

# City of North Bonneville Shoreline Master Program

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# CHAPTER 1 – INTRODUCTION

## 1.1 Purpose

The Shoreline Master Program (SMP) was adopted under the authority granted by the Shoreline Management Act (SMA) passed by the State Legislature of 1971 (Revised Code of Washington (RCW) 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC) as amended. The act is intended to identify appropriate land uses and activities that will provide public access and enhance and conserve shoreline functions and values. The first SMP for the city was adopted in June 1974. This document provided the initial criteria for management of the shorelines within the city in compliance with the SMA of 1971.

The SMA established a cooperative shoreline management program between local government and the State. Local government has the primary responsibility for initiating the planning and administration of the local SMP. The Department of Ecology is responsible for supporting and assisting local governments and insuring compliance with the SMA and its provisions.

The SMP is a comprehensive use plan for local shoreline areas that includes desired goals and policies consistent with SMA policy (RCW90.58.020); maps, diagrams and charts or other descriptive material and text; use and development regulations; and administrative procedures for the shoreline permitting process. The Department of Ecology SMP guidelines (WAC 173-26) establish general goals and policies, and standards and criteria for regulations. The SMP is based on State guidelines, but tailored to the specific conditions and needs of individual communities. It is also meant to be a comprehensive vision of how the shoreline area will be used and developed over time. Upon approval of the Department of Ecology, the local SMP becomes part of the State’s overall Shoreline Master Program.

## 1.2 Key Concepts

The SMA policy is found in RCW 90.58.020; this provision prioritizes shoreline uses that are deemed to be in “the overall best interest of the state and the people generally.” It also states that “coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.” To this end, the SMA and the local SMP have broad, overarching policies:

- Preferred shoreline uses, which include those that control or prevent environmental pollution and damage or are unique to or dependent upon use;
- Promote public access for a “substantial” number of people while protecting private property rights;
- Increase shoreline recreational opportunities including commercial development that is consistent with the SMA and SMP;
- Protect shoreline natural resources and function.

The policies prefer “water oriented uses”, which are those uses that are particularly dependent upon or related to direct access to the water to support their use and those uses that promote “water enjoyment” to the public such as through view access.

The policies also provide the framework for the state shoreline guidelines (WAC 173-26) which emphasize the protection and restoration of shoreline natural resources. The guidelines refer to the protection of shoreline ecological processes (such as hydrology and sediment transport) and

shoreline ecological functions (provided by water quality, vegetation, and habitat). A major concept in the protection of ecological functions is termed “no net loss.”

“No net loss” is the concept that where environmental impacts occur, efforts must be made to mitigate or off-set those impacts to maintain the status quo for environmental processes and functions. In sum, the environmental conditions should remain the same as when the SMP went into effect. Achieving no net loss of environmental functions and promoting preferred uses are the goals when developing and implementing shoreline regulations.

Water oriented uses, no net loss, and other significant terms related to the Shoreline Management Act and the City’s SMP are officially defined and included in Chapter 3 of this document.

### **1.3 Shoreline Jurisdiction**

Under the Shoreline Management Act (SMA), RCW 90.58, the shorelines regulated by the City’s Shoreline Master Program (SMP) must include all shorelines of statewide significance, shorelines of the state, and their adjacent shorelands. The Columbia River is defined as a shoreline of “statewide significance”

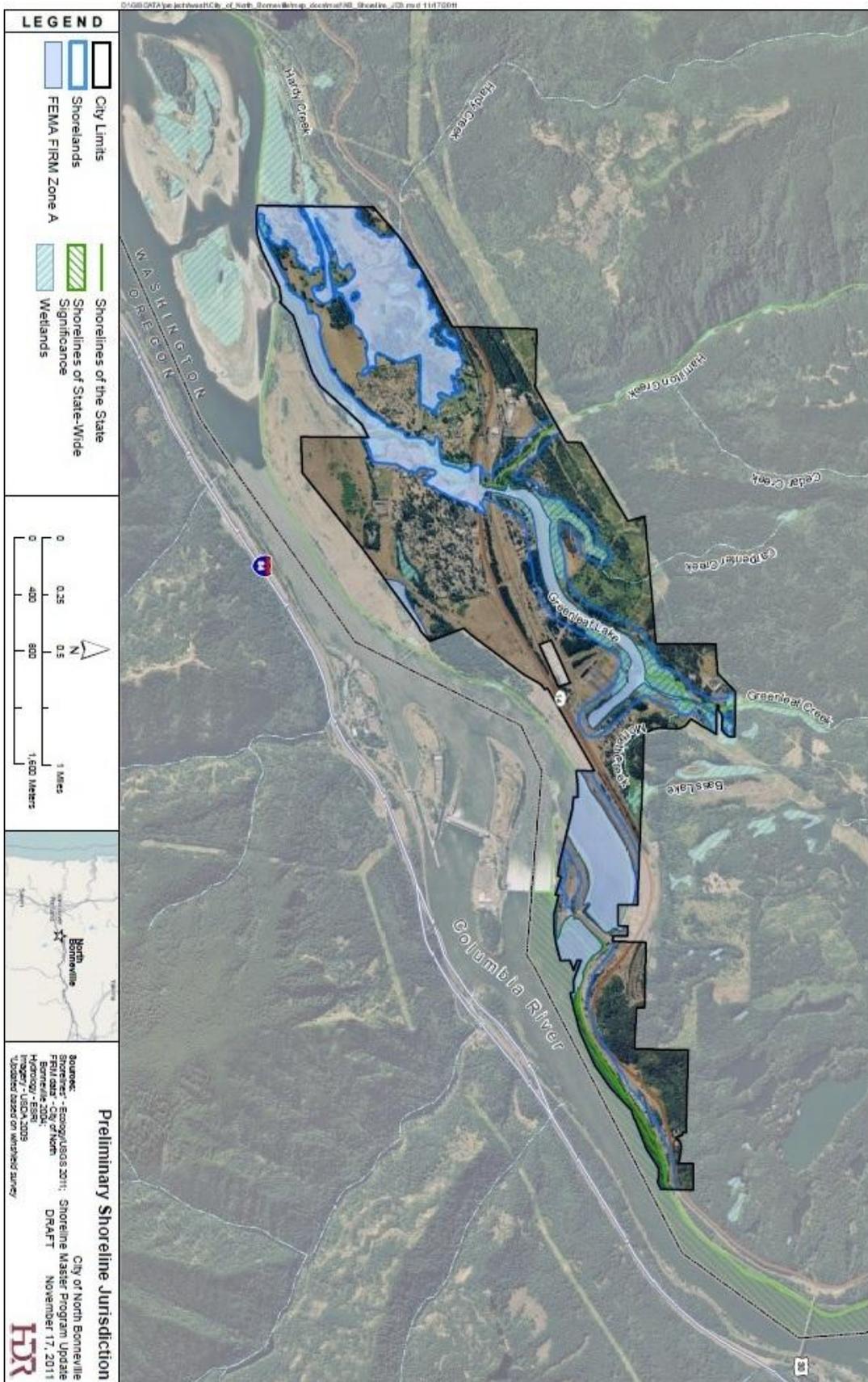
“Shorelines of the state” are generally described as all marine shorelines and shorelines of all other streams or rivers have a mean annual flow of 20 cubic feet per second (cfs) or greater and lakes with a surface area greater than 20 acres. Adjacent shorelands are defined as the upland area a minimum of 200 feet of the ordinary high water mark (OWHM), as well as any associated wetlands within its municipal jurisdiction (RCW 90.58.030).

“Associated wetlands” means those wetlands that are in proximity to and influence or are influenced by tidal waters or a lake or stream subject to the SMA (WAC 173-22-030(1)). These are typically identified as wetlands that physically extend into the shoreline jurisdiction, or wetlands that are functionally related to the shoreline jurisdiction through surface water connection and/or other factors.

The City’s shoreline jurisdiction includes the Columbia River and landward 200 feet from the OWHM within the city limits of North Bonneville which are classified as “shorelines of statewide significance.” Those portions within the city limits of Hamilton Creek, Greenleaf Lake, Greenleaf Creek and associated wetlands as well as FEMA mapped floodway (FIRM Zone A) including the landward 200 feet from the OWHM are classified as “shorelines of the state”.

The illustration below, Figure 1 – 1, identifies the City’s shoreline jurisdiction.

**Figure 1 – 1 Shoreline Jurisdiction**



## **1.4 Critical Areas in Shoreline Jurisdiction**

The term “critical areas” refers to those areas designated as “environmentally critical areas” by Chapter 21.10 of the North Bonneville Municipal Code (NBMC) under the authority of the Washington Growth Management Act (GMA) (RCW 36.70A). Designated critical areas in North Bonneville include wetlands, streams, lakes, geologically hazardous areas, critical aquifer recharge areas, fish and wildlife habitat conservation areas and frequently flooded areas.

The state legislature amended the SMA and GMA to integrate provisions for critical areas management into local shoreline master programs. After local adopted updating of the SMP, critical areas located within shoreline jurisdiction are regulated by the City’s Shoreline Master Program. The SMP incorporates many of the substantive requirements of NBMC 21.10 directly. However, it is important to note that there are procedural difference between NBMC 21.10 and the SMP. Please refer to Chapter 4 for SMP policies related to critical areas and Chapter 6 for regulations.

## **1.5 Compliance and Relationship to Other Regulations**

All use, development, or activity within the City’s shoreline jurisdiction must be consistent with this SMP. Uses and developments regulated by this SMP may also be subject to other provisions of the North Bonneville Municipal Code, the North Bonneville Comprehensive Plan, the Washington State Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws. Project proponents within the City’s shoreline jurisdiction are responsible for complying with all applicable laws prior to commencing any use, development or activity. Where the SMP makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment shall apply. In the event this SMP conflicts with other applicable City policies or regulations, the most restrictive provisions shall prevail.

## **CHAPTER 2 – INVENTORY AND CHARACTERIZATION SUMMARY**

### **2.1 Background and Purpose**

Cities and counties are required to prepare an inventory and characterization of the shoreline resources within their jurisdiction as part of the SMP update process. An Inventory and Characterization Report and maps were prepared and reviewed by the Department of Ecology in November of 2012. The complete report is incorporated as Appendix B of this SMP.

The purpose of the study was to establish a baseline inventory of the current conditions in the shoreline jurisdiction. The inventory and characterization provides the basis for updating the City's SMP to comply with the SMA, Revised Code of Washington (RCW) 90.58 and its implementing guidelines, Washington Administrative Code (WAC) 173-26. The characterization identifies existing conditions, evaluates functions and values of resources in the shoreline jurisdiction, and explores opportunities for conservation and restoration of ecological functions. The findings are intended to provide a framework for updates to the City's shoreline environmental designations, and shoreline management goals, policies, and development regulations. Key findings of the inventory and characterization are summarized below.

### **2.2 Physical and Biological**

The City of North Bonneville is located in the Columbia River Gorge and is situated on westerly portion of the Cascade Range. The City's shoreline jurisdiction includes all of Greenleaf Lake, the southern portions of Hamilton Creek and Greenleaf Creek and those portions of the Columbia River that are located within the city limits. The city shorelines of Hamilton Creek and the Columbia River are steep banked, little or no canopy and have been significantly modified with fill, riprap and transportation corridors by the Corps of Engineers during the second powerhouse construction for Bonneville Dam and the relocation of the city in the late 1970's. The southern portions of Greenleaf Lake are developed as single family residential and the existing BPA power substation and transmission lines. The northern shoreline of Greenleaf Lake is mostly undeveloped except for some single family residential and BPA transmission lines. The lake shorelines are mostly low bank with minimal canopy. Greenleaf Creek is partially developed as commercial recreation with steeper banks in some areas and aging canopy that extends landward approximately 50-100 feet on both banks. All creeks experience extreme high/low water flows.

### **2.3 Habitat and Species**

The city's shorelines provide important migration corridors and also support important listed priority habitat for salmon, as well as habitat for eagle, osprey, great blue herons, beaver, otter and many other birds and animals.

### **2.4 Land Use and Public Access**

The city has designated its shoreline areas into five reaches that separate each shoreline into separate geographic locations that can better represent their designated environmental designations because of property ownership, current and planned uses, and environmental considerations.

REACH 1 – Lower reach of Hamilton Creek below the Evergreen Bridge and the FEMA FIRM Zone A within the city limits. Two hundred feet landward of the western portion of Hamilton Creek is owned by either the City of North Bonneville and used and zoned as open space with a pathway system or the United States Fish & Wildlife maintained as a wildlife refuge. The eastern shoreline portion of this part of Hamilton Creek is made up of city owned open space along the entire shoreline, private owned residential development in the south and undeveloped Commercial zoned property to the north. Public access is limited to view only along the pathway

system owned by the city. Steep slopes, extreme seasonal high water and sensitive environmental areas limit the opportunity for public access on both banks of the creek. The northern part of FEMA FIRM Zone A is zoned Commercial Recreation and is owned and used as a public golf course. The southern majority is zoned federal ownership and is owned and maintained as a federal wildlife refuge.

