of dredging.

2. If applicable, the use of dredge material to benefit shoreline resources shall be addressed through implementation of a regional interagency dredge material management plan or watershed plan.

3. New development shall be sited and designed to avoid or to minimize the need for new dredging and maintenance dredging.

4. Dredging shall require a Conditional Use Permit with any necessary mitigation and shall only be permitted for the following activities:
    a. Development of new or expanded moorages or water-dependent industrial uses when there are no feasible alternatives, significant ecological impacts are minimized, and mitigation is provided.
    b. Development of essential public facilities when there are no feasible alternatives and the facility is in the public interest.
    c. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes that are not already exempt from the SMP.
    d. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality or fish and wildlife habitat.
    e. Trenching to allow the installation of underground utilities, if no feasible alternatives exist.
    f. In conjunction with a water-dependent use and/or adjacent shorelands.

g. Maintaining, expanding, relocating, or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses.

h. Flood control projects when implemented for a problem identified in a flood hazard management plan.

5. Dredging shall be prohibited for the primary purpose of obtaining fill material unless in conjunction with an approved restoration plan.

6. 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.

7. Consistent with the mitigation sequencing, as defined in Chapter 9 of this SMP, 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, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of with SMP Section 5.03 and the City of Chehalis Critical Areas Ordinance.

8. 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 or fencing to address visual impacts at land disposal or transfer sites.

9. Dredge material disposal within the area subject to the SMA is permitted only when shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and erosion, sedimentation, floodwaters, or runoff will not increase adverse impacts to shoreline ecological functions or property.

10. Disposal of dredge material within channel migration zones is strongly 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 CMZ.

11. Dredge material disposal in open waters may be approved only when authorized by applicable agencies, which may include the USACE in accordance with Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and WDFW Hydraulic Project Approval (HPA); and when one of the following conditions apply:
    a. Land disposal is infeasible, inconsistent with the SMP, or prohibited by law; or
    b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.
12. Dredge materials approved for disposal in open waters shall comply with the following conditions:
    a. Offshore habitat will be protected, restored, or enhanced;
    b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
    c. Shifting and dispersal of dredge material will be minimal; and
    d. Water quality will not be adversely affected.

7.07 FILL, GRADE AND EXCAVATION

Fill and excavation includes the activities associated with preparing a site for development, as well as physically altering topography. Fill regulations in this section apply to fills in the area subject to the SMA, 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.

Regulations in this section also apply to grade and excavation in the area subject to the SMA. Grade and excavation are the disturbance or displacement of unconsolidated earth material such as silt, sand, gravel, soil, rock, or other material. In addition to upland grade and excavation, this section is intended to cover excavations waterward of the OHWM that are incidental to construction of an otherwise authorized use or modification, such as bulkhead replacements, large woody debris installations, boat launch ramp installation, and pile placement.

See SMP Section 7.06 for dredging for purposes of flood control, navigation, primary utility installation, the construction of water-dependent portions of essential public facilities, or restoration whose primary project element is removal of material waterward of the OHWM.

A. Policies

1. Protect shoreline ecological functions, including channel migration, by regulating location, design, and construction of all fill.
2. Allow fill, grade and excavation only in concert with permitted development .
3. Permit fill, grade and excavation only 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.
4. Prohibit speculative fill, grade and excavation.
5. Require that BMPs be utilized during fill, grade and excavation activity consistent with the local jurisdiction's stormwater management program and the provisions of the SMP.
6. Permit fill, grade and excavation associated with dike or levee maintenance as necessary to provide protection from flood hazards.
7. Ensure that the placement of fill does not result in a loss of flood storage.

B. Regulations

1. All fill, grade and/or excavation shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Work shall be minimized to the maximum extent practicable and necessary to accommodate approved shoreline uses and developments.
2. When fill, grade and/or excavation causes adverse impacts to ecological functions, a mitigation plan prepared by a qualified professional must be prepared consistent with the provisions of with SMP Section 5.03 and the City of Chehalis Critical Areas Ordinance.
3. Fill, grade and/or excavation within wetlands, floodways, CMZ s, or waterward of the OHWM shall only be permitted in limited instances. In these cases; fill, grade and excavation are only allowed when other required local, State or Federal permits have been obtained, with due consideration given to specific site conditions, and only along with approved shoreline use and developments.
4. Generally; fill, grade and/or excavation work should be limited to the following activities:
    a. Water-dependent uses, public access, and cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

b. Disposal of dredged material consistent with SMP Section 7.06.

c. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill, grade and/or excavation are infeasible.

d. Ecological restoration or enhancement, including, but not limited to, habitat creation, culvert upgrades to improve fish and flow passage, or bank restoration when consistent with an approved restoration plan.

e. Protection of historic or cultural resources when fill is the most feasible method to avoid continued degradation, disturbance, or erosion of a site. Such fills must be coordinated with affected Native American tribes and comply with all applicable local, state and federal regulations.

