



City of North Bonneville Shoreline Master Program

FINAL
Effective as of 9/25/2024

Amendment History

Planning Commission Recommended - November 2019
City Council Local Approval (RES 554) – November 2021
Ecology Conditional Approval – May 2024
City Council Local Adoption (ORD 1163) – August 2024

City of North Bonneville Shoreline Master Program

TABLE OF CONTENTS

CHAPTER 1 – INTRODUCTION	4
1.1 – Purpose	4
1.2 – Key Concepts	5
1.3 – Shoreline Jurisdiction	5
1.4 – Official Shoreline Map	6
1.5 – Critical Areas in Shoreline Jurisdiction	7
1.6 – Compliance and Relationship to Other Regulations	7
 CHAPTER 2 – INVENTORY AND CHARACTERIZATION SUMMARY	 8
2.1 – Background and Purpose	8
2.2 – Physical and Biological	8
2.3 – Habitat and Species	8
2.4 – Land Use and Public Access	8
2.5 – Conclusions	9
2.6 – Opportunities	9
 CHAPTER 3 – DEFINITIONS	 10
 CHAPTER 4 – MASTER PROGRAM GOALS AND POLICIES	 22
4.1 – Shoreline Master Program Goals	22
4.2 – General Goals and Policies for Master Program Elements	22
4.2.1 Economic Development Element	22
4.2.2 Public Access Element	22
4.2.3 Recreation Element	23
4.2.4 Circulation Element	23
4.2.5 Shoreline Use Element	23
4.2.6 Conservation Element	24
4.2.7 Historic, Cultural, Scientific, and Education Element	24
4.2.8 Flood Hazard Element	25
4.2.9 Critical Areas Element	25
 CHAPTER 5 – SHORELINE ENVIRONMENTAL DESIGNATIONS	 26
5.1 – Environmental Designations	26
5.1.1 Shoreline Commercial Recreation	26
5.1.2 Active Waterfront	27
5.1.3 Shoreline Residential	28
5.1.4 Natural	29
5.1.5 Aquatic	30
 CHAPTER 6 – USE, DEVELOPMENT and MODIFICATION REGULATIONS	 31
6.1 – General Shoreline Standards	34
6.1.1 Archaeological, Historic, and Cultural Resources	34
6.1.2 Critical Areas	34
6.1.3 Dimensional Standards	36
6.1.4 Environmental Impact Mitigation	37
6.1.5 Nonconforming Use and Development	37
6.1.6 Public Access	38
6.1.7 Shorelines of Statewide Significance	39

6.1.8	Vegetation Conservation	39
6.1.9	Water Quality, Stormwater, and Nonpoint Pollution.....	42
6.2	– Shoreline Modifications	42
6.2.1	Boating Facilities & Overwater Structures	43
6.2.2	Fill and Grading	46
6.2.3	Dredging & Dredge Disposal	47
6.2.4	Flood Hazard Reduction and In-stream Structures	48
6.2.5	Restoration & Enhancement	50
6.2.6	Shoreline Stabilization	51
6.3	– Shoreline Uses	53
6.3.1	Preferred and Prohibited Uses.....	54
6.3.2	Commercial and Industrial	54
6.3.3	Outdoor Signs	55
6.3.4	Recreation	56
6.3.5	Residential	57
6.3.6	Transportation Facilities	57
6.3.7	Utilities	59
CHAPTER 7	– ADMINISTRATIVE PROCEDURES	60
7.1	– Shoreline Permit Requirements	60
7.2	– Exemptions from Substantial Development Permits Requirements ...	61
7.2.1	Statement of Shoreline Exemption	63
7.3	– Permit Procedures	63
7.3.1	Substantial Development Permits	64
7.3.2	Conditional Use Permits	64
7.3.3	Variances	65
7.3.4	Permit Filing	66
7.3.5	Application	66
7.3.6	Public Notice	68
7.3.7	Appeals	68
7.3.8	Revision of Shoreline Permits	68
7.4	– Administrative Interpretation and Moratoria	69
LIST OF TABLES		
Table 5-1 to 5-5	Environment Designation Boundary Descriptions	27
Table 6-1	Shoreline Activity Allowances and Setbacks Summary	32
APPENDICES		
Appendix A	Official Shorelines Map	

CHAPTER 1 – INTRODUCTION

1.1 Purpose

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

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

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

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

3. **Applicability.** The SMP shall apply to all land and waters under the jurisdiction of the City of North Bonneville as identified in this Program. If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the Act as stated in RCW 90.58.020 and that provide the greatest protection of shoreline ecological resources shall apply, as determined by the Shoreline Administrator.