REACH 2 – Greenleaf Lake and the associated water body of Carpenter Creek. The south lake shoreline is zoned as Mixed Use and with the exception of the BPA Substation and transmission lines is developed as residential including some private docks located on the shoreline. The north shore is partially developed as residential on the two ends (zoned Commercial Recreation and Single Family Residential respectively) with a large vacant shoreline that is zoned for commercial recreation. The city has a public boat launch and park on the northeast end of the lake. Commercial recreational development could provide additional public water-oriented use opportunities to the shoreline.

REACH 3 – Upper reach of Hamilton Creek above the Evergreen Bridge extending north to the BPA transmission lines crossing the creek. There is private ownership on both shorelines with an existing RV park zoned Commercial Recreation and vacant Industrial/Business Park zoned property on the west bank. The east bank is undeveloped property zoned Commercial Recreation that allows residential, commercial recreation and planned unit development. Steep banks and sugar diking prevent direct public access in this reach. Public view areas could be developed as part of a residential, commercial recreation or industrial development.

REACH 4 – Greenleaf Creek from Greenleaf Lake upstream to the city limits. These shorelines are in private ownership and are zoned Commercial Recreation except for a small eastern shoreline portion zoned Single Family Residential north of the Greenleaf Creek Bridge. The shoreline has been partially developed as commercial recreation with the portions zoned Single Family Residential being completely developed as residential. Direct shorelines are left mostly undisturbed with no public access because of the sensitive environment.

REACH 5 – A portion within the city limits of the Columbia River on the north bank above and below the Bonneville Dam. This shoreline is owned and regulated property of the United States of America. It has a completely altered shoreline with steep slopes, riprap and provides very limited public access to the shoreline. It is used by the United States Corps of Engineers as part of Bonneville Dam and for an in-lieu tribal fishing site.

## **2.5 Conclusions**

A majority of the shorelines within North Bonneville have been drastically altered by the federal government as part of the relocation of the City of North Bonneville, as well as transportation development in the area over the last 100+ years. Most of the public ownership has very limited and controlled public access and is owned by the federal government that does not have to follow state or local regulations. Only 28% of the property within the city's shoreline jurisdiction is in private ownership. A majority of the private owned shoreline areas are developed as single family residential with no public access provided. Most of the water bodies experience extreme seasonal high and low water, have extreme shoreline geography, and contain very sensitive environmental features. These conditions also make the opportunity for public access and restoration very challenging if ownership and use patterns remain the same.

## **2.6 Opportunities**

Site specific opportunities for ecological restoration is limited in many areas because of extensive federal and private ownership along the shoreline. New development on private shorelines could create restoration opportunities. Continued regional cooperative efforts with state and federal agencies could also allow for further restoration of the shorelines.

## CHAPTER 3 – DEFINITIONS

**Accessory building, structure or use.** The use of land or a subordinate building or a portion of a principal building, such use being secondary or incidental to a permitted use or structure, whether such permitted use is on the same lot as the proposed accessory building or use, or on a contiguous lot or lots under the same ownership; provided, that the accessory structure or use may be established in conjunction with or after the establishment of the permitted structure or use.

**Act.** The Washington State Shoreline Management Act, RCW 90.58. Also known as the “SMA”. (WAC 173-26-020).

**Administrator.** The person as appointed by the city to administer the provisions of these regulations within the boundaries of that jurisdiction.

**Agricultural activities.** Agricultural uses and practices for economic use, 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. (WAC 173-26-020)

**Amendment.** A revision, update, addition, deletion, and/or reenactment of the City of North Bonneville SMP.

**Approval.** An official action by the City of North Bonneville agreeing to submit a proposed SMP or amendments to the Department of Ecology for review and official action pursuant to the SMA (WAC 173-26-020). With or without approval, approval reflects the City’s determination the action is consistent with the provisions of this SMP and the SMA.

**Appeal, closed record.** An appeal of a land use action following an open record public hearing on a proposed land use action. Such an appeal is on the record established during the open record pre-decision public hearing with no new evidence or information allowed. During the closed record appeal, only appeal argument is allowed. (RCW 36.70B.020(1))

**Appurtenant structures.** Development that is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and/or the perimeter of a wetland. Appurtenances include, but are not limited to a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed the threshold established in local SEPA or building regulations, whichever is less, and which does not involve the placement of fill in any wetland, floodway, floodplain or waterward of the ordinary high water mark.

**Aquaculture, commercial.** The culture of farming of fish, shellfish, or other aquatic plants or animals for commercial purposes. (WAC 173-26-020(6)).

**Archaeological resource/site.** Includes a geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state’s jurisdiction, that contains archaeological objects.

**Archaeologist.** Means a person who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as M.A., M.S. or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

**Associated wetlands.** Means those wetlands which are in proximity to and either influence or are influenced or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

**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 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.

**Boat Launch or Boat Ramp.** Boat launch or boat ramp means a slab, pad, rail, or graded slope specifically constructed and used for launching boats or other vessels.

**Boating Facilities.** Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types, covered moorage, boat launches, and marine travel lifts. Boating facility standards do not apply to docks serving four or fewer single family residences.

**Buffer.** The zone contiguous to a environmental sensitive critical or shoreline area that is required for the continued maintenance, function, and/or structural stability of the critical area or shoreline. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. Unlike zoning setbacks, buffer areas are intended to be left undisturbed, or may need to be enhanced to support natural processes, functions and values. The critical functions of the riparian buffer (those associated with an aquatic system) include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, interception of sediments, overflow during high water events, protection from disturbance by humans and domestic animals, maintenance of a wild habitat, and room for variation of aquatic system boundaries over time due to hydrological or climatic effects. The critical functions of terrestrial buffers include protection of slope stability, attenuation of surface water flows from stormwater runoff and precipitation, and erosion control.

**Bulkhead.** Either public or private wall usually constructed parallel to the shore. Their primary purpose is to contain and prevent loss of soil caused by erosion or wave action.

**Channelization.** The straightening, deepening or lining of stream channels, and/or prevention of natural meander progression of stream ways, though artificial means such as relocation of channels, dredging, and/or placement of continuous levees or bank revetments along significant portions of a stream. Dredging of sediment or debris alone is excluded.

**Clearing.** Means 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, or burning.

**Commercial development.** Those uses involved in wholesale, retail, service and business trade. Examples include, but are not limited to, hotels, motels, grocery stores, shopping centers, restaurants, shops, offices and private or public indoor recreational facilities.

**Conditional use.** A use, development, or substantial development which is classified as a shoreline conditional use or is not classified within the SMP (WAC 173-26-030). In terms of shoreline permits, a greater level of scrutiny is applied to ensure that these uses can be done without adverse impacts to shoreline resources. Conditional Use permits are also reviewed by Ecology after the City's decision on the permit.

**Critical areas.** Those areas with especially fragile biophysical characteristics and/or with significant environmental resources as designated in NBMC 20.10 Resource Lands and Critical Areas Protection. The critical areas include designated wetlands, critical aquifer recharge areas, frequently flooded areas, fish and wildlife habitat areas, and geologically hazardous areas with the city's jurisdiction.

**Development.** A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. (RCW 90.58.030).

**Development regulations.** The controls placed on development or land uses by the City of North Bonneville, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of the SMP other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. (WAC 173-26-020).

**Dike.** An embankment or revetment to prevent flooding by a stream or other water body of adjacent lands, often referred to as a levee.

**Dock.** A floating moorage structure.

**Dredging.** The removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, river, lake or marine water body and associated shorelines and wetlands.

**Dwelling.** A building or portion thereof, designed exclusively for residential occupancy on a permanent basis. The term dwelling shall not be construed to mean a motel, rooming house, hospital or other accommodation used for more or less transient occupancy. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling.

**Ecological functions.** Also referred to as "shoreline functions", meaning the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

**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.

**Exempt developments.** Pursuant to legislatively established criteria, those development activities set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147,

90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

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

**Feasible.** An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

- a. 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;
- b. The action provides a reasonable likelihood of achieving its intended purpose;
- c. The action does not physically preclude achieving the project's primary intended legal use;
- d. In cases where this master program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant; and
- e. In determining an action's infeasibility, the administrator may weigh the action's relative public costs and public benefits, considering in the short and long-term time frames.

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

**Fish and wildlife habitat conservation areas.** Habitat for endangered, threatened and sensitive species; priority habitats and species areas; riparian areas; habitats of local importance, and water bodies.

**Floodplain.** Synonymous with one hundred (100) year floodplain and means that land area susceptible to inundation with a one percent (1%) chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the act.

**Geologically hazardous areas.** Areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. Geologic hazard areas include erosion, landslide, mine, seismic, and volcanic hazard areas.

- a. Erosion hazard—areas identified as having severe or very severe erosion hazard by the USDA Natural Resource Conservation Service (NRCS) in the *Soil Survey of Skamania County Area, Washington*; October, 1990.
- b. Landslide hazard—areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors and shall include ravine sidewall areas and slopes of twenty (20) percent or greater.
- c. Mine hazard areas—areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.
- d. Seismic hazard areas—areas subject to severe risk or damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

- e. Volcanic hazard areas—areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

**Geotechnical report.** Also referred to as a “geotechnical analysis”, meaning 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, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

**Growth Management Act (GMA).** The State of Washington Growth Management Act (RCW 36.70A).

**Guidelines.** Those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and Ecology in developing shoreline master programs (SMP).

**Habitats of Local Importance.** Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the WDFW but are designated as locally significant by the city.

**Hazard tree.** Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

**Height.** Distance 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 the shorelines or the master program provides otherwise. Provided further, that temporary construction equipment is excluded in this calculation.

**In-stream structure.** A structure placed by humans within a stream or river waterward of the ordinary high-water mark 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 flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

**Impervious surface.** A hard surface area which either prevents or retards the entry of water into the soil. Such surfaces include, but are not limited to, rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas or storage areas, which similarly affect the natural infiltration.

**Invasive Species.** Non-native plants which are destructive, competitive, and difficult to control as defined by the Skamania County Noxious Weed Control Board.

**Lot of record.** A lot shown as a part of a recorded subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey, or other appropriate document recorded in the office of the County Auditor.

**Master program.** The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

**May.** The action is acceptable, provided it conforms to the provisions of this program.

**Mitigation.** Individual actions that may include a combination of the following measures, listed in order of preference:

- a. Avoiding an impact altogether by not taking a certain action or parts of actions;
- b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- c. Rectifying impacts by repairing, rehabilitating, or restoring the effected environment;
- d. Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action;
- e. Compensating for an impact by replacing or providing substitute resources or environments; and
- f. Monitoring the mitigation and taking remedial action when necessary.

**Multifamily dwelling.** Means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this code, includes triplexes, four-plexes, apartment buildings, and residential condominiums.

**Must.** A mandate; the action is required.

**Native vegetation.** When referring to plants or plant communities, means those species or communities which are indigenous to the local area watershed, including extirpated species.

**No net loss.** The maintenance of the combined total of the City's shoreline ecological functions. No net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement.

**Nonconforming use or development.** A shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP.

**Nonwater-oriented uses.** Those uses that are not water-dependent, water related or water enjoyment.

**Ordinary high water mark (OHWM).** That mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are 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 local government or the department:

PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark of adjoining fresh water shall be the line of mean high water.

**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 local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

**Permit.** Also referred to as a “Shoreline Permit”. Any shoreline substantial development, shoreline variance, shoreline conditional use permit, or revision authorized under RCW 90.58.

**Pier.** A fixed, pile-supported structure in the water.

**Planned unit development.** The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which need not correspond in lot size, setbacks, density, lot coverage or required open space to the regulations otherwise required by the zoning ordinance of the City of North Bonneville.

**Provisions.** Policies, regulations, standards, guideline criteria or environmental designations of the North Bonneville SMP.

**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 including, but not limited to, and effect on public property or on health, safety, or general welfare resulting from a use or development.

**Qualified professional.** Means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

- a. A qualified professional for wetlands must be a professional wetland scientist or ecologist with at least two years full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.
- b. A qualified professional for habitat must have a degree in biology or related degree and professional experience related to the subject species.
- c. A qualified professional for geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- d. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
- e. A qualified professional arborist must be an ISA (International Society of Arboriculture) Certified Arborist.

**Recreational development.** Development, including commercial and public facilities, that provides opportunities for the refreshment of body and mind through forms of play, amusement or relaxation. It includes facilities for passive recreational activities such as hiking, photography, viewing and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, event centers, golf courses and their support buildings including clubhouses, covered areas and other outdoor recreation areas.

**Residential development.** One or more buildings, structures, or portions thereof which are designed for and used to provide a place of abode for human beings. Included are single-family dwellings, duplex or multi-family dwellings, apartment/condominium buildings, manufactured homes, mobile home parks, and other group housing, together with accessory uses and structures normally common to residential uses including, but not limited to garages, sheds, or other appurtenant structures.

**Restoration.** In the context of “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 and treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

**Riprap.** Dense, hard, angular rock free from cracks or other defects conducive to weathering placed on slopes or other such places to protect them from erosion.

**Shall.** A mandate; the action must be done.

**Shorelands.** Also referred to as “shoreland areas”, meaning 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 RCW 90.58; the same to be designated as to location by the Department of Ecology.