5. All fill, grade and/or excavation waterward of the OHWM that are not associated with ecological restoration, flood control, or approved shoreline stabilization shall require a shoreline conditional use permit. All upland fill, grade and/or excavation are permitted provided they:

   a. Are conducted outside required shoreline buffers and as part of an approved shoreline use or modification or are necessary to provide protection to historic or cultural resources.

   b. Are the minimum necessary to implement the approved use or modification.

   c. Do not significantly change the topography of the landscape in a manner that affects the hydrology or increases the risk of slope failure.

6. Fill, grade and/or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed, except when part of an approved restoration or protection of historic or cultural resources plan.

7. Fill, grade and/or 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 views.

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

9. Fill shall be made of approved materials including non-erodible soil, gravel, or rock material.

10. A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the most recent Ecology revised stormwater manual, shall be provided for all

proposed fill, grade and/or excavation activities, and approved by the Shoreline Administrator prior to commencement of such work.

11. To prevent loss of flood storage, compensatory storage shall be provided commensurate with the amount of fill placed in the floodplain and/or floodway.
12. Speculative fill, grade and/or excavation is prohibited.

7.08 PIERS, DOCKS AND FLOATS

A. Policies

1. Multiple use and expansion of existing piers, docks and floats should be encouraged over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new single use facilities.
2. Piers, docks and floats should be designed to cause minimum interference with navigable waters, scenic views and the public's use of the shoreline.
3. Piers, docks and floats should be located and designed to minimize possible adverse environmental impacts, including water circulation and quality, and fish and wildlife habitat.
4. New piers and docks should only be allowed for water-dependent uses or public access.
5. Piers and docks should be the minimum size necessary and non-residential piers and docks should permitted only when a specific need is demonstrated.

B. Regulations

1. A pier, dock or float associated with a single-family residence is a water-dependent use if it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.
2. No more than one pier, dock or float is permitted per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential purposes.
3. Only joint-use or community piers, docks and floats are allowed in all new residential development of two or more waterfront dwelling units or subdivisions or other divisions of land occurring after the effective date of this SMP.
4. In areas identified by the WDFW or DNR as having a high environmental value for fish life or wildlife; piers, docks and floats shall not be allowed, unless approved by conditional use permit and it can be conclusively established that it will not be detrimental to the natural habitat or species of concern.
5. Piers, docks and floats shall not significantly interfere with use of navigable waters or scenic views.

6. Piers, docks and floats are prohibited along braided or meandering river channels or where the river channel is subject to change in direction or alignment.
7. New or substantially improved piers, docks or floats shall conform to the following:
    a. Surface of the pier, dock or float shall not exceed four hundred and eighty (480) square feet for single use, seven hundred (700) square feet for two party/joint use and one thousand (1,000) square feet for three or more users.
    b. Shall not exceed six feet in width and must be a minimum of 30% functional grating.
    c. Ramps shall not exceed three feet in width and must be 100% functional grating.
    d. Docks and floats shall not rest on the substrate at any time. The bottom of the structure shall maintain a minimum 1' clearance above the level of the substrate at all times.
    e. Except for floats, the bottom of the structure shall be a minimum of 1.5' above OHWM.
    f. Flotation devices shall be located under the solid decked area only.
    g. Piers, docks and floats shall be constructed of materials that ensure no adverse impact to water quality and aquatic plants and animals, over the long term. The submerged portion of the structure, and any portion that may come in contact with water, shall be constructed of materials approved by the applicable state agencies to avoid discharge of pollutants from wave splash, rain or runoff. Such material includes, but is not limited to, untreated wood, approved plastic composites, concrete and/or steel.
    h. Floats must be visible under normal daylight hours and conditions at a minimum of three hundred (300) feet from the shore/bank and must have reflectors for night/dark visibility.

7.09 RESTORATION AND 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. Projects that qualify as streamlined fish enhancement projects per RCW 77.55.181 will be considered under this section.

7.09.01 POLICIES

A. To the greatest extent feasible, reclaim and restore biologically degraded areas, while maintaining appropriate use of the area subject to the SMA.

B. Work collaboratively to implement the restoration plan.

C. 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.

D. Improve shoreline ecological functions and processes through restoration and enhancement actions. Target the needs of sensitive plant, fish, and wildlife species as identified by WDFW, WDNR, NMFS, or USFWS.

E. Encourage interested parties 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 or the local watershed plans.

F. Develop application processing guidelines that will streamline the review of restoration-only projects.

G. Coordinate restoration and enhancement projects with local public utility and conservation districts.

H. Proposed shoreline habitat and natural systems enhancement projects should be reviewed to assure they address legitimate restoration needs and priorities and/or facilitate implementation of the restoration plan.

