chapter 10

SHORELINE ELEMENT

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A. INTRODUCTION

Purpose and Relationship to GMA
Washington State’s citizens voted to approve the Shoreline Management Act (SMA) of 1971 in November 1972. The SMA seeks to provide environmental protection for shorelines, preserve and enhance shoreline public access, and encourage appropriate development that supports water-oriented uses, particularly on shorelines of statewide significance, such as the Middle Fork Snoqualmie River, with a flow greater than 1,000 cubic feet per second (cfs).

A Shoreline Master Program (SMP) contains goals, policies, regulations, and a use map that guide the development of shorelines in accordance with the SMA (RCW 90.58), Washington State Department of Ecology (Ecology) SMP Guidelines (WAC 173-26), and Shoreline Management Permit and Enforcement Procedures (WAC 173-27).

The provisions of this element implement the requirements of the SMA. The City’s SMP is integrated with the City’s land use regulation system. Consistent with RCW 36.70A.480, the goals and policies contained in this SMP shall be considered an element of the City’s comprehensive plan required by the Growth Management Act. All other portions of this SMP, including the use regulations, are considered a part of the City’s development regulations required by the Growth Management Act.

Profile of the Shoreline Jurisdiction in North Bend
In accordance with state law, the jurisdiction of North Bend’s SMP encompasses the South Fork Snoqualmie River and the Middle Fork Snoqualmie River; their floodways; land within 200 feet of the ordinary high water mark (OHWM) of these waterways and associated wetlands within the 100-year floodplain. In addition, North Bend has adopted the floodway for plus 200 feet of the floodplain, as mapped by the Federal Emergency Management Agency (FEMA) and shown on the Preliminary FIRM dated November 6, 2010. The North Bend shoreline jurisdiction including the City and its Urban Growth Area (UGA), not including aquatic area, is approximately 647 acres (1.01 square miles) and encompasses approximately 7.96 miles of shoreline. The City is pre-designating shorelines in its unincorporated UGA such that if and when the areas are annexed they would be subject to the City of North Bend’s SMP. The Silver Creek area is not considered floodway for shoreline jurisdiction purposes since it was determined to be outside the range of "reasonable regularity" per RCW 90.58.030 (2) (b) floodway definition. A thorough analysis was provided to Ecology and is documented in Appendix A (Assessment of Shoreline Jurisdiction) within the final Shoreline Analysis Report for the City of North Bend’s Shorelines: South Fork and Middle Fork Snoqualmie River.

Current land uses in the shoreline jurisdiction tend to be public parks/open space, low-density residential, and vacant land. Based upon a review of the North Bend Comprehensive Plan land use designations, most shoreline acres are planned for residential, public, or employment purposes.

B. DEVELOPMENT OF GOALS AND POLICIES

Goals express broad value statements that reflect the City’s vision of its shorelines. Goals also provide a framework upon which the more detailed SMP shoreline use environments, policies, regulations, and administrative procedures are based in subsequent chapters. Policies are more detailed statements reflecting the City’s vision for its shorelines. Policies provide detail to the broader goals with which they are associated and act as a bridge between the goals and implementing regulations.

The goals and policies of the SMP described in this element are categorized according the Master Program elements mandated in the SMA. The general goal and policy statements found within each element of the Master Program are intended to provide the policy basis for administration of the City’s SMP.

Preserving and maintaining Snoqualmie Valley’s aquatic and riparian ecosystem is an important goal, and the spirit behind this Shoreline Master Program. We envision that our SMP will be used as a guide to bring forth this common initiative; and to be successful, both public and private interests must be represented and protected. Thus, when the need arises to adopt or interpret policy, procedure, or best practice models from this instrument, it is vital that a balance can be struck between public interest and the environment, and private property owners. The North Bend SMP provides the groundwork for a cooperative roadmap that leads us towards a collective good – preservation, protection, and a healthy utilization of our unique and treasured landscape - North Bend Planning Commission 2011.
Economic Development Element

Goal A: Support the development of water-oriented commercial services and attractions that serve tourism and support the community’s economy and river environment.

Goal B: Allow for commercial, industrial and manufacturing uses designed with sensitivity to the environment and aesthetic character that incorporate low impact technologies and provide opportunities for public enjoyment of the shoreline.

General Economic Policies

ED P-1 Promote the South and Middle Forks of the Snoqualmie River as a community economic asset.

ED P-2 Develop a means of identifying the additional economic benefit gained by shoreline location such as recreational or tourism benefits.

ED P-3 Give preference to economic activities which either leave natural shoreline features such as trees, shrubs, grasses and wildlife habitat unmodified, or which modify them in a way which enhances human awareness and appreciation of the river’s beauty and relation to other natural and non-natural surroundings.

ED P-4 Give first preference to water-dependent uses, second preference to water-related or water-enjoyment economic activities, and last preference to non-water-oriented uses in areas where limited commercial or industrial development space along shorelines is in demand for a number of competing uses.

ED P-5 Where possible, developments are encouraged to incorporate low impact development techniques into new and existing projects and integrate architectural and landscape elements that recognize the river environment.

ED P-6 Require non-water-oriented commercial or industrial development to provide for ecological restoration and public access as appropriate.

ED P-7 Assure that commercial and industrial development will not result in a net loss of shoreline ecological functions or have significant adverse impacts on navigation, recreation and public access.

Commercial Development

ED P-8 Promote water-oriented commercial uses in shoreline areas with current or planned commercial uses, such as Downtown North Bend.

ED P-9 Explore ways in which the downtown retail shopping area might be further enhanced and linked to the South Fork Snoqualmie River.

ED P-10 Encourage multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation.

Industrial Development

ED P-11 Allow for infill or new industrial development when consistent with shoreline master program guidelines. As mitigation for impacts on shoreline resources and values, ensure industrial development incorporates shoreline restoration or public access where feasible and consistent with security needs.

ED P-12 Avoid designating lands for industrial development that include shoreline areas with severe environmental limitations.
Public Access and Recreation Element

Goal A: Enhance North Bend’s river shore recreation value by creating a natural linked greenway system.

Goal B: Implement a public access system in accordance with the City’s Parks, Recreation, Wildlife Habitat and Open Space Plan that increases the amount and diversity of public access consistent with private property rights, public safety and the natural shoreline character.

Public Access

Recognize shoreline public access opportunities and recommendations contained in the City’s adopted Parks, Recreation, Wildlife Habitat and Open Space Plan and the Si View Metropolitan Park District Comprehensive Plan.

PAR P-1
Public access should be located and designed to 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.

PAR P-2
Acquire or obtain access rights, dedications, and easements to riverfront parcels, including levees and dikes, as available. Such rights should be pursued as opportunities and funding becomes available. Partner with other jurisdictions for funding and obtaining easements.

PAR P-3
Where appropriate, promote the development and enhancement of public access to the river to increase fishing, kayaking and other water-related recreational opportunities.

PAR P-4
Develop guidelines for creating contiguous greenways that protect the riparian environment and related wildlife habitats when opportunities arise.

PAR P-5
As a part of the SMP, prepare and implement a Shoreline Restoration Plan that includes identification of key areas for public access, restoration, protection and improvement projects, consistent with the City of North Bend Shoreline Analysis Report.

PAR P-6
Provide public access in the shoreline jurisdiction in association with the following uses: developments with five or more dwellings; commercial development; industrial development; and public agency development. Ensure public access is consistent with the City’s adopted Parks, Recreation, Wildlife Habitat and Open Space Plan.

PAR P-7
Ensure developments, uses, and activities on or near the shoreline do not impair or detract from the public’s access to the water or the rights of navigation.

PAR P-8
Provide public access as close as possible to the water’s edge of the Middle and South Forks of the Snoqualmie River without causing significant ecological impacts and consistent with appropriate trail standards.

PAR P-9
Identify opportunities for public access on publicly owned shorelines. Preserve, maintain and enhance public access afforded by shoreline street ends, public utilities and rights-of-way.

PAR P-10
Design public access to provide for public safety and comfort and to minimize potential impacts on private property and individual privacy.

PAR P-11
Provide public access and interpretive displays as part of publicly funded restoration projects where significant ecological impacts are addressed.

PAR P-12
Maintain and enhance City parks, trails and public access facilities adjacent to shorelines in accordance with City and County plans.

PAR P-13
Encourage waterfront development to provide a means for visual and pedestrian access to the shoreline area wherever feasible.

PAR P-14
Encourage the acquisition of suitable upland shoreline...
properties to provide access to publicly owned shorelands. Encourage public access to the South Fork Snoqualmie and Middle Fork Snoqualmie on shoreline street ends, public utilities and rights of way.

Recreational Development

PAR P-15
Allow for passive and active shoreline recreation that emphasizes location along shorelines in association with the City’s Parks, Recreation, Wildlife Habitat and Open Space Plan and Si View Metropolitan Park District Comprehensive Plan.

PAR P-16
Give priority to shoreline recreational development in order to provide access, use, and enjoyment of North Bend’s shorelines.

PAR P-17
Encourage the coordination of local, state, and federal recreation planning to satisfy recreational needs.

PAR P-18
Promote recreational developments and plans that conserve the shoreline’s natural character, ecological functions, and processes.

PAR P-19
Encourage a variety of compatible recreational experiences and activities to satisfy diverse recreational needs.

PAR P-20
Give water-dependent recreation priority over water-enjoyment recreation uses. Give water-enjoyment recreational uses priority over non-water-oriented recreational uses.

PAR P-21
Integrate and link recreation facilities with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.

PAR P-22
Pursue opportunities to expand the public’s ability to enjoy the shoreline in public parks or public open spaces through dining or other water-enjoyment activities.

PAR P-23
Promote non-intensive recreational uses which avoid adverse effects to the natural hydrology of aquatic systems, do not contribute to flood hazards, and avoid damage to the shoreline environment through modifications such as structural shoreline stabilization or native vegetation removal.

Circulation Element

Goal A: Implement multi-modal transportation improvements that provide for mobility and access and that minimize adverse impacts on the shoreline environment.

C P-1
Allow for maintenance and improvements to existing roads and parking areas. Allow for necessary new roads and parking areas where other locations outside of shoreline jurisdiction are not feasible.

C P-2
Plan and develop a circulation network which is compatible with the shoreline environment, and respects and protects ecological and aesthetic values in the shoreline of the state as well as private property rights.

C P-3
Include in circulation system planning systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.

C P-4
Where possible, locate new roads, railroads, and parking as far from the shoreline as feasible to reduce interference with natural shoreline resources or appropriate shoreline uses.

C P-5
Ensure, when existing transportation corridors are abandoned, they are reused for water-dependent uses or public access.

C P-6
Encourage relocation or improvement of those circulation elements that are functionally or aesthetically disruptive to the shoreline, public waterfront access, and ecological functions.

C P-7
Plan parking to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational
use on weekends, commercial uses on weekdays).

C P-8
Where feasible, provide parking outside shoreline jurisdiction.

C P-9
Encourage low-impact parking facilities, such as those with permeable pavements and bio-swales.

C P-10
Encourage trail and bicycle paths along shorelines in a manner compatible with the natural character, resources, and ecology of the shoreline.

C P-11
Establish a pedestrian and bicycle network connected to a greenway system which links commercial areas, employment centers, neighborhoods, public facilities, parks, recreation and open space properties, and regional and state-wide trails.

A. Adopt and implement the Trail Plan in the City’s Parks, Recreation, Wildlife Habitat and Open Space Plan. As funding and opportunities permit, protect critical trail linkages and design, construct and/or enhance trail segments identified in the Trail Plan.

B. Develop links between off-road and on-road pedestrian and bicycle facilities to provide an interconnecting system of trails.

C. Design portions of the trail system to accommodate a variety of non-motorized users, including pedestrians, road and mountain bicyclists, equestrians, skaters, wheelchair users, and others, recognizing that not all trails will accommodate all users.

D. Create and implement development regulations that require that all new development provide connections, or payment in lieu, to the City’s bicycle/walkway trails system.

E. Create and implement development regulations that require that new residential development provide for construction of new trails as identified in the Trail Plan Map as part of the development’s recreational and common space requirements.

F. Pursue obtaining trail easements from owners of existing developed lots located within trail corridors identified on the Trail Plan Map for construction of missing trail linkages.

G. Promote separated walkways and bikeways within new residential developments that can be linked to existing or proposed trails or walkways.

Shoreline Uses and Modifications Element

Goal A: Encourage shoreline development that recognizes North Bend’s natural and cultural values and its unique aesthetic qualities offered by its riverine environment.

SHORELINE ENVIRONMENT DESIGNATIONS

SUM P-1
Provide a comprehensive shoreline environment designation system to categorize North Bend shorelines into environments based upon the primary characteristics of shoreline areas to guide the use and management of these areas.

SUM P-2
Designate properties as Natural in order to protect and restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are sensitive to potential impacts from human use. Natural areas should be managed consistent with the following policies:

A. Any use or development activity that would potentially degrade the ecological functions or significantly alter the natural character of the shoreline area should be severely limited or prohibited.

B. Development activity in the Natural environment should only be permitted when no suitable alternative site is available on the subject property outside of shoreline jurisdiction.

C. The improvement or alterations of existing roads or creations of new roads to meet public safety needs are allowed when no other location is feasible.

D. Development, when feasible, should be designed and located to preclude the need for shoreline stabilization, flood control measures, native vegetation
removal, or other shoreline modifications.

E. Development activity or significant vegetation removal that would reduce the capability of vegetation to perform relevant ecological functions should be prohibited.

F. Limited access may be permitted for scientific, historical, cultural, educational and low-intensity water-oriented recreational purposes, provided there are no significant adverse ecological impacts.

SUM P-3
Designate properties as Urban Conservancy to protect and restore ecological functions of open space, parks, floodplains and floodways, other critical areas, and other undeveloped areas with low levels of alteration, while allowing a variety of compatible uses. This designation is appropriate for lands such as parks, open space, public property or high-functioning areas of private property, and low-density residential areas, provided specific management policies to guide development and use of these areas are created. The Urban Conservancy environment contains two sub-environments - Urban Conservancy-Residential for areas with moderate to high levels of ecological function that can or do appropriately accommodate shoreline priority residential uses, or Urban Conservancy-Recreation/Open Space for areas that are highly valued for recreation and public access, contain critical areas such as wetlands or floodplains, and/or have low levels of alteration corresponding to high ecological function. All Urban Conservancy environments should be managed consistent with the following policies:

A. Allowed uses should be those that preserve the natural character of the area and/or promote preservation and restoration within critical areas, public and private open spaces, and other moderate- to high-functioning areas, either directly or over the long term.

B. Restoration of shoreline ecological functions should be a priority.

C. Development, when feasible, should be designed to ensure that any necessary shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications do not result in a net loss of shoreline ecological function or further degrade other shoreline values.

D. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

E. Water-oriented uses should be given priority over non-water-oriented uses.

F. Recognize that single-family residential development is a preferred use.

G. Commercial and industrial uses, other than limited commercial activities conducted accessory to a public park, should be limited.

SUM P-4
Designate properties as Shoreline Residential to accommodate higher-density residential development and recognize existing and proposed land uses. This designation is appropriate for residential uses on lands with zoning classifications for detached and attached residential. The following management policies should guide development within these areas:

A. Standards for buffers, lot coverage limitations, shoreline stabilization, vegetation conservation, critical area protection, and water quality should mitigate adverse impacts on maintain shoreline ecological functions.

B. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

C. Visual and physical access should be implemented whenever feasible and adverse ecological impacts can be avoided. Within attached residential developments, continuous public access along the shoreline should be provided, preserved or enhanced.

D. Water-dependent recreational uses should be permitted.

E. Limited water-oriented commercial uses which depend on or benefit from a shoreline location should also be permitted provided the underlying zoning classifications permit such uses.
SUM P-5
Designate properties as Commercial Conservancy to accommodate intensive land uses, such as commercial, office, retail, transportation, warehouse, manufacturing, and mixed-use developments. The following management policies should guide development within these areas:

A. Manage development so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-dependent, water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of an existing development, unless such uses would not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.

B. Visual and physical access should be implemented whenever feasible and adverse ecological impacts can be avoided. Continuous public access along the shoreline should be provided, preserved or enhanced when feasible.

C. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

SUM P-6
Designate properties as Aquatic to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWWM. The following management policies should guide development within these areas:

A. Provisions for the management of the Aquatic environment should be directed towards maintaining and restoring shoreline ecological functions.

B. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

C. All developments and uses should be located and designed to protect public recreational uses of the water; to minimize adverse visual impacts; and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

D. New overwater structures for public access and public infrastructure are permitted provided they are the minimum size necessary to support the structure’s intended use and will not preclude attainment of ecological restoration.

E. Underwater pipelines and cables should not be permitted unless demonstrated that there is no feasible alternative location based on an analysis of technology and system efficiency, and that the adverse environmental impacts are not significant or can be shown to be less than the impact of upland alternatives.

AGRICULTURE
SUM P-7
Allow existing agricultural activities as part of the community’s heritage.

SUM P-8
Design new agricultural uses and expansions of existing uses consistent with the SMP to minimize impacts on shoreline environments.

SUM P-9
Prohibit the creation of agricultural land by diking, draining, or filling wetlands or channel migration zones.

SUM P-10
Maintain a vegetative buffer between agricultural lands and waterbodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.

SUM P-11
Use appropriate farm management techniques to prevent contamination of nearby waterbodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.

SUM P-12
Encourage agricultural-recreation activities on the Tollgate and Meadowbrook Farms.
AQUACULTURE

SUM P-13
Give preference to aquaculture operations that minimize environmental impacts through use of fewer visible structures or less extensive substrate and vegetation modifications.

SUM P-14
Do not allow aquaculture in areas where it would degrade water quality, result in a loss of shoreline ecological function, impair navigation, or conflict with other water-dependent uses.

SUM P-15
Design aquaculture facilities to minimize nuisance odors and noise, as well as visual impacts on surrounding shoreline development.

BOATING FACILITIES (BOAT LAUNCHES)

SUM P-16
Limit new boating facilities to public or community launches for canoes, kayaks or other hand-powered vessels.

SUM P-17
Locate new boating facilities and allow expansion of existing facilities at sites with suitable environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.

SUM P-18
Require restoration activities when substantial improvements or repair to existing boating facilities is planned.

SUM P-19
Boating facilities that minimize the amount of shoreline modification are preferred.

SUM P-20
Over-water boating facilities are prohibited.

SUM P-21
Boat moorage is prohibited.

BREAKWATERS, JETTIES, GROINS AND WEIRS

SUM P-22
To the extent feasible, limit the use of breakwaters, jetties, groins, weirs or other similar structures to those projects providing ecological restoration or other public benefits.

DREDGING AND DREDGE MATERIAL DISPOSAL

SUM P-23
Dredging and dredge material disposal should avoid and minimize significant ecological impacts. Impacts which cannot be avoided should be mitigated.

SUM P-24
Design and locate new shoreline development to avoid the need for dredging.

SUM P-25
Limit dredging and dredge material disposal to the minimum necessary to allow for shoreline restoration, flood hazard reduction, and maintenance of existing legal moorage and navigation. Dredging to provide for new navigation uses is prohibited.

SUM P-26
Allow dredging for the primary purposes of flood hazard reduction only as part of a long-term management strategy consistent with an approved flood hazard management plan.

FILL

SUM P-27
Limit fill waterward of the OHWM to support ecological restoration or to facilitate water-dependent or public access uses.

SUM P-28
Allow fill consistent with floodplain regulations upland of the OHWM provided it is located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and is the minimum necessary to implement an approved project.

FOREST PRACTICES

SUM P-29
Ensure compliance with the State’s Forest Practices Act for all forest management activities including Class IV, general forest practices, where shorelines are being converted or are
expected to be converted to non-forest uses.

SUM P-30
Conduct forest practices within shoreline areas to ensure water quality and the maintenance of vegetative buffer strips to protect fish populations and avoid erosion of stream banks.

SUM P-31
When forest lands are converted to another use, assure no net loss of shoreline ecological functions or significant adverse impacts on other shoreline uses, resources and values such as navigation, recreation and public access.

IN-STREAM STRUCTURES

SUM P-32
Locate, plan and permit in-stream structures only when consistent with the full range of public interests, ecological functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

MINING

SUM P-33
Locate mining facilities outside shoreline jurisdiction whenever feasible.