**Shoreline administrator.** The shoreline administrator shall be the Planning Advisor or his or her designee and is responsible for administering the North Bonneville SMP.

**Shoreline jurisdiction.** All “shorelines of the state” and “shorelands” as defined in the North Bonneville SMP and RCW 90.58.030.

**Shoreline Management Act.** The Shoreline Management Act of 1971 (RCW 90.58, as amended).

**Shoreline Master Program.** Also known as the “SMP”. The comprehensive use plan for shorelines of the state, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCA 90.58.020.

**Shoreline modification.** Those actions that modify the physical configuration of 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 actions, such as clearing, grading, or application of chemicals.

**Shoreline permit.** Any Substantial Development, Conditional Use, or Variance Permits.

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

**Shorelines.** All water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except:

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

**Shorelines of the state.** The total of all “shorelines” and “shorelines of statewide significance” within the state.

**Should.** Indicates the action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and the North Bonneville SMP, against taking the action.

**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.

**Structure.** A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except vessels.

**Substantial development.** Any development of which the total cost or fair market value, whichever is higher, exceeds six thousand four-hundred sixteen dollars (\$6,416) or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. “Consumer price index” means, for any calendar year, that year’s annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

The following shall not be considered substantial developments for the purpose of this master program:

- a. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
- b. Construction of the normal protective bulkhead common to single family residences;
- c. Emergency construction necessary to protect property from damage by the elements;
- d. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

- e. Construction or modification of navigational aids such as channel markers and anchor buoys;
- f. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets the requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
- g. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies to either:
  - 1. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars (\$2,500) or
  - 2. In fresh waters, the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered substantial development for the purpose of this chapter;
- h. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;
- i. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- j. Operation and maintenance of any system of dikes; ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
- k. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
  - 1. The activity does not interfere with the normal public use of the surface waters;
  - 2. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
  - 3. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - 4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
  - 5. The activity is not subject to the permit requirements of RCW 90.58.550.
- l. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under RCW 43.21C.

**Substantially degrade.** To cause significant ecological impact.

**Topography.** The natural or existing topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

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

**Variance.** A means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable SMP and not a means to vary a use of a shoreline.

**Vegetation, native.** Native plants commonly found in Skamania County. Generally comprised of three vegetative levels including an overstory of trees, and understory of shrubs, and a floor of herbs.

**Water-dependent use.** A use or portion of a use which cannot exist in a location that is not adjacent to water and which is dependent on the water by reason of the intrinsic nature of its operations.

**Water-enjoyment use.** A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

**Water-oriented use.** A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

**Water-related use.** A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

**Water quality.** The physical characteristics of water within shoreline jurisdiction, including water quality, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quality" refers only to development and uses regulated under this chapter and affecting water quality, such as impermeable surfaces and storm water handling practices. Water quality, for purposes of this master program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

**Watershed restoration projects.** A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- a. A project for the restoration of an eroded or unstable stream bank that employs the principals of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- b. A project designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream; or

- c. A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

**Watershed restoration plan.** A plan, developed and sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, recreation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21C, the State Environmental Policy Act.

**Wetlands.** Areas that are inundated or saturated by surface water or groundwater 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 intentionally created as a result of the construction of a road, street, or highway. Wetlands map include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

## CHAPTER 4 – MASTER PROGRAM GOALS AND POLICIES

### 4.1 Shoreline Master Program Goals Introduction

In accordance with the State Shoreline Management Act (RCW 90.58) all relevant policy goals must be addressed in the planning policy of the SMP. Goals express the vision of the city. Policies identify more detailed steps that move towards achieving the goals. The following set of goals and policies provide the foundation and framework upon which the balance of the SMP is based.

### 4.2 General Goals and Policies for Master Program Elements

#### 4.2.1 Economic Development Element

(RCW 90.58.100(2)(a))

##### **Goal**

Encourage economic development of water-dependent and/or water-related commercial facilities while assuring compatibility with the environmental and physical conditions of the designated shoreline.

##### **Policies:**

- a. Priority should be given to water-oriented commercial developments that would preserve and enhance public access to the shoreline.
- b. Over-the-water, non-water dependent structures on the shorelines should be prohibited.
- c. Assure that commercial or industrial development will not result in a net loss of shoreline ecological functions or have significant adverse impacts on navigation, recreation and public access.
- d. Encourage economic development in areas already partially developed with similar uses when consistent with this Program and the North Bonneville Comprehensive Land Use Plan.

#### 4.2.2 Public Access Element

(RCW 90.58.100(2)(b))

##### **Goal**

Increase public access to shoreline areas while protecting shoreline ecological functions, private property rights and providing for public safety. The public access element addresses the ability of the general public to reach, touch, and travel on the shorelines. It also includes the ability to view the water and shorelines from adjacent and distant locations.

##### **Policies:**

- a. Public access improvements should not result in a net loss of shoreline ecological functions.
- b. Public access should be located and designed to provide public safety, respect private property rights, maintain privacy of private property, be compatible with the shoreline environment, protect ecological functions and processes, and protect aesthetic values of the shoreline.
- c. Shoreline development by public entities, including but not limited to local governments, state agencies, and public utility districts should include improvements and amenities to enhance or provide public access and/or views as part of each development project.
- d. New subdivisions and planned unit developments should include public access and view opportunities as part of each project.
- e. When appropriate, shoreline recreational facilities and other public access points should be connected by pathways and other access links.

- f. Appropriate signs should clearly indicate where public access points are located and/or how to reach publicly owned shorelines.
- g. Within the shoreline environment, pedestrian and non-motorized access should be encouraged to limit adverse impacts to shoreline resources from parking or vehicular uses too close to the water.
- h. Major public access improvements should be designed to meet Americans with Disabilities Act (ADA) standards.
- i. Viewpoints, lookouts and vistas of shorelines and wetlands should be publicly accessible, where possible, and when private properties are adequately protected.

None of the above policies should be construed to take precedence over the City's obligation to provide for public safety or to protect the City from unacceptable municipal liability.

### 4.2.3 Recreation Element

(RCW 90.58.100(2)(c))

#### **Goal**

Provide passive and active water dependent and shoreline oriented recreational opportunities for city residents and maximize public recreational opportunities permitted in the shoreline areas.

#### **Policies:**

- a. Provide recreational opportunities on the publicly owned shoreline to attract people of all ages, health, family status, and financial ability.
- b. Encourage the cooperation of the community and all appropriate levels of government in planning, designing, and financing of future recreational facilities.
- c. Effective signage should be provided at public recreation facilities to provide interpretive, educational and safety information relating to the resource.
- d. Shoreline recreational use and development should respect surrounding private property rights and enhance environmental qualities with minimal adverse effect on the natural resources.
- e. Shoreline recreational areas should be sited and designed to facilitate adequate monitoring and maintenance.
- f. Pathway development and linkages should be taken into consideration and used as an opportunity for shoreline access and views.
- g. Recreational facilities should be designed to harmonize with the topography and minimize damage to natural resources and shoreline ecological functions.

### 4.2.4 Circulation Element

(RCW 90.58.100(2)(d))

#### **Goal**

Provide safe, reasonable, and adequate transportation circulation systems with minimal impact on fragile or unique shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

#### **Policies:**

- a. Locate new or expanded road corridors for motorized vehicles outside of shoreline jurisdiction unless there is no reasonably feasible alternative or location.
- b. Encourage uses and development of non-motorized forms of access to and along shoreline areas.
- c. Linkage to the city path system should be accomplished whenever practical.
- d. Parking facilities should be discouraged from locating in the shoreline areas, unless such facilities are otherwise unfeasible.

#### 4.2.5 Shoreline Use Element

(RCW 90.58.100(2)(e))

##### **Goal**

Preserve and develop shorelines in a manner that optimizes the combined potential for economic development and the enjoyment and protection of natural resources while minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

##### **Policies:**

- a. Encourage water-oriented uses consistent with the control of pollution and prevention of damage to the natural environment.
- b. Shoreline uses and development should enhance and/or increase public access to the shoreline or provide significant public benefit.
- c. Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.
- d. Consider the goals, objectives and policies in the SMP in land use and water management actions on adjacent uplands and associated wetlands or streams where such use or development may have an adverse effect on designated shorelines.
- e. Whenever possible, non-regulatory methods to protect, enhance, and restore shoreline ecological functions should be encouraged.

#### 4.2.6 Conservation Element

(RCW 90.58.100(2)(f))

##### **Goal**

Protect, preserve, and/or enhance shoreline resources for their ecological functions and values, and aesthetic and scenic qualities.

##### **Policies**

- a. Maintain and enhance native shoreline vegetation to protect water quality, fish and wildlife habitat, and other ecological functions and processes.
- b. Promote restoration and enhancement of areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.
- c. Maintain and sustain natural shoreline formation and sustainability through effective stewardship, management, and use of shorelines.
- d. Limit the modification of intact natural shoreline areas by development of structures in areas of unstable soil or slope conditions.

#### 4.2.7 Historic, Cultural, Scientific, and Education Element

(RCW 90.58.100(2)(g))

##### **Goal**

Preserve, protect, and restore buildings, sites or areas having significant historical, cultural, scientific, and/or educational value.

##### **Policies:**

- a. All shoreline sites within shoreline jurisdiction having archeological, historic, or cultural significance, as determined by the City, the State Department of Archeology and Historic Preservation, and any affected tribe, should be preserved.
- b. Work on development and construction projects within shoreline jurisdiction that encounter new and significant archaeological, historical, scientific, or cultural discoveries should immediately stop and be suspended until such discoveries can be fully evaluated.
- c. Shoreline use regulations should encourage the restoration, development and interpretation of historical, cultural and educational shoreline areas.
- d. Encourage and support educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime history and activities, environmental conservation, natural history and cultural heritage.

## 4.2.8 Flood Hazard Prevention Element

(RCW 90.58.100(2)(h))

### **Goal**

Prevent and minimize flood damages, and the creation or expansion of flood hazards.

### **Policies:**

- a. Regulate land use and development to protect natural topographic, geologic, vegetation, and hydrological features relating to flood hazard.
- b. Maintain existing flood control measures on Greenleaf Lake and Hamilton Creek.

## 4.2.9 Critical Areas Element

(RCW 90.58.100(2)(i))

### **Goal**

Manage designated critical areas (i.e., wetlands, frequently flooded areas, critical aquifer recharge areas, geological hazardous areas, fish and wildlife conservation areas and streams) to protect existing ecological functions and ecosystem-wide processes and where possible, restore degraded ecological functions and ecosystem-wide processes to ensure no net loss of ecological function.

### **Policies:**

- a. Regulate development in a way that protects the public from flooding, landslides, and erosion and prevents adverse impacts to ground and surface water quality, wetlands, streams, and fish and wildlife habitat.
- b. Encourage activities in critical areas that restore degraded ecological functions and ecosystem-wide processes.
- c. Integrate planning and regulatory measures, including the comprehensive plan, critical area regulations, the SMP and other jurisdictional regulations and programs.

## CHAPTER 5 – SHORELINE ENVIRONMENTAL DESIGNATIONS

Shoreline environmental designations are similar to zoning, but are based on Shoreline Management Act criteria. Each local government evaluates the local shorelines in relation to current ecological functions and how the shorelines are used or developed. RCW 90.58 criteria are then applied to identify the specific management and development policies and regulations that apply to particular geographic portion of the city shoreline. Each environmental designation reflects the type of development that has taken place or should take place in a given area. The designations are also based upon existing development patterns, shoreline characteristics, potential for restoration and community visions.

Under the original Shoreline Master Program the shorelines within the existing municipal boundaries of North Bonneville were completely designated as Conservancy Environment by the City of North Bonneville and Skamania County. This designation was established before the relocation of the city in the late 1970's. Limited types of shoreline designations available at the time, as well as existing conditions and ongoing development after the city's relocation has made this designation obsolete. Under the Shoreline Master Program Update, the City of North Bonneville has now established five environmental designations: "Urban," "Shoreline Residential," "Urban Conservancy," "Natural" and "Aquatic." Although there are other designations within the Shoreline Act, these designations more accurately reflect existing and projected shoreline conditions, uses and goals. The city also took into account how shoreline areas are regulated in the City's Comprehensive Land Use Plan. Each designation sets out classification criteria, management policies, and regulations associated with that designation. These environmental designations apply to shoreline areas that have similar ecological conditions and similar land uses or potential development patterns. These designations will be identified on the City's shoreline designation map.

The City of North Bonneville has mapped all areas in shoreline jurisdiction and reconciled these with current and corrected FEMA mapping. Areas found to be within shoreline jurisdiction that are not mapped and/or designated are automatically assigned the "urban conservancy" designation until re-designated through a master program amendment process.