I. 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.

7.09.02 REGULATIONS

A. Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan. The plan shall guide voluntary efforts to improve the shoreline over time when compared to the baseline condition at the time of the adoption of the SMP update. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

B. 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.

C. 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.

D. Shoreline restoration and enhancement projects shall be designed using the best available scientific and technical information, and implemented using BMPs.

E. 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 WDNR to ensure the project will be appropriately located.

F. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environment designations provided the project's purpose is the restoration of the natural character and ecological functions of the shoreline.

G. Shoreline habitat and natural systems enhancement projects may include shoreline modification actions such as clearing or grading, shoreline stabilization, dredging and filling only if the primary purpose of such modification action is clearly restoration of the natural character and ecological functions of the shoreline (per WAC 173-26-231(3)(g).

H. Lands adjacent to restoration projects that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

8 NON-CONFORMING LOTS, USES, AND DEVELOPMENT

Non-conforming use or development means a shoreline use, development, or structure that was lawfully constructed or established prior to the effective date of the SMA or the local SMP, or amendments thereto, but does not conform to present regulations or standards.

A. Applicability

1. Nonconforming use and development standards not addressed in RCW 90.58.270(5), 90.58.620, and not addressed by the SMP, are found in WAC 173-27-080. In the event of a conflict between WAC 173-27-080 and the standards contained in this SMP, the requirement that best supports the provisions and goals of the SMA as stated in RCW 90.58.020 shall apply, as determined by the Shoreline Administrator.

B. Regulations

1. A nonconforming use, development, or structure may continue provided that it is not enlarged or expanded, except as follows:
    a. An existing non-conforming single family residence may be enlarged or expanded via a Shoreline Conditional Use Permit when the following conditions can be met:
        i. The enlargement or expansion is above the footprint of the main structure, does not exceed the allowed height and does not create a view corridor obstruction; or
        ii. The enlargement or expansion is located behind the structure, on the side that is farthest from the OHWM; and
        iii. The enlargement or expansion does not create an adverse impact and results in no net loss of ecological functions.
2. Legally established uses and developments may be maintained, repaired, and operated within the area subject to the SMA and within shoreline buffers established in the SMP.
3. A nonconforming use, development or structure must not be relocated/moved on the same site unless such relocation/move results in a use, development or structure that is closer to compliance with this SMP than what previously existed.
4. If a nonconforming structure is damaged to an extent less than 50% of the fair market value existing prior to the damage, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration/reconstruction is completed within one year of the date of damage.

5. If a nonconforming structure is damaged to an extent equal to or greater than 50% of the fair market value existing prior to the damage, any reconstruction, repair, replacement, etc. must be in compliance with the provisions of this SMP. If full compliance is not feasible, the proponent may seek a Shoreline Variance Permit per section 3.06.
6. If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two year period, any subsequent use shall be in compliance with the provisions of this SMP. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.
    a. The Shoreline Administrator shall have the authority to extend this time limit due to special circumstances outside of the control of the proponent; such as, insurance settlement disputes, delays in title transfer, labor strikes, etc.
7. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed.
8. Nonconforming lots of record, legally established in accordance with local and state requirements, may be developed provided the following can be met:
    a. The lot is located landward of the OHWM.
    b. The development is in compliance with other land use regulations.
    c. The use/development results in no net loss of ecological functions.
9. Nonconforming uses, developments and/or structures that are or become nuisances shall not be allowed to continue as nonconforming and shall be abated.

9 DEFINITIONS

Any word or phrase not defined in this chapter that is called into question when administering the SMP shall be defined utilizing the SMA and its implementing rules.

The Shoreline Administrator may obtain secondary definition sources from one of the following sources:

1. Chehalis Municipal Code.
2. Any City of Chehalis resolution, ordinance, policy, standard operating procedure or regulation.
3. The most applicable statute or regulation from the state of Washington.
4. Legal definitions generated from case law or provided within a law dictionary.
5. The common dictionary.

A

Accessory structure or use – A structure or use incidental, related and clearly subordinate to the principal use of a lot or main building. An accessory structure or use is only located on the same lot as a permitted principal use.
Act – The Washington State Shoreline Management Act (SMA) (Chapter 90.58 RCW)

Active channel - The portion of the channel or floodplain network that receives periodic scour and/or fill during sediment transport events.

Agricultural activities – Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is

subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural equipment and facilities – Includes, but is not limited to the following:

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

Agricultural land – Those specific land areas on which agricultural activities are conducted.

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 years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

Agriculture – The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities. In all cases, the use of agriculture related terms should be consistent with the specific meanings provided in WAC 173-26-020.

Agriculture Existing and Ongoing - includes those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of existing ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas, and the installation of new drainage ditches that are an integral part of an ongoing agricultural practice. Activities which bring an area into agricultural use are not part of an

ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

Alteration - means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, clearing, grubbing, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area. Alteration refers to the state of the physical environment either before, during or after action(s) taken by a developer.