SUM P-34
Do not allow mining in any location waterward of the OHWM.

SUM P-35
Design and locate mining facilities and associated activities to prevent loss of ecological function. Give preference to mining uses that result in the creation, restoration, or enhancement of habitat for priority species.

RESIDENTIAL DEVELOPMENT

SUM P-36
Consider single-family residential development as a priority use only when developed in a manner consistent with the control of pollution and prevention of damage to the natural environment.

SUM P-37
Locate and construct residential development in a manner that assures no net loss of shoreline ecological functions.

SUM P-38
Ensure the overall density of development, lot coverage, and height of structures is appropriate to the physical capabilities of the site and consistent with the comprehensive plan.

SUM P-39
Ensure new residential development provides adequate buffers or open space from the water to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.

SUM P-40
Make adequate provisions for services and infrastructure necessary to support residential development.

SUM P-41
Design and locate new residences so that shoreline stabilization will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:

A. Constructing shoreline stabilization structures (such as bulkheads).

B. Causing significant erosion or slope instability.

C. Removing existing native vegetation within shoreline buffers.

SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT PROJECTS

SUM P-42
Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within shoreline jurisdiction, where feasible.

SUM P-43
Encourage and facilitate implementation of projects and programs included in the Shoreline Master Program Shore-
line Restoration Plan.

Goal 1. Protect and restore the natural hydraulic, hydrologic, and habitat functions, scenic as well as recreation values of North Bend’s shorelines.

Objective A. Protect shoreline processes and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within shoreline jurisdiction, and incentives to private property owners to encourage ecologically sound design.

Objective B. Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional and watershed-wide natural environment issues and the protection, preservation, and enhancement of all shorelines as fish and wildlife habitat.

Objective C. Enhance and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of, and public access to, the shoreline.

Objective D. Conserve and protect critical areas within shoreline jurisdiction from loss or degradation.

Objective E. Protect and restore critical freshwater habitat and other areas that provide habitat for endangered, threatened or sensitive fish and wildlife species.

Objective F. Protect and restore vegetation to maintain and enhance habitat, aesthetic and recreational values. Retention and planting of conifers is particularly desired as a source of future large woody debris recruitment.

Objective G. Protect and preserve water quality in the South Fork and Middle Fork Snoqualmie Rivers.

Objective H. Preserve and enhance public access opportunities to and along the shoreline consistent with protecting shoreline processes and ecological functions.

SHORELINE STABILIZATION

SUM P-44
Locate and design new development, including subdivisions, to eliminate the need for new shoreline modification or stabilization.

SUM P-45
Design, locate, size and construct new or replacement structural shoreline stabilization measures to minimize and mitigate the impact of these modifications on the City’s shorelines.

SUM P-46
Give preference to non-structural shoreline stabilization measures over structural shoreline stabilization, and give preference to soft structural shoreline stabilization over hard structural shoreline stabilization.

SUM P-47
Encourage fish-friendly shoreline design during new construction and redevelopment by offering incentives and regulatory flexibility.

UTILITIES

SUM P-48
Allow for utility maintenance and extension with criteria for location and vegetation restoration as appropriate.

SUM P-49
Plan, design, and locate utility facilities to minimize harm to shoreline functions, preserve the natural landscape, and minimize conflicts with present and future planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

SUM P-50
Do not permit new primary utility production and processing facilities, or parts of those facilities, such as power plants, solid waste storage or disposal facilities that are non-water-oriented within shoreline jurisdiction unless no other options are feasible. Primary utility facilities, such as wastewater treatment plants and including expansion of existing facilities, should be located in shoreline jurisdiction only if no
practical upland alternative or location exists. Such facilities and expansions should be designed and located to minimize impacts on shoreline ecological functions, including riparian and aquatic areas, and to the natural landscape and aesthetics. Public health and safety should be the highest priority for the planning, development and operation of primary utility facilities.

SUM P-51
Locate utility transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of shoreline jurisdiction where feasible. Where permitted within shoreline jurisdiction, such facilities should be located within existing or approved road crossings or in such a way as to minimize potential adverse impacts on shoreline areas.

SUM P-52
Locate new utility facilities so as not to require extensive shoreline protection works.

SUM P-53
Locate utility facilities and corridors to protect scenic views from public parks and trails. Whenever possible, such facilities should be placed underground, or alongside or under bridges.

SUM P-54
Design utility facilities and rights-of-way to preserve the natural landscape and to minimize conflicts with present and planned land uses.

EXISTING USES

SUM P-55
Allow nonconforming existing legal uses and structures to continue in accordance with this SMP. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following should be considered a conforming structure: setbacks, buffers, or yards; area; bulk; height; or density.

SUM P-56
Allow alterations of nonconforming structures, uses, and lots in consideration of historic development patterns, when occupied by preferred uses, and when consistent with public safety and other public purposes.

SUM P-57
Encourage transitions from nonconforming uses to conforming uses.

SUM P-58
Allow for nonconforming structures to expand when they do not increase the nonconformity according to SMP requirements.

SUM P-59
Allow for existing roads, driveways and utility lines to continue and expand when they do not increase the nonconformity according to SMP requirements.

SUM P-60
Consider the no-net-loss of ecological function objective to guide review of proposed expansions or other changes to nonconforming uses and new development on nonconforming vacant lots. This objective may be addressed in an area-wide manner consistent with the SMP cumulative impacts analysis.

Conservation Element
Goal A: Protect the natural hydraulic, hydrologic and habitat functions, scenic as well as recreational values of North Bend’s shorelines.

ENVIRONMENTAL PROTECTION

Con P-1
Protect shoreline processes and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within shoreline jurisdiction, and incentives to private property owners to encourage ecologically sound design.

Con P-2
Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional and watershed-wide natural environment issues and the protection, preservation, and enhancement of all shorelines as fish and wildlife habitat.

Con P-3
Enhance and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while
maintaining appropriate use of the shoreline.

**CRITICAL AREAS**

Con P-4  
*Conserve and protect critical areas within shoreline jurisdiction from loss or degradation.*

Con P-5  
*Locate and design public access within and adjacent to critical areas to ensure that ecological functions are not adversely impacted.*

**Wetlands**

Con P-6  
*Protect and manage shoreline-associated wetlands, including maintenance of sufficient volumes of surface and subsurface drainage into wetlands, to sustain existing vegetation and wildlife habitat.*

**Streams and Fish and Wildlife Habitat Conservation Areas**

Con P-7  
*Protect critical freshwater habitat, including channel migration zones, and other areas that provide habitat for endangered, threatened or sensitive fish and wildlife species.*

**Geologically Hazardous Areas**

Con P-8  
*Manage development in geologically hazardous areas, including channel migration zones, to avoid risk and damage to property and loss of life from geological conditions.*

**Floodplain Management**

Con P-9  
*Regulate development within the 100-year floodplain to avoid risk and damage to property and loss of life.*

**SHORELINE VEGETATION CONSERVATION**

Con P-10  
*Protect and restore vegetation to maintain and enhance habitat, aesthetic and recreational values. Retention and planting of conifers is particularly desired as a source of future large woody debris recruitment.*

Con P-11  
*Plan and design new development or substantial redevelopment to retain or provide shoreline vegetation.*

Con P-12  
*Prohibit the introduction of invasive plant species along shorelines, and encourage the removal of noxious and invasive weeds.*

Con P-13  
*Protect, enhance, and maintain healthy trees and vegetation consistent with the value North Bend places on trees and other vegetation as integral to community character and quality of life. Minimize tree clearing and thinning activities in shoreline jurisdiction and require mitigation for trees that are removed. Selective pruning of trees for safety and view protection may be allowed.*

Con P-14  
*Recognize the most recent inter-agency guidance on levee vegetation management to maintain levee safety and address aquatic habitat needs.*

**WATER QUALITY, STORMWATER MANAGEMENT, AND NONPOINT POLLUTION**

Con P-15  
*Protect and preserve water quality in the South Fork and Middle Fork Snoqualmie Rivers.*

Con P-16  
*Manage stormwater quantity to ensure protection of natural hydrology patterns and avoid or minimize impacts on streams.*

Con P-17  
*Encourage use of low impact development techniques in all new development and redevelopment proposals.*

Con P-18  
*Support public education efforts to protect and improve water quality.*
Historic, Cultural, Scientific, and Educational Resources Element

Goal A: Recognize cultural and historical resources as an essential part of North Bend’s identity and heritage.

Goal B: Encourage educational and scientific projects and programs that foster a greater appreciation of the importance of shoreline management, river-oriented activities, environmental conservation and local historic connections with North Bend’s rivers.

HCSE P-1
Due to the limited and irreplaceable nature of the resource, prevent public or private uses, activities, and development from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

HCSE P-2
Protect, preserve, or restore buildings, sites, and areas of shoreline having scientific or educational values or significance.

HCSE P-3
Flood Hazard Management Element

Goal A: Protect public safety within river floodways and floodplains and protect natural systems by preserving the flood storage function of floodplains.

HCSE P-4
Manage development proposed within floodplains, floodways and channel migration zones consistent with the Shoreline Management Act, the Federal Emergency Management Agency (FEMA) standards, and this SMP, including the Critical Areas Regulations for frequently flooded areas and geologically hazardous areas.

HCSE P-5
Work with other cities, King County, and state and federal agencies to deal effectively with regional flooding issues.

HCSE P-6
Control stormwater runoff in a manner consistent with low impact development practices which utilize natural detention, retention and recharge techniques to the maximum extent possible.

HCSE P-7
Prohibit any development within the floodplain which would individually or cumulatively cause any increase in the base flood elevation. Encourage purchase of properties that have experienced repetitive loss.
Chapter 14.20
SHORELINE REGULATIONS

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14.20.560 Repealed.

14.20.570 Repealed.

14.20.580 Repealed.

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Article I. Authority and Purpose

14.20.110 Authority.
The Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW, is the authority for the enactment and administration of this shoreline master program (SMP). (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.120 Applicability.
All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required. For all proposed uses, activities, or development occurring on a property or properties that are only partially within shoreline jurisdiction, only the portion of uses, activities, or development that is within shoreline jurisdiction must conform to the intent and requirements of the SMA and this SMP. See NBMC 14.20.200 for the shoreline jurisdiction description and NBMC 14.20.190 for the definition of uses, activities, and development.

The SMP applies to shoreline jurisdiction in city limits and predesignates shoreline jurisdiction in the urban growth area (UGA); this SMP will apply to shorelines in the UGA upon annexation.
Pursuant to WAC 173-27-060, direct federal agency activities affecting shoreline jurisdiction must be consistent with the SMA, SMP guidelines, and this SMP.

As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian nations or tribes. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.130 Findings.
The SMP is based on the SMA, SMP guidelines, a shoreline analysis report, and a public visioning process. Key findings are identified below.

Between late 2009 and June 2012, the city completed a comprehensive update of this SMP. The update effort included a series of meetings with the North Bend planning commission, communities meetings and presentations, coordination with Ecology, meetings with the North Bend city council, as well as public involvement with local, state and federal agencies, tribes, and other interested parties (hereinafter called "stakeholders"). In 2012, public hearings were held with the North Bend planning commission and city council.

In March 2012, the city council passed Resolution 1578 and forwarded the proposed SMP update to the Washington State Department of Ecology for review and comment prior to the city’s formal adoption of the SMP in accordance with WAC 173-26-110.

The Department of Ecology accepted written public comments as required by the SMA, and reviewed the updated SMP providing specific required and recommended changes as a condition of DOE approval. The city council concurred with required changes, resulting in final adoption of the updated SMP through Ordinance 1476.

North Bend is required to periodically review and update this SMP to ensure ongoing consistency with updates to SMA guidelines (WAC 173-26-090), with the current periodic review cycle deadline of June 2019. The North Bend planning commission initiated periodic review in 2018, with a first public hearing on August 23, 2018, and a second hearing on January 10, 2019. Updates to the SMP are focused and limited to those minor updates required by SMA guidelines as well as integration of updated critical areas regulations standards. Integrated critical areas standards will ensure protection of wetlands, tributary streams, fish and wildlife habitat conservation areas, and geologically hazardous areas consistent with updates to best available science (BAS), supporting the city in ongoing protection of shoreline ecological functions.

In accordance with RCW 36.70A.480, the city incorporates by reference the goals and policies of the SMP into the North Bend comprehensive plan. No updates to SMP goals and policies will occur for the 2018/19 periodic review and update. Public review of the 2018/19 periodic update will occur concurrently by the North Bend city council and DOE, consistent with WAC 173-26-090.

The shoreline jurisdiction and environment designation map is hereby adopted to support identification of known shoreline jurisdiction and shall be on file with the city and subject to updating from time to time. (Ord. 1701 § 1...
14.20.140 Purpose.
The purposes of this SMP are:

A. To promote the public health, safety, and general welfare of the city by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and

B. To further assume and carry out the local government responsibilities established by the SMA in RCW 90.58.050 including planning and administering the regulatory program consistent with the policy and provisions of the SMA in RCW 90.58.020; and

C. To provide a high-quality shoreline environment where:

1. Recreational opportunities are abundant;

2. The public enjoys access to and views of shoreline areas;

3. Natural systems are preserved, restored or enhanced;

4. Ecological functions of the shoreline are maintained and improved over time;

5. Water-oriented uses are promoted consistent with the shoreline character and environmental functions; and

D. To apply special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state’s shoreline; and

E. To assure no net loss of ecological functions associated with the shoreline. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.150 Relationship to other codes, ordinances and plans.
A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.

B. In the event provisions of this SMP conflict with provisions of federal, state, county or city regulations, the provision that is most protective of shoreline resources shall prevail. It is understood that the provisions of this chapter may not allow development to occur at what otherwise might be the property’s full zoning potential.

C. The policies in the SMP, contained in the shoreline element, state the underlying objectives the regulations are intended to accomplish. The policies guide the interpretation and enforcement of the SMP regulations contained in NBMC 14.20.110 through 14.20.750. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.
D. This shoreline chapter references critical area regulations of this title applicable in shoreline jurisdiction consistent with the integrating provisions of Article III, NBMC 14.20.290. Integrated provisions provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources (RCW 36.70A.480). Within the shoreline areas no pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals shall be used until approved by all appropriate state and federal agencies. Those agencies shall include, but shall not be limited to, the Washington State Departments of Fish and Wildlife, Agriculture, and Ecology, and the U.S. Food and Drug Administration. Evidence of such approval shall be submitted to the city. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.160 Liberal construction.
As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction. The city shall therefore interpret the SMP not only on the basis of actual words and phrases used in it, but by also taking purposes, goals, and policies into account. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.170 Severability.
Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.180 Effective date.
This shoreline master program of the city of North Bend took effect 14 days after the date of the Department of Ecology’s final action approving the city’s shoreline master program. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.190 Definitions.
1. “Act” means the Washington State Shoreline Management Act, Chapter 90.58 RCW.

2. “Active fault” means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last 10,000 years.

3. “Additions” means improvements to an existing building or structure, the cost of which does not exceed 50 percent of the assessed value of the total structure or result in an increase greater than 25 percent of the building footprint (up to a maximum of 500 square feet) before the addition is started. Additions must share a common wall (one full side) with the original structure.

4. Reserved.

5. “Adoption by rule” means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, Chapter
34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

6. “Agricultural activities” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; provided, that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

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

8. “Agricultural equipment” includes, but is not limited to:
   a. The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains;
   b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
   c. Farm residences and associated equipment, lands, and facilities; and
   d. Roadside stands and on-farm markets for marketing fruit or vegetables.

9. Agricultural Facilities. See “Agricultural equipment.”

10. “Agricultural land” means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program land converted to agricultural use is subject to compliance with the requirements of the master program.

11. “Alteration,” for purposes of applying critical areas, means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to: grading, filling, dredging,
channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for stormwater management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife, or habitat value of critical areas.

12. “Amendment” means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

13. “Applicant” means a person who files an application for a permit under this SMP and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

14. “Approval” means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the Department of Ecology for review and official action pursuant to this chapter; or an official action by the Department of Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

15. “Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals.

16. “Aquifer recharge area” means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge groundwater by percolation.

17. “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

18. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

19. Assessed Value. Assessed valuation shall be as established by the King County assessor’s office, unless otherwise provided by a market appraisal institute (MAI) appraisal.

20. “Associated wetlands” are those wetlands which are in proximity to, and either influence or are influenced by, a stream subject to the Act.

21. “Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.
22. “Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designated on flood insurance rate maps with the letters A or V.


24. “Basement” means any area of a building having its floor subgrade (below ground level) on all sides.

25. “Best management practices” (BMPs) means conservation practices or systems of practice and management measures that:
   a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
   b. Minimize adverse impacts on surface water and groundwater flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;
   c. Protect trees and vegetation designated to be retained during and following site construction; and
   d. Provide standards for proper use of chemical herbicides within critical areas.

26. “Boating facilities” allowed in the city of North Bend includes boat launches and upland boat storage. Prohibited boating facilities in the city include marinas and other boat moorage structures or uses.

27. “Breakwater” means an offshore structure whose primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave-caused erosion. Breakwaters are generally built parallel to shore, and may or may not be connected to land, and may be floating or stationary.

28. “Buffer” means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

29. “Building setback line (BSBL)” means a line beyond which the foundation of a structure shall not extend.

30. “Caliper” means the American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

31. “Channel migration zone (CMZ)” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. (See North Bend comprehensive plan...
adopted map series on file with the city for a map of the channel migration zone regulated under this SMP.)

32. “City” means the city of North Bend.

33. “Clearing” means the cutting, killing, grubbing, or removing of vegetation or other organic material by physical, mechanical, chemical, or any other similar means.

34. “Cluster” means a group of three or more significant trees with overlapping or touching crowns.

35. “Crown” means the area of a tree containing leaf- or needle-bearing branches.

36. “Community access” means a shoreline access available to a group or community (e.g., homeowners’ association) which may not be accessible to general public.

37. “Compensation project” means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.

38. “Compensatory mitigation” means types of mitigation used to replace project-induced critical area and buffer losses or impacts.

39. “Concentrated animal feeding operation (CAFO)” means a Department of Ecology-regulated and permitted area where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. The CAFO permit does not automatically kick in until a facility has a certain number of nonaquatic animals (i.e., 1,000 cattle or 700 dairy cows). Smaller facilities may also be regulated if they are discharging to a waterbody.

40. “Critical aquifer recharge area (CARA)” means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

41. “Critical facility” means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency installations, and installations that produce, use, or store hazardous materials or hazardous waste.

42. “Crown” means the area of a tree containing leaf- or needle-bearing branches.

43. “Designated floodway” means the regulatory floodway that has been delineated on the city’s flood insurance rate map (FIRM).
44. “Developable area” means a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this SMP.

45. “Development” means any manmade alteration of unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment and materials and subdivision of land. It does not include dismantling or removing structure if there is no other associated development or redevelopment. For properties within the floodplain, development also includes the removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.

46. “Development permit” means any permit issued by the city of North Bend, or other authorized agency, for construction, land use, or the alteration of land.

47. “DSH” means the diameter at standard height; the diameter of the trunk measured 54 inches (four and one-half feet) above grade.

48. “Ecological functions” or “shoreline functions” means 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.

49. “Ecosystem-wide processes” means 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.

50. “Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.

51. “Erosion hazard area” means those areas that, because of natural characteristics including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

52. “Feasible” means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

   a. The action can be accomplished with technologies and methods that have been used in the past 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; and

   c. The action does not physically preclude achieving the project’s primary intended legal use. In cases
where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

53. “FEMA” or “Federal Emergency Management Agency” means the agency that oversees the administration of the National Flood Insurance Program (44 CFR).

54. “Fill” means 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.

55. “Fish and wildlife habitat conservation areas” means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:

   a. Areas with which state or federally designated endangered, threatened, and critical species have a primary association;

   b. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;

   c. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;

   d. Waters of the state, including lakes, rivers, ponds, streams (and their associated wetlands), inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington;

   e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

   f. State natural area preserves and natural resource conservation areas; and

   g. Land essential for preserving connections between habitat blocks and open spaces.

56. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

57. “Flood hazard area” means any area subject to inundation by the base flood or risk from channel migration including, but not limited to, an aquatic area, wetland, or closed depression.
58. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazard and the risk premium zones (44 CFR Part 59).