**Table 5-1 Description of Shoreline Designations by Reach**

Reach	Area Description	Designation	Rationale	Important Ecological Functions
1 - A	Western shoreline of Hamilton Creek south from Evergreen Bridge to Columbia River. FEMA Floodway (Firm Zone A) located in the Pierce Wildlife Refuge	Natural	The city owns and maintains a minimum 200' shoreline as open space along most of this portion of Hamilton Creek. The federal government (Pierce Wildlife Refuge and U.S. Corps of Engineers) owns and maintains the remainder of the southern portions of Hamilton Creek and the federally owned portion of the floodway as open space.	Area managed to promote wildlife use. Riparian functions important for resident and migratory fish and wildlife. Sediment and organic material passage help support anadromous fish in Lower Hamilton Creek. Wildlife refuge managed to support migratory waterfowl, amphibians, and aquatic reptiles. Floodplain wetlands are supported by existing land use. Functions are limited by invasive species and flow modifications.
1 - B	Northern portion of FEMA Floodway (Firm Zone A)	Urban Conservancy	This part of the floodway is in non-federal ownership and part of the Beacon Rock Golf Course which is owned by the Port of Skamania County and used as commercial recreation.	Floodplain wetlands are supported by existing land uses and landscaping. Functions are limited by invasive species and flow modifications.
1 - C	East shoreline of Hamilton Creek ~1000' south from the Evergreen Bridge	Urban	City owns and maintains the direct shoreline as open space with a paved pathway running along the shoreline. Lands adjacent are privately owned and zoned as Commercial.	Riparian functions important for resident and migratory fish and wildlife. Sediment and organic material passage help support anadromous fish in Lower Hamilton Creek. Functions are limited by invasive species and flow modifications.
1 - D	Remaining east shoreline of Hamilton Creek south to the city limits	Shoreline Residential	City owns and maintains the direct shoreline as open space. Lands adjacent are developed as residential on the north with a large vacant city and federal owned lands on the south.	Riparian functions important for resident and migratory fish and wildlife. Sediment and organic material passage help support anadromous fish in Lower Hamilton Creek. Functions are limited by invasive species and flow modifications.

Reach	Area Description	Designation	Rationale	Important Ecological Functions
2 - A	North shoreline of Greenleaf Lake east to Greenleaf Creek and the portions of Carpenter Creek that are part of the OHW of the lake.	Urban	The northern lake shoreline is undeveloped except for a few residences. Zoned as Commercial Recreation, no commercial development has occurred. This reach provides the majority of economic potential for the city through tourism and water dependent or related uses of the shoreline. The BPA has transmission corridors on portions the shorelines.	Riparian wetlands and Oregon white oak woodlands provide shade and riparian habitat for Greenleaf Lake. Reach is used by resident and anadromous fish and riparian areas provide habitat for neotropical migrant songbirds. Habitat functions are limited by some residential development, road and utility right of ways and uncontrolled human access.
2 - B	South and east shorelines of Greenleaf Lake to Greenleaf Creek	Shoreline Residential	Shoreline is zoned Mixed Use on the southern shoreline and Single Family Residential on the southeasterly shoreline. The BPA also maintains a substation & transmission corridors. The southern and southeastern shores are built out as larger lot residential with private docks and landscaping to the shoreline edges.	Small Riparian wetland and limited shoreline canopy provide shade and riparian habitat for Greenleaf Lake. Lake is used by resident and migratory fish and riparian areas provide habitat for Neotropical migrant songbirds. Habitat functions are limited by residential uses, existing landscaping , BPA development, and uncontrolled human access.
3	Hamilton Creek from the Evergreen Bridge north to the city limits	Urban	Shoreline is zoned Industrial Business Park on the northern half of the west shoreline of the creek. The remainder of the shorelines are zoned Commercial Recreation with an existing RV Park located on the southern half of the west shoreline. The remaining shorelines are undeveloped but provide the city much needed land for industrial and/or tourist based commercial development.	Sediment and organic transport services to downstream resources and deciduous riparian habitat are the most significant ecological resources within this reach. Functions are limited in this area by the past impacts within the upper watershed that have impaired stream functions and simplified in-stream resources. Levees have also limited riparian functions.

Reach	Area Description	Designation	Rationale	Important Ecological Functions
4	Greenleaf Creek from OHW of Greenleaf Lake north to the city limits	Urban	Shoreline zoned Commercial Recreation except for the eastern shoreline above the bridge which is zoned Single Family Residential. The residential zoned portion has been fully developed. The other parts of the shoreline have been partially developed by an unfinished RV Park below the bridge and the Hot Springs Resort above the bridge. This shoreline currently provides and has the potential to provide more passive water related activities. These uses now generate and would have the potential to increase revenues to the city.	Riparian habitat support services are functioning at fair to good levels for this reach. Wetland resources also provide off-channel resources for fish and wildlife. The reach is limited by the levels of in-stream channel habitat complexity.
5	Columbia River within the city limits at Bonneville Dam	Urban Conservancy	The Bonneville Dam shoreline area is owned and operated the U.S. Corps of Engineers. Shorelines are completely armored and maintained by the Corps.	Shorelines in this reach are highly modified and managed by the Corps of Engineers. Maintenance of connections to terrestrial habitats should be a priority.
All	All marine waters and submerged lands located waterward of the ordinary high water mark	Aquatic	Aquatic designations are appropriate for waters and submerged lands waterward of the ordinary high water mark.	Provides important habitat for resident and anadromous fish as well as wildlife. Allows for the maintenance of numerous shoreline plant species and riparian functions.

## 5.1 Environmental Designations

### Urban

#### **Purpose**

Urban designation provides for high intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring previously degraded ecological functions.

#### **Designation Criteria**

- 1) Shoreline areas that are developed and currently support high-intensity uses related to commerce, residential and/or transportation.
- 2) Shorelines suitable and planned for high-intensity water-oriented or water-related uses.
- 3) Shorelines where land use is zoned and/or designated in the comprehensive plan to incorporate commercial or industrial development.

#### **Management Policies**

- 1) Promote infill and redevelopment in developed shoreline areas with the goal of achieving full utilization of the shoreline, while encouraging environmental remediation and restoration of the shoreline.
- 2) Development of Urban designated shorelines should assure no net loss of shoreline ecological functions.
- 3) The city encourages commercial development which relates to the shoreline and will generate city revenue while maintaining ecological functions.
- 4) New developments should be planned in ways that enhance shoreline ecological functions.
- 5) New infrastructure should be designed to enhance long-term ecological functioning of shoreline areas.
- 6) Water-oriented uses are encouraged.
- 7) Visual or physical public access to shorelines should be a priority. Where possible, industrial and commercial facilities, as well as planned unit and multi-lot residential developments should be designed to encourage waterfront activities.
- 8) Existing and planned development should be encouraged to enhance native vegetation along the shoreline.

#### **Boundary Description**

The Urban shoreline designation applies to the first 1000 feet of the eastern shoreline of Reach 1 of Hamilton Creek below the Evergreen Bridge, the northern shoreline portion of Greenleaf Lake in Reach 2, Reach 3 of Hamilton Creek north of the Evergreen Bridge and Reach 4 Greenleaf Creek identified on the City of North Bonneville shoreline jurisdiction maps.

### Urban Conservancy

#### **Purpose**

The Urban Conservancy designation is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a limited variety of compatible uses and development.

#### **Designation Criteria**

- 1) The areas are suitable for water-related or water-enjoyment uses.
- 2) The areas are open space, flood plain or other sensitive areas that should not be more intensively developed.

- 3) The areas have potential for ecological restoration.
- 4) The areas retain important ecological functions, even though partially developed.
- 5) The areas have potential for development that is compatible with ecological restoration.
- 6) Shorelines owned and/or under the control of the U.S. Army Corps of Engineers.

### **Management Policies**

- 1) Allowed uses in Urban Conservancy shorelines should preserve the natural character of the area, promote preservation of open space and support flood plain or sensitive lands.
- 2) Any development should be planned with respect to ongoing restoration work.
- 3) Avoid the development of Urban Conservancy shorelines except for uses that maintain existing ecological functions and promote low intensity recreational or other passive uses.
- 4) With few existing exceptions, Urban Conservancy shorelines are not suitable for residential or commercial uses.
- 5) Recreational development such as the golf course should be managed to protect floodplain ecological functions.
- 6) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

### **Boundary Description**

The Urban Conservancy shoreline designation applies to the shoreline areas consisting of the northern portion of the FEMA Floodway (FIRM Zone A) in Reach 1 and Reach 5 the Columbia River at Bonneville Dam as identified on the City of North Bonneville shoreline jurisdiction maps.

### **Shoreline Residential**

#### **Purpose**

Shoreline Residential designation accommodates residential development and associated structures that are consistent with the Shoreline Management Act (RCW 90.58).

#### **Designation Criteria**

- 1) Shoreline areas predominantly comprised of current residential development or planned or platted for residential development.
- 2) Private lots along this shoreline are zoned Mixed Use or Single Family Residential and/or are primarily developed as residential.

#### **Management Policies**

- 1) Any development shall insure no net loss of environmental functions.
- 2) Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
- 3) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- 4) Commercial development should be limited to home occupation/business and other limited commercial development, uses, and activities.
- 5) Existing residential development should be encouraged to enhance native vegetation along the shoreline.

#### **Boundary Description**

The Shoreline Residential designation applies to the eastern shoreline of Reach 1 Hamilton Creek below the Urban designated shorelines and the southern and southeast shorelines of Greenleaf Lake in Reach 2 as identified in the City of North Bonneville shoreline jurisdiction maps.

## **Natural**

### **Purpose**

The purpose of the Natural shoreline designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant to human use. Also included are those shorelines that are part of a shoreline restoration plan or that pose risk to human safety. These systems require that only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes.

### **Designation Criteria**

- 1) The shoreline is ecologically intact and currently performs an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.
- 2) Shoreline areas that are zoned or designated as open space and should not be developed more intensively.
- 3) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
- 4) The shoreline has high ecological restoration potential or is part of a restoration plan

### **Management Policies**

- 1) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- 2) The following uses should not be allowed in the “natural” environment:
  - a. Residential uses.
  - b. Commercial uses.
  - c. Industrial uses.
  - d. Nonwater-oriented recreation.
  - e. Roads, utility corridors, and parking areas that can be located outside the “natural” designated shorelines.
- 3) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area of risk to the public will result.
- 4) New development or significant vegetation removal that would reduce the capacity of vegetation to perform normal ecological functions should not be allowed.

### **Boundary Description**

The Natural shoreline designation applies to the western shoreline of Hamilton Creek in Reach 1 south from the Evergreen Bridge to the Columbia River and the southern designated portion of the FEMA Floodway (FIRM Zone A) in Reach 1 located in the Pierce Wildlife Refuge as identified on the City of North Bonneville shoreline jurisdiction maps.

## **Aquatic**

### **Purpose**

Aquatic designations protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

### **Designation Criteria**

- 1) All marine waters
- 2) Lands waterward of the ordinary high-water mark.

**Management Policies**

- 1) New overwater structures should be allowed only for private residential, water-dependent uses, public access, or ecological restoration and limited in size to the minimum necessary to support the structure's intended use.
- 2) Uses and structures within the Aquatic designation should be designed and located to minimize interference with surface navigation, allow for safe and unobstructed passage for fish and wildlife, and consider impacts to public views.
- 3) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of the natural hydrographic conditions.

**Boundary Description**

The Aquatic designation applies to all lands waterward of the ordinary high-water mark within the City of North Bonneville.

## CHAPTER 6 – DEVELOPMENT STANDARDS AND USE REGULATIONS

All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 of the Revised Code of Washington, the Shoreline Management Act, and this master program regardless of whether a permit is required. The Shoreline Act promotes water dependent and water related uses and supports enhancement of shoreline ecological functions. State law defines the use categories and local government assigns policies and criteria for their management.

Use regulations are intended to carry out the policies of this SMP and the SMA. Project proposals are evaluated using criteria defined in the SMP. They are general policies and regulations which apply to all new development within the shoreline jurisdiction and also more specific categorical uses identified in RCW 90.58.

Shoreline uses and activities shall be evaluated on a case-by-case basis. They are required to: (1) meet the intent of the goals and objectives of this SMP; (2) comply with the SMA of 1971 as amended; (3) be consistent with management policies and character of the shoreline environment in which they propose to locate. In general, if a use is proposed for which no standards are included in this SMP, that use would be considered an unclassified use. Unclassified uses must be evaluated as a shoreline conditional use.

Except where expansion or change in use is proposed, existing development in the shoreline jurisdiction is generally not affected by provisions of this SMP. The policies and regulations apply to new development.

The following table is a summary of the allowable uses and shoreline modifications; where there is conflict between the chart and the written provisions in Master Program Goals and Policies, Shoreline Environmental Designations or Development Standards and Use Regulations of this master program, the written provisions shall apply. The tables are coded according to the following legend:

- P = May be permitted
- C = May be permitted as a conditional use only
- X = Prohibited; the use is not eligible for a variance or conditional use permit
- \* = Shoreline use/modification allowed if permitted in the adjacent upland shoreline environment – including setbacks and heights
- N/A = Not applicable

NOTE: Shoreline uses are allowed only if the underlying zoning allows for that use.