Alteration-Substantial – means any alteration in which in the project cost equals or exceeds 50% of the market value of the structure. Market value is determined by utilizing the Lewis County Assessor's Office assessed value for the current year.

Anadromous fish - means fish that spawn and rear in freshwater and mature in the marine (salt water) environment.

Applicant/Proponent – Any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a shoreline development proposal, permit, or approval. It also means a person, party, firm, corporation, or other legal entity who files an application for approval under this title and who is either the owner of the land on which that proposed activity would be located, a contract vendee, or lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

Appurtenance – A building, structure, or development necessarily connected to the use and enjoyment of a single-family residence that is located landward of the OHWM and of the perimeter of any wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. Refer to WAC 173-27-040(2)(g).

Aquaculture – The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the State managed wildstock geoduck fishery.

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

Aquifer recharge area - means areas that, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation.

Associated Wetlands – Those wetlands that are in proximity to, and either influence or are influenced by, tidal waters or a lake or stream subject to the SMA. Refer to WAC 173-22-030(1).

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

Best Available Science (BAS) – Information from research, inventory, monitoring, surveys, modeling, synthesis, expert opinion, and assessment that is used to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through -925, BAS is derived from a process that includes peer-reviewed literature, standard methods, logical conclusions and reasonable inferences, quantitative analysis, and documented references to produce reliable information.

Berm – A linear mound or series of mounds of sand or gravel generally that parallels the water at or landward of the OHWM. In addition, a linear mound used to screen an adjacent use, such as a parking lot, from transmitting excess noise and glare.

Best Management Practices (BMPs) – mean physical, structural, and/or managerial practices, that when used singly or in combination, prevent or reduce water pollution, erosion, groundwater contamination, slope instability and similar impacts of construction, development and other actions. Source control BMPs include those which keep the pollutant from ever coming in contact with stormwater, and stormwater treatment BMPs include those which consist of various methods of treating stormwater. BMPs could include, but are not limited to, use of hay bales and plastic coverings to reduce erosion, education programs for employees regarding the use and disposal of chemicals, signage for customers regarding use of gasoline fueling facilities, and use of grass-lined swales to reduce pollutants in stormwater.

Boating Facility – including but not limited to, boat launch ramp, pier, dock, etc. that facilitates public recreational opportunities boat access, use and navigation of the water body, excluding piers and docks serving four or fewer single-family residences..

Bog – A unique type of wetland dominated by mosses at the surface and that form peat soils. Bogs form in areas where the climate allows the accumulation of peat to exceed its decomposition. The water regime in bogs is dominated by precipitation rather than surface inflow. The plant community is specialized to survive in the nutrient-poor and highly acidic conditions typical of bog systems.

Breakwater – An offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their 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.

Buffer or buffer zone - means an area that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area. See also **Shoreline Buffer.**

Bulkhead – A vertical or nearly vertical erosion protection structure placed parallel to the shoreline, at or adjacent to the OHWM, consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

C

Channel migration- The lateral or downstream shifting of a river channel within a river valley.

Channel Migration Zone (CMZ) – The area along a river or stream within which the channel can reasonably be expected to migrate over time because of normally occurring processes. It encompasses that area of lateral stream channel movement that can be identified by credible scientific information 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. For the purpose of this SMP, legally existing linear facilities parallel to the direction of flow, including roads and railroads and flood control levees permanently maintained by a public agency, that are built above or constructed to remain intact through the 100-year flood, may be considered to form the boundary of a CMZ. The area within which a river channel that is likely to move over an interval of time is referred to as the CMZ or the meander belt.

Chapter 90.58 RCW – The SMA of 1971.

City– City of Chehalis

Clean Water Act – Federal law providing water pollution prevention and control. See 33 USC 1251 et seq.

Clearing – means the removal of vegetative material such as timber, stumps, brush, sod, etc., that does not require reforestation per an approved forest practices application/notification from the Department of Natural Resources. It also includes the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, etc.

Compensatory mitigation - the restoration, re-establishment, rehabilitation, establishment, creation, enhancement, and/or in certain circumstances preservation, of wetlands, streams

and other aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Comprehensive Plan – The document, including maps adopted by the City of Chehalis in accordance with the Growth Management Act (Chapters 36.70A and 36.70B RCW, as amended) and applicable State law.

Conditional Use – A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable SMP. Refer to WAC 173-27-030(4).

Conservation easement - means a legal restriction placed on a piece of property to protect the resources (natural or manmade) associated with the parcel. It restricts the type and amount of activities that can take place on a parcel of land. Easements are recorded on the property deed and are held in trust by a conservation easement holder such as a land trust or government agency. The holder polices the terms of the easement for the duration of its existence, which is usually in perpetuity.