This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.

Where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity or development proposed within shoreline jurisdiction on that portion of the parcel is subject to the City's Shoreline Master Program.

The SMA and this SMP apply to all nonfederal use and development on federal lands This applies within the external boundaries of federally-owned lands including, but not limited to, lands subject to nonfederal ownership, lease, or easement such as private inholdings or third-party vendors in a national forest or national wildlife refuge. The SMP shall not apply to federal agency activities on federal lands.

Regardless of any specific or categorical exempt status, exempt uses or activities that do not require a substantial shoreline development permit must continue to demonstrate compliance with the policies and regulations contained in the SMP in accordance with WAC 173-27-040(1)(b) and be authorized by a statement of exemption. The SMP applies to all shoreline uses, development, and activities proposed within shoreline jurisdiction.

4. **Severability.** If any provision of the City's Shoreline Master Program, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the City's Shoreline Master

Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

5. Effective Date. The City's Shoreline Master Program and all amendments thereto shall become effective fourteen (14) days from the date of Ecology's written notice of final action.

1.2 Key Concepts

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

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

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

The policies also provide the framework for the state shoreline guidelines (WAC 173-26) which emphasize the protection and restoration of shoreline natural resources while planning for future anticipated development. The guidelines refer to the protection of shoreline ecological processes (such as hydrology and sediment transport) and shoreline ecological functions (provided by water quality, vegetation, and habitat). A major concept in the protection of ecological functions is termed "no net loss."

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

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

1.3 Shoreline Jurisdiction

Under the Shoreline Management Act (SMA), RCW 90.58, the shorelines of the state regulated by the City's Shoreline Master Program (SMP) must include all shorelines, shorelines of statewide significance, associated wetlands, and adjacent shorelands, as defined in Chapter 3, per RCW 90.58.030.

"Shorelines" include streams or rivers with a mean annual flow of 20 cubic feet per second (cfs) or greater and lakes with a surface area greater than 20 acres.

"Shorelines of Statewide Significance" include streams or rivers with a mean annual flow of more than 1,000 cfs and lakes with a surface area greater than 1,000 acres.

"Shorelands" include the adjacent upland area a minimum of 200 feet from the ordinary high water mark (OHWM) of any qualifying water body, as well as any associated wetlands within the City's jurisdiction, which may be located and/or extend beyond the minimum 200 foot distance.

“Associated wetlands” means those wetlands that are in proximity to and influence or are influenced by tidal waters or a lake or stream subject to the SMA (WAC 173-22-030(1)). These are typically identified as wetlands that physically extend into the shoreline jurisdiction, or wetlands that are functionally related to the shoreline jurisdiction through surface water connection and/or other factors. All wetlands located within the 100-year floodplain are associated wetlands, even if not depicted in Appendix A.

The City’s shoreline jurisdiction includes the in-water portions, associated wetlands, and adjacent shorelands of the following waterbodies that are within the City limits:

- Columbia River, shoreline of statewide significance;
- Hamilton Creek, shoreline;
- Greenleaf Lake, shoreline; and
- Greenleaf Creek, shoreline.

City shoreline jurisdiction does not include portions of the FEMA mapped 100-year floodplain (FIRM Zone A) beyond the 200 foot minimum distance from OHWM, except where the City has opted to include the buffers for associated wetlands, but no other critical area buffers.

In accordance with RCW 35.21.160, the City’s shoreline jurisdiction extends to the mid-line of the Columbia River that is also the State boundary, even where outside City limits. The Shoreline Administrator shall have the authority to enter into formal agreements with other jurisdictions that have an Ecology-approved SMP to address the review of projects where there is overlapping or shared shoreline permitting authority.