**Table 6-1 Shoreline Uses/Activities Standards**

Use/Activity	Urban	Urban Conservancy	Shoreline Residential	Natural	Aquatic
<b>Agriculture</b> Agriculture	X	X	X	X	X
<b>Aquaculture</b> Commercial Non-commercial	X P	X P	X P	X P	X P
<b>Boating Uses</b> Boat Launches Marinas Docks, Piers	P X P	X X X	P X P	X X X	* X *
<b>Commercial Uses</b> Water-dependent • Building Setback • Building Height Water-related, Water-enjoyment • Building Setback • Building Height Non-water oriented • Building Setback • Building Height	P 100' (1) 45' P 100' (1) 45' C 100' (1) 45'	X (1) N/A N/A X (1) N/A N/A X (1) N/A N/A	X (1) N/A N/A X (1) N/A N/A X (1) N/A N/A	X N/A N/A X N/A N/A X N/A N/A	*   *   X N/A N/A
<b>Forest Management Practices</b> Forest Management Practices	X	X	X	X	X
<b>Industrial Uses</b> • Building Setback • Building Height	P 100' (1) 40'	X N/A N/A	X N/A N/A	X N/A N/A	* * *
<b>Institutional Uses</b> • Building Setback • Building Height	P 100' (1) 40'	X N/A N/A	X N/A N/A	X N/A N/A	X N/A N/A
<b>Mining</b> Mining	X	X	X	X	X
<b>Parking</b> Primary Use • Setback Accessory Use • Setback	X N/A P 100' (1)	X N/A P 100' (1)	X N/A X (1) N/A	X N/A X N/A	X N/A X N/A
<b>Residential Use</b> Primary Structure • Building Setback • Building Height Accessory structures • Building Setback • Building Height	P 100' (1) 35' P 100' (1) 35'	X (1) N/A N/A X (1) N/A N/A	P 100' (1) 35' P 100' (1) 35'	X N/A N/A X N/A N/A	X N/A N/A X N/A N/A

Use/Activity	Urban	Urban Conservancy	Shoreline Residential	Natural	Aquatic
<b>Signs</b>					
Interpretive/educational or similar	P	P	P	X	X
Commercial/industrial related	P	X (1)	X (1)	X	X
• Height	Per zone	Per zone	Per zone	N/A	N/A
• Setback	100' (1)	100' (1)	100' (1)	N/A	N/A
<b>Transportation Facilities</b>					
Roads	P	P	P	X	X
• Right-of-way Setback	50' (1)	100' (1)	100' (1)	N/A	N/A
Bridges (perpendicular to shoreline)	P	X	X	N/A	*
<b>Utility Uses</b>					
Underground utilities (parallel to shoreline)	P	P	P	C	*
• Right-of-way Setback	50' (1)	100' (1)	100' (1)	100' (1)	
<b>Unclassified Uses</b>					
Unclassified Uses	C	C	C	X	*
• Setback for water-oriented use	50'	100' (1)	100' (1)	N/A	
• Structure or Activity Setback for non-water-oriented use	100' (1)	100' (1)	100' (1)	N/A	
• Structure Height	35'	35'	35'	N/A	
<b>Dredging and Filling</b>					
Non-maintenance	X	X	X	X	X
Maintenance	C	C	C	X	C
As part of ecological restoration/enhancement	P	P	P	P	P
<b>Flood Control Works or In-stream Structures</b>					
Dams, Dikes, & Levees	C	C	C	C	*
Instream Structures	N/A	N/A	N/A	N/A	C
<b>Shoreline Restoration</b>					
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	*
<b>Shoreline Stabilization</b>					
Bioengineered/Non Structural	P	P	P	P	*
Structural	C	X	X	X	

(1) Except for those uses as provided under North Bonneville Municipal Code 21.10.050 II. The setback shall be 50', building height shall be those limits of the underlying zone.

## 6.1 General Shoreline Development and Performance Standards

The following general development and performance standards apply to all uses and activities in all shoreline environments. Setbacks are spacing requirements for structures for safety, design and practical reasons. Buffers are spacing requirements of development from sensitive areas that must be maintained in a natural state. Height limits are for regulating views to the water or other natural features.

### 6.1.1 Development Standards

1. In all shoreline environments development must comply with applicable shoreline setbacks established by this chapter of the SMP and the building setbacks of the underlying zone (see North Bonneville Municipal Code (NBMC) Chapter 20);

Pursuant to Section 6.1.4 of this Chapter, buffers for designated critical areas physically located in shoreline jurisdiction shall apply to uses and development located in shoreline jurisdiction.

2. The maximum building height in all shoreline environments for all uses shall not exceed the height limitation of the underlying zone (see North Bonneville Municipal Code (NBMC) Chapter 20). Where the underlying zone allows heights greater than listed in these standards, increased heights may be allowed only where the increase serves the overriding considerations of the public interest.
3. The maximum density or building lot coverage is that density or coverage allowed by the underlying zoning classification or that which would be permitted as part of a planned unit development (see NBMC Chapter 20). This regulates what percentage of a parcel may be covered with impermeable surfaces.
4. Adjustment of shoreline setbacks may be allowed pursuant to Section 6.1.4 of this Chapter or by obtaining a Variance Permit that can provide relief from the dimensional requirements of this program. A variance may only be granted when all the criteria listed at WAC 173-27-170 are met. A variance is intended to allow only a minimum degree of variation from setback or other standards, enough to afford relief and to allow a reasonable use of a property. The minimum necessary standards must assure no net loss of shoreline ecological functions, based upon the City's Shoreline Inventory and Characterization.

### 6.1.2 Vegetation Conservation

1. Land within shoreline buffer areas and critical area buffers shall be native or existing vegetation to the maximum extent feasible. Native trees and shrubs shall be preserved to maintain and provide shoreline ecological functions such as habitat, shade, and slope stabilization.
2. Maintenance of existing landscaping within buffers areas shall be allowed per NBMC 21.10.050 III.:
  - "11. The removal of the following vegetation with hand labor and light equipment, and vegetation removal that is a hazard to electrical power lines with handheld and walk-beside equipment such as mowers and weed eaters in compliance with the provisions contained in the ANSI A300 (Part 1) guidelines, including, but not limited to:
    - a. Invasive non-native weeds;

b. Vegetation removal and maintenance activities inside existing landscaped areas on lots that predate adoption of this chapter (other than removal of trees greater than six (6) inches dbh).”

3. The following minimum standards for vegetation conservation shall apply:
  - a. All native trees within the buffer area over six (6) inches dbh shall be retained. Trees determined to be hazardous or diseased may be removed. Nondestructive pruning for tree maintenance or view or aesthetic purposes shall be allowed.
  - b. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.
  - c. The Shoreline Administrator may allow removal of vegetation exceeding that described above where the applicant agrees to replacement plantings that are demonstrated to provide greater benefit to shoreline ecological functions than would be provided by strict application of this section.
  - d. Removal of invasive plant species shall be restricted to hand removal and light equipment except where no reasonable alternative to herbicides or other equipment exist and weed control is demonstrated in the public’s interest. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
  - e. Herbicide use for weed control for existing landscaping is permitted, but manufacturer’s instructions must be followed.

### 6.1.3 Environmental Impact Mitigation

1. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions. The first step is to avoid impacts by project design. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated, according to the provisions of this section, to ensure no net loss of shoreline ecological functions.
2. To the extent Washington State Environmental Policy Act of 1971 (SEPA), Chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (NBMC 21.04 and WAC 197-11).
3. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority:
  - a. Avoiding the impact altogether by not taking certain action or parts of an action;
  - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
  - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
  - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
4. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.

5. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.
6. When compensatory measures are appropriate in pursuit of the priority of mitigation sequencing above, it is preferable to replace the impacted functions directly, and in the immediate vicinity of the impact. However, in some cases it may prove acceptable to propose off-site mitigation. In this case watershed plans or other existing documents should be used to identify appropriate places and resources. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

#### 6.1.4 Critical Areas Development and Performance Standards

The provisions of the North Bonneville Critical Areas Regulations (NBMC 21.10) shall apply to any use, alteration, or development where designated critical areas are physically located within the shoreline jurisdiction, in addition to a shoreline permit or written statement of exemption.

#### 6.1.5 Water Quality, Stormwater, and Nonpoint Pollution

1. Shoreline development and use shall incorporate measures to protect and maintain surface and ground water quality in accordance with all applicable laws.
2. All materials that may come into contact with water shall be composed of non-toxic materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.
3. Within the City's shoreline jurisdiction, solid and liquid wastes and untreated effluents shall not be allowed to enter any groundwater or surface water or to be discharged onto shorelands. The release of oil or other petroleum products, chemicals, or hazardous materials onto shorelands or into the water is prohibited.
4. The City shall determine if surface water pollution has occurred or is occurring within the shoreline jurisdiction by:
  - a. Utilizing the federal Environmental Protection Agency quality criteria for freshwater bodies and the state Department of Ecology water quality standards for surface waters of the state listed in WAC Chapter 173-201A; or
  - b. Requesting investigations by other agencies have regulatory authority regarding surface water pollution.
  - c. The City reserves the right to pursue other appropriate civil actions under state and federal law, including a citizen suit under the federal Clean Water Act.
5. When the City or the investigating agency determines surface water quality pollution has occurred within shoreline jurisdiction, notice shall be provided to the alleged source pollutants identifying the specific water quality problem and requesting that the problem be remedied. The City may pursue city, state and/or federal enforcement actions when any surface water pollution is verified.
6. Low Impact Development techniques should be considered and implemented where feasible.

### 6.1.6 Archaeological, Historic, and Cultural Resources

1. If any archeological artifacts are uncovered during excavation in the shoreline, work must stop and the City of North Bonneville, affected Indian Tribes, and the State Department of Archeology and Historic Preservation must be notified.
2. Permits issued in areas know or highly suspected to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist in coordination with affected Indian Tribes and the State Department of Archeology and Historic Preservation prior to initiation of disturbance and for monitoring of potentially disruptive activities. Cost for inspection and evaluation of the site will be the responsibility of the applicant. Significant archeological data or artifacts shall be recovered before work begins or resumes on a project.

### 6.1.7 Public Access

1. Public access shall be incorporated into all development proposals on public lands, all public and private commercial developments, and all residential subdivisions of greater than four (4) lots when the following conditions exist:
  - a. The development would generate demand for one or more forms of public shoreline access; or
  - b. The development would eliminate, restrict, or otherwise impair existing legal access opportunities or rights.
2. For development proposals identified under (1) above, public access shall not be required in areas where the applicant demonstrates that one or more of the following provisions apply:
  - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
  - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
  - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access is unreasonably disproportionate to the total long term cost of the proposed development;
  - d. Significant environmental impacts would result from the public access that cannot be mitigated; or
  - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
3. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, or other area serving as a means of view and/or physical approach to shorelines of the state and may include interpretive centers and displays.
4. Public access locations shall be clearly marked with visible signage.
5. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished.
6. Requirements or conditions for public access shall be consistent with all relevant constitutional and other legal limitations on regulation of private property.

## 6.2 Shoreline Modifications

Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications are usually undertaken in support of or in preparation for shoreline use. Protecting ecological functions is a primary goal of the Shoreline Management Act. As such, the City should take active measures to ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This includes reducing the adverse effects of shoreline modifications and, as much as possible, limiting shoreline modifications in number and extent.

Shoreline modifications should be limited to those modifications appropriate to the specific type of shoreline and environmental conditions for which they are proposed. If the shoreline modification is approved, all feasible measures to protect shoreline ecological functions and processes should be incorporated. The City should plan for the enhancement of impaired ecological functions wherever feasible and appropriate while accommodating permitted uses.

### 6.2.1 Bulkheads, Revetments, and Other Shoreline Stabilization

Bulkheads, riprap, or other shoreline stabilization structures are erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent upland structures from the erosive action of waves or currents. Hard shore armoring refers to traditional designs for shoreline stabilization, including constructed steel, timber, rock, concrete, or boulder riprap. Soft shore armoring refers to alternative bank protection methods such as bioengineering and biotechnical bank stabilization, which may include use of anchored drift logs, vegetation plantings, and import of beach sediment and/or gravel.

The Shoreline Administrator may approve bulkheads or other shoreline stabilization proposals when he/she determines that naturally occurring movement of the shoreline threatens existing structures, public improvements, unique natural resources, or the only feasible access to property and that the proposed stabilization complies with the criteria and standards in this section. For the purposes of this, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

1. New development will be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
2. Subdivisions of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur.
3. New development on steep slopes or bluffs shall be set back to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
4. New hard shore armoring stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
  - a. To protect existing primary structures: New or enlarged shoreline stabilization structures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical

analysis, that the structure is in danger from shoreline erosion causes by currents and/or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering shoreline stabilization structures.