Contaminant - means any chemical, physical, biological or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.

Critical areas - are those areas established as wetlands, flood hazard areas, fish and wildlife habitat areas, landslide hazard areas, and critical aquifer recharge areas. As defined under Chapter 36.70A RCW includes the following areas and ecosystems:

1. Wetlands
2. Areas with a critical recharging effect on aquifers used for potable waters
3. Fish and wildlife habitat conservation areas
4. Frequently flooded areas
5. Geologically hazardous areas

Cumulative Impact – The impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over an interval of time.

D

Deed restriction – means clauses in a deed limiting the future uses of the property. Deed restrictions may impose a vast variety of limitations and conditions. For example, for a compensatory mitigation site, a deed restriction may limit the allowed activities on the site based on the goals and objectives of the site. If the site is primarily for wildlife habitat, human access may be restricted.

Delta - A body of alluvium consisting mostly of stratified clay, silt, sand, and gravel, nearly flat and fan-shaped, deposited at or near the mouth of a river or stream where it enters a body of relatively quiet water, usually a sea or lake.

Department – The Washington State Department of Ecology . Also referred to as Ecology.

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

Development activity does not include the following activities:

1. Interior building improvements.
2. Exterior structure maintenance activities, including painting and roofing.
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding.
4. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established cemeteries.
5. Projects that involve only dismantling or removing structures without any associated development or redevelopment.

Director/Shoreline Administrator - means the City of Chehalis Community Development Director or his or her designee.

Ditch - An artificial channel that is designed to convey water and drain perennially or seasonally wet areas.

Dredging – Excavating or displacing of the bottom or shoreline of a waterbody. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments.

E

Ecological Functions – The work performed or the 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 – The Washington State 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.

Emergency – 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 Program. 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 master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this SMP. 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. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3)(e)(iii) and WAC 173-27-040(2)(d)).

Emergent wetland - means a wetland class under the Cowardin classification that is dominated by erect, rooted, herbaceous plants. Emergent wetlands include marshes and wet meadows.

Endangered Species Act (ESA) – A Federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

Environmental Impacts – The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the SEPA. Refer to WAC 197-11-600 and WAC 197-11-444.

Environments – Designations given to specific shoreline areas based on the criteria of WAC 173-26-211, the existing development pattern, the biological and physical characteristics of the shoreline, and the goals and aspirations of local citizenry, as part of an SMP.

Excavation – any man-made cut, cavity, trench or depression in the earth's surface formed by material/earth removal. A trench is defined as a narrow underground excavation that is deeper than it is wide and is no wider than fifteen (15) feet.

Exemption – Certain specific developments are exempt from the definition of substantial development and are therefore exempt from the shoreline substantial

development permit process of the SMA. A use or 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 SMA and this SMP. Shoreline conditional use permits and variances may also still be required even though the use or activity does not need a shoreline substantial development permit (WAC 173-27-040).

Exotic - means any species of plants or animals that are not native to the planning area.

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 donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

Feasible – An action, activity, etc. that meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results.

2. The action provides a reasonable likelihood of achieving its intended purpose.

3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

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

Federally listed species - means species of fish or wildlife listed as threatened or endangered under the federal Endangered Species Act (ESA), species proposed for listing under the ESA, and candidate species for listing.

Fill – Raising the elevation or creating dry land by adding soil, sand, rock, gravel, sediment, earth- retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands.

Flood or flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM) - means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study - means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood.

Floodplain - Term is synonymous with 100-year floodplain. It also means the land area that is susceptible to being inundated with a one percent chance of being equaled or exceeded in a given year. The limits of this area are based on flood ordinance regulation maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(2)).

Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway – The area that either has been established in FEMA 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 a license from the federal government, the state, or a political subdivision of the state.

Footprint - means the area of a building site bounded by foundation walls or equivalent to the area of the site covered by structures if no foundation walls are present.

Forested wetland – a wetland class in the Cowardin classification system where woody plants greater than 20 feet in height form the dominant cover. Shrubs often form a second layer beneath the forest canopy, with a layer of herbaceous plants growing beneath the shrubs.

Functions, beneficial functions, or functions and values - means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation,

historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

G

Geotechnical Report or 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 geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down- current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

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

Groin – A barrier-type, rigid, hydraulic structure extending from, and usually perpendicular to, the shore or bank into a waterbody. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water or deposition of materials. A groin is relatively narrow in width but varies greatly in length. Groins are generally constructed of wood, concrete or rock piles and placed in groups. A groin issometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

Groundwater - means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water.

Growth Management Act (GMA) – Chapters 36.70A and 36.70B RCW, as amended.

H

Height – Measured from average grade level to the highest point of a structure: provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable SMP specifically requires that such appurtenances be included: provided further that temporary construction equipment is excluded in this calculation.