Shoreline jurisdiction does not extend to the City’s urban area boundary established by the Columbia River Gorge National Scenic Area. The City has not opted to pre-designate such urban area shorelines per WAC 173-26-150. Such areas remain under Skamania County’s authority until which time the City’s annexation of such areas occurs. Upon annexation, the City shall amend this Program, as needed, to include those areas and assign shoreline designations.

1.4 Official Shorelines Map

The City’s shoreline jurisdiction and the environment designations established by this Program are shown on the Official Shorelines Map. The Official Shorelines Map is adopted by reference and declared to be a part of the City’s Shoreline Master Program. The Official Shorelines Map can be seen in Appendix A and is available at City Hall. The Shorelines Map may be updated through an amendment to the City’s Shoreline Master Program.

The Official Shorelines Map only approximately identifies or depicts the lateral extent of shoreline jurisdiction and the applicable environment designations of the shoreline waterbody. The precise lateral extent of shoreline jurisdiction and environment designations shall be determined on a site-specific basis at the time a specific project is proposed based on the actual location of the ordinary high water mark, floodway, floodplain, and the presence and delineated boundary of associated wetlands based on adopted definitions, criteria and technical information.

Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction related to site-specific surveys of ordinary high water mark, floodway, and/or floodplain are automatically assigned the category of the contiguous environment designation.

Any areas within shoreline jurisdiction that are not mapped and/or designated shall be assigned an Active Waterfront designation until the shoreline can be redesignated through an SMP amendment process conducted consistent with this Program.

Any area shown on the Official Shorelines Map as within shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction shall not be subject to the requirements of the City’s Shoreline Master Program. In the event of a mapping error, the City shall rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

When interpreting the exact location of an environment designation boundary line, the location shown on the Official Shorelines Map shall prevail consistent with the following rules:

1. Boundaries indicated as approximately following parcel, tract, or section lines shall be so construed.
2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment to the City's Shoreline Master Program.
3. Boundaries indicated as approximately following roads shall be construed to follow the nearest right-of-way edge.
4. Boundaries indicated as approximately parallel to or extensions of features indicated above shall be so construed.

1.5 Critical Areas in Shoreline Jurisdiction

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

The state legislature amended the SMA and GMA to ensure that critical areas located in shoreline jurisdiction are protected by updated SMPs to a degree consistent with SMA standards, namely 'no net loss of ecological functions'. To do so, new or existing provisions for critical areas management must be included in local shoreline master programs. Upon an updated SMP becoming effective, critical areas located within shoreline jurisdiction are only regulated by the provisions established by this Shoreline Master Program. The converse is true that critical areas located outside shoreline jurisdiction are not subject to the SMP and continue to be regulated by NBMC 21.10. The intent is to eliminate conflicting, duplicative or overlapping regulations and streamline project review for applicants and staff.

This SMP relies on an SMA-tailored shoreline version of the City's Resource Lands and Critical Areas Protection regulations (NBMC 21.10) (also referred to as the critical areas ordinance or 'CAO') to manage critical areas located inside shoreline jurisdiction. However, it is important to note that there are some substantive and procedural differences between the CAO and this Program. In such instances, the shoreline critical area provisions of this SMP shall prevail, as established and further described herein (§6.1.2).

1.6 Compliance and Relationship to Other Regulations

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

CHAPTER 2 – INVENTORY AND CHARACTERIZATION SUMMARY

2.1 Background and Purpose

Cities and counties are required to prepare an inventory and characterization of the shoreline resources within their jurisdiction as part of the SMP update process. At the start of the City's SMP Update, an Inventory and Characterization Report (ICR) with maps was prepared, finalized in November of 2012. The ICR is a technical companion to the SMP that is not codified as a regulatory document.

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

2.2 Physical and Biological

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

2.3 Habitat and Species

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

2.4 Land Use and Public Access

The city divided its shoreline areas into five reaches based on geographic location as a method to aid the analysis and evaluation of current conditions.