- b. In support of non-water dependent development, including single-family residences, when all of the conditions below apply:
    - i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
    - ii. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
    - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents or waves.
  - c. In support of water-dependent development when all of the conditions below apply:
    - i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
    - ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
    - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
  - d. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
5. An existing shoreline stabilization structure may be replaced with a similar structure if there is demonstrated need to protect principal uses or structures from erosion caused by currents or wave actions. Approved replacement structures are subject to the following provisions:
- a. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
  - b. Replacement wall or bulkheads shall not encroach waterward of the ordinary high-water mark or the existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
  - c. Soft shore stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

- d. For purposes of this section, standards on shoreline stabilization measures, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
6. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need for armoring is so great that it would foreclose on the opportunity to utilize measures that avoid or minimize impacts to ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may be used to justify more immediate authorization to protect against erosion using soft shore stabilization measures.
7. When any shoreline stabilization measures are demonstrated to be necessary, pursuant to the above provisions, the following additional standards shall be used as part of the implementation:
  - a. Limit the size of stabilization measures to the minimum necessary. Use measures designated to assure no net loss of shoreline ecological functions. Soft shore stabilization approaches to absorb and dissipate energy shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
  - b. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shorelines except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. When feasible, incorporate ecological restoration and public access improvements to the project.
  - c. All new or replacement shoreline stabilization and flood control protection measures shall be designed and constructed so that down-current banks will not be adversely affected.
  - d. Shoreline stabilization measures, including riprap, shall be designed and constructed in a manner consistent with the Department of Fish and Wildlife, Corps of Engineers and/or other engineering and design specifications deemed appropriate by the Shoreline Administrator.
  - e. Bulkheads shall be permitted only where they provide protection to upland areas or facilities.
  - f. Bulkheads shall not be used for creating new land directly or indirectly.
  - g. Adequate toe protection shall be provided to ensure bulkhead stability.
  - h. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation.

8. Shoreline vegetation shall be protected and restored along or near shorelines to protect and restore the ecological functions and ecosystem-wide processes and to protect human safety and property.
9. Cut-and-fill slopes and backfill areas shall be re-vegetated with native grasses, plants, shrubs and/or trees.
10. Shoreline protection activities are prohibited in areas where their presence may necessitate new or increased shoreline protection on the same or other affected properties where no previous need for protection existed.
11. Shoreline modification may be allowed for environmental restoration purposes or if the City determines, with objective evidence, that those actions will lead to a net increase in shoreline ecological functions.

### 6.2.2 Piers, Docks, and Launches

1. New docks, piers or launches or the expansion of existing docks, piers and launches are allowed on Greenleaf Lake in the Urban and Shoreline Residential environment subject to the development standards of WAC 173-27-040.
2. New piers, docks, and launches are not allowed in the Urban Conservancy or Natural environments.
3. Tires are prohibited as part of any above or below water structures or where the tire(s) could potentially come into contact with the water, e.g., fenders, floatation, hinges.
4. Covered moorage shall be prohibited.
5. No more than one private, non-commercial dock, pier or boat launch is permitted for each shoreline lot or parcel that existed on the effective date of this Program.
6. Only a single, joint-use facility may be permitted in association with motels, hotels, land divisions of more than four lots, and multi-family residences. The application shall demonstrate a need and public benefit for the facility.
7. Applicants for joint-use piers, docks and/or launches shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties.
8. All facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner or lessee.
9. Repair, maintenance of existing or the construction of new piers, docks and launches shall minimize impact by only using construction materials such as non-toxic wood, steel, or concrete, approved by applicable state agencies.
10. Storage of fuel, oils, and other toxic materials is prohibited on docks, piers and floats.

11. The maximum dimensions of a dock or pier shall be no greater than necessary, but may be adjusted to protect sensitive shoreline resources.
  - a. A dock or pier (gangway and floating structure combined) may not exceed thirty (30) feet in length.
  - b. Piers or docks shall be a maximum width of six (6) feet.
  - c. Float dimensions may not exceed eight (8) feet in width.
  - d. New piers, docks and floats must have unobstructed grating over a minimum of 50% of the surface area. Floating docks less than five (5) feet wide must have unobstructed grating over a minimum of 30% of the surface area. All grating material must have a minimum of 60% functional open space. Grating requirements may be met if the combination of grated surface area and grating open space are equal to or better than the above requirements.
  - e. Docks, piers and launches shall be set back a minimum of ten (10) feet from the side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.
  - f. The Administrator may adjust the dimension in this section by equal to or less than ten (10) percent on a case-by-case basis if there are factors such as safety, ADA accessibility, or potential environmental damage. If the proposal requires more than a ten (10) percent deviation, then a Shoreline Variance Permit will be required.

### 6.2.3 Jetties and Groins

1. Jetties and groins are prohibited in all shoreline environments for non-restoration or protection projects. Jetties and groins are a permitted use for protection or restoration projects pursuant to WAC 173-26-231(3)(d).

### 6.2.4 Dredging

1. Except as part of an ecological restoration, enhancement and/or mitigation project, dredging activities, including disposal of dredge material, in any shoreline environment require a Conditional Use Permit and must comply with all federal and state regulations.
2. Dredging activities are allowed only where necessary to protect public safety or as part of an ecological restoration, enhancement and/or mitigation project.
3. Dredging activities in the Natural environment are only permitted as part of ecological restoration, enhancement and/or mitigation project.
4. Dredging of bottom materials for the single purpose of obtaining fill material is prohibited.
5. Where allowed, dredging operations must be scheduled so as to not damage shoreline ecological functions or processes.
6. New development shall be sited or designed to avoid or, if not possible, to minimize the need for new and maintenance dredging.

### 6.2.5 Fill

1. Fill activities shall only be allowed in association with maintenance activities or as part of an ecological restoration/enhancement project.
2. Fill needed to support the following maintenance activities are permitted in all shoreline environments except Natural waterward of the ordinary high water mark through a Shoreline Conditional Use Permit:
  - a. Public access;
  - b. Expansion, alteration, or repair of transportation facilities currently located within the shoreline;
  - c. Mitigation actions;
  - d. Environmental, ecological, or watershed restoration projects;
  - e. Soft shore bank stabilization projects.
3. Permitted fill activities must comply with the following standards:
  - a. Demonstration that alternatives to fill are not feasible;
  - b. Demonstration that fill materials shall be of such quality that it will not adversely affect water quality;
  - c. Demonstration that fill shall be deposited so as to minimize disruption of normal surface and ground water passage. Earth material which has no more than a minor amount of organic material and has no rock or similar irreducible material with a maximum dimension greater than eight inches shall be used;
  - d. Demonstration that fill shall allow surface water penetration into the ground water supply, where such conditions exist prior to the fill; and
  - e. Demonstration that landfill timing will minimize damage to water quality and aquatic life.
4. Fill shall be prohibited in areas of high shoreline erosion potential.
5. For allowed fill activities, the ground surface shall be prepared to receive fill by removing unsuitable materials such as oversized rock, concrete slabs, tree stumps, brush, etc.
6. Fill activities shall be designed to blend physically and visually with existing topography whenever possible. Perimeter banks shall be sloped no steeper than 1 foot vertical for every 3 feet horizontal unless a specific engineering or geotechnical analysis has been provided and the Shoreline Administrator determines that the fill blends with existing topography.
7. Fill located waterward of the ordinary high water mark shall be allowed only after consideration is given to total water surface reduction, impediment of water flow and circulation, reduction of water quality and destruction of habitat.

8. Fill within the one hundred-year (100-year) flood plain requires demonstration that the fill will not reduce the flood plain water storage capacity or in any way increase flood hazard so as to endanger public safety.
9. An erosion and sediment control (ESC) plan shall be provided for all proposed fill activities.
10. Fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration within stream sub-estuaries.

## 6.2.6 Flood Control Works and In-Stream Structures

### 1. Flood Control Works

- a. Dikes and levees shall be authorized by conditional use permit only when it can be demonstrated by a scientific and engineering analysis that:
  - I. They are necessary to protect existing development;
  - II. Nonstructural measures are not feasible;
  - III. Impacts on ecological functions and critical areas can be successfully mitigated so as to assure no net loss; and
  - IV. Appropriate vegetation conservation actions are undertaken.
- b. Dikes and levees shall protect the natural processes and resource values associated with the water body including but not limited to wildlife habitat.
- c. Underground springs and aquifers shall be identified and protected.
- d. Public access shall be provided in accordance with public access policies and regulations of this master program and the property owner. If the project is publically funded, then where feasible the design must not restrict appropriate public access to the shoreline, improve public access to the shoreline, and provide ecological restoration.
- e. New dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan.
- f. Dikes and levees shall be designed, constructed and maintained in accordance with Hydraulic Project Approval.
- g. Structural flood hazard reduction measures shall be placed landward of associated wetlands and vegetation conservation areas unless there is no other feasible alternative to reduce flood hazard to existing development.
- h. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

## 2. In-stream Structures

- a. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City may condition the permit to achieve this objective such as setbacks, buffers, or storage basins.
- b. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
- c. In-stream structures shall provide for adequate upstream and downstream migration of anadromous fish, where applicable.
- d. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.
- e. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline defense structures. Shoreline defense structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.
- f. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.
- g. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline functions.
- h. Mitigation plans that detail the objectives of the mitigation activities shall be prepared by the applicant, and be subject to approval by the Administrator and WDFW.

### 6.2.7 Land Clearing and Grading

1. Land clearing and grading activities shall only be allowed in association with an allowed (Permitted) shoreline development, subject to the Vegetation Conservation provisions of this SMP (Section 6.1.2).
2. Land clearing and grading activities shall adhere to the following provisions:
  - a. Slope. No slope of cut or fill surfaces shall be steeper than 2:1 unless approved by the Shoreline Administrator;
  - b. Erosion/Sedimentation Control. All land clearing and grading shall be accomplished in a manner that minimizes erosion. All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion/sedimentation. Prior to undertaking any land clearing or grading, the applicant shall submit for approval by the Shoreline Administrator, an erosion/sedimentation control (ESC) plan. The ESC plan shall set forth the specific measures to be utilized by the proposed project during (from beginning until the end) and following construction.

- c. All land clearing and grading shall be consistent with the approved ESC plan.
3. All land clearing and grading practices in shoreline areas shall be conducted so there is no net loss of shoreline ecological functions.
4. All land clearing and grading shall be limited to the minimum necessary to accomplish the authorized use.
5. Tree removal in steep slope, fragile and buffer areas shall be allowed for hazard trees, as determined by the Shoreline Administrator. Nondestructive pruning for tree maintenance or view or aesthetic purposes is not affected by this regulation.
6. All cut fill and side cast slopes shall be planted or seeded with appropriate ground cover or otherwise treated to prevent erosion of the slope.
7. All ruts and erodible soil conditions caused by brush cutting or any land clearing and grading operations should be prevented or planted with appropriate ground cover.
8. Whenever seeding, planting or other soil stabilizing measures are specified as part of a shoreline development proposal, it shall be performed as soon as practical.

## 6.3 Shoreline Uses

Shoreline uses refers to specific common uses and types of development to the extent they occur within shoreline jurisdiction. While shoreline modifications refer to specific structures, actions, or alterations that generally support a specific use (e.g. dredging to accommodate a marina), shoreline uses are the primary uses of land that is within shoreline jurisdiction (e.g. urban, urban conservancy, etc.). All uses and development must be consistent with the provisions of the environmental designation in which they are located (see table 6-1) and the general regulations of the master program.

### 6.3.1 Prohibited Uses

The following uses are prohibited in all shoreline environments:

1. Agricultural activities;
2. Forest management practices;
3. Mining;
4. Non-maintenance dredging;
5. Solid waste disposal facilities;
6. Marinas;
7. Covered moorage;
8. Living aboard moored or anchored vessels;
9. Primary parking facilities.

### 6.3.2 Non-Conforming Uses and Developments/Exceptions

Provisions contained in the North Bonneville Zoning Code (NBMC Title 20) for Nonconforming Conditions, Uses, Structures and Lots (NBMC 20.58), as well as procedures for Conditional Uses (NBMC 20.56) are incorporated into this SMP as set forth here:

1. All references to zoning or zoning classifications in NBMC Title 20 shall be construed as referring to shoreline environmental designations established by this SMP. The provisions of the SMP shall also apply, along with the provisions of NBMC Title 20, which were incorporated by reference. Where the provisions set forth in NBMC Title 20 and these provisions conflict, these provisions shall control.
2. Legally established uses and developments that do not conform to the regulations of the master program, may continue as legal nonconforming uses.
3. A nonconforming structure which is moved any distance and placed within the City's shoreline jurisdiction must be brought into conformance with the SMP and the SMA.
4. A non-conforming use shall be deemed abandoned by discontinuance or abandonment for a period of eighteen (18) months and any subsequent future use of such land or buildings shall be in conformity with the provisions of this SMP.
5. Uses authorized through a Conditional Use Permit pursuant to this section shall be considered conforming uses for the purpose of this section.

#### Exception:

1. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet the standards for setbacks, buffers, yards, area, bulk, height, or density shall be considered a conforming structure.

2. Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure is allowed if it is consistent with the City's SMP, including requirements for no net loss of shoreline ecological functions. Any redevelopment, expansion, or replacement must not further encroach waterward into the buffer.
3. For the purposes of this section, "appurtenant structure" means garages, sheds, and other legally established structures and improvements.

### 6.3.3 Aquaculture

1. Commercial aquaculture is prohibited in all shoreline environments.
2. Non-commercial fishing and any other non-commercial aquaculture activity within the shorelines of the City of North Bonneville shall be allowed only in accordance with rules and regulations established by the Washington State Department of Fish and Wildlife and/or any other applicable regulating agency and the SMA.