Historic Resources – Those historic or cultural properties or items that fall under the jurisdiction of the DAHP.

Hydric soil - means a soil that is saturated, flooded or ponded long enough during the

growing season to develop anaerobic conditions in the upper horizon(s). The presence of hydric soil shall be determined following the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and applicable regional supplements, as amended.

Hydrologically distinct wetlands - means those regulated wetlands which:

1. Are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream; and
2. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

Hydrophytic vegetation - means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Federal Wetland delineation manual and applicable regional supplements, as amended.

I – J – K

In-kind compensation - means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."

In-Stream Structure – A 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, or other purpose.

Interested Party – Synonymous with party of record, all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the local jurisdiction 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 (WAC 173-27-030(12)).

L

Landscaping – Vegetation ground cover including shrubs, trees, flower beds, grass and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Landslide area - means those areas susceptible to disintegration or collapse due to combinations of bedrock, soil, slope gradient, slope aspect, hydrology, and other identified factors.

Landward – that area of a development that is in the direction away from the water body.

Levee - An embankment built to prevent the overflow of a river.

Low Impact Development (LID) – A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

M

Management Area - A management area is an area of shoreline typically distinguished by similar characteristics relating to the relative intensity of land use, the physical landscape and/or critical hydrogeomorphic or biological processes. Management areas are comprised of smaller units called reaches. Management areas were used to conduct the Shoreline Inventory and Characterization Report.

Mass wasting - The down slope movement of material due to gravity (rather than water, wind, or ice, for example).

May – An action that is acceptable, provided it conforms to the provisions of this SMP.

Meander - One of a series of freely developing sinuous curves or loops produced as the stream moves from side to side of its floodplain. Meander bend is the convex side of a meander.

Mining - The removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

Mitigation or Mitigation Sequencing - means avoiding, minimizing, or compensating for adverse critical areas impacts. See WAC 197-11-768 and WAC 173-26-201(2)(e). Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority:

1. Avoid the impact completely by redesigning, restructuring and/or relocating the development components.
2. Minimize the impact by limiting the magnitude of the action and its implementation by using appropriate technology and/or taking affirmative action.
3. Rectify the impact by repairing, rehabilitating or restoring the impacted environment to its original state.
4. Reduce or eliminate the impact over time by preservation and maintenance actions.
5. Compensate for the impact by replacing, enhancing and/or providing substitute resources and/or environments.
6. Monitor the impact and compensation projects and take appropriate corrective measures as required.

Mixed Use – A development or structure that contains a combination of water oriented and non-water oriented uses.

Must – A mandate; the action is required.

N

Native Vegetation – Vegetation comprised of plant species that are indigenous to an area.

Natural or Existing Topography - topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Non-Conforming Use or Development – A shoreline use, building, or structure which was lawfully constructed or established prior to the effective date of the SMA/SMP, and which no longer conforms to the present applicable shoreline provisions (WAC 173- 27-080).

Normal Maintenance – Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2)(b)). See also Normal Repair.

Normal Repair - 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 involves total replacement which is not common practice or causes substantial adverse effects to shoreline resources or environment. See also Normal Maintenance.

Non-Water-Oriented Uses – Those uses that are not water-dependent, water-related, or water-enjoyment, which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

O

Off-site compensation – Compensatory mitigation in which the replacement wetlands are not located at or near the project that is affecting wetlands. Off-site mitigation is often only allowed if mitigation on the project site is not practicable/feasible or if it is environmentally preferable to on-site mitigation.

On-site compensation – Compensatory mitigation in which the replacement wetlands are located at or near the project that is affecting wetlands.

One-hundred-year flood- means the flood having a one percent chance of being equaled or exceeded in magnitude in any given year. Contrary to popular belief, it is not a flood occurring once every one hundred years.

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 the City or Ecology: provided, that in an area where the OHWM cannot be found, the OHWM adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(c) and WAC 173-22-030(5).

Out-of-kind compensation – Compensatory mitigation in which the wetland and its associated functions used to compensate for the impacts are of a different kind that those impacted.

Over-water Structure – A device or structure projecting over the OHWM, including, but not limited to bridges for motorized or non-motorized uses, piers, docks, floats, and moorage.

P – Q

Permit (or Shoreline Permit) – A shoreline substantial development permit, conditional use permit, or variance, or any combination thereof, authorized by the Act. Refer to WAC 173-27-030(13).

Point bars - Bars that are formed on the inside of meander bends.

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:

1. Comparatively high fish or wildlife density
2. Comparatively high fish or wildlife species diversity
3. Fish spawning habitat
4. Important wildlife habitat
5. Important fish or wildlife seasonal range
6. Important fish or wildlife movement corridor
7. Rearing and foraging habitat

8. Important marine mammal haul-out
9. Refuge habitat
10. Limited availability
11. High vulnerability to habitat alteration
12. Unique or dependent species
13. 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 (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority or non-priority fish and wildlife.