59. “Flood insurance study” means the official report provided by the Federal Insurance and Mitigation Administration that includes the flood profiles, the FIRM, and the water surface elevation of the base flood (44 CFR Part 59).

60. “Flood protection elevation” means an elevation that is one foot or more above the base flood elevation.

61. “Floodplain” is synonymous with “100-year floodplain” and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be determined by reference to the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA).

62. “Floodproofing” means adaptations that ensure a structure is substantially resistant to the passage of water below the flood protection elevation and resists hydrostatic and hydrodynamic loads and effects of buoyancy.

63. “Floodway” means the area that has been established in Federal Emergency Management Agency flood insurance rate maps preliminary FIRM dated November 6, 2012.

64. “Floodway-dependent structure,” for purposes of applying critical area regulation as integrated by reference by NBMC 14.20.290, means structures such as, but not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.

65. “Formation” means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

66. “Formation, confining” means the relatively impermeable formation immediately overlaying a confined aquifer.

67. “Frequently flooded areas” means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the shoreline administrator, in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency (FEMA) and National Flood Insurance Protection (NFIP).

68. “Functions” and “values,” for purposes of applying critical area regulation as integrated by reference by NBMC 14.20.290, mean the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and
attenuation, groundwater recharge and discharge, erosion control, and recreation. “Functions” and “values” may be considered independently, with functions being measured indicators such as water quality, hydrologic functions, and habitat functions and values being nonmeasured indicators such as local importance, potential qualities, or recreational benefits.

69. “Geologically hazardous areas” means areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard.

70. “Geotechnical report” or “geotechnical analysis” means 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 on 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.

71. “Grading” means 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.

72. “Groin” means a barrier type of structure extending from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

73. “Ground cover” means all types of vegetation other than trees.

74. “Guidelines” means those standards adopted by the department to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

75. “Hazard areas” means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

76. “Hazard tree” means any tree with any significant structural defect, disease, extreme size or combinations of these which make it subject to failure, as determined by the shoreline administrator or her/his designee.
77. "Hazardous substance(s)" means:

   a. A hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (CWA); any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); any toxic pollutant listed under Section 307(a) of the CWA; or any imminently hazardous chemical substance or mixture with respect to which the United States Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act;

   b. Hazardous substances that include any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090, 173-303-102, or 173-303-103.

78. "High-intensity land use" means land uses consisting of commercial, urban, industrial, institutional, retail, residential with more than one unit per acre, agricultural (dairies, nurseries, raising and harvesting crops requiring annual tilling, raising and maintaining animals), high-intensity recreation (golf courses, ball fields), and hobby farms.

79. "Heavy equipment" means such construction machinery as backhoes, turreted tractors, dump trucks, and front-end loaders.

80. "Hydraulic project approval (HPA)" means a permit issued by the state of Washington’s Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 75.20 RCW.

81. "Impervious surface area" means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, and excluding landscaping and surface water retention/detention facilities.

82. "In-stream structures" function for the impoundment, diversion, or use of water for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreation, or fisheries enhancement.

83. "Isolated wetland" means those wetlands and their buffers that are outside of the following critical areas and their buffers, where applicable: 100-year floodplain, lake, river, stream, or wetland. Isolated wetlands have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

84. "Landslide" means episodic down slope movement of a mass of soil or rock that includes, but is not limited
to, rock falls, slumps, mudflows, and earth flows.

85. “Landslide hazard areas” means areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

86. “Low-intensity land use” includes, but is not limited to, forestry and open space (such as passive recreation and natural resources preservation).

87. “Lowest floor” means the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of these critical areas regulations found in Chapter 14.12 NBMC (i.e., provided there are adequate flood ventilation openings).

88. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

89. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more parcels intended for the sale or rent of manufactured homes. A manufactured home park or subdivision shall include the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

90. “May” means the action is acceptable, provided it conforms to the provisions of this chapter.

91. “Minor utility project” means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than 75 square feet.

92. “Mitigation sequencing” means the process of avoiding, reducing, or compensating for the adverse environmental impact(s) of a proposal, including the following actions, listed in the order of preference, subsection (92)(a) of this section being the most preferred:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps 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 during the life
of the action;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

93. “Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. A mobile home is also included within the definition of manufactured homes; however, the standards relating to mobile homes shall take precedence over the standards relating to manufactured homes where such standards are more stringent.

94. “Moderate-intensity land use” includes, but is not limited to, residential at a density of one unit per acre or less, moderate intensity open space (parks), and agriculture (moderate intensity land uses such as orchards and hay fields).

95. “Monitoring” means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

96. “Must” means a mandate; the action is required.

97. “Native growth protection easement (NGPE)” means an easement granted to the city of North Bend for the protection of native vegetation within a critical area or its associated buffer.

98. “Native vegetation” means plant species that are indigenous to the region.

99. “New construction” means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this SMP.

100. “Non-water-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

101. “Normal maintenance” means those usual acts that are necessary to prevent a property’s decline, lapse, or cessation from a lawfully established condition.

102. “Normal repair” means to restore a structure or development to a state comparable to its original condition including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse impacts on shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such
replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse impacts on shoreline resources or environment.

103. “Ordinary high water mark (OHWM)” means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. Where the OHWM cannot be found, it shall be the line of mean high water. For braided streams, the OHWM is found on the banks forming the outer limits of the depression within which the braiding occurs.

104. “Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact on critical areas.

105. “Primitive trail” means unimproved, unpaved but physically defined pathway for nonmotorized movement.

106. “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- a. Comparatively high fish or wildlife density;
- b. Comparatively high fish or wildlife species diversity;
- c. Fish spawning habitat;
- d. Important wildlife habitat;
- e. Important fish or wildlife seasonal range;
- f. Important fish or wildlife movement corridor;
- g. Rearing and foraging habitat;
- h. Refugia habitat;
- i. Limited availability;
- j. High vulnerability to habitat alteration;
k. Unique or dependent species; or

l. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as caves and snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

107. “Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

a. Criterion 1. State-listed or state-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate.

c. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

108. “Provisions” means policies, regulations, standards, guideline criteria or environment designations.

109. “Public access” means both physical and visual access. Examples are listed below. Desired locations for North Bend’s visual and physical access are along the South and Middle Fork Snoqualmie Rivers.

a. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

b. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, or other area serving as a means of physical approach to public waters.
110. “Public agency” means every city, county, state, or federal office, every officer, every institution, whether educational, correctional, or other, and every department, division, board, and commission that provides services or recommendations to the public or other such agencies.

111. “Public utility” means a public service corporation performing some public service subject to special governmental regulations, or a governmental agency performing similar public services, either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation for persons and freight.

112. “Qualified professional” means a person with experience and training in the pertinent discipline, and who is a qualified expert with expertise appropriate for the relevant critical area or shoreline subject. A qualified professional must have obtained a B.S., B.A. or equivalent degree or certification in biology, engineering, environmental studies, fisheries, geomorphology, landscape architecture, forestry or related field, and two years of related work experience.

a. A qualified professional for wildlife, habitats or wetlands must have a degree in biology, zoology, ecology, fisheries, or related field, and professional experience in Washington State.

b. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

c. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

d. A qualified professional with flood and CMZ expertise must be a hydrologist or fluvial geomorphologist.

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

113. “Recreational development” means commercial and public facilities designed and used to provide recreational opportunities to the public. Commercial recreational development should be consistent with commercial development defined herein.

114. “Recreational vehicle” means a vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by an automobile or light duty truck; and designated primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use, not as a permanent dwelling.

115. “Residential development” entails one or more buildings, structures, lots, parcels or portions thereof that are designed, used or intended to be used as a place of abode for human beings. These include single-family residences, residential subdivisions, short residential subdivisions, attached dwellings, and all accessory uses
or structures normally associated with residential uses. Accessory residential uses include, but are not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Hotels, motels, dormitories or any other type of overnight or transient housing is excluded from the residential category and must be considered commercial use depending on project characteristics.

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

117. “Riparian habitat” means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

118. “Salmonid” means a member of the fish family Salmonidae. In King County, Chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

119. “Section 404 permit” means a permit issued by the Army Corps of Engineers for the placement of dredge or fill material waterward of the OHWM or clearing in waters of the United States, including wetlands, in accordance with 33 United States Code (USC) Section 1344.

120. “Seismic hazard areas” means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

121. “Shall” means a mandate; the action must be done.

122. “Shoreline areas” and “shoreline jurisdiction” mean all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

123. “Shoreline master program” or “master program” means 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. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under Chapter 90.58 RCW shall be considered an element of the county’s or city’s comprehensive plan. All other portions of the shoreline master program for a county or city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the county’s or city’s development regulations.

124. “Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir,
dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

125. “Shoreline stabilization” means 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.

126. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

127. “Significant tree” means any evergreen tree, other than holly, of at least 15 inches DSH and any deciduous tree, other than poplar trees, at least 12 inches DSH. Poplar trees, holly, and other invasive trees of any size are not considered significant trees.

128. “Significant vegetation removal” means 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 on 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.

129. “Snag” means the remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches.

130. “Special flood hazard area (SFHA)” means an area subject to a base or 100-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, or AH.

131. “Species and habitats of local importance” means those species that may not be endangered, threatened, or critical from a statewide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural, or historic attributes. These species may be priority habitats, priority species, and those habitats and species identified in the critical areas code as having local importance (e.g., elk).

132. “Species, threatened and endangered” means those native species that are listed by the State Department of Fish and Wildlife pursuant to RCW 77.12.070 as threatened (WAC 232-12-011) or endangered (WAC 232-12-014), or that are listed as threatened or endangered under the federal Endangered Species Act (16 U.S.C. 1533).

133. “Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement
was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. For cumulative tracking, the permit may extend beyond the specified time frame to the time of permit completion. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

134. “Steep slopes” means those slopes (excluding city-approved geotechnical engineered slopes) 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

135. “Stream” means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

136. “Structure” means 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.

137. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

138. “Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which exceeds 50 percent of the assessed value of the structure before the improvement or repair is started. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term can exclude:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; or
b. Any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.

139. “Substantially degrade” means to cause significant ecological impact.

140. “Thinning” means the evenly spaced noncommercial removal of up to 40 percent of trees and woody shrubs.

141. “Topping” means the severing of main trunks or stems of vegetation at any place above 25 percent of the vegetation height.

142. “Transportation facilities” are those structures and developments that provide for the movement of people, goods and services. These include roads and highways, railroad facilities, bridges, parking facilities, bicycle paths, trails and other related facilities.

143. “Tree removal” means the removal of a tree, through either direct or indirect actions, including but not limited to: (a) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (b) removal of at least half of the live crown; or (c) damage to roots or trunk that is likely to destroy the tree’s structural integrity.

144. “Trees” means any living woody plant characterized by one main stem or trunk and many branches and having a diameter of four inches or more measured 24 inches above ground level.

145. “Unavoidable” means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

146. “Understory” means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.

147. “Utility” means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, stormwater, communications (including, but not limited to, telephone and cable), sewage, oil, and the like.

148. “Vegetation” means plant life growing below, at, and above the soil surface.

149. “Vegetation alteration” means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.

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

151. “Water-enjoyment use” means 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 foster shoreline enjoyment.

152. “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

153. “Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term “water quantity” refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

154. “Water-related use” means 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.

155. “Water resources inventory area (WRIA)” means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

156. “Weir” means a structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

157. “Wetlands” are areas that are inundated or saturated by surface 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 nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (Ord.
1701 § 1 (Exh. A (part)), 2019; Ord. 1476 § 2 (Exh. A (part)), 2012).

**14.20.200 Shoreline jurisdiction.**
A. As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” The city of North Bend’s shoreline jurisdiction includes the following:

1. Shoreline waterbody;
2. OHWM plus upland 200 feet;
3. Floodways;
4. Up to 200 feet of floodplain contiguous with floodways; and
5. Associated wetlands.

B. The city’s regulated shorelines include:

1. The Middle Fork Snoqualmie River throughout the city limits; and
2. The South Fork Snoqualmie River throughout the city limits.

C. The city has predesignated the portion of the South Fork Snoqualmie River in the UGA outside the city limits, which is effective upon annexation. (Ord. 1476 § 2 (Exh. A (part)), 2012).

**Article II. Shoreline Environment Designations**

**14.20.210 Natural.**
A. Purpose. The purpose of the “natural” environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low-intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes.

B. Designation Criteria. Natural environment designation should be assigned to shoreline areas if any of the following characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
3. The shoreline is unable to support new development or uses without significant adverse impacts on ecological functions or risk to human safety.

C. Management Policies.

1. Any use or development activity that would degrade the ecological functions or adversely alter the natural character of the shoreline area should be severely limited or prohibited.

2. Development activity in the natural environment should only be permitted when no suitable alternative site is available on the subject property outside of shoreline jurisdiction.

3. The following new uses should not be allowed in the natural environment:
   a. Commercial uses.
   b. Industrial uses.
   c. Non-water-oriented recreation.
   d. Roads, utility corridors, and parking areas that can be located outside of natural-designated shorelines.

4. Single-family residential development may be allowed as a conditional use within the natural environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

5. Commercial forestry may be allowed as a conditional use provided it meets the conditions of the State Forest Practices Act and its implementing rules, and is conducted in a manner consistent with the purpose of this environment designation.

6. Development, when feasible, should be designed and located to preclude the need for shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications.
   a. Development activity or land surface modification that would reduce the capability of vegetation to perform normal ecological functions should be prohibited.
   b. Subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should not be allowed. Each new parcel must be able to support its intended development without significant adverse ecological impacts on the shoreline ecological functions.

7. Limited access may be permitted for scientific, historical, cultural, educational and low-intensity water-
oriented recreational purposes, provided there are no significant adverse ecological impacts. (Ord. 1476 § 2 (Exh. A (part)), 2012).

A. Purpose. The purpose of the “urban conservancy” environment is to protect and restore ecological functions of open space, parks, floodplains and floodways, other critical areas, and other undeveloped areas with low levels of alteration, while allowing a variety of compatible uses. The urban conservancy environment contains two sub-environments: urban conservancy – residential for areas with moderate to high levels of ecological function that can or do appropriately accommodate shoreline priority residential uses, or urban conservancy – recreation/open space for areas that are highly valued for recreation and public access, contain critical areas such as wetlands or floodplains, and/or have low levels of alteration corresponding to moderate to high ecological function.

B. Urban Conservancy – Residential Designation Criteria. This designation is appropriate for lands containing or planned for low-density single-family uses, which:

1. Have potential for ecological restoration;
2. Retain important ecological functions, even though partially developed; and/or
3. Have potential for development that is compatible with ecological restoration.

C. Urban Conservancy – Recreation/Open Space Designation Criteria. This designation is appropriate for lands:

1. Containing or suitable for parks and recreation facilities or other water-enjoyment uses;
2. Suitable for water-related uses;
3. Designated as open space, floodplain or other sensitive areas that should not be more intensively developed;
4. Having potential for ecological restoration;
5. Retaining important ecological functions, even though partially developed; or
6. Having potential for development that is compatible with ecological restoration.

D. Management Policies. All urban conservancy environments should be managed consistent with the following policies:

1. Allowed uses should be those that preserve the natural character of the area and/or promote
preservation and restoration within critical areas and public open spaces either directly or over the long term.

2. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

3. Restoration of shoreline ecological functions should be a priority.

4. Development, when feasible, should be designed to ensure that any necessary shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications do not result in a net loss of shoreline ecological function or further degrade other shoreline values.

5. Public access and public recreation objectives should be implemented, except on existing single-family lots, whenever feasible and significant adverse ecological impacts can be mitigated.

6. Recognize that single-family residential development is a preferred use, and is a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

7. Water-oriented uses should be given priority over non-water-oriented uses.

8. Commercial and industrial uses, other than limited commercial activities conducted accessory to a public park, should be prohibited. (Ord. 1476 § 2 (Exh. A (part)), 2012).


A. Purpose. The purpose of the “commercial conservancy” environment is to accommodate commercial and employment park land uses, such as office, retail, transportation, warehouse, manufacturing, and mixed use developments, together with appropriate accessory uses, while protecting the existing ecological functions of floodways, floodplains and other critical areas.

B. Designation Criteria. Assign a commercial conservancy environment designation to shoreline areas within city limits and urban growth areas if they currently support commercial, employment park, or mixed use developments, are suitable and planned for such uses, or are located near the core of downtown North Bend. This environment designation recognizes that in North Bend’s shoreline jurisdiction, undeveloped lands planned for such uses are typically constrained by critical areas and the governing regulations as integrated by reference by NBMC 14.20.290.

C. Management Policies.

1. Allowed urban uses should be sited outside of critical areas and their buffers and should be preferentially located to minimize alteration of other vegetated areas consistent with the commercial conservancy environment.
development standards and the shoreline vegetation conservation regulations.

2. Give first priority to water-dependent uses, and second to water-related and water-enjoyment uses.

3. Non-water-oriented uses may be allowed as part of an existing or mixed use development, where they do not conflict with or limit opportunities for water-oriented uses, on sites where there is no direct access to the shoreline, or when associated with public access or ecological restoration.

4. Visual and physical access should be implemented whenever feasible and adverse ecological impacts can be avoided. Continuous public access along the shoreline should be provided, preserved or enhanced consistent with the public access regulations in NBMC 14.20.320.

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers where they exist.

6. Full utilization of existing urban areas should be achieved before further expansion of the commercial conservancy designation is allowed.

7. No net loss of shoreline ecological functions as a result of new development should be assured by application of SMP policies and regulations.

8. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law. (Ord. 1701 § 1 (Exh. A (part)), 2019; Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.240 Shoreline residential.

A. Purpose. The purpose of the shoreline residential environment is to accommodate current and planned higher-density residential development and appurtenant structures, as well as appropriate public access and recreational uses, in areas suited for urban densities.

B. Designation Criteria. Assign a shoreline residential environment designation to properties in the city limits or urban growth areas with predominantly single-family or multifamily residential development or that are planned and platted for residential development.

C. Management Policies.

1. Standards for buffers, lot coverage limitations, shoreline stabilization, vegetation conservation, critical area protection, and water quality should mitigate adverse impacts on and maintain shoreline ecological functions.
2. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

3. Visual and physical access should be implemented whenever feasible and adverse ecological impacts can be avoided. Continuous public access along the shoreline should be provided, preserved or enhanced.

4. Water-dependent recreational uses should be permitted.

5. Limited water-oriented uses which depend on or benefit from a shoreline location should also be permitted provided the underlying zoning classifications permit such uses. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.250 Aquatic.

A. Purpose. The purpose of the “aquatic” environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. Designation Criteria. Assign an aquatic environment designation to lands waterward of the OHWM.

C. Management Policies.

1. Provisions for the management of the aquatic environment should be directed towards maintaining and restoring shoreline ecological functions.

2. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

3. All developments and uses should be located and designed to protect public recreational uses of the water; to minimize adverse visual impacts; and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

4. New overwater structures for public access and public infrastructure are permitted, provided they are the minimum size necessary to support the structure’s intended use and will not preclude attainment of ecological restoration.

5. Underwater pipelines and cables should not be permitted unless demonstrated that there is no feasible alternative location based on an analysis of technology and system efficiency, and that the adverse environmental impacts are not significant or can be shown to be less than the impact of upland alternatives.

6. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to NBMC 14.20.290(B) as necessary to assure no net loss of ecological functions.
14.20.260 Use environment interpretation.
A. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline waterbody related to site-specific surveys of OHWM are automatically assigned the category of the contiguous waterward shoreline environment designation provided the error does not extend onto a new parcel.

B. All other areas that were not mapped in shoreline jurisdiction, but which do meet criteria in NBMC 14.20.200, Shoreline jurisdiction, shall be assigned an urban conservancy – recreation/open space designation until the shoreline can be redesignated through an SMP amendment.

C. Property shown in shoreline jurisdiction that does not meet the applicability criteria in NBMC 14.20.200, Shoreline jurisdiction, shall not be subject to the requirements of this SMP. The actual location of the OHWM must be determined at the time a development is proposed.

D. In the event of an environment designation mapping error, the shoreline administrator shall use the environment designation criteria contained in NBMC 14.20.210 through 14.20.250 to establish the appropriate shoreline environment designation. Appeals of such interpretations may be filed pursuant to Article VI of this chapter, Administration and Enforcement. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.270 Shoreline use and modification matrix.
A. Table 14.20.270 indicates which shoreline activities, uses, developments and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Activities, uses, developments, and modifications are classified as follows:

1. “Permitted uses” require a shoreline substantial development permit or a shoreline exemption.