### 6.3.4 Commercial/Industrial

Uses and activities associated with commercial development that are identified as separate use activities in this program, such as Piers, Docks, Signs, Utilities, etc., are subject to the regulations established for those uses in addition to the standards for commercial development. All prohibited and conditional uses in all environments are subject to the exceptions for those uses and activities, as well as the development standards, as provided under North Bonneville Municipal Code 21.10.050 II.

1. Commercial, industrial and institutional development is prohibited in all environments except the Urban environment.
2. Home occupations/businesses appropriately licensed by the City of North Bonneville shall not be considered "commercial" for the purposes of this master program.
3. Water-oriented commercial development and institutional development is permitted in the Urban environment.
4. New non water-oriented commercial development and industrial development is permitted as a conditional use in the Urban environment.
5. Primary use parking is prohibited in all shoreline environments.
6. Accessory use parking is permitted in the Urban and Urban Conservancy environments.
7. New commercial, industrial and institutional development shall not block public scenic views.
8. New commercial, industrial and institutional development shall provide for public access to the shoreline.
9. Removal of trees or natural vegetation shall be prohibited unless for public safety, scenic consideration, or public access and only where such removal will not cause degradation to shoreline ecological processes or functions.

### 6.3.5 Marinas/Boating Facilities

Due to the extreme seasonal variations in the flows of the water bodies, their shallowness as well as the critical habitat they provide the following regulations apply:

1. Marinas/boating facilities are prohibited in all shoreline environments.
2. Boat launches, docks and piers are only permitted on Greenleaf Lake.

### 6.3.6 Outdoor Signs

1. Interpretive/educational/safety or similar signs may only be installed by the City or other appropriate entities as approved by the Shoreline Administrator.
2. Within the Urban environment only signs relating to the specific business or activity being conducted on the property are permitted and must follow all city regulations relating to signage of the underlying city zone and the SMP.
3. Subject to the exceptions as provided under North Bonneville Municipal Code 21.10.050 II and to city regulations relating to signage of the underlying city zone, no outdoor signs are permitted in the Urban Conservancy or Shoreline Residential environments.
4. No outdoor signage is allowed in the Natural or Aquatic environments.
5. Signs, when permitted, shall be designed, constructed, and placed in a manner that does not impair views of the shoreline or impair views upland from the water. Vistas and viewpoints shall remain free of unnecessary signs.
6. Signs should be secured and repaired as necessary to maintain public safety and value.
7. No sign shall be placed or located in any way that may interfere with pedestrian or vehicular traffic, visibility, line of sight, or public safety.

### 6.3.7 Recreation

Water-oriented recreation is permitted in all shoreline environments when the following standards are met:

1. Parking areas shall be located in compliance with the SMP and provide access by walkways or other non-motorized methods.
2. Recreational developments shall not create significant adverse effects on residential uses of private property, the environmental quality or natural resources of the shoreline area.
3. Valuable shoreline resources and fragile or unique environmental areas shall only be used for non-intensive and nonstructural recreation activities.
4. All permanent structures and accessory use facilities such as restrooms, recreation halls, commercial services, access roads and parking areas shall be located and constructed in accordance with the requirements of the SMP and the City code for the underlying zone.

5. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features, including unique and fragile areas, scenic views and aesthetic values. To this end, the City of North Bonneville may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements as deemed appropriate to achieve the intent of this program.
6. Proposals for recreational development shall include a landscape plan in which native, self-sustaining vegetation is preferred.
7. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of picnic areas, selected view or other permitted structures or facilities.

Non-water-oriented recreational uses including golf courses, sports fields are conditional uses in the Urban environment and prohibited uses in the Urban Conservancy and Shoreline Residential environments but are subject to the exceptions for those uses, as well as the development standards, as provided under North Bonneville Municipal Code 21.10.050 II. Non-water-oriented recreational uses are prohibited in the Natural and Aquatic environments. Excepted non-water-oriented recreational uses must still follow the standards for water-oriented recreational uses and other requirements of the City code and the SMP.

### 6.3.8 Residential

Residential use is not water-dependent but is a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes consistent with the no net loss provisions of this Program.

1. Residential development in the Urban Conservancy environment is prohibited with the exception of those developments, as well as the development standards, as provided under North Bonneville Municipal Code 21.10.050 II.
2. Residential development in the Natural and Aquatic environments is prohibited.
3. Residential development in the Urban and Shoreline Residential environments, when permitted by the Zoning Code, shall be permitted only when the standards of this Chapter are met, with the exception of those developments, as well as the development standards, as provided under North Bonneville Municipal Code 21.10.050 II.
4. Residential development over water, including floating homes, is prohibited.
5. New residential development, including appurtenant structures, shall be located and designed to avoid the need for future shoreline stabilization.
6. New plats, subdivisions and planned unit developments must be designed, configured, and developed in a manner that assures no net loss of ecological functions results from the development at full build-out. New plats, subdivisions and planned unit developments shall prevent the need for new shoreline stabilization or flood hazard reduction measures.
7. Residential development shall retain and protect the natural vegetation of the shoreline area, or restore and enhance natural vegetation according to the Vegetation Conservation and Land Clearing and Grading provisions of the SMP.

8. Minimum building setbacks and buffers from bluffs, the OHWM, and stream banks shall be governed by the provisions of the Critical Areas Ordinance as adopted in the SMP (Section 6.1.4) as well as other provisions of the SMP.
9. Residential development plans submitted for approval should contain provisions for the protection of ground water supplies, erosion control, landscaping and maintenance of the natural shoreline integrity and ecological functions.
10. To the extent that all reasonable use allowed under current zoning is not precluded, new residential development, including appurtenant structures, must be designed and sited to avoid the need for future shoreline stabilization.
11. Residential development is prohibited within the 100-year flood plain except when it can be demonstrated (as determined by a qualified professional) that the storage capacity of the flood plain will not be significantly reduced, flood hazards to upstream properties will not be increased or public safety is otherwise endangered.

### 6.3.9 Transportation Facilities

Transportation facility construction shall be permitted within the Urban, Urban Conservancy and Shoreline Residential environments according to the standards of this Program. Transportation and parking plans and projects shall be consistent with the public access and environmental protection provisions of this program.

1. Circulation system planning shall include systems for pedestrians, bicycles, and public transportation where appropriate.
2. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.
3. Transportation facilities shall not adversely impact existing or planned water-dependent use by impairing access to the shoreline.
4. New or expanded surface transportation facilities shall be located outside the shoreline jurisdiction if feasible, or set back from the ordinary high water mark far enough to make protective measures such as riprap or other bank stabilization, fill, bulkheads, or substantial site re-grade unnecessary. New or expanded roads or driveways to water-dependent activities shall be reviewed.
5. Parking facilities in shoreline areas shall only be allowed as necessary to support an authorized use. Parking areas are limited to the minimum size necessary to support the authorized use, and shared parking is encouraged. Parking facilities shall avoid or minimize any environmental or visual impacts.
6. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.
7. Fill for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven unfeasible and the transportation facilities are necessary to support uses consistent with this program.

8. Transportation facilities that are allowed to cross over water bodies or associated wetlands shall utilize elevated, open pile or pier structures whenever feasible. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
9. New roads that cannot be located outside of Shoreline jurisdiction pursuant to 6.3.9 (4) shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetation buffer to allow open views of the water.
10. The City shall give preference to mechanical means for roadside brush control. If herbicides are used, they shall be applied so that chemicals do not enter water bodies. The use of herbicides shall conform to the manufacturer's directions.
11. Pedestrian shoreline transportation facilities, such as footpaths and pathways, where permitted shall meet all standards of this section and shall be planned and developed in a way to minimize impact on the natural shoreline environment.
12. Transportation facilities shall not be located in hazardous areas, such as steep slopes, areas with soils subject to severe erosion or landslide hazards.

### 6.3.10 Utilities

These provisions apply to services and facilities that produce, convey, store, or process power, natural gas, water, sewage, communications, waste, and similar services and functions. On-site utility features serving a primary use, such as water, sewer, power, etc. to a residence are "accessory utilities" and shall be considered a part of the primary use. Utilities are permitted within the Urban, Urban Conservancy and Shoreline Residential environments and permitted as a conditional use in the Natural environment when the standards of this section are met.

1. Whenever feasible, all transmission lines for power, sewage, water, communications, etc., shall be located outside the shoreline jurisdiction if possible. Where transmission lines must be located in the shoreline jurisdiction they shall be located underground.
2. Utilities must be located in existing right of ways and corridors whenever possible.
3. Utilities shall be designed, located and installed in such a way as to preserve the natural landscape and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
4. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline the jurisdiction unless it can demonstrate that no other feasible option is available. A study done by a qualified professional shall be submitted to justify the location of a utility facility in the shoreline jurisdiction.

### 6.3.11 Unclassified Uses

Uses that are not classified or set forth here may only be authorized as conditional uses in the Urban, Urban Conservancy and Shoreline Residential environments provided the applicant can demonstrate that the criteria set forth in Chapter 7 of the SMP are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of the North Bonneville SMP and RCW 90.58.020.

## CHAPTER 7 – ADMINISTRATIVE PROCEDURES

### 7.1 Shoreline Permit Requirements

The SMA (RCW 90.58.140(3)) requires that local governments establish a program for the administration and enforcement of the shoreline permit system. All proposed uses and developments occurring within shoreline jurisdiction must conform to RCW chapter 90.58 (the Shoreline Management Act) and this Program regardless of whether a permit is required. The purpose of this Chapter is to describe that program and provide guidance of obtaining development permits for activities in the City's shoreline jurisdiction. References to the "Shoreline Administrator" mean the Planning Advisor or his/her designee responsible for administering the North Bonneville SMP.

Within the City of North Bonneville, all non-exempt substantial development undertaken with the designated shorelines contained in the SMP must first obtain a Shoreline Substantial Development, Shoreline Conditional Use, or Variance from the City. Substantial development means any development of which the total cost or fair market value, whichever is higher, exceeds six thousand four-hundred and sixteen dollars (\$6,416) or as may be adjusted for inflation under the provisions of RCW 90.58.030, or any development that materially interferes with normal public use of the waters or shorelines of the state, except those exempted developments set forth in WAC 173-27-040.

The shoreline activities that are exempt from permit requirements are listed in Section 7.2. The following sections describe the process for obtaining a Shoreline Substantial Development, Shoreline Conditional Use, or Variance Permit. For each permit type, the criteria, application requirements, and decision process are presented.

The City's shoreline administrative procedures should be consistent with all provisions, criteria, application and public notice requirements, and review procedures set forth in WAC 173-27, Shoreline Management Permit and Enforcement Procedures. In the event of any inconsistencies between the SMP and WAC 173-27, the mandatory provisions of the WAC control. In all other cases, this SMP controls.

## 7.2 Exemptions from Substantial Development Permit Requirements

Certain development activities are exempt from securing a Shoreline Substantial Development Permit. State law requires that exemptions be construed narrowly. Exemption from the Substantial Development Permit process does not constitute exemption from compliance with the policies and use regulations of the SMA (RCW 90.58); the provisions of this master program, or other applicable city, state or federal permit requirements. Exemptions must still comply with no net loss of ecological functions, which may require mitigation even though the development activity is exempt.

A development activity or use that is listed as a conditional use pursuant to this master program or is an unclassified use, must obtain a Conditional Use Permit even if the development is exempt from a Shoreline Substantial Development Permit. When an exempt development or use is proposed that does not comply with the bulk, dimension and performance standards of the master program, such development or use can only be authorized by approval of a variance consistent with WAC 173-27-040(1)(b).

If any part of a proposed development is not eligible for exemption, then a Substantial Development Permit is required for the entire proposed development project, per WAC 173-27-040(1)(d).

The following shall not require Substantial Development Permits:

1. Any development in which the total cost or fair market value, whichever is higher, does not exceed six thousand four-hundred sixteen dollars (\$6,416) or as determined under WAC 173-27-040, if such development does not materially interfere with the normal public use of the water or shorelines of the state and does not result in a net loss of ecological functions. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to the shoreline resources or environment.
3. 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 that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the Shoreline 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 that would have been required, absent an emergency, has been obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and the North Bonneville SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency.

4. Construction or modification, by or under the authority of the Coast Guard, of navigational aids such as channel markers and anchor buoys.
5. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for his/her own use or for the use of his/her family. The residence shall not exceed a height of thirty-five (35) feet above average grade level and must meet all requirements of the City and any state agencies having jurisdiction. "Single-family residence" means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading that does not exceed two hundred fifty (250) cubic yards and does not involve placing fill in any wetland or waterward of the ordinary high water mark. All construction authorized under this exemption shall be located landward of the ordinary high water mark.
6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multi-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market values of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this SMP.
7. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
8. Any project with certification from the Governor pursuant to RCW 80.50.
9. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
  - a. The activity does not interfere with the normal public use of the surface waters;
  - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
  - c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to ensure that the site is restored to preexisting conditions;
  - e. The activity is not subject to the permit requirements of RCW 90.58.550 (oil or natural gas exploration in marine waters).

10. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, as allowed in 6.1.2 (2). If no reasonable alternative exists, then herbicide or other treatment methods applicable to weed control may be used that are recommended by a final environmental impact statement published by the Department of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
11. Watershed restoration projects as set forth in WAC 173-27-040(2)(o). The Shoreline Administrator shall review watershed restoration projects for consistency with this master program in an expeditious manner and shall issue a decision along with any conditions within forty-five days of receiving all materials necessary to review the request from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.
12. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
  - a. The project has been approved in writing by the Washington State Department of Fish and Wildlife (WDFW) as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
  - b. The project has received hydraulic project approval by the WDFW pursuant to RCW 77.55; and
  - c. The Shoreline Administrator has determined that the project is consistent with this master program.
13. Hazardous substance remedial actions. The procedural requirements of chapter RCW 90.58 shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D. Ecology shall, in consultation with the City, assure that such projects comply with the substantive requirements of RCW 90.58, WAC 173-26 and this master program.

### 7.2.1 Statement of Shoreline Exemption

1. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the Master Program, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this Program and the Shoreline Management Act.
2. Exempt developments are those set forth in 7.3.
3. Letters of exemption shall be issued when required by the provisions of WAC 173-27-050.
4. No statement of exemption shall be required for other uses or developments exempt pursuant to WAC 173-27-050 unless the Shoreline Administrator has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption or the Shoreline Administrator determines there is a likelihood of adverse impacts to shoreline ecological functions.

## 7.3 Permit Procedures

All Shoreline Permits, (Substantial Development, Conditional Use, and Variance) are processed as a Type III Project Permit Application. The Planning Commission shall recommend with City Council having final decision making authority for all Shoreline Permits.

Each permit for a Shoreline Permit issued by the City of North Bonneville shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-1301, or until all review proceedings initiated within the twenty-one days from the date of such filing have terminated; except as provided in the SMA (RCW 90.58.140(5.b) for Shorelines Hearings Board appeals.

The Planning Commission shall hold a public meeting on each proposed Shoreline Permit application. The Shoreline Administrator shall prepare and distribute notice of application as set forth in NBMC 18.01.170 and public notice of the meeting as set for in NBMC 18.01.190.

The Planning Commission shall review and make findings, conclusions and issue recommendations to the City Council with the review criteria for Shoreline Permits and this SMP in accordance with NBMC 18.01.235. The City Council shall take final action on the proposal as provided in NBMC 18.01.220.

### 7.3.1 Substantial Development Permits

#### General Provisions.

Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of 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 or water level. Substantial development means any development of which the total cost or fair market value exceeds six thousand four-hundred sixteen dollars (\$6,416) or as determined under WAC 173-27-040, or any development which materially interferes with the normal public use of the water or shorelines of the state, except those exempted developments set forth in the proceeding sections, consistent with WAC 173-27-040.

#### Criteria.

A Substantial Development Permit shall be granted by the Shoreline Administrator only when the development proposed is consistent with the following criteria:

1. Goals, objectives, policies and use regulations of the North Bonneville SMP;
2. North Bonneville Comprehensive Plan and Municipal Code; and
3. The policies, guidelines, and regulations of the SMA (RCW 90.58, WAC 173-26 and WAC 173-27).

If any application does not substantially comply with the criteria listed in this section, the City Council may deny such application or attach any terms or conditions that are deemed suitable and reasonable given the purpose and objectives of this SMP. Upon the City Council's determination of compliance with the criteria listed in this section, the Shoreline Administrator shall issue the permit, or issue the permit with conditions.

#### Notice to Ecology.

Ecology shall be notified within eight (8) days of any Shoreline Substantial Development Permit decisions made by the City Council. The Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:

1. A copy of the complete application pursuant to WAC 173-27-180;
2. Findings and conclusions that establish the basis for the decision;
3. The final decision of the City Council;
4. The permit data sheet and transmittal form (Appendix A to WAC 173-27-990);
5. Where applicable, the Shoreline Administrator shall also file the applicable documents required by RCW 43.21C, the State Environmental Policy Act, or a statement summarizing the actions and dates of such actions taken under RCW 43.21C; and
6. Affidavit of public notice.
7. When the project has been modified in the course of the local review process, plans or text that clearly indicate the final approved plan.

Ecology shall provide a written notice to the Shoreline Administrator and the applicant of the "date of filing". "Date of filing" is the date of Ecology's actual receipt of the City Council's final decision on the Substantial Development Permit.

### 7.3.2 Conditional Use Permits

#### General Provisions.

The purpose of a Shoreline Conditional Use Permit is to allow case-by-case review of uses which may have a greater potential for impacts without project specific conditions, while providing flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. Ecology is the final reviewing authority for Shoreline Conditional Use Permits pursuant to WAC 173-27.

Uses that are not classified or set forth here may only be authorized as conditional uses if the applicant can demonstrate that the criteria set forth for conditional uses are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects on the shoreline environment.

#### Criteria.

Pursuant to 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, and not uses prohibited by the regulations of this SMP, may be authorized provided that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020, the policies of this SMP, the City of North Bonneville Comprehensive Plan and other applicable plans, programs and/or regulations;
2. That the proposed use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

4. That the proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environmental designation or zoning classification in which it is to be located;
5. That the public interest suffers no substantial detrimental effect; and
6. That the proposed use is in the best interest of the public's health, safety, morals or welfare.
7. That consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment. Other uses which are not classified or set forth in this Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this Program. Uses which are specifically prohibited by this Program may not be authorized pursuant to this section.

Notice to Ecology.

Within eight (8) days of the City Council's final decision the Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:

1. A copy of the complete application pursuant to WAC 173-27-180;
2. Findings and conclusions that establish the basis for the decision;
3. The final decision of the City Council;
4. The permit data sheet and transmittal form (Appendix A to WAC 173-27-990);
5. Where applicable, the Shoreline Administrator shall also file the applicable documents required by RCW 43.21C, the State Environmental Policy Act, or a statement summarizing the actions and dates of such actions taken under RCW 43.21C;
6. Affidavit of public notice;
7. When the project has been modified in the course of the local review process, plans or text that clearly indicate the final approved plan.

Ecology shall provide a written notice to the Shoreline Administrator and the applicant of the "date of filing". "Date of filing" is the date of transmittal of Ecology's final decision on the Conditional Use Permit or Variance Permit.

Ecology shall review the complete file submitted by the Shoreline Administrator on Shoreline Conditional Use Permits and any other information submitted or available that is relevant to the application.

Ecology shall base its determination to approve, approve with conditions or deny a Conditional Use or Variance Permit on consistency with the policy and provisions of the SMA, this SMP, and the criteria in WAC 173-27-160 or 173-27-170, as applicable.

Ecology shall render and transmit to the Shoreline Administrator and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of transmittal. The Shoreline Administrator will notify parties of record of the decision.

### 7.3.3 Variances

#### General Provisions.

The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this 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 stated in RCW 90.58.020. Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in WAC 173-27. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Ecology is the final approving authority for Variance Permits.

#### Criteria.

Pursuant to WAC 173-27-160, the criteria below shall constitute the minimum criteria for review and approval of a Shoreline Variance Permit. Variance Permits for development that will be located landward of the ordinary high water mark (per RCW 90.58.030(2)(b) definition), except those areas designated as marshes, bogs or swamps pursuant to WAC 173-22, may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes, or significantly interferes with, reasonable use of the property;
2. That 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 not, for example, from deed restrictions or the applicants own actions;
3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
4. That the variance authorized 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
5. That the public interest will suffer no substantial detrimental effect.
6. Variance Permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs or swamps as designated in WAC 173-22, may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:
  - a. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes all reasonable use of the property; and
  - b. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

- c. That consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment or result in a net loss of ecological functions. Variances from the use regulations of this SMP are prohibited.

Notice to Ecology.

The same procedure identified in Conditional Use Permits shall be required for Variance Permits.

### 7.3.4 Application

The owner of the subject property or the authorized agent(s) of the owner is encouraged to have a pre-application meeting with the Shoreline Administrator and/or his or her staff to determine the need for a Shoreline Permit. If a Shoreline Permit is required, a completed application for a Shoreline Permit shall, at a minimum, contain the following information and diagrams:

1. A completed "Shoreline Substantial Development Permit" application form.
2. A completed JARPA form, if required.
3. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
4. The name, address and phone number of the applicant's representative if other than the applicant.
5. The name, address and phone number of the property owner, if other than the applicant.
6. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
7. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the act over the project is derived (e.g. Hamilton Creek).
8. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
9. A general description of the property as it now exists including its physical characteristics and improvements and structures.
10. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
11. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

- a. The boundary of the parcel(s) of land upon which the development is proposed.
  - b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
  - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Area within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
  - d. A delineation of all wetland areas that will be altered or used as a part of the development.
  - e. A general indication of the character of vegetation found on the site.
  - f. The dimensions and locations of all existing and proposed structures and improvements including, but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
  - g. Where applicable, a landscaping plan for the project.
  - h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
  - i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
  - j. Quantity, source and destination of any excavated or dredged material.
  - k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
  - l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
12. Copy of completed SEPA environmental checklist, declaration of non-significance or environmental impact statement, if required. Note that if the environmental review has not occurred prior to application for a Shoreline Permit, the time period for application review may be extended.
  13. The names, addresses and legal description for each parcel of property within three hundred (300) feet of the exterior boundary of the subject property as shown by the records of the Skamania County Assessor.

14. Other information, plans, data and diagrams as required by the Shoreline Administrator.

### 7.3.5 Public Notice

The following public notices are required, in addition to the provisions required in NBMC 18.01.150, as part of the Shoreline Permit application. If SEPA compliance is required for the proposal, public notice requirements under SEPA may be satisfied concurrently as part of the Shoreline Permit process.

1. Sending a Notice of Application by regular mail no less than thirty (30) days prior to issuance of a permit to all owners of property lying within three hundred (300) feet of the exterior boundaries of where substantial development is taking place or activities supporting the proposed improvement. The form of such notice shall be provided by the City and the content shall be approved by the Shoreline Administrator prior to mailing.
2. Posting of a sign at the subject property, presenting the following information:
  - a. Type of permit applied for;
  - b. Brief description of the proposed use;
  - c. Address of the subject property;
  - d. Location map of the property showing the legal boundaries in relation to surrounding properties;
  - e. Applicants name;
3. Publication of public notice in a newspaper with local distribution no less than once a week for two consecutive weeks, with the last publication date no less than thirty (30) days prior to issuance of permit. Published notice shall include at least the project's street address or location, project description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed.

### 7.3.6 Appeals

All appeals of any final permit decision are governed by the procedures established in RCW 90.58.180, RCW 90.58.140(6), and WAC 481-03, the rules and procedures of the Shorelines Hearing Board. Appeals must be made to the Shorelines Hearing Board within twenty-one (21) days after the City's final decision concerning the Shoreline Permit or revisions of the permit.

### 7.3.7 Administrative Interpretation of the SMP

An administrative interpretation of the SMP shall be a Type I-A process as defined under NBMC 18.01.200. Administrative interpretations of the SMP shall be made in consultation with the Washington State Department of Ecology as provided under WAC 173-26-140.

### 7.3.8 Revisions of Shoreline Permits

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

1. When a revision of a Shoreline Permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards pursuant to WAC 173-27-100.
2. If the changes are determined by the Shoreline Administrator to be within the scope and intent of the original permit, and are consistent with the SMA (RCW 90.58), the Guidelines in WAC 173-26, and this SMP, the revision shall be approved. "Within the scope and intent of the original permit" means the following:
  - a. No additional over water construction will be involved.
  - b. Lot coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit if:
    - i. Revisions involving new structures not shown on the original site plan would require a new permit; and
    - ii. Any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of this SMP for the area in which the project is located.
  - c. Landscaping, consistent with the original permit and any conditions, may be added to a project without requiring an application for a new permit and is consistent with this SMP for the area in which the project is located.
  - d. The use authorized pursuant to the original permit is not changed.
  - e. No additional adverse environmental impact will be caused by the project revision.
3. If the revision, or the sum of the revision and any previously approved revisions, violates the terms of one or more of the provisions itemized above, the applicant shall be required to apply for a new Shoreline Permit.
4. Revision approval, including revised site plans and text necessary to clearly indicate the authorized changes and the final consistency ruling, shall be filed with Ecology.
5. Substantial Development Permit. The revised permit shall become effective immediately. Within eight (8) days of the date of final action the revised site plan, text and the approved revision shall be submitted to Ecology and the Attorney General for the completion of their files.
6. Conditional Use and Variance Permits. The Shoreline Administrator shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100. Ecology shall render and transmit to the Shoreline Administrator and the applicant its final decision with fifteen (15) days of the date of Ecology's receipt of the submittal from the Shoreline Administrator. The revised permit is effective upon Ecology's final action.
7. A notice of revision approval shall be forwarded to all parties of record. Formal revisions to permits are subject to the twenty-one (21) day appeal process described above. Appeals shall be based only on allegations of a violation of (2) above.

8. Any construction undertaken as part of the revised permit is done at the applicant's own risk until the applicant appeal period expires.
9. Denial of a permit revision has no effect on the validity of the original permit.