Priority Species – Species requiring protective measures or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the four criteria listed below.

1. Criterion 1. State-listed or State proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12- 014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the WDFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3. Criterion 3. Species of recreational, commercial, or Tribal importance. Native and non-native 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.
4. Criterion 4. Species listed under the ESA as either proposed, threatened, or endangered.

Properly Functioning Conditions (PFC) – Conditions that create and sustain natural habitat- affecting processes over the full range of environmental variation, and that support productivity at a viable population level of Proposed, Threatened or Endangered (PTE) species. PFC indicates a level of performance for a subset of the more broadly defined ecological functions, reflecting what is necessary for the recovery of PTE species.

Proposed, Threatened, and Endangered (PTE) Species – Those native species that are proposed to be listed or are listed in rule by the WDFW as threatened or endangered.

Provisions – Policies, regulations, standards, guideline criteria or environment designations.

Public Access – Public access is the ability of the 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. Refer to WAC173-26-221(4).

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 (WAC173-27-030(14)).

Public Use – To be made available daily to the public on a first-come, first-served basis, and may not be leased to private parties on more than a day use basis. Refer to WAC 332-30-106.

R

RCW – Revised Code of Washington.

Reach - A segment of shoreline that has a similar geomorphic context used for assessment of ecological conditions. Reaches are smaller units that comprise the management areas.

Recreational Facilities – Facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of this SMP, recreational facilities are divided into two categories:

1. Water-oriented (i.e. – waterfront parks, moorage facilities, fishing piers, recreational floats,trails and pathways); and
2. Non-water-oriented (i.e. – sports fields, golf courses, and RV camping).

Residential Development – Development, which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single-family development, multifamily development and the creation of new residential lots through land division.

Restore, Restoration, or Ecological Restoration – The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Revetment - A sloping structure placed on banks in such a way as to absorb the energy of waves or flowing water.

Riparian – Of, on, or pertaining to the banks of a river, stream, or lake.

Riprap – A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

River [streams] - A general term for a natural, freshwater surface stream of considerable volume and generally with a permanent base flow, moving in a defined channel toward a larger river, lake, or sea. Rivers are a subset of streams.

Run-Off – Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

S

Shall – A mandate; the action must be done.

Shorelands - 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 Administrator – The Community Development Department Director, or designee. The city's Shoreline Administrator is charged with the responsibility of administering the SMP.

Shoreline Buffer– A required vegetated open space, specified in SMPs, measured horizontally upland from and perpendicular to the OHWM.

Shoreline Environment Designations – The categories of shorelines established by the City's SMP in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26-211.

Shoreline Jurisdiction – The term describing all of the geographic areas covered by the SMA, related rules, the

SMP, and such areas in the City under the SMA. See definitions of Shorelines, Shorelines of the State, Shorelines of Statewide Significance, Shorelands, and Associated Wetlands. See SMP Section 2.

Shoreline Management Act (SMA) – Chapter 90.58 RCW, as amended. Washington's SMA was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines.

Shoreline Master Program (SMP) – The comprehensive use plan and related use regulations, which are used by the City to administer and enforce the permit system for shoreline management. The SMP must be developed in accordance with the policies of the SMA, be approved and adopted by the State, and be consistent with the rules (WACs) adopted by Ecology.

Shoreline Master Program (SMP) Guidelines – The State standards that the City must follow in drafting this SMP or any amendments. The Guidelines, found in Chapter 173-26 WAC, translate the broad policies of the SMA into standards for regulation of shoreline uses.

Shoreline Modification – 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, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Stabilization – Actions taken to address erosion impacts to property and dwellings, businesses, buildings, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural measures such as bulkheads, gabions, groins, revetments and bioengineering; and non-structural methods such as placing the development further from the shoreline, planting vegetation or installing on-site drainage improvements. New stabilization measures include the enlargement of existing structures.

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 statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines Hearings Board – A State-level quasi-judicial body, created by the SMA, which hears appeals by an aggrieved party on the granting, denying or rescinding of a shoreline permit, imposition of an enforcement penalty, and adoption by Ecology of any rules, regulations, or guidelines. See RCW 90.58.170, 90.58.180 and 90.58.210.

Shorelines of Statewide Significance – A select category of Shorelines of the State, defined in RCW 90.58.030(2)(f), where special policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020.

Shorelines of the State – The total of all "shorelines" and "shorelines of statewide significance".

Should – A particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this SMP, against taking the action.

Sign – A device, structure, fixture, or placard that uses words, letters, numbers, symbols, graphic designs, logos, or trademarks for the purpose of providing information, directions, and/or identifying, advertising a place, establishment, product, good, or service.