2. “Conditional uses” require a shoreline conditional use permit per NBMC 14.20.680.

3. “Prohibited” activities, uses, developments, and modifications are not allowed.

Article III of this chapter, General Regulations, and Article IV of this chapter, Use-Specific and Modification Regulations, shall be consulted for additional limitations.

B. Accessory uses shall be subject to the same shoreline permit process as their primary use.

C. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall control.

D. Authorized uses and modifications shall be allowed only in shoreline jurisdiction where the underlying zoning
allows for it and are subject to the policies and regulations of this SMP.

E. A use is considered unclassified when it is not listed in Table 14.20.270, Article III of this chapter, General Regulations, or Article IV of this chapter, Use-Specific and Modification Regulations. Any proposed unclassified use shall be classified by the shoreline administrator as permitted, conditional, or prohibited, based on the listed use to which the proposed use is most similar. If the shoreline administrator determines that the proposed use is not similar to any use in this SMP, the proposed use shall be considered prohibited.

F. If any part of a proposed activity, use, modification or development is not eligible for exemption per NBMC 14.20.660, then a shoreline substantial development permit or shoreline conditional use permit shall be required for the entire proposed development project.

G. When a specific use or modification extends into the aquatic environment and an abutting upland environment without clear separation (e.g., private moorage facility, shoreline stabilization), the most restrictive permit process shall apply to that use or modification.

H. Shoreline and critical areas buffers found in NBMC 14.20.290(B) apply to all uses and modifications unless stated otherwise in the regulations.

I. None of the allowed uses could be conducted in the floodway in any environment designation, except as allowed by Chapter 14.12 NBMC, Floodplain Management.

<table>
<thead>
<tr>
<th>Use/Modification</th>
<th>Urban Conservancy – Residential</th>
<th>Urban Conservancy – Recreation/Open Space</th>
<th>Shoreline Residential</th>
<th>Natural</th>
<th>Commercial Conservancy</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Resource Uses</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Agriculture</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X¹</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture, noncommercial</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Forest practices</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>NA</td>
</tr>
<tr>
<td>Mining</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Boating Facilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat launch (motorized boats)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Boat launch</td>
<td></td>
<td></td>
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</tbody>
</table>

Table 14.20.270. Shoreline Use and Modification Matrix

The North Bend Municipal Code is current through Ordinance 1766, passed December 7, 2021.
<table>
<thead>
<tr>
<th>(nonmotorized boat – canoe/kayak)</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>X</th>
<th>P</th>
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<tbody>
<tr>
<td>Marina</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community dock</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Commercial Development</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Automotive/vehicular</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Bed &amp; breakfast</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Concession stand</td>
<td>X</td>
<td>P³</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Dry land boat storage</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Entertainment or cultural facility</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Hotel/motel</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Mixed use commercial and residential</td>
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<td>X</td>
<td>C</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Mixed use water-dependent and non-water-oriented</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Office use</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
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<tr>
<td>Repair and service of boat and boat motors</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td>X</td>
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<tr>
<td>Restaurant</td>
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<td>P⁴</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Retail establishment</td>
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<td>C⁴</td>
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<td>X</td>
<td>P</td>
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<tr>
<td>Retail sale of new or used nonmotorized boats including electric motor boats (sales or rental)</td>
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<td>P</td>
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<td>X</td>
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<td><strong>Dredging Activities</strong></td>
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The North Bend Municipal Code is current through Ordinance 1766, passed December 7, 2021.
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<tr>
<th>Dredge material disposal</th>
<th>X</th>
<th>C&lt;sup&gt;12&lt;/sup&gt;</th>
<th>C&lt;sup&gt;12&lt;/sup&gt;</th>
<th>X</th>
<th>C&lt;sup&gt;12&lt;/sup&gt;</th>
<th>C&lt;sup&gt;12&lt;/sup&gt;</th>
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<tbody>
<tr>
<td>Fill</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Waterward of OHWM and in floodways</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Between upland edge of floodway and upland edge of floodplain</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>P</td>
<td>NA</td>
</tr>
<tr>
<td>Other upland fill</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>P</td>
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<tr>
<td>Industry</td>
<td></td>
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<td>Water-oriented</td>
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<tr>
<td>Manufacturing, distribution, storage, and warehousing</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Non-water-oriented</td>
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<tr>
<td>Manufacturing, distribution, storage, and warehousing</td>
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<td>In-Water Modifications</td>
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<td>Breakwaters</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Groins and weirs</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
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<tr>
<td>In-stream structures</td>
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<td>NA</td>
<td>NA</td>
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<td>C&lt;sup&gt;5&lt;/sup&gt;</td>
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<td>Private Moorage Facilities</td>
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<td>X</td>
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<tr>
<td>Recreational Development</td>
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<td>Water-oriented</td>
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<tr>
<td>Public parks/recreation and accessory</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P&lt;sup&gt;9&lt;/sup&gt;</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P(^9)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Non-water-oriented</td>
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<td>C</td>
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<td>X</td>
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<td>Public parks/recreation and accessory uses</td>
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<td>C</td>
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<td>X</td>
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<tr>
<td>Private parks/recreation and accessory uses</td>
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<td>Residential Development</td>
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<td>P</td>
<td>C</td>
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<td>Shoreline Habitat and Natural Systems Enhancement Projects</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>Flood Control and Shoreline Stabilization</td>
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<td>Flood Control</td>
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<tr>
<td>Modification of existing levees and flood control facilities, including replacement landward of existing location</td>
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<td>P</td>
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<td>New levees and flood control facilities</td>
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<td>C(^{10})</td>
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<td>New</td>
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<tr>
<td>Hard</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Soft</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
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<td>---</td>
</tr>
<tr>
<td>Replacement: hard replaced with hard</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Replacement: hard replaced with soft</td>
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<td>P</td>
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**Transportation**

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<thead>
<tr>
<th></th>
<th>C</th>
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<th>P</th>
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<tr>
<td>New bridges</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>New railroads</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
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<tr>
<td>New roads</td>
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<td>P</td>
<td>P</td>
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<td>New trails</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>New parking, accessory</td>
<td>Takes permit type of primary use</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>New parking, primary</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Existing bridges, trails, roads, and parking facilities: maintenance, improvement or expansion</td>
<td>P</td>
<td>P</td>
<td>P</td>
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**Utilities**

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<tr>
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<th>P/C</th>
<th>P/C</th>
<th>P</th>
<th>C</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
</table>

Notes for Table 14.20.270:

1. Permitted in those areas east of the Snoqualmie Valley Trail for Meadowbrook Farm and established areas of Tollgate Farm, consistent with the Tollgate and Meadowbrook Farm master plans.

2. Non-water-oriented commercial uses are allowed consistent with shoreline buffer requirements and NBMC 14.20.380(A) if such use provides significant public benefit and implements objectives of the Shoreline Management Act.

3. Only when accessory or associated use within a public park or private recreation facility.

4. Conditional use permit if not accessory to a public park, public recreation facility, or private recreation facility open to the public.

5. Structures or modifications installed to protect or restore ecological functions may be permitted with a
shoreline substantial development permit or exemption.

6. For projects in Tollgate Farm, Meadowbrook Farm, and other publicly owned parks or landward of a public roadway, these uses shall be allowed with a substantial development permit or shoreline exemption provided projects comply with mitigation sequencing, critical areas and vegetation conservation regulations of this SMP.

7. Permitted if accessory; shoreline conditional use permit if primary use.

8. Expansion to support existing and proposed shoreline uses allowed, provided the expansion is located to have the least possible adverse effect on ecological function. When feasible, expansions should be located on the landward side of the existing corridor or outside of critical areas, consistent with the SMP. Other expansions shall be permitted as new facilities.

9. In the natural environment, only passive water-oriented recreation is allowed. Sites with fragile and unique shoreline conditions, such as high-quality wetlands and wildlife habitats, shall be used only for nonintensive recreation activities, such as trails, viewpoints, interpretive signage, and similar passive and low-impact facilities that result in no net loss of shoreline ecological function, and do not require the construction and placement of permanent structures.

10. Permitted as a conditional use only when the shoreline conditional use permit review criteria are met and when no other alternative locations are feasible.

11. New trails in the natural environment limited to primitive trails a maximum of five feet wide with the use of permeable surfaces as approved by the shoreline administrator.

12. Disposal of dredge material on shorelands or wetlands within a river’s channel migration zone shall require a shoreline conditional use permit in those limited instances when it is allowed. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

13. New roads may be permitted in the outer 10 percent in the urban conservancy – recreation/open space environment if no other alternative locations are feasible.

(Ord. 1701 § 1 (Exh. A (part)), 2019; Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.280 Development standards.

A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, development standards are provided in Table 18.10.040. These standards apply to all use and modification unless indicated otherwise. In addition, shoreline developments shall comply with all other dimensional requirements of the North Bend Municipal Code.
B. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP not otherwise allowed by administrative reduction or administrative modification, such development or use can only be authorized by approval of a shoreline variance.

### Table 14.20.280. Impervious Surface Cover Standards Matrix

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<tbody>
<tr>
<td>Impervious surface cover</td>
<td>&gt; .5-acre parcel 35%</td>
<td>15</td>
<td>55%</td>
<td>5</td>
<td>Middle Fork: 65% South Fork: 60%</td>
<td>NA</td>
</tr>
<tr>
<td>&lt; .5-acre parcel 50%</td>
<td>See NBMC 14.20.290(B)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Shoreline buffers</td>
<td>See NBMC 14.20.290(B)</td>
<td></td>
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Shoreline buffers apply to all new or expanded uses, activities and modifications, unless otherwise indicated in the regulations.


**Article III. General Regulations**

14.20.290 Environmental protection.

A. All project proposals, including those for which a shoreline substantial development permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.

B. All project proposals, including those for which a shoreline substantial development permit is not required, shall comply with integrated critical areas standards of NBMC Title 14 (amended by Ordinance 1688 on May 21, 2019); specifically Chapter 14.06 NBMC, Wetland Critical Areas, Chapter 14.07 NBMC, Critical Aquifer Recharge Areas, Chapter 14.09 NBMC, Streams and Other Fish and Wildlife Habitat Areas, Chapter 14.11 NBMC, Geologically Hazardous Areas, and Chapter 14.12 NBMC, Floodplain Management, except the following:

1. Activities that are exempt from the critical areas code per NBMC 14.05.130 shall comply with this program. Such activities may require a shoreline letter of exemption, shoreline substantial development permit, shoreline variance or shoreline conditional use permit consistent with the administrative provisions in Article VI of this SMP.

2. Exceptions from the critical areas code per NBMC 14.05.140 (Exceptions) shall not apply in shoreline jurisdiction. Projects that propose to vary from the standards of this SMP and integrated critical areas code...
standards shall require a shoreline variance according to the provisions of this SMP and Chapter 173-27 WAC.

3. Variances from the critical areas code per NBMC 14.05.150 (Variances) shall not apply in shoreline jurisdiction. All requests for variances within shoreline jurisdiction shall require a shoreline variance according to the provisions of this SMP and Chapter 173-27 WAC.

4. Procedural provisions, such as definitions in NBMC 14.05.040, appeals per NBMC 14.05.120, and enforcement and inspections per NBMC 14.05.100, within shoreline jurisdiction shall be governed by this SMP and not the critical areas code.

5. Permitted activities provided in NBMC 14.06.030 (permitted alterations – wetlands), 14.09.040 (permitted alterations – streams and other fish and wildlife habitat conservation areas), and 14.11.050 (performance standards – geologically hazardous areas) shall be permitted and shall not require a shoreline variance when consistent with this SMP and all applicable critical areas ordinance standards. Such activities shall be reviewed and permitted consistent with this SMP, and shall require a shoreline letter of exemption, shoreline substantial development permit, or shoreline conditional use permit consistent with the administrative provisions in Article VI of this SMP.

6. Buffers. The following buffers are the minimum requirements for streams in shoreline areas. All buffers shall be measured horizontally from the OHWM, and may be modified consistent with the critical area provisions.

   a. Type S streams shall have the following buffers:

      i. Natural environment designation: 150 feet (regulated entirely as “inner buffer”).

      ii. Urban conservancy – recreational/open space environment designation: 150 feet, divided between the waterward 100 feet (“inner buffer”) and the landward 50 feet (“outer buffer”).

      iii. Urban conservancy – residential environment designation: 100 feet or 20 feet from the edge of the floodway, whichever is greater, divided between the waterward 75 feet (“inner buffer”) and the remainder of the buffer (“outer buffer”).

      iv. Shoreline Residential Environment Designation.

         (A) Middle Fork Snoqualmie River: 85 feet, divided between the waterward 50 feet (“inner buffer”) and the landward 35 feet (“outer buffer”).

         (B) South Fork Snoqualmie River: 35 feet from the OHWM or 20 feet from the edge of the floodway, whichever is greater, except that development landward of a levee shall have a
buffer measured 30 feet from the riverside top of the levee. The waterward 25 feet measured from OHWM shall be regulated as “inner buffer” and the remainder of the buffer shall be regulated as “outer buffer” (see diagrams below).

v. Commercial Conservancy Environment Designation.

(A) Middle Fork Snoqualmie River: 75 feet from the OHWM or 20 feet from the edge of the floodway, whichever is greater, divided between the waterward 50 feet (“inner buffer”) and the remainder of the buffer (“outer buffer”).
(B) South Fork Snoqualmie River: 100 feet from the OHWM or 20 feet from the edge of the floodway, whichever is greater, divided between the waterward 75 feet (“inner buffer”) and the remainder of the buffer (“outer buffer”).

vi. When environment designations are parallel, the buffer of the waterward environment extends only to the upland edge of that environment. The buffer for the landward environment, if it extends onto the upland environment as measured from the OHWM, would apply to uses and modifications in that upland environment.

b. Type FF streams: 100 feet, divided between the waterward 75 feet (“inner buffer”) and the landward 25 feet (“outer buffer”).

c. Type Np streams shall have a 50-foot buffer on each side of the channel.

d. Type Ns streams shall have a 25-foot buffer on each side of the channel.

C. Applicants shall apply the following sequence of steps in order of priority to avoid or minimize significant adverse effects and significant ecological impacts, with subsection (C)(1) of this section being top priority:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action;

2. Minimizing adverse 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;

3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;

4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations;

5. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments; and

6. Monitoring the adverse impact and the compensation projects and taking appropriate corrective measures.

D. Projects that cause significant adverse ecological impacts, as defined in NBMC 14.20.190, Definitions, are not allowed unless mitigated according to subsection B of this section to avoid reduction or damage to ecosystem-wide processes and ecological functions. As part of this analysis, the applicant shall evaluate whether the project may adversely affect existing hydrologic connections between streams and wetlands, and either modify the project or mitigate any impacts as needed.
E. The city shall require mitigation measures and/or permit conditions based on the provisions of this SMP in order to mitigate adverse impacts. In order to determine acceptable mitigation or permit conditions, the shoreline administrator may require the applicant to provide the necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a mitigation plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

F. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the adversely impacted functions directly and in the immediate vicinity of the adverse impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans, including the shoreline restoration plan, applicable to the area of adverse impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

G. In addition to any requirements for specific critical areas found in this title, Environmental Protection, mitigation plans for any adverse impacts on ecological functions resulting from use, activity or development in shoreline jurisdiction, both inside and outside of critical areas, shall address the following:

1. Inventory existing shoreline environment including the physical, chemical and biological elements and provide an assessment of their condition;

2. A discussion of the project’s compliance with mitigation sequencing requirements and remaining unavoidable adverse impacts on the ecological functions;

3. A discussion of any federal, state, or local special management recommendations which have been developed for critical areas or other species or habitats located on the site;

4. A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity;

5. A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;

6. Scaled drawings of existing and proposed conditions, materials specifications, and a five-year maintenance and monitoring plan, including performance standards;

7. A discussion of proposed management practices which will protect fish and wildlife habitat both during construction and after the project site has been fully developed;

8. Contingency plan if the mitigation fails to meet established success criteria; and

14.20.300 Shoreline vegetation conservation.
A. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

B. Regulations specifying establishment and management of shoreline buffers are located in NBMC 14.20.290(B), Streams. Vegetation within shoreline buffers, other stream buffers, and wetlands and wetland buffers shall be managed consistent with critical area regulations as integrated by NBMC 14.20.290.

C. Vegetation outside of shoreline buffers, other stream buffers, and wetlands and wetland buffers and within shoreline jurisdiction shall be managed according to this section, NBMC 14.20.290, Environmental protection, and any other regulations specific to vegetation management contained in other articles of this chapter.

D. Vegetation clearing outside of wetlands and wetland and stream buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing shall be applied so that the design and location of the structure or development minimizes native vegetation removal. Development or uses that require vegetation clearing shall be designed to avoid the following in the order indicated below, with subsection (D)(1) of this section being the most desirable vegetation to retain:

1. Native significant trees.
2. Nonnative significant trees.
3. Native and nonnative nonsignificant trees.
4. Other native vegetation.

E. Tree Retention and Removal Requirements. Tree retention and removal standards within shoreline jurisdiction shall be enforced consistent with applicable sections of Chapter 19.10 NBMC, including standards for tree retention and tree density requirements within NBMC 19.10.091, 19.10.092, 19.10.093, 19.10.094, and 19.10.095.

F. Repealed by Ord. 1701.

G. Repealed by Ord. 1701.

H. Revegetation Option. Based upon recommendations in a report by the shoreline administrator, removal of
areas of vegetation that might normally be saved may be permitted if extensive revegetation is accomplished. Such alternative may be desirable for sites with significant physical limitations such as topography or soil type, or where limitations of existing trees such as particular species or deteriorated health of a particular tree stand may make such options desirable. On a site with documented special circumstances, an alternative allowing removal of vegetation normally saved may be approved with a comprehensive revegetation plan prepared by an arborist and reviewed and approved by the shoreline administrator or her/his designee. At a minimum, the plan shall include:

1. Information required under NBMC 14.20.650, and any additional requirements found in NBMC 19.10.050 through 19.10.070;

2. Consideration of the standards provided in subsection E of this section;

3. An evaluation of what circumstances are present in specific areas of the site to make incorporation of topography and existing vegetation undesirable and recommendations on what areas if any can be designed to accommodate existing vegetation;

4. Consideration of overstory and understory vegetative species to provide wildlife habitat and meet specific purposes important to the neighborhood environment and project design such as buffers, green belts, open spaces, street trees, urban beautification, solar access and other functions and purposes deemed desirable and appropriate to the anticipated use;

5. A comprehensive map showing location, number, types of species and size of planned vegetative improvements;

6. A timeline for completion of improvements;

7. An estimate of the value of vegetation that would normally be saved but that is being removed under this option. Said estimate must be accomplished pursuant to the most recent guidelines established by the International Society of Arboriculture in its “Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens”;

8. Said plan shall provide for a commensurate value of vegetation to be installed as is to be taken out under this option. Said amount shall be 150 percent of what is normally required for landscaping in the projects not utilizing this option. The calculated value of the vegetation shall include only vegetative material and shall not include the applicant’s administrative or labor costs, or the costs of the city’s arborist;

9. A maintenance plan which includes provision for a grass, shrub and tree maintenance program and provides for adequate water supply until the plantings are established;

10. If any existing vegetation is to be saved, a plan shall be provided for the protection of said vegetation.
during construction activity, including fencing and other protective measures deemed necessary by the shoreline administrator; and

11. The performance and maintenance bond requirements of the city landscape code shall apply to revegetation plans.

I. Where adverse impacts on shoreline vegetation are permitted after mitigation sequencing has been applied as outlined in NBMC 14.20.290(B), new developments or site alterations shall be required to develop and implement a mitigation plan. Mitigation plans shall be prepared by a qualified professional and shall contain information required in NBMC 14.20.290(F). Mitigation measures shall be maintained over the life of the use and/or development.

J. Where native shoreline vegetation must be removed to accommodate a temporary staging area necessary to implement an allowed use, the area must be immediately stabilized and restored with native vegetation once construction is complete.

K. Selective pruning of trees for safety or view protection is allowed. Where trees pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional, they may be removed or converted to wildlife snags if the hazard cannot be eliminated by pruning, crown thinning or other technique that maintains some habitat function.

L. Vegetation removal conducted without city authorization requires the submittal and approval of a restoration plan prepared by a qualified professional as defined in NBMC 14.20.190. The mitigation plan must utilize only native vegetation, and should be designed to compensate for temporal loss of function and address the specific functions adversely impacted by the unauthorized vegetation removal.

M. With the exception of hand removal or spot-spraying of invasive or noxious weeds on shorelands, the determination of whether nonnative vegetation removal may be allowed in shoreline jurisdiction must be evaluated in conformance with this section, NBMC 14.20.290 (Environmental protection), and critical area regulation as integrated by reference by NBMC 14.20.290. Such removal of noxious weeds and/or invasive species shall be incorporated in mitigation plans, as necessary, to prevent erosion and facilitate establishment of a stable community of native plants.

N. Aquatic weed control shall only be permitted where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent recreational use. Aquatic weed control efforts shall comply with all applicable laws and standards. Removal using mechanical methods is preferred over chemical methods. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.310 Water quality, stormwater, and nonpoint pollution.
A. All shoreline development, both during and after construction, shall avoid or minimize significant adverse
ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low-impact development techniques, levees, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.

B. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the latest version of the King County surface water design manual as adopted by the city, including the use of BMPs. Additionally, new development shall implement low-impact development techniques where feasible and necessary to fully implement the core elements of the surface water design manual.

C. BMPs for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through a city-approved temporary erosion and sediment control (TESC) plan, in accordance with the latest version of the King County surface water design manual as adopted by the city.

D. For development activities with the potential for adverse impacts on water quality or quantity in a stream or fish and wildlife habitat conservation area, a critical area report as prescribed by NBMC 14.05.240 shall be prepared. Such reports should discuss the project’s potential to exacerbate water quality parameters which are impaired and for which total maximum daily loads (TMDLs) for that pollutant have been established, and prescribe any necessary mitigation and monitoring.

E. All materials that may come in contact with water shall be constructed of 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 or boat wake splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is prohibited in shoreline waterbodies. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.320 Public access.
A. Public access includes the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations. Applicants required to provide shoreline public access shall provide physical or visual access, consistent with the city’s parks, recreation, wildlife habitat and open space plan when applicable, unless specifically exempted in this section. Examples of physical and visual access are listed below.

1. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.

2. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, or other area serving as a means of physical approach to public waters.
B. Except as provided in subsection C of this section, shoreline substantial developments and shoreline conditional uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:

1. The development is proposed by a public entity or on public lands;

2. The nature of the proposed use, activity, or development will likely result in an increased demand for public access to the shoreline;

3. The proposed use, activity, or development is not a water-oriented or other preferred shoreline use, activity or development under the Act, such as a non-water-oriented commercial or industrial use;

4. The proposed use, activity, or development may block or discourage the use of customary and established public access paths, walkways, trails, or corridors;

5. The proposed use, activity, or development will interfere with the public use, activity and enjoyment of shoreline areas or waterbodies subject to the public trust doctrine; or

6. The proposed use, activity, or development includes key areas for public access recommended in the North Bend shoreline restoration plan.

C. An applicant may not be required to provide public access where one or more of the following conditions apply, provided such exceptions shall not be used to prevent implementing the access and trail provisions in Chapter 17.25 NBMC, Residential Recreation and Common Space Requirements, and the parks and open space element of the comprehensive plan:

1. Proposed use, activity, or development only involves the construction of four or fewer single-family or multifamily dwellings;

2. The nature of the use, activity, or development or the characteristics of the site make public access requirements inappropriate due to health, safety, or environmental hazards; the proponent shall carry the burden of demonstrating by substantial evidence the existence of unavoidable or unmitigable threats or hazards to public health, safety, or the environment that would be created or exacerbated by public access upon the site;

3. An existing, new or expanded road or utility crossing through shoreline jurisdiction is not required to create the need for public access if the development being accessed or served by the road or utility is located outside of shoreline jurisdiction;

4. The proposed use, activity, or development has security requirements that are not feasible to address
through the application of alternative design features for public access such as off-site improvements, viewing platforms, and separation of uses through site planning and design;

5. The economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity, or development;

6. Safe and convenient perpendicular connections to the existing levee and trail system accessible to the public exist within approximately one-quarter mile of the site, and the city’s parks and open space element of the comprehensive plan shows no gap in public access at the property;

7. Public access has reasonable potential to threaten or harm the natural functions and native characteristics of the shoreline and/or is deemed detrimental to threatened or endangered species under the Endangered Species Act; or

8. The site is within or part of an overall development, a binding site plan, or a planned unit development which has previously provided public access through other application processes.

D. Public access shall be located and designed to respect private property rights, be compatible with the shoreline environment, protect ecological functions and processes, and protect aesthetic values of shoreline.

E. Community access may be allowed if there is no existing or planned public access along the shoreline identified in the parks, recreation, wildlife habitat and open space plan. Where provided, community access shall be subject to all applicable development standards of this section. Community access is not required when any of the conditions under subsection C of this section apply and when the parks, recreation, wildlife habitat and open space plan does not indicate any planned public access in a particular location.

F. General Performance Standards.

1. Uses, activities and developments shall not interfere with the regular and established public use of the South and Middle Forks of the Snoqualmie River shorelines.

2. Shoreline substantial development or conditional uses shall minimize the impact on views of shoreline water bodies from public land or substantial numbers of residences.

3. Proponents shall include within their shoreline applications an evaluation of a proposed use, activity, or development’s likely adverse impact on current public access and future demands for access to the site. Such evaluation shall consider potential alternatives and mitigation measures to further the policies of this SMP and the provisions of this section.

4. Public access easements, trails, walkways, corridors, and other facilities may encroach upon any buffers or setbacks as required in integrated critical areas standards (see NBMC 14.20.290), or under other
provisions of this SMP; provided, that such encroachment does not conflict with other policies and regulations of this SMP, and that no net loss of ecological function can be achieved.

5. Public access facilities shall accommodate persons with disabilities unless determined infeasible by the shoreline administrator.

G. Trails and Leves.

1. Existing equestrian and primitive trails shall be maintained and enhanced in the urban conservancy – recreation/open space and natural environment designation areas.

2. Shoreline along the South Fork of the Snoqualmie River includes levees that are in private ownership. Such levees shall provide:
   a. Easement for maintenance access; and
   b. Physical or visual public access when feasible and when part of the access and trail plan is mentioned in the parks, recreation, wildlife habitat and open space plan.

3. Where public access is to be provided by dedication of public access easements along the OHWM, the minimum width of such easements shall be as follows:
   a. Regional trails: 12 feet total width with 10 feet of asphalt and two feet of shoulders. The standards may be adjusted by the shoreline administrator to avoid critical area impacts.
   b. City trails: 12 feet total width clear zone accommodating eight feet of travel way, or as otherwise approved by the shoreline administrator to match existing connecting trails.
   c. The public easements required pursuant to this section, for the purpose of providing access across or through the site to the OHWM, shall be improved and maintained by the property owner to provide for reasonable and safe public access to the OHWM.


1. The city shall retain public rights-of-way or easements as a means of retaining public access on the South and Middle Fork Snoqualmie River. Proposed use, activity or developments shall maintain public access provided by public street ends, public utilities, and rights-of-way.

2. The city shall obtain access rights dedication and easement to riverfront parcels, including levees and dikes whenever such opportunities and funding become available.

I. Where public access routes terminate, connections shall be made with the nearest public street unless
determined by the shoreline administrator to be infeasible. Public access facilities required for an approved or permitted use, activity, or development shall be completed prior to occupancy and use of the site or operation of the activity. Public access shall make adequate provisions, such as screening, buffer strips according to NBMC Type 3 visual buffer, fences and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.

J. Off-site public access may be permitted by the city where it results in an equal or greater public benefit than on-site public access, or when on-site limitations of security, environment, compatibility or feasibility are present. Off-site public access may include, but is not limited to, enhancing a city-designated public property (e.g., existing public recreation site; existing public access; road, street or alley abutting a body of water; or similar) in accordance with city standards.

K. Signage.

1. Signage to be approved by the administrator shall be conspicuously installed along public access easements, trails, walkways, corridors, and other facilities to indicate the public’s right of use and the hours of operation. The proponent shall bear the responsibility for establishing and maintaining such signs.

2. The administrator may require the proponent to post signage restricting or controlling the public’s access to specific shoreline areas. The proponent shall bear the responsibility for establishing and maintaining such signage. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.330 Flood hazard reduction.
A. Development within the floodplain shall be completed consistent with requirements of this title, Chapters 14.10 (Channel Migration Zones) and 14.12 (Floodplain Management) NBMC.

B. During review of shoreline development proposals, the city may additionally condition proposals for development in floodplains as determined necessary to avoid significantly or cumulatively increasing flood hazards, including channel migration hazard. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

Article IV. Use-Specific and Modification Regulations

14.20.340 Agriculture.
A. Existing agricultural uses and future agriculture-recreation activities on the Tollgate and Meadowbrook Farms shall be allowed.

B. For shorelands used for agricultural practices, new or additional uses, activities, and development that are not existing and ongoing agriculture shall be subject to the following requirements:
1. Such uses, activities, and development shall be allowed or permitted in a manner to ensure maintenance of ecological functions.

2. Vegetation enhancement shall be required where the shoreline has been ecologically degraded.

3. If the new use, activity, or development is more intensive than the existing and ongoing agriculture, no significant vegetation removal, development, or grading shall occur in the shoreline buffer except as necessary to accommodate low-intensity water-dependent uses and public access that sustains ecological functions.

4. New agricultural lands created by diking, draining, or filling wetlands or channel migration zones shall not be allowed.

C. A substantial development permit shall be required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).

D. SMP provisions shall apply in the following cases:

1. New agricultural activities on land not meeting the definition of agricultural land;

2. Expansion of agricultural activities on nonagricultural lands;

3. Conversion of agricultural lands to other uses;

4. Other development on agricultural land that does not meet the definition of agricultural activities; and

5. Agricultural development and uses not specifically exempted by the Act.

E. New nonagricultural activities proposed on agricultural lands shall be consistent with the environment designation and the shoreline use and modification matrix (NBMC 14.20.270) table, as well as other applicable shoreline use standards, for example commercial or industrial.

F. Agricultural uses and development in support of agricultural uses shall be located and designed to assure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.

G. Agricultural uses and activities shall prevent and control erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, pollution and other environmental degradation of watercourses and wetlands.

H. Agricultural chemicals, such as fertilizers and pesticides, shall be applied in a manner that prevents their direct runoff into waterbodies, wetlands or aquifer recharge areas, and that prevents the degradation of water quality, and in accordance with State Department of Fish and Wildlife management recommendations and the
regulations of the State Department of Agriculture and the U.S. Environmental Protection Agency.

I. New or redeveloped agricultural activities shall provide a buffer of permanent native vegetation between all cropland or pasture areas and adjacent waters or wetlands pursuant to the critical areas provisions in Chapter 14.06 NBMC.

J. Agricultural development shall conform to applicable state and federal policies and regulations. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

A. Noncommercial aquaculture undertaken for conservation or native species recovery purposes is a preferred use within North Bend’s shorelines. Allowed fisheries enhancement uses shall include hatcheries, rearing ponds, spawning channels, water diversion structures, and groundwater wells; provided, that their construction does not result in a net loss of ecological function.

B. Aquaculture for nonnative species or for commercial or other purposes is prohibited in shoreline jurisdiction.

C. Proponents of an aquaculture use or activity shall supply, at a minimum, the following information in their application for shoreline permit(s):

1. Species to be reared;

2. Aquaculture method(s);

3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals, and their predicted adverse impacts;

4. Harvest and processing method and timing;

5. Method of waste management and disposal;

6. Best available background information and probable adverse impacts on water quality, biota, and any existing shoreline or water uses;

7. Method(s) of predator control;

8. A description of the proposed use of lights and noise-generating equipment, and an assessment of adverse impacts upon surrounding uses; and

9. Other pertinent information as required by the city.

D. Aquacultural activities shall meet all applicable federal, state and county standards and regulations.
E. No garbage, wastes or debris shall be allowed to accumulate upon the site of any aquaculture use or activity, nor discharged to any waterbody regulated by this SMP.

F. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals shall be used until approved by all appropriate state and federal agencies. Those agencies shall include, but shall not be limited to, the Washington State Departments of Fish and Wildlife, Agriculture, and Ecology, and the U.S. Food and Drug Administration. Evidence of such approval shall be submitted to the city.

G. Aquaculture structures and equipment that come in contact with the water shall contain no substances that are toxic to aquatic life, and aquaculture activities that would degrade water quality shall be prohibited.

H. Aquaculture activities shall be subject to conditioning and requirements for mitigation to ensure that it does not result in a net loss of ecological function.

I. Aquaculture projects shall be located in areas that do not impact navigation, public access, or normal public use of the water. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.360 Boating facilities.
A. General.

1. Overwater structures, such as fixed-pile piers or floating docks, are prohibited.

2. Boat moorage is prohibited.

3. The only boating facilities allowed on city of North Bend shorelines are public, commercial or community boat launches for nonmotorized vessels, such as kayaks and canoes.

4. Boating facilities shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities.

B. Location Standards.

1. New boating facilities shall not be permitted:

   a. Within channel migration zones;

   b. Where a flood hazard will be created or expanded; or

   c. Where adverse impacts on shoreline ecological functions and processes cannot be mitigated.

2. Boating facilities shall be located at least 50 feet from the mouth of any fish-bearing tributary entering the
Middle or South Fork Snoqualmie Rivers.

3. Boating facilities constructed or expanded after January 17, 2013, within wetlands or wetland buffers are prohibited.

4. Boating facilities constructed or expanded after January 17, 2013, shall be located only where adequate utility services and vehicular or pedestrian access are or can be made available.

C. Design Standards.

1. Boat launches shall comply with the critical area regulations of Article IV of the SMP.

2. Boat launches shall be constructed on existing grade and shall limit fill or dredging to the minimum necessary to accommodate the launch. Excavation or fill of less than 10 cubic yards of materials to accommodate launch placement may be allowed if the grading would enable use of a launch ramp design that is more preferred as outlined in subsection (C)(7) of this section than the method that would be used without the grading.

3. Boat launches shall extend into the waterway the minimum amount necessary to launch the nonmotorized vessels. In no case shall they protrude more than 10 feet waterward of the OHWM or three feet beneath the water surface as measured at the OHWM.

4. Boat launches must be as narrow as feasible to launch the intended watercraft.

5. Boat launches shall not obstruct existing or proposed public access to and along the shoreline.

6. Boat launches shall retain native vegetation on either side of the launch. The shoreline administrator shall have the authority to identify modifications in the site plan to achieve vegetation preservation.

7. Preferred launch ramp designs, in order of priority, are:

   a. Gravel and cobble materials, or other natural surfacing.

   b. Open grid designs with minimum coverage of substrate.

   c. Precast concrete planks with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in substrate profile. In all cases, such segmented pads shall be used waterward of the OHWM.

   d. Concrete is preferred over asphalt.

D. Site Design and Operation.
1. BMPs shall be utilized to prevent pollutants associated with upland boat-related service activities, such as boat maintenance and repair, from reaching the water. Boat maintenance and repair activities conducted while a boat is in the water are prohibited.

2. Accessory uses at boat launches shall be limited to water-oriented uses or accessory uses that support the boat launch operation. Accessory uses include, but are not limited to, parking, boat storage, nonhazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use. Parking, dry moorage, and other storage areas shall be located landward of other launch ramp uses, except for short-term loading areas which shall be located at or near launch ramps. The perimeters of these areas shall be landscaped to provide visual and noise buffering between adjacent dissimilar uses or scenic areas. To the maximum extent possible, public launch ramps and accessory uses shall share parking facilities, with parking for launch ramp usage given preference.

3. Commercial long-term boat storage located landward of the OHWM is allowed and regulated as a water-oriented commercial use if the development is equipped with a boat launch. Commercial upland boat storage without an on-site facility for launching boats is regulated as a non-water-oriented commercial use under NBMC 14.20.380, Commercial development.

4. During development or expansion of boat launches, the city may condition boating facility developments to provide landscaping, screening, signage specifications, and other features to assure compatibility with adjacent shoreline development, where such measures do not interfere with the boat launch use or operation.

E. Waste Disposal.

1. Discharge of solid waste or sewage into a waterbody is prohibited. Garbage or litter receptacles shall be provided and maintained by the boat launch operator in at least one location convenient to users.

2. Disposal or discarding of fish-cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles is prohibited.

F. Submittal Requirements. Applicants for new or expanded boating facilities shall provide habitat surveys, critical area studies, and mitigation plans as required by NBMC 14.20.290, Environmental Protection, and critical area regulations as integrated by reference by NBMC 14.20.290, as applicable. The mitigation plan shall discuss how the proposed project avoids and minimizes adverse impacts consistent with the facility’s sizing needs, which are to be based on the results of any habitat survey/critical area study. A slope bathymetry map may be required when deemed beneficial by the shoreline administrator for the review of the project proposal. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).
14.20.370 Groins and weirs.
A. Breakwaters shall be prohibited.

B. New, expanded or replacement groins and weirs shall only be permitted if the applicant demonstrates that the proposed groin or weir will not result in a net loss of shoreline ecological functions, and the structure is necessary to water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

C. Groins and weirs shall require a conditional use permit, except when such structures are installed to protect or restore ecological functions, such as placement of woody debris in streams with the dual purpose of habitat and directing flows to prevent the need for shoreline stabilization or installation of groins that may eliminate or minimize the need for hard shoreline stabilization.

D. Groins and weirs shall be located, designed, constructed and operated consistent with mitigation sequencing principles, including avoiding critical areas, limiting structure size to the minimum necessary, restoring temporarily disturbed areas after construction is complete, and mitigating any long-term adverse impacts. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.380 Commercial development.
A. Water-dependent commercial development shall be given priority over non-water-dependent commercial uses within shoreline environments. Secondarily, water-related and water-oriented uses shall be given priority over non-water-oriented commercial uses.

B. Non-water-oriented commercial uses shall be allowed if they can demonstrate at least one of the following:

1. The commercial use is part of a mixed use project that includes water-dependent uses and provides a significant public benefit with respect to the objectives of the Act.

2. Navigability is severely limited at the proposed site, including opportunities for kayaking or other water-oriented uses.

3. The commercial use is physically separated from the shoreline by another property, public right-of-way or levee.

4. The commercial use is farther upland than 200 feet from the OHWM; therefore, a water-oriented use is not a viable option.

C. Non-water-oriented uses, including but not limited to residential uses, may be located with water-oriented commercial uses provided:

1. The mixed use project includes one or more water-dependent uses.
2. Water-dependent commercial uses as well as other water-oriented commercial uses have preferential locations along the shoreline.

3. The underlying zoning district permits residential uses together with commercial uses.

4. Public access is provided for a significant number of persons in accordance with the city’s parks, recreation, wildlife habitat and open space plan and/or ecological restoration is provided as a public benefit.

D. Review Criteria. The city shall utilize the following information in its review of all commercial development applications:

1. Whether there is a water-oriented aspect of the proposed commercial use or activity when it is located within 200 feet of the OHWM;

2. Whether the proposed commercial use is consistent with the shoreline use and modification matrix of NBMC 14.20.270;

3. Whether the application has the ability to enhance compatibility with the shoreline environment and adjacent uses;

4. Whether adequate provisions are made for public and private visual and physical shoreline access;

5. Whether the application makes adequate provisions to prevent adverse environmental impacts and provide for shoreline ecological or critical area mitigation, where appropriate.

E. Commercial development shall be designed and maintained in a manner compatible with the character and features of surrounding areas. The city may prescribe and modify project dimensions, screening standards, setbacks, or operation intensities to achieve this purpose.

F. Eating and drinking facilities and lodging facilities shall be oriented to provide views to the waterfront when such view is available from the site. When such facilities are farther upland than 200 feet of the OHWM and have no shoreline view available, public access shall be provided according to NBMC 14.20.320.

G. Commercial uses in downtown retail shopping area shall establish linkage with the South Fork Snoqualmie River whenever feasible by providing public access opportunities.

H. Commercial uses shall provide for public access as a condition of approval, unless such public access is demonstrated by the proponent to be infeasible or inappropriate for the shoreline pursuant to NBMC 14.20.320. Public access.