Significant Vegetation Removal – The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-Family Residence – A detached dwelling designed for and occupied by one family including those buildings, structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2)(g)).

Solid Waste – All garbage, rubbish, trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the sources be residential or commercial, exclusive of hazardous wastes, and including all source-separated recyclable materials and yard waste.

Stream – A stream which is a shoreline of the state is a naturally occurring body of periodic or continuously flowing water where the mean annual flow is greater than 20 cubic feet per second and the water is contained within a channel. This does not include artificially created irrigation, return flow, or stock watering channels (WAC 173-22-030(8)). Waterbodies that do not meet the SMP definition of a stream shall be regulated under the City's Critical Areas Ordinance.

Strict Construction – The close or narrow reading and interpretation of a statute or written document.

Structure – A permanent or temporary edifice or building, or a 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 (WAC 173-27-030(15)).

Structural Shoreline Stabilization – Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete groins, retaining walls, and bulkheads, while soft structural stabilization 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.

Substantial Development – A development of which the total cost or fair market value exceeds$7,047.00, or a development, which materially interferes with the normal public use of the water or Shorelines of the State. The dollar threshold established in this definition must be adjusted for inflation by the office of financial management every five years, beginning September 15, 2012, based upon changes in the consumer price index during that interval of time. Consumer price index means, for a calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect (RCW 90.58.030(3)(e)). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on Shorelines of the State as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of donated, contributed, or found labor, equipment, or materials.

Substantially Degrade – To cause significant ecological impact.

T – U

Tributary - A stream flowing into a larger stream or lake.

Upland – Generally described as the dry land area above and landward of the OHWM.

Utilities – Services and facilities that produce, transmit, store, process, or dispose of electric power, gas, water, stormwater, sewage, and communications.

Utilities, Accessory – Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer, and stormwater service lines.

Utilities, Primary – Utilities comprised of trunk lines or mains that serve neighborhoods, areas, and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

V – W – Y – Z

Variance – A means to grant relief from the specific bulk, dimensional or performance standards specified in this SMP, but not a means to vary a shoreline use. Shoreline variances must be specifically approved, approved with conditions, or denied by Ecology (See WAC173-27-170).

Water-Dependent Use – A use or a portion of a use, which cannot exist in any other location and is dependent on the water due to the intrinsic nature of its operations. Examples of water- dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

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 public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-Oriented Use – Any combination of water-dependent, water-related, or water enjoyment uses that serves as an all-encompassing definition for priority uses under the SMA.

Water-Related Use – A use or a portion of a use, which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. Of 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

2. The use provides a necessary service supportive of the water-dependent activities and the proximity of the use to its customers makes its services less expensive or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent uses and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

Water Quality – The physical characteristics of water within the area subject to the SMA, 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 the SMP and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of ground water or diversion of surface water in accordance with RCW 90.03.250 through RCW 90.03.340.

Watershed Restoration Plan – A plan developed or sponsored by the WDFW, Ecology, Department of Natural Resources, Department of Transportation a federally recognized Indian Tribe acting within or in accordance with 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 in accordance with SEPA.

Waterward – that area of a development that is in the direction of the water body measured from the Ordinary High Water Mark (OHWM).

Weir – A low dam built across a stream to raise its level, divert its flow, or measure its flow. Weirs have been used to address erosion and scouring of stream channels, but can also have negative impacts depending on how they are constructed, such as detrimental effects on fish habitat conditions.

Wetland or Wetland Areas – Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non- wetland areas to mitigate the conversion of wetlands.

ACRONYMS

ADA	Americans with Disabilities Act of 1990
BAS	Best Available Science
BMPs	Best Management Practices
CFS	Cubic Feet Per Second
CMC	Chehalis Municipal Code
CAC	Citizen Advisory Committee for the Shoreline Master Plan Update Process
CAO	Critical Areas Ordinance
CMZ	Channel Migration Zone
DAHP	Washington State Department of Archaeology and Historic Preservation
Ecology	Washington State Department of Ecology
ESA	Federal Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FPA	Washington State Forest Practices Act (Chapter 76.09 RCW)
GMA	Washington State Growth Management Act (Chapter 36.70A RCW)
HPA	Hydraulic Project Approval
NFIP	National Flood Insurance Program
NRCS	Natural Resources Conservation Service
OHWM	Ordinary High Water Mark
PTE	Proposed, Threatened, and Endangered
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act (Chapter 43.21C RCW)
SMA	Shoreline Management Act (Chapter 90.58 RCW)

SMP	Shoreline Master Program
State	State of Washington
TAC	Technical Advisory Committee
TESC	Temporary Erosion and Sediment Control
UGA	Urban Growth Area
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WAC	Washington Administrative Code
WDOH	Washington State Department of Health
WDFW	Washington State Department of Fish and Wildlife
WDNR	Washington State Department of Natural Resources