I. Commercial uses shall provide for suitable measures to rehabilitate and enhance the shoreline ecology as a
condition of approval.

J. Non-water-oriented commercial uses shall not be allowed over water in any shoreline environment.

K. All commercial loading and service areas shall be located upland or away from the shoreline. Provisions shall be made to screen such areas with walls, fences and landscaping and to minimize aesthetic impacts.

L. The storage of potentially hazardous or dangerous substances or wastes is prohibited in the floodway or within 200 feet of the OHWM, whichever boundary extends farthest landward.

M. Development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and without significant adverse impacts on other preferred land uses and public access features. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.390 Dredging and dredge material disposal.
A. General.

1. New development shall be designed and located to avoid or, if infeasible, to minimize the need for new and maintenance dredging and to minimize adverse effects on ecological functions.

2. Dredging shall be allowed only for the following purposes:
   a. For shoreline restoration projects benefiting water quality and/or fish and wildlife habitat.
   b. For flood hazard reduction, when performed as part of an approved flood hazard management plan.

3. Dredging allowed under subsection (A)(2) of this section that incidentally results in removal of marketable material may be commercially sold. Such use shall not be considered “mining” as regulated in this SMP, which is strictly prohibited in shoreline jurisdiction as a primary use.

4. Dredging to provide for new navigation uses is prohibited.

5. Developments which propose dredging for the primary purpose of obtaining fill material are prohibited, except when the material is necessary for the restoration of ecological functions and is placed waterward of the OHWM. Such an application shall be associated with a Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration project or, if approved through a shoreline conditional use permit, another significant habitat enhancement project.

6. Dredging and dredge material disposal shall be permitted after application of mitigation sequencing, and
only where it is demonstrated that the proposed dredging or deposition shall not:

a. Result in significant or ongoing damage to water quality, fish, and shoreline wildlife habitat;

b. Alter natural drainage and water circulation patterns, river flows, and channel migration processes or significantly reduce floodwater capacities; or

c. Cause other significant adverse ecological impacts that cannot be mitigated.

7. Proposals for dredging and dredge material disposal shall, when impacts cannot be avoided, minimize and mitigate adverse impacts (such as turbidity; release of nutrients, heavy metals, sulfides, organic material or toxic substances; dissolved oxygen depletion; disruption of food chains; loss of benthic productivity; and disturbance of fish runs and important localized biological communities) to assure no net loss of shoreline ecological functions. Mitigation plans shall be prepared by a qualified professional.

8. Dredging and dredge material disposal shall be carefully scheduled to protect biological productivity (e.g., fish runs, spawning, benthic productivity).

9. When dredging is permitted, the dredging shall be the minimum necessary to accomplish its intended purpose.

10. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.

11. Vegetation disturbed by dredging activities shall be restored to its original condition, equal alternative, or an improved condition. All replacement vegetation shall be native species.

12. Dredging and dredge material disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.

B. Dredge Material Disposal.

1. Upland dredge material disposal within shoreline jurisdiction is permitted under the following conditions:

a. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and

b. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts on shoreline ecological functions and processes or property; and

c. The site will ultimately be suitable for a use allowed by this SMP.
2. Dredge material disposal shall not occur in wetlands nor within a stream’s channel migration zone, except as authorized by conditional use permit as part of a shoreline restoration project.

3. Dredge material disposal within areas assigned an aquatic environment designation may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 404 (Clean Water Act) permits, Washington State Department of Fish and Wildlife hydraulic project approval (HPA), and/or the dredged material management program of the Washington Department of Natural Resources, and when one of the following conditions apply:

   a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law; or

   b. Disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

4. Dredge materials approved for disposal within areas assigned an aquatic environment designation shall comply with the following conditions:

   a. Aquatic habitat will be protected, restored, or enhanced;

   b. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;

   c. Shifting and dispersal of dredge material will be minimal; and

   d. Water quality will not be adversely affected.

5. When required by the city’s shoreline administrator, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species shall be used in the revegetation.

6. Dredge material disposal operating periods and hours shall be limited to those stipulated by the Washington Department of Fish and Wildlife and hours to 7:00 a.m. to 5:00 p.m. Monday through Friday, except in time of emergency as authorized by the shoreline administrator. Provisions for buffers at land disposal or transfer sites in order to protect public safety and other lawful interests and to avoid adverse impacts shall be required.

C. Submittal Requirements. The following information shall be required for all dredging applications:

1. A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.
2. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:

   a. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography of areas below the OHWM) and have data points at a minimum of two-foot depth increments.

   b. A critical areas report.

   c. A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.

   d. Information on stability of areas adjacent to proposed dredging and spoils disposal areas.

3. A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:

   a. Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).

   b. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).

   c. Biological analysis of material to be dredged.

4. A description of the method of materials removal, including facilities for settlement and movement.

5. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.

6. Frequency and quantity of project maintenance dredging.

7. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:

   a. Dredge material disposal area;

   b. Physical characteristics including location, topography, existing drainage patterns, surface and groundwater;

   c. Size and capacity of disposal site;
d. Means of transportation to the disposal site;

e. Proposed dewatering and stabilization of dredged material;

f. Methods of controlling erosion and sedimentation;

g. Future use of the site and conformance with land use policies and regulations;

h. Total estimated initial dredge volume;

i. Plan for disposal of maintenance spoils for at least a 20-year period, if applicable; and

j. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.400 Fill.

A. Fill waterward of the OHWM, except fill to support ecological restoration, requires a conditional use permit and may be permitted only when:

1. In conjunction with water-dependent or public access uses allowed by this SMP;

2. In conjunction with a bridge or transportation facility of statewide significance for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist;

3. In conjunction with implementation of an interagency environmental cleanup plan to clean up and dispose of contaminated sediments;

4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources; or

5. In conjunction with any other environmental restoration or enhancement project.

B. Waterward of the OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.

C. Fill upland and waterward of the OHWM, including in nonwatered side channels, shall be permitted only where it is demonstrated that the proposed action will not:

1. Result in significant ecological damage to water quality, fish, and/or wildlife habitat;

2. Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce
floodwater capacities;

3. Alter channel migration, geomorphic, or hydrologic processes; and

4. Significantly reduce public access to the shoreline or significantly interfere with shoreline recreational uses.

D. Fills are prohibited in the floodway, except when approved by conditional use permit and where required in conjunction with uses allowed by this SMP.

E. All fills proposed throughout the floodplain shall only be allowed where consistent with FEMA standards and Chapter 14.12 NBMC, Floodplain Management.

F. Fill shall be of the minimum amount and extent necessary to accomplish the purpose of the fill. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.410 Forest practices.
A. Forest practice applications shall meet all local, state and federal regulations regarding forest practices and land clearing, especially the state’s Forest Practices Act for all forest management activities including Class IV, general forest practices, where shorelines are being converted or are expected to be converted to nonforest uses.

B. Conversion of forest lands to another use shall ensure no net loss of ecological function or no significant adverse impacts on other shoreline uses, resources and values such as navigation, recreation and public access.

C. Uses that have minimal impact in terms of vegetation removal shall be given priority. For example, parks and recreational facilities will be given preference over residential or commercial use.

D. Within 200 feet landward of the OHWM within shorelines of statewide significance, only selective commercial timber cutting is allowed, such that no more than 30 percent of the merchantable trees may be harvested in any 10-year period of time; provided, that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental; provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this SMP may be permitted.

E. Proponents of a forest practice or activity shall supply the following information in their application for shoreline permit:

1. Documentation describing how the activity will protect water quality and meet any applicable standards;
2. Plan for maintaining vegetative buffer strips to protect fish populations and other aquatic life; and

3. Description of other measures to prevent erosion of stream bank. (Ord. 1476 § 2 (Exh. A (part)), 2012).

**14.20.420 Industry.**

A. Review Criteria. The city shall utilize the following information provided by the applicant in its review of all industrial development applications:

1. Whether the proposal includes water-dependent, water-related, or water-oriented aspects or components of the use or activity;

2. Whether the proposed industrial use is consistent with the use matrix of NBMC 14.20.270;

3. Whether the proposed industrial use makes adequate provisions for public and private visual and physical shoreline access;

4. Whether the application makes adequate provisions to prevent or mitigate adverse environmental impacts; and

5. Whether the application makes adequate provisions to provide for shoreline ecological or critical area mitigation, where appropriate.

B. Water-dependent, and then water-related, industrial uses shall have priority over non-water-oriented industrial uses, developments, and activities.

C. Applications for new industrial development on the South and Middle Forks of the Snoqualmie River shall demonstrate that the proposed use would not impede navigability of the river by recreational users.

D. Land shall not be designated for industrial use in shoreline areas with severe environmental limitations.

E. Non-water-oriented industrial uses shall be prohibited, unless the proponent provides for public access and shoreline ecological enhancement, and at least one of the following criteria is met:

1. The industrial use is part of a mixed use project that includes water-dependent uses.

2. Navigability by recreational users is severely limited at the proposed site.

3. The use provides a significant public benefit with respect to the objectives of the Act.

4. The industrial use is physically separated from the shoreline by another property, public right-of-way, or levee.
F. The administrator shall condition operational intensities, screening requirements, setbacks or buffers, and other project elements as necessary to preserve the character of the city’s shorelines.

G. All loading and service areas shall be located upland of the activity. Loading and service areas shall be screened from adjacent uses to protect the aesthetics of the shoreline.

H. The proponent shall demonstrate by use of the most current, available scientific and technical information that appropriate practices and methods will be utilized in connection with industrial uses and activities to prevent the contamination of nearby waterbodies and any potential adverse impacts on plant, fish and animal life.

I. Industrial development and redevelopment shall be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

J. Development shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and without significant adverse impacts on other preferred land uses and public access features. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.430 In-stream structures.

In-stream structures are those structures placed by humans within a stream or river waterward of the OHWM that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. Docks, floats and marinas are not regulated as “in-stream structures” under this section. See NBMC 14.09.040 for regulations governing road and utility crossings of streams.

A. General.

1. The location, planning and design of in-stream structures shall be compatible with the following:

   a. The full range of public interests, including demand for public access to shoreline waters, desire for protection from floods, and need for preservation of historical and cultural resources;

   b. Protection and preservation of ecosystem-wide processes and ecological functions, including, but not limited to, fish and wildlife, with special emphasis on protecting and restoring priority habitats and species, and water resources and hydrogeological processes.

2. Structures shall be designed, located, and constructed consistent with mitigation sequencing principles in NBMC 14.20.290(B) and as otherwise limited by floodplain regulations found in Chapter 14.12 NBMC, Floodplain Management.

3. Structures shall be designed and located to minimize removal of riparian vegetation and, if applicable, to
return flow to the stream in as short a distance as possible.

4. In-stream structures shall provide for adequate upstream and downstream migration of resident fish, and shall not adversely affect salmonid fish species or adversely modify salmonid fish habitat.

5. Utilities and transmission lines shall be located so as to minimize obstruction or degradation of views, and comply with applicable provisions of NBMC 14.20.500, Utilities.

6. Mitigation shall be required of the proponent for the loss of ecological functions and processes pursuant to NBMC 14.20.290, and consistent with provisions of the critical areas regulation as integrated by reference by NBMC 14.20.290. No net loss in function, value, or acreage shall occur from such development.

7. In-stream structures may be required to provide public access, provided public access improvements do not create significant ecological impacts or other adverse environmental impacts on and along the affected shoreline, nor create a safety hazard to the public. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities. Required public access sites shall be dedicated for public use through fee acquisition or recorded easement or any action that permanently dedicates the sites as public access.

B. Submittal Requirements. In addition to the standard requirements listed in NBMC 14.20.650, Application requirements, all permit applications for in-stream structures shall contain, at a minimum, the following additional information:

1. A site suitability analysis, which provides sufficient justification for the proposed site. The analysis must fully address alternative sites for the proposed development.

2. Proposed location and design of primary and accessory structures, transmission equipment, utility corridors, and access/service roads.

3. Provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable.

4. A plan that describes the extent and location of vegetation which is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required by this SMP.

5. A hydraulic analysis prepared by a licensed professional engineer that sufficiently describes the project’s effects on stream way hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

6. A hydrologic analysis that analyzes the project’s effects on ecological processes, including delivery and
rate of water and sediment, geomorphology, and recruitment of large woody debris.

7. Biological resource inventory and analysis that sufficiently describes the project’s effects on fish and wildlife resources, prepared by a qualified professional as defined in NBMC 14.20.190.

8. Provision for erosion control, protection of water quality, and protection of fish and wildlife resources during construction.


### 14.20.440 Mining.

A. Mining shall be prohibited waterward of the OHWM.

B. Mining facilities shall be located within shoreline jurisdiction only when no feasible sites are available outside shoreline jurisdiction, and only after the applicant has demonstrated compliance with the mitigation sequencing requirements of NBMC 14.20.290(B).

C. Mining in shoreline jurisdiction shall only be approved when the material proposed to be extracted is only available in a shoreline location. This determination shall be based on an evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction; the need for such mineral resources; and economic, transportation, and land use factors. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations, and may be integrated with any relevant environmental review conducted under SEPA (Chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a), as amended.

D. Mining facilities and associated activities shall be designed and located to prevent loss of ecological function. Application for permits for mining operations shall be accompanied by operation plans, reclamation plans and analysis of environmental impacts sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation. Creation, restoration, or enhancement of habitat for priority species and the future productivity of the site may be considered in determining no net loss of ecological functions.

E. Preference shall be given to mining uses that result in the creation, restoration, or enhancement of habitat for priority species.

F. Mining proposals must be coordinated and compliant with state Surface Mining Reclamation Act requirements (Chapter 78.44 RCW, Chapter 332-18 WAC). (Ord. 1476 § 2 (Exh. A (part)), 2012).

### 14.20.450 Recreational development.
A. General Preferences.

1. Recreational uses and facilities shall include features that relate to access, enjoyment, and use of the water and North Bend’s shorelines.

2. Both passive and active shoreline recreation are allowed that are consistent with the city’s parks, recreation, wildlife habitat and open space plan and Si View Metropolitan Park District comprehensive plan.

3. Water-oriented recreational uses and activities are preferred in shoreline jurisdiction. Water-dependent recreational uses shall be preferred as a first priority and water-related and water-enjoyment recreational uses as a second priority.

4. Existing passive recreational opportunities, including nature appreciation, nonmotorized trails, environmental interpretation and native habitat protection, shall be maintained.

5. Preference shall be given to the development and enhancement of public access to the rivers to increase fishing, kayaking and other water-related recreational opportunities.

B. General Performance Standards.

1. The potential adverse impacts of all recreational uses shall be mitigated and adequate provisions for shoreline rehabilitation shall be made part of any proposed recreational use or development to ensure no net loss of shoreline ecological function.

2. Sites with fragile and unique shoreline conditions, such as high-quality wetlands and wildlife habitats, shall be used only for nonintensive recreation activities, such as trails, viewpoints, interpretive signage, and similar passive and low-impact facilities that result in no net loss of shoreline ecological function, and do not require the construction and placement of permanent structures.

3. For recreation developments that require the use of fertilizers, pesticides, or other toxic chemicals, the proponent shall submit plans demonstrating the BMPs to be used to prevent these applications and resultant leachate from entering adjacent waters. The proponent also shall not apply such chemicals closer than 100 feet to delineated wetlands or the OHWM of the South and Middle Forks of the Snoqualmie River.

4. Recreational developments shall be located and designed to preserve, enhance or create scenic views and vistas.

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. The city may, therefore, adjust or prescribe project dimensions, on-site location of project components, intensity of use, screening, lighting, parking, and setback requirements.
C. Signs indicating the public’s right to access shoreline areas shall be installed and maintained in conspicuous locations at all points of access.

D. Recreational developments shall provide facilities for nonmotorized access to the shoreline such as pedestrian and bicycle paths. Provision of new motorized vehicular access shall be prohibited except when necessary to assist maintenance activities.

E. Proposals for recreational developments shall include a landscape plan that utilizes primarily native, self-sustaining vegetation. Other vegetation types are allowed upon review by the shoreline administrator when such facilities are not in a floodplain or within 200 feet of OHWM. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of permitted structures or facilities, and shall be consistent with provisions of NBMC 14.20.300 and critical area regulations as integrated by reference by NBMC 14.20.290.

F. Accessory uses and support facilities such as maintenance facilities, utilities, and other non-water-oriented uses shall be consolidated and located in upland areas outside shoreline, wetland, and riparian buffers unless such facilities, utilities, and uses are allowed in shoreline buffers based on the regulations of this SMP.

G. The placement of picnic tables, a playground apparatus, and other similar minor components within the floodways shall be permitted, provided such structures are located and installed in such a manner as to prevent them from being swept away during a flood event.

H. Recreational facilities shall make adequate provisions, such as screening, landscaping buffer strips, fences and signs, to prevent trespass upon adjacent properties and to protect the value and enjoyment of adjacent or nearby private properties and natural areas.

I. No recreational buildings or structures shall be built over any natural body of water.

J. All recreational developments shall make adequate provisions for:
   1. Both on-site and off-site pedestrian, bicycle and, where appropriate, equestrian access;
   2. Appropriate water supply and waste disposal methods; and

K. Structures associated with recreational development shall not exceed 35 feet in height, except for structures in DC, IC or IMU zones according to NBMC 14.20.280, Development standards, when such structures document that the height beyond 35 feet will not obstruct the view of a substantial number of adjoining residences.

L. Recreational development shall minimize effective impervious surfaces in shoreline jurisdiction and

14.20.460 Residential development.
A. Single-family residential development is a preferred use when it is developed in a manner consistent with pollution control and preventing damage to the natural environment.

B. Residential development shall be located and constructed to result in no net loss of shoreline ecological function. No net loss of shoreline ecological functions shall be assured through application of shoreline buffers specified in NBMC 14.20.290(B), streams, to avoid future stabilization and other provisions of this SMP related to shoreline stabilization, vegetation management, and on-site sewage disposal.

C. Lots for residential use shall have a maximum density consistent with the North Bend land use code.

D. Accessory uses and structures shall be located landward of the principal residence, unless the structure is or supports a water-dependent use.

E. All residential development shall be located or designed in such a manner as to prevent measurable degradation of water quality from stormwater runoff. Adequate mitigation measures shall be required and implemented where there is the reasonable potential for such adverse effect on water quality.

F. Applications for new shoreline residences shall ensure that shoreline stabilization and flood control structures are not necessary to protect proposed residences.

G. New floating residences and overwater residential structures shall be prohibited in shoreline jurisdiction.

H. New multi-unit residential development, including duplexes, fourplexes, and the subdivision of land into 10 or more lots shall make adequate provisions for public access consistent with the regulations set forth in Article III of this chapter and NBMC 14.20.320.

I. All new residential development shall connect with the sewer system.

J. All new residential development shall be required to meet the vegetation management provisions contained in Article III of this chapter, NBMC 14.20.300. Shoreline vegetation conservation, consistent with critical area regulation as integrated by reference by NBMC 14.20.290.

K. Residential development clustering may be required by the shoreline administrator where appropriate to minimize ecological and visual impacts on shorelines, including minimization of impacts on shoreline vegetation consistent with NBMC 14.20.300. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.470 Shoreline habitat and natural systems enhancement projects.
A. Shoreline restoration and ecological enhancement projects shall be permitted in all shoreline environment designations, provided the project’s purpose is the restoration of the natural character and ecological functions of the shoreline. Preferred projects include those identified in Snoqualmie 2015: Building for Salmon Recovery and Watershed Health (Snoqualmie Watershed Forum, 2006, or as amended) or the city’s shoreline restoration plan (2011, or as amended), and any projects that facilitate removal of artificial restrictions to natural channel migration, restoration of off-channel hydrological connections and return of river processes to a more natural state where feasible and appropriate.

B. Shoreline restoration and enhancement may be allowed if the project applicant demonstrates that no significant change to sediment transport will result and that the enhancement will not adversely affect ecological function, ecosystem-wide processes, properties, or habitat. Restoration activities that damage fish and wildlife resources, degrade recreation and aesthetic resources, result in a net loss of ecological functions, or result in high flood stages and velocities are prohibited.

C. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

D. Restoration and enhancement projects shall be designed using the most current, accurate and complete scientific and technical information available, and implemented using BMPs. Applicants should consult manuals produced by the Washington Department of Fish and Wildlife, including but not limited to the Stream Habitat Restoration Guidelines Final Draft (2004, as amended) and Integrated Streambank Protection Guidelines (2002, as amended).

E. Restoration and enhancement shall be carried out in accordance with an approved shoreline restoration plan prepared by a qualified professional (see NBMC 14.20.190 for complete definition) with experience and education or training in the pertinent discipline and containing the following plan details:

1. Inventory of existing shoreline environment, including the physical, chemical and biological elements and an assessment of their condition;

2. A discussion of any federal, state, or local special management recommendations for species or habitats located on the site that will be incorporated into the plan;

3. A discussion of proposed measures to minimize any temporary adverse impacts of the project to ensure no net loss of shoreline ecological functions;

4. Scaled drawings of existing and proposed conditions, materials specifications, construction sequence, and a five-year maintenance and monitoring plan, including relevant performance standards applicable to all restoration plan components, such as vegetation, large woody debris, or substrate;

5. Contingency plan if the restoration plan fails to meet performance standards included in the restoration
6. Any additional information necessary to determine the impacts of a proposal and mitigation of the adverse impacts.

F. In limited instances, the city may grant relief from development standards and use regulations within this SMP that result from shoreline restoration projects that cause a landward shift in the extent of shoreline jurisdiction; such relief shall be provided consistent with criteria and procedures in WAC 173-27-215. These criteria include, but are not limited to, the following:

1. Application of regulations within this SMP would preclude or interfere with use of the affected property, where such use would otherwise be permitted by city regulations, thus presenting a hardship to the project proponent;

2. The proposed relief is the minimum necessary to relieve the hardship;

3. After granting the proposed relief, there is net environmental benefit from the restoration project;

4. Where a shoreline restoration project is created as mitigation for a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and

5. Application for relief must be approved by the city and must be submitted to Ecology for written approval or disapproval; Ecology submittal and decision procedures shall occur consistent with WAC 173-27-215.

For purposes of this section, “shoreline restoration project” shall mean a project designed to restore impaired ecological function of a shoreline. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.480 Shoreline stabilization.
A. General.

1. These shoreline stabilization regulations apply to the South Fork Snoqualmie River, Middle Fork Snoqualmie River, and all tributaries to those shoreline waterbodies located in shoreline jurisdiction.

2. All shoreline stabilization projects shall comply with mitigation sequencing requirements in NBMC 14.20.290(B).

3. The feasibility of nonstructural or soft structural shoreline stabilization measures shall be evaluated when new, enlarged or replacement hard structural shoreline stabilization measures are being considered. The appropriate documentation per subsection H of this section shall be submitted to demonstrate that nonstructural and soft structural alternatives have been thoroughly evaluated, and only the softest technique that will accomplish the necessary stabilization shall be approved.
4. When any structural shoreline stabilization measures are demonstrated to be necessary, the size of stabilization measures shall be limited to the minimum necessary.

5. Shoreline stabilization shall be designed so that net loss of ecological functions does not occur and such that stabilization will not degrade instream, upstream, downstream, or cross-stream channel stability.

6. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements shall be incorporated into the project.

B. New or Enlarged Shoreline Stabilization Structures.

1. New development shall be located and designed to avoid the need for new or enlarged shoreline stabilization.

2. New shoreline stabilization which causes significant adverse impacts on adjacent, upstream, downstream or cross-stream properties and shoreline areas shall not be allowed.

3. Lots shall not be created by the subdivision process if such lots require shoreline stabilization in order to accommodate development.

4. New or enlarged structural stabilization measures shall be allowed in the following circumstances:

   a. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from erosion caused by shoreline forces. Normal sloughing 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 before considering shoreline stabilization.

   b. In support of new 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 drainage or the loss of vegetation.

      ii. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address adverse erosion impacts.

      iii. The need to protect primary structures from damage due to erosion is demonstrated through a
geotechnical report. The damage must be caused by conditions beyond the control of the applicant, such as natural processes.

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 drainage, the presence of upstream development, or the loss of vegetation.

ii. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or adverse impacts.

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 for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements is not feasible or not sufficient to adequately address erosion causes or adverse impacts.

C. Replacement of Existing Shoreline Stabilization Structures.

1. For purposes of this section, “replacement” means the construction of new shoreline stabilization to perform the shoreline stabilization function of an existing structure which can no longer adequately serve its purpose due to age, deterioration, or increased flood flow rates and volumes. Replacements that include additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

2. An existing structural stabilization structure may be replaced subject to the following provisions:

a. There is a demonstrated need to protect principal uses or structures from erosion caused by shoreline forces.

b. Replacement hard structural shoreline stabilization measures protecting existing residences shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure 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. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.

c. Hard shoreline stabilization measures may allow some accessory fill (gravel, cobble or smaller
material only) waterward of the OHWM to provide enhancement of shoreline ecological functions through improvements in substrate condition or gradient.

d. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.

3. When replacement is allowed pursuant to the provisions of subsection (C)(2) of this section, an existing structural stabilization structure shall be replaced with the softest stabilization measure that will provide the necessary level of stabilization consistent with the findings of the required submittal documents outlined in subsection H of this section.

D. Repair of Existing Shoreline Stabilization Structures.

1. For purposes of this section, “repair” means modifications or improvements to an existing shoreline stabilization structure that are designed to ensure the continued function of the structure by preventing failure of any part.

2. “Repair” shall not include:
   
a. Additions to or increases in size of existing shoreline stabilization structures. Such additions or increases shall be considered new or enlarged structures.

   b. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure. Such placement shall be considered a new structure.

   c. Replacement of greater than 50 percent of the linear length of existing shoreline stabilization structure when an existing structure, including its footing or bottom course of rock, is removed prior to placement of new shoreline stabilization materials (repairs that involve only removal of material above the footing or bottom course of rock are not considered replacement). Such activity must be designed and reviewed as a replacement structure.

E. General Design and Construction Standards.

1. Areas of temporary disturbance within the shoreline buffer shall be stabilized within seven days of project completion, and revegetated within 30 days using plant species that will return the area to its preproject condition or better.

2. Soft shoreline stabilization structures shall be used to the maximum extent practicable for new, enlarged, and replacement of legally established shoreline stabilization structures, limiting hard shoreline stabilization structures to the portion or portions of those sites determined necessary to protect or support existing shoreline structures or trees, or where necessary to connect to existing hard structural shoreline
stabilization structures on adjacent properties. Hard structural shoreline stabilization transition areas between the applicant’s otherwise soft shoreline structure and the adjacent hardened shoreline, when needed on the subject property to prevent destabilization of adjacent hardened shorelines, shall be minimized and extend into the subject property from the property line no more than 10 feet.

3. For enlarged or replacement shoreline stabilization structures, the following location and design standards are preferred in descending order:

   a. Conduct excavation and fill activities associated with the structural shoreline stabilization landward of the existing OHWM except as authorized above.

   b. Where subsection (E)(3)(a) of this section is not practicable because of overriding safety or environmental concerns, conduct necessary excavation and fill activities waterward of the existing OHWM as needed to implement a soft structural shoreline stabilization technique or to mitigate the adverse impacts of adjacent hard structural shoreline stabilization.

4. All shoreline stabilization activities shall minimize and mitigate any adverse impacts on ecological functions resulting from short-term construction. Impact minimization techniques may include compliance with appropriate timing restrictions, use of BMPs to prevent adverse water-quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.

5. New and enlarged shoreline stabilization structures shall mitigate any adverse impacts on ecological functions by incorporating the following measures, at a minimum, if appropriate for local conditions:

   a. Restoration of appropriate substrate conditions waterward of the OHWM, including substrate composition and gradient. The material should be sized and placed to remain stable during a two-year flood event.

   b. Plant native riparian vegetation, as necessary, along at least 75 percent of the shoreline frontage affected by the new or enlarged stabilization. The vegetated portion of the shoreline buffer shall average 10 feet in depth from the OHWM, but may be a minimum of 10 feet wide to allow for variation in landscape bed shape and plant placement. Restoration of native vegetation shall consist of a mixture of trees, shrubs, and ground cover and be designed to improve habitat functions. At least six trees per 100 linear feet of shoreline must be included in the plan. Plant materials must be native to King County. An alternative planting plan or mitigation measure in lieu of meeting these requirements may be allowed if approved by other state and federal agencies.

6. The shoreline stabilization structure shall not interfere with normal surface and/or subsurface drainage into the waterbody.

7. Shoreline stabilization structures shall not extend waterward of the OHWM, except for shoreline
stabilization which enhances shoreline ecological functions or is allowed under subsection (C)(2)(b) of this section.

8. When repair or replacement shoreline stabilization structures intended to improve ecological functions shift the OHWM landward of the premodification location, any buffers from the OHWM or lot area for the purposes of calculating lot coverage shall be measured from the premodification location. The premodification OHWM shall be noted in a record of survey approved by the city of North Bend and recorded at the King County recorder’s office.

9. Repair or replacement shoreline stabilization measures which relocate the OHWM landward of the premodification location, and result in an expansion of the shoreline jurisdiction on any property other than the subject property, shall not be approved until the applicant submits a copy of a statement signed by the legal owners of all affected properties, on a form approved by the city of North Bend and recorded at the King County recorder’s office, consenting to the shoreline jurisdiction creation and/or increase on such property.

10. The use of car bodies, scrap building materials, or any other form of solid waste for shoreline stabilization is prohibited. Organic materials normally used for habitat enhancement or bioengineering methods shall not be considered solid waste under this provision.

11. Proponents shall mitigate for any adverse impacts on ecological functions, and shall restore all fish or wildlife habitat damaged or degraded as a result of their project. Where applicants demonstrate that restoration is not feasible, adverse impacts shall be mitigated with the creation of in-kind habitat near the project.

12. All soft structure shoreline stabilization projects and mitigation for hard structural shoreline stabilization projects shall use an appropriately diverse variety of self-sustaining native plant materials including trees, shrubs and grasses, unless demonstrated to be impractical for the particular site.

13. All cleared areas shall be replanted following construction and vegetation shall be fully reestablished within three years. Cleared areas shall continue to be replanted until such time as vegetation is adequately reestablished.

14. Shoreline stabilization projects shall be periodically monitored and maintained as necessary. Damaged areas shall be promptly repaired.

15. All construction and planting activities shall be scheduled to minimize impacts on water quality and fish and wildlife aquatic and upland habitat and to optimize survival of new vegetation.

1. The soft structural shoreline stabilization design shall provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line. Projects that include necessary use of hard structural shoreline stabilization measures only near property lines in order to tie in with adjacent properties shall be permitted as soft shoreline stabilization measures. The length of hard structural shoreline stabilization transition area to adjacent properties should be minimized to the maximum extent practicable, and extend into the subject property from adjacent properties no more than 10 feet. The hard structural shoreline stabilization transition area shall not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization, and shall not extend onto the adjacent property.

2. The soft shoreline stabilization design shall size and arrange any gravels, cobbles, logs, and boulders so that the project remains stable during a two-year flood event.

3. The sizing and placement of all materials shall be selected to accomplish the following objectives:
   a. Protect the primary structures from erosion and other damage over the long term and accommodate the normal amount of alteration from shoreline forces; and
   b. Allow safe passage and migration of fish and wildlife.


1. All new, enlarged, or replacement hard structural shoreline stabilization structures should minimize any long-term adverse impacts on ecological functions by incorporating the following measures into the design:
   a. Limiting the size of hard shoreline stabilization structures to the minimum necessary to protect existing upland development, including length, height, depth, and mass.
   b. Shifting the hard shoreline stabilization structures landward and/or sloping the hard shoreline stabilization structures landward to provide some dissipation of energy and increase the quality or quantity of habitat.

2. When hard structural shoreline stabilization is approved on a site where hard structural shoreline stabilization is not located on adjacent properties, the construction of hard structural shoreline stabilization shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization would not cause erosion of the adjoining properties.

3. The following provisions apply when hard structural shoreline stabilization is approved on a site where hard structural shoreline stabilization is located on adjacent properties:
   a. The proposed stabilization may tie in flush with existing stabilization measures on adjoining
properties; provided, that:

i. The new stabilization does not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization, and

ii. The new stabilization does not extend onto the adjacent property.

b. Where a portion of stabilization extends waterward of the OHWM per subsection (G)(3)(a)(i) of this section, the remaining portion of the stabilization shall be placed landward of the existing OHWM such that no net intrusion into the waterbody occurs nor does net creation of uplands occur.

c. The length of hard structural shoreline stabilization transition area to adjacent properties should be minimized to the maximum extent practicable, and extend into the subject property from adjacent properties no more than 10 feet.

4. Backfill behind hard structural shoreline stabilization intended to protect single-family residences shall be limited to one cubic yard per running foot of stabilization. Any filling in excess of this amount shall be considered a regulated activity subject to the regulations in this SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit or shoreline conditional use permit.

H. Submittal Requirements.

1. For all new, enlarged, or replacement structural shoreline stabilization structures (including soft shoreline stabilization structures), detailed construction plans, including, but not limited to, the following:

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

b. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation.

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

   i. Goals and objectives of the shoreline stabilization plan;

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

   iii. Requirement for at least one site visit per year by a qualified professional; and

   iv. Annual progress reports submitted to the shoreline administrator and all other agencies with jurisdiction;
d. A contingency plan in case of failure.

2. For new or enlarged hard or soft shoreline stabilization structures, a geotechnical report prepared by a qualified professional with an engineering license. The report shall include the following:

   a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation. New hard shoreline stabilization structures shall not be authorized, except when a report confirms that there is a significant possibility that an existing structure will be damaged within three years as a result of shoreline erosion in the absence of such hard shoreline stabilization structures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid adverse impacts on 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 still be used to justify more immediate authorization to protect against erosion using soft structures.

   b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the ordinary high water line.

   c. An assessment of alternative measures to shoreline stabilization, including:

      i. Placing the development farther from the OHWM.

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

   d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization structures in lieu of hard structural shoreline stabilization structures. Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

   e. Design recommendations for minimum sizing of hard or soft structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

3. For replacements of existing hard shoreline stabilization structures with a similar hard structure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional and shall consist of the following:

   a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, flow velocities, and location of the nearest primary structure.
b. An assessment of erosion potential resulting from natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.

c. An assessment of alternative measures to shoreline stabilization, including:

i. Relocating the development farther from the OHWM.

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

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

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

f. A demonstration of need may be waived when an existing hard shoreline stabilization structure is proposed to be repaired or replaced using soft shoreline stabilization structure that would result in significant restoration of shoreline ecological functions or processes. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.490 Transportation – Trails, roads, and parking.

A. New or expanded motor vehicle and rail transportation facilities shall not be located within shoreline jurisdiction, unless:

1. The proponent demonstrates that no feasible upland alternatives exist;

2. The project represents the minimum development necessary to serve another specific, localized, and permitted shoreline use; or

3. In the case of a water crossing, the proponent demonstrates that the project is necessary to further a substantial public interest.

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

1. Meet mitigation sequencing provisions of NBMC 14.20.290;

2. Avoid adverse impacts on existing or planned water-oriented uses;

3. Set back from the OHWM to allow for a usable shoreline area for vegetation conservation and any
preferred shoreline uses unless infeasible;

4. Minimize grading, vegetation clearing, and alterations of the natural topography; and

5. Use BMPs for preventing erosion and degradation of surface water quality.

C. Improvements to existing motor vehicle and rail transportation facilities shall not interfere with pedestrian and bicycle access, and shall, whenever possible, provide for expansion and enhancement of pedestrian and bicycle transportation facilities.

D. Transportation facilities and services for motor vehicles and rail shall utilize existing transportation corridors whenever possible.

E. The development, improvement, and expansion of pedestrian and bicycle transportation facilities are allowed within all environments. Such transportation facilities are a preferred use wherever they are compatible with the natural character, resources, and ecology of the shoreline, and are consistent with the North Bend’s parks, recreation, wildlife habitat and open space plan, and the transportation plan.

F. Pedestrian and bicycle transportation facilities shall be designed, located, and constructed consistent with the policies and regulations for public access as provided in NBMC 14.20.320.

G. Parking facilities are not a water-dependent use and shall only be permitted in the shoreline jurisdiction to support an authorized use where it can be demonstrated to the satisfaction of the shoreline administrator that there are no feasible alternative locations away from the shoreline. Parking as a permanent and primary use shall not be allowed in any shoreline jurisdiction. Accessory parking facilities shall be subject to the same permit type as the primary use.

H. Accessory parking facilities shall be planned to avoid or minimize adverse effects on unique or fragile shoreline features and shall not result in a net loss of shoreline ecological functions or adversely affect existing or planned water-dependent uses. Parking facilities shall be located upland of the principal structure, building, or development they serve, and preferably outside of shoreline jurisdiction, except:

1. Where the proponent demonstrates that an alternate location would reduce adverse impacts on the shoreline and adjacent uses;

2. Where another location is not feasible; and/or

3. Except when Americans with Disabilities Act (ADA) standards require otherwise.

In such cases, the applicant shall demonstrate use of measures to reduce adverse impacts of parking facilities in shoreline jurisdiction, such as low-impact development techniques, buffering, or other measures approved by
the shoreline administrator.

I. Parking facilities shall be landscaped in a manner to minimize adverse visual and aesthetic impacts on adjacent shoreline and abutting properties.

J. All forms of transportation facilities shall, wherever feasible, consolidate water crossings and make joint use of rights-of-way with existing or planned future primary utility facilities and other transportation facility modalities.

K. Improvements to all existing transportation facilities shall provide for the reestablishment and enhancement of natural vegetation along the shoreline when appropriate.

L. If located in the side yard or waterward side of a structure, loading areas shall be screened from view of pedestrians on either side of the waterway. The visual screen shall be composed of a fence or wall with trees and shrubs consistent with city landscape standards.

M. Shoreline crossings and culverts shall be designed to minimize adverse impacts on riparian and aquatic habitat and shall allow for fish passage. See NBMC 14.09.040 for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

N. Trails shall be designed consistent with public access requirements in NBMC 14.20.320, Public access. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.500 Utilities.

A. Utility production and processing facilities and transmission that are non-water-oriented shall not be allowed in shoreline unless it can be demonstrated that no other practical upland alternative or location exists.

B. The principal use permitted by this section is the North Bend wastewater treatment plant, including sewage collection, holding, transfer and treatment pipelines, tanks, structures, containment facilities, buildings, etc. The following accessory facilities are also permitted:

1. Plant monitoring and control facilities and on-site administrative offices;

2. Plant access and logistical facilities such as storage areas, material handling ramps and facilities, etc., and including utility delivery (electrical, communication, etc.) facilities;

3. Plant security and safety features such as fences, signage, etc.; and

4. Other accessory or auxiliary uses or features, necessary to the effective and efficient operation of the plant and which cannot feasibly be located outside the shoreline jurisdiction.

C. Expansion of existing primary utility facilities within shoreline jurisdiction must demonstrate:
1. The expansion is designed to protect adjacent shorelands from erosion, pollution, or other environmentally detrimental factors during and after construction.

2. The project is planned to fit existing natural topography as much as practical and avoid alteration of the existing natural environment.

3. Debris, overburden, and other construction waste materials shall be disposed of so as to prevent erosion or pollution of a waterbody.

D. Primary utility facilities and expansions shall include provisions to control the quantity and quality of surface water runoff to natural waterbodies, using BMPs to retain natural flow rates. A maintenance program to ensure continued proper functioning of such facilities shall be required.

E. Applications for installation of utility facilities shall include the following (at a minimum):

1. Reason why the utility facility must be in shoreline jurisdiction;

2. Alternative locations considered and reasons for their elimination;

3. Location of the same, similar, or other utility facilities in the vicinity of the proposed project;

4. Proposed method(s) of construction;

5. Plans for reclamation of areas to be disturbed during construction;

6. Landscape plans;

7. Methods to achieve no net loss of ecological function and minimize clearing of native vegetation; and

8. Consistency with city or county comprehensive plans for utilities, where such plans exist.

F. Where feasible, utilities shall be consolidated within a single easement and utilize existing rights-of-way. Any utility located within property owned by the utility provider which must of necessity cross shoreline jurisdiction shall be designed and operated to reserve the option of general public recreational usage of the right-of-way in the future. This option shall be exercised by the public only where:

1. The public will not be exposed to dangers from the utility equipment; and

2. The utility itself will not be subjected to unusual risks of damage by the public.

G. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively affect an environmentally critical area, obstruct public access to the
shoreline, or interfere with the navigability of a water body regulated by this SMP. See NBMC 14.09.040 for regulations governing crossings of non-shoreline streams located in shoreline jurisdiction.

H. Utility facilities shall be designed and located in a manner that protects scenic views and minimizes adverse aesthetic impacts. They must be landscaped to enhance the appearance from surrounding areas in accordance with landscape standards applicable to the underlying zone.

I. New utilities which must be constructed across shoreline jurisdiction must submit a mitigation plan demonstrating the restoration of the shoreline to at least its existing condition. Upon completion of utility installation or maintenance, any disturbed areas shall be regraded to be compatible with the natural terrain of the area and revegetated with appropriate native plants to prevent erosion.

J. All underwater pipelines or those paralleling the waterway transporting liquids potentially injurious to aquatic life or water quality shall be prohibited, unless no other alternative exists to serve a public interest. In those limited instances where permitted, shutoff valves shall be provided at both sides of the waterbody except for public sanitary sewers of a gravity or siphon nature. In all cases, no net loss of ecological functions shall be maintained.

K. Where utilities cannot cross a shoreline waterbody via a bridge or other existing water crossing, the utilities shall be bored beneath the waterbody such that the substrate is not disturbed. In channel migration areas, migration processes and depth of erosion must be analyzed. Underground utilities must be placed lower than potential scour and erosion depth. Construction of pipelines placed under aquatic areas shall be placed in a sleeve to avoid the need for excavation in the event of a failure in the future.

L. Minor trenching to allow the installation of necessary underground pipes or cables is allowed if no alternative, including boring, is feasible, and if:

1. Impacts on fish and wildlife habitat are avoided to the maximum extent possible.

2. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

3. Appropriate BMPs are employed to prevent water quality impacts or other environmental degradation.

M. Utility installation and maintenance operations shall be conducted in a manner that does not negatively affect surface water quality or quantity.

1. Applications for new utility projects in shoreline jurisdiction shall include a list of BMPs to protect water quality.

2. Outfalls shall be designed and installed so that during periods of heavy rainfall the velocity and quantity
of runoff will not be detrimental to important aquatic life in the receiving waters, and so that it does not flood adjacent land. The shoreline administrator may condition the proposed outfall location and design to assure aesthetic compatibility and to reduce adverse environmental impacts.

3. Storm drain lines for any substantial development shall be designed so that they can be economically connected to a common collector system when the level of development makes that feasible. A common collection system and outfall will be preferred to a large number of outfalls from individual parcels of land.

N. New utility lines shall be located underground, except when:

1. The presence of critical areas, groundwater, a flood threat, bedrock, or other obstructions make such placement infeasible;

2. Underground placement would create greater adverse environmental impacts than aboveground transmission; or

3. Underground placement is not feasible as the term is defined in this SMP. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.510 Administrative provisions.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.520 General provisions.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.530 Wetlands.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.540 Critical aquifer recharge areas.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.550 Streams.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.560 Fish and wildlife habitat conservation areas.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.570 Geologically hazardous areas.
Repealed by Ord. 1701. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.580 Floodplain management.
Article V. Existing Uses, Structures and Lots

14.20.585 Administrative provisions.
A. Purpose. The purpose of this article is to establish the legal status of nonconforming uses, structures and other site improvements in shoreline jurisdiction by creating provisions through which such uses, structures and other improvements may be established, maintained, and altered.

B. Applicability.

1. All nonconformances in shoreline jurisdiction shall be subject to the provisions of this article. For nonconformance of use, structures and lots within shoreline critical areas, NBMC 14.05.160 applies. When there is a conflict between this article and critical area regulations as integrated by reference applicable to critical areas, the more restrictive standards shall apply.

2. The provisions of this article do not supersede or relieve a property owner from compliance with:

   a. The requirements of the International Building and Fire Codes; or

   b. The provisions of the SMP beyond the specific nonconformance addressed by this article.

3. A change in the required permit review process (e.g., shoreline substantial development permit versus a shoreline conditional use permit) shall not create a nonconformance.

4. Any nonconformance that is brought into conformance for any period of time shall forfeit status as nonconformance, except as specified in Chapter 18.30 NBMC.

5. A nonconforming lot, use, or structure may be deemed legally nonconforming by providing documentation that the use in question occurred prior to the effective date of this SMP, from one of the following:

   a. Local agency permit;

   b. Orthophoto, aerial photo or planimetric mapping recognized as legitimate by the agency; or


14.20.590 Nonconforming uses.
A. If, at the effective date of this SMP and any amendment thereto, a lawful use of land exists that is made no longer permissible under the terms of this SMP or amendments thereto, such use may be continued as a nonconforming use so long as it remains otherwise lawful subject to the following conditions:
1. No nonconforming use shall be intensified, enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this SMP or amendment that made the use no longer permissible; provided, that a nonconforming use may be enlarged, increased or extended in conformance with applicable bulk and dimensional standards of this SMP upon approval of a shoreline conditional use permit.

2. No nonconforming use shall be moved in whole or in part to any other portion of the lot which contains the nonconforming use.

3. If any nonconforming use of land ceases for any reason for a period of one year over a three-year period, any subsequent use of such land shall conform to the regulations specified by this SMP for the use environment in which such land is located.

4. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon a finding that:
   a. No reasonable alternative conforming use is practical; and
   b. The proposed use will be at least as consistent with the policies and provisions of the Act and the SMP and as compatible with the uses in the area as the preexisting use.
   c. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Act and to assure that the use will not become a nuisance or a hazard. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.600 Nonconforming structures.

A. If, at the effective date of this SMP or any amendment thereto, a lawful structure or other improvement exists which is made no longer permissible under the terms of this SMP or amendment thereto, such structure or other improvement may be continued as a nonconforming structure or other improvement so long as it remains otherwise lawful, subject to the following conditions:

1. No nonconforming structure or other improvement shall be altered or changed in a way which increases its nonconformity except as allowed in subsection (A)(2) of this section.

2. Expansions of structures that are nonconforming with respect to a required shoreline buffer:
   a. May not encroach any farther waterward into the required shoreline buffer.
   b. Are limited to lateral extensions adding no more than 25 percent of the length of the original wall as it existed prior to SMP adoption, subject to other applicable requirements of this SMP, including
mitigation sequencing, and city development regulations.

c. Any lateral enlargement of the building footprint within the shoreline buffer shall not exceed 25 percent of the gross floor area of the structure prior to the expansion. Enlargements upland of the existing building footprint are not limited.

d. Applicants for such expansions in subsection (2)(b) or (c) of this section shall restore a portion of the shoreline buffer with riparian vegetation at a 1:1 area ratio to offset the adverse impact, such that the shoreline buffer will function at an equivalent or higher level than the existing conditions. When such expansions occur upland of an existing levee, the applicant’s critical areas report may justify a smaller ratio; provided, that the study demonstrates no net loss of ecological functions.

e. Greater expansions or alterations of a nonconforming structure require a shoreline variance.

3. Nothing in this section will prohibit vertical expansion up to the height allowed in the applicable use environment, provided all other applicable requirements of city development regulations are met.

4. Upkeep, repairs and maintenance of a nonconforming structure or other improvement shall be permitted.

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

C. Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure shall be consistent with the master program, including requirements for no net loss of shoreline ecological functions.

D. For purposes of this section, “appurtenant structures” means garages, sheds, and other legally established structures. “Appurtenant structures” does not include bulkheads and other shoreline modifications or over-water structures. (Ord. 1476 § 2 (Exh. A (part)), 2012).

**14.20.610 Maintenance, repair, discontinuation or reconstruction of damaged nonconforming structures or other improvements.**

A. This section only applies to nonconformities to this SMP.

B. A legal nonconforming structure may be maintained, repaired, renovated or structurally altered provided such maintenance, repair or alteration does not increase its nonconformity.

C. All expansion, extension, maintenance or repair activities of nonconforming structures or improvements shall be consistent with all other provisions of this code, provided the cumulative cost of such maintenance or repair within any 180-day period shall not exceed 50 percent of the assessed valuation of such building, structure, or
land (as applicable) at the time such maintenance is completed.

D. A nonconforming structure or other improvement destroyed by fire or acts of nature may be repaired or reconstructed to the same or smaller nonconformity that existed at the time the structure was destroyed; provided, that:

1. The repair or reconstruction does not increase the previous nonconformity;

2. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage;

3. The number of off-street parking stalls are not reduced; and

4. Landscaping fully complies with applicable city requirements.

E. Should such structure or other improvement be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the use environment in which it is located. Conformance shall be required when:

1. A change of use is proposed;

2. The use is terminated or discontinued for more than one year, or the structure(s) that houses the use is vacated for more than one year; or

3. The structure(s) or activity that occurs on the land in which the use is conducted is proposed for relocation. (Ord. 1476 § 2 (Exh. A (part)), 2012).

Article VI. Administration and Enforcement

14.20.620 Roles and responsibilities.

A. Shoreline Administrator.

1. The community and economic development (CED) director or his/her designee shall serve as the shoreline administrator, and in the case of a shoreline substantial development permit (SSDP) to grant or deny the permit. The administrator shall administer the shoreline permit and notification systems, and shall be responsible for coordinating the administration of shoreline regulations with zoning enforcement, building permits, and all other regulations regulating land use and development in the city.

2. The shoreline administrator shall be familiar with regulatory measures pertaining to shorelines and their use, and, within the limits of his or her authority, shall cooperate in the administration of these measures. Permits issued under the provisions of this shoreline regulation shall be coordinated with other land use and development regulatory measures of the city. The shoreline administrator shall establish procedures that
advise all parties seeking building permits or other development authorization of the need to consider possible shoreline applications. It is the intent of the city, consistent with its regulatory obligations, to simplify and facilitate the processing of shoreline substantial development permits.

3. The shoreline administrator shall assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. Shoreline goals and policies should be pursued through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in Chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.

4. The shoreline administrator shall apply Article VI, Administration and Enforcement, for shoreline critical areas.

B. Hearing Examiner.

1. The hearing examiner shall have the authority to decide on appeals from administrative decisions issued by the administrator of this SMP.

2. The hearing examiner may grant or deny shoreline variances and shoreline conditional use permits, following an open record hearing.

C. Planning Commission. The planning commission is vested with the responsibility to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the city’s planning and regulatory program, and make recommendations for amendments thereof to the city council.

D. City Council. The city council is vested with authority to:

1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.

2. Adopt all amendments to this SMP, after consideration of the recommendation of the planning commission. Substantive amendments shall become effective immediately upon adoption by Ecology. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.630 Interpretation.
A. Under the administrative provisions, the shoreline administrator shall have authority to interpret this SMP when such interpretation is clearly consistent with the goals and policies of this SMP and the Act.

B. The city shall consult with Ecology if formal written interpretations are developed as a result of a lack of clear guidance in the Act, the SMP guidelines, or this master program to ensure that any are consistent with the purpose and intent of Chapter 90.58 RCW and Chapter 173-26 WAC. (Ord. 1476 § 2 (Exh. A (part)), 2012).
14.20.640 Statutory noticing requirements.
The city and applicants shall follow the noticing requirements of Chapter 20.03 NBMC. At a minimum the city shall provide notice in accordance with WAC 173-27-110, and may provide for additional noticing requirements. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.650 Application requirements.
A. A complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit shall contain, at a minimum, the information listed in WAC 173-27-180.

B. The shoreline administrator may vary or waive these requirements according to administrative application requirements on a case-by-case basis.

C. The shoreline administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other city requirements, and the provisions of this SMP. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.660 Exemptions from shoreline substantial development permits.
A. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. All proposed uses, activities, or development occurring within shoreline jurisdiction must conform to the intent and requirements of Chapter 90.58 RCW, the SMA, and this SMP whether or not a permit or other form of authorization is required.

B. The city shall exempt from the shoreline substantial development permit requirement the shoreline developments listed in WAC 173-27-040 and RCW 90.58.030(3)(e) (substantial development less than $7,047), RCW 90.58.030(3)(e)(xiii) (Americans with Disabilities Act of 1990), 90.58.140(9) (governor certification), 90.58.147 (improvements for fish and wildlife habitat or fish passage), 90.58.355 (hazardous substance remedial actions) and 90.58.515 (watershed restoration projects).

C. Letters of exemption shall be issued by the city when an exemption applies or when a letter of exemption is required by the provisions of WAC 173-27-050.

D. Interpretations of Exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.

2. A development or use that is listed as a conditional use pursuant to this SMP, or is an unlisted use, must obtain a shoreline conditional use permit even though the development or use does not require a shoreline substantial development permit. When a development or use is proposed that does not comply with the
bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a shoreline variance.

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.

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

5. The city may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with each responsible local government’s ability to require compliance with all other applicable laws and plans. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.670 Shoreline substantial development permits.

A. A shoreline substantial development permit shall be required for all development of shorelines, unless the proposal is specifically exempted per NBMC 14.20.660. Shoreline substantial development permits shall be processed with a Type I administrative permit as set forth in NBMC 20.01.004.

B. A shoreline substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Act, Chapter 90.58 RCW;

2. The applicable provisions of Chapter 173-27 WAC; and

3. This SMP.

C. The city may attach conditions to the approval of permits as necessary to assure consistency of the project with the SMA and this SMP.

D. Nothing shall interfere with the city’s ability to require compliance with all other applicable plans and laws. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.680 Shoreline conditional use permits.

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the hearing examiner and by Ecology. Applications for a shoreline conditional use permit shall be processed with a Type II permit as set forth in NBMC 20.01.004.

B. Other uses which are not classified or listed or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this SMP.
C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

D. Review Criteria for SCUP. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized; provided, that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

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 are compatible with other authorized 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 environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

E. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

F. In authorizing a conditional use, special conditions may be attached to the permit by the city or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this SMP.

G. Nothing shall interfere with the city’s ability to require compliance with all other applicable plans and laws. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.690 Shoreline variance permits.

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. Applications for shoreline variance permits shall be processed with a Type II procedure as set forth in NBMC 20.01.004.

B. Review Criteria.

1. Variance permits should be granted in circumstances where denial of the permit would result in a
thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property;

   b. That the hardship described in criterion subsection (B)(2)(a) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant’s own actions;

   c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts on the shoreline environment;

   d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

   e. That the variance requested is the minimum necessary to afford relief; and

   f. That the public interest will suffer no substantial detrimental effect.

C. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

   1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

   2. That the proposal is consistent with the criteria established under subsections (B)(2)(a) through (f) of this section can be met; and

   3. That the public rights of navigation and use of the shorelines will not be adversely affected.

D. In the granting of all variance permits, 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 and/or uses
in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.700 Duration of permits.
The duration of permits shall be consistent with WAC 173-27-090. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.710 Initiation of development.
A. Each permit for a substantial development, shoreline conditional use or shoreline variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from the date of filing with Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of filing of the decision, except as provided in RCW 90.58.140(5)(a) and (b). The “date of filing” for a substantial development permit means that date of the actual receipt by Ecology of the final decision from the city; the applicant shall receive telephone or electronic notice from Ecology that it has received the decision followed by a written communication. With regard to a permit for a shoreline variance or a shoreline conditional use, “date of filing” means the date of transmittal of the written decision from Ecology to the city and the applicant.

B. Permits for substantial development, shoreline conditional use, or shoreline variance may be in any form prescribed and used by the city including a combined permit application form. Such forms will be supplied by the city.


14.20.720 Review process.
A. After the city’s approval of a shoreline conditional use or variance permit, the city shall submit the permit to the department for Ecology’s approval, approval with conditions, or denial. Ecology shall render and transmit to the city and the applicant its final decision approving, approving with conditions, or disapproving the permit within 30 days of the date of submittal by the city pursuant to WAC 173-27-110.

B. Ecology shall review the complete file submitted by the city on shoreline conditional use or variance 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 permit or variance on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

C. The city shall provide timely notification of Ecology’s final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130. (Ord. 1476 § 2 (Exh. A (part)), 2012).
14.20.730 Appeals.

A. Appeals of Shoreline Permit Decisions. City of North Bend decisions on shoreline permits may be appealed to the following “bodies” in this sequence:

1. North Bend hearings examiner or in accordance with Chapter 20.06 NBMC.
2. State Shorelines Hearings Board (SHB) in Tumwater.
3. SHB decisions may be appealed to superior court.
4. Superior court decisions may be appealed to the Court of Appeals.
5. Appeals Court decisions may be appealed to the Washington Supreme Court.
6. Appeals to the SHB and courts are governed by RCW 90.58.180 and 43.21B.001, Chapter 34.05 RCW, Part V, and Chapter 461-08 WAC.

B. Regarding administrative appeals of shoreline administrator interpretations, see NBMC 14.20.110 and 20.06.001.

C. All requests for review of any final permit decisions under Chapter 90.58 RCW and Chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and Chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.740 Amendments to permits.

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

B. Revisions to permits shall be considered consistent with WAC 173-27-100. (Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.750 Enforcement.

A. The Act provides for a cooperative program between the city and the Department of Ecology to implement and enforce the provisions of the Act and this SMP. This section provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, and orders to take corrective action, in accordance with WAC 173-27-270, 173-27-280, 173-27-290, and 173-27-300 and NBMC 14.20.740. The enforcement means and penalties provided herein are not exclusive and may be taken or imposed in conjunction
with, or in addition to, any other civil enforcement actions and civil penalties, injunctive or declaratory relief, criminal prosecution, actions to recover civil or criminal penalties, or any other action or sanction authorized by this section, or any other provision of the North Bend Municipal Code and land use code, or any other provision of state or federal law and regulation.

B. The shoreline administrator, with the assistance of the city attorney, shall have authority to commence and prosecute any enforcement action authorized by this section. In determining the appropriate enforcement actions to be commenced and prosecuted, the administrator shall consider the following factors:

1. The nature of the violation;
2. The extent of damage or potential future risk to the shoreline environment and its ecological functions or to the public health and safety, caused by or resulting from, whether directly or indirectly, the alleged violation;
3. The existence of knowledge, intent, or malice on behalf of the violator;
4. The economic benefit or advantage that accrued to the violator(s) as a result of the violation; and
5. The estimated actions and costs of providing adequate mitigation, restoration, rehabilitation, or enhancement, to repair or minimize any substantial adverse impacts upon the shoreline environment and its ecological functions, or the public health and safety.

C. The shoreline administrator may commence and prosecute enforcement action jointly with the Department of Ecology. Pursuant to Chapter 173-27 WAC, the Department of Ecology may initiate and prosecute enforcement action separate from the shoreline administrator. (Ord. 1701 § 1 (Exh. A (part)), 2019: Ord. 1476 § 2 (Exh. A (part)), 2012).

14.20.760 Cumulative effects of shoreline developments.
A. The city will periodically evaluate the effectiveness of the shoreline master program update at achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions in order to comply with WAC 173-26-191(2)(a)(iii)(D).

B. The shoreline administrator will, to the extent feasible, coordinate with other city departments or restoration partners, as well as adjacent jurisdictions, to assess cumulative effects of shoreline development. (Ord. 1476 § 2 (Exh. A (part)), 2012).

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1The Watershed Company and ICF International. January 2011. Final Shoreline Analysis Report for the City of North Bend: South Fork and Middle Fork Snoqualmie River. Prepared for the City of North Bend Community and Economic Development Department, North Bend, WA.
City of North Bend
Shoreline Jurisdiction and Environment Designation Map

Legend

- Potential Shoreline Jurisdiction *
- Shoreline Environment Designations *
  - A - Aquatic
  - UC-R - Urban Conservancy - Residential
  - SR - Shoreline Residential
  - UC-ROS - Urban Conservancy - Recreation & Open Space
  - CC - Commercial Conservancy
  - N - Natural

Shoreline Environment Designations *

North Bend City Limits
Urban Growth Area Limits
Creeks and Streams
Lakes and Rivers
Parcel Boundaries

Information on this map has been compiled by the City of North Bend with due regard of sources and effort to ensure its accuracy. The information is provided "as is" and without warranty of any kind, express or implied, including the warranties of merchantability, fitness for a particular purpose, or non-infringement. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information. The City of North Bend shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost information.

Note:

- Map Revised September 24, 2019
- City of North Bend
- Shoreline Jurisdiction and Environment Designations
- GIS