REACH 1 – Lower reach of Hamilton Creek below the Evergreen Bridge and the FEMA FIRM Zone A within the city limits. Two hundred feet landward of the western portion of Hamilton Creek is owned by either the City of North Bonneville used and zoned as open space with a pathway system, or the United States Fish & Wildlife maintained as a wildlife refuge. The eastern shoreline portion of this part of Hamilton Creek is made up of city owned open space along the entire shoreline, private owned residential development in the south and undeveloped Commercial zoned property to the north. Public access is limited to view only along the pathway system owned by the city. Steep slopes, extreme seasonal high water and sensitive environmental areas limit the opportunity for public access on both banks of the creek. The northern part of FEMA FIRM Zone A is zoned Commercial Recreation and is owned and used as a public golf course. The southern majority is zoned federal ownership and is owned and maintained as a federal wildlife refuge.

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

provide additional public water-oriented use opportunities to the shoreline.

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

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

REACH 5 – The portion of the Columbia River within the city limits, along the north bank both upstream and downstream of the Bonneville Dam, extending upstream to the City's eastern boundary. This shoreline is owned and regulated property of the United States of America. It has a completely altered shoreline with steep slopes, riprap and provides very limited public access to the shoreline. It is used by the United States Corps of Engineers as part of Bonneville Dam and for an in-lieu tribal fishing site.

2.5 Conclusions

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

2.6 Opportunities

Shoreline areas with fully or partially intact ecological functions are ideal for protection and conservation. Site specific opportunities for ecological restoration exist in all Reaches, identified in the ICR primarily by the presence of impaired or degraded shoreline processes, structures, and functions. Restoration may be needed on both public and private properties. In some situations, the willingness of property owners may be a key determinant of what restoration efforts are completed. Restoration opportunities are further addressed in the Restoration Plan, a technical companion to this SMP that is not codified as a regulatory document.

CHAPTER 3 – DEFINITIONS

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

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

Administrator. The Planning Advisor or person appointed by the city to administer the provisions of these regulations within the boundaries of that jurisdiction.

Agricultural activities. Agricultural uses and practices for economic use, including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. (WAC 173-26-020)

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

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

Appurtenant structures. Development that is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve the placement of fill in any wetland, floodway, floodplain or waterward of the ordinary high water mark.

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

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

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

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

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

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

Boathouse or Boat House. Covered moorage or storage, including canopy-only coverage and those with walls and a roof, that serves as a garage for boats, situated waterward and/or landward of OHWM; not for residential use.

Boating Facilities. Any public or private, in-water, over-water or upland facility used for the storage, moorage, landing, launching or retrieval of a vessel or watercraft. These include, but are not limited to, docks, piers, floats, launches or ramps, lifts, marinas, mooring buoys or piles, boat houses, covered moorage, and dry dock areas.

Boat Launch or Ramp. A slab, pad, graded slope, or rail system specifically constructed at the water's edge and used for launching or retrieving boats or other vessels. Rail systems are attached to the substrate and may include a cradle and winch system.

Boat Lift. A mechanized structure to raise or lower vessels or watercraft out of or into the water. The Lift may be attached to the substrate, a pier or dock, bulkhead or float, be located at the water's edge, or be a mobile upland travel lift. Size can vary ranging from personal watercraft to commercial vessels, and may be a hand-operated davit, crank, or winch system or a powered by a motor, such as a crane or travel lift.

Bog. A low-nutrient, acidic wetland with organic soils and characteristic bog plants.

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

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

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

Channel Migration Zone (CMZ). 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.

Clearing. Means the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

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

appropriately licensed by the City of North Bonneville shall not be considered commercial for the purposes of this Program.

Community or Joint-use. A private structure or facility shared by two or more parties, such as adjacent neighbors (joint-use), or residents in a housing development or subdivision (community).

Conditional use. A use, development, or substantial development which is classified as a shoreline conditional use or is not classified within the SMP (per WAC 173-27-030). In terms of shoreline permits, a greater level of flexibility avoids outright prohibition, while a greater level of scrutiny is applied to ensure that these uses can be conducted without adverse individual or cumulative impacts to shoreline resources. Conditional Use permits are also reviewed by Ecology for final approval after the City's decision on the permit.

Critical areas. Those areas with especially fragile biophysical characteristics and/or with significant environmental resources as designated in NBMC 21.10 Resource Lands and Critical Areas Protection. The critical areas include designated wetlands, critical aquifer recharge areas, frequently flooded areas, fish and wildlife habitat conservation areas, and geologically hazardous areas within the city's jurisdiction.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk-heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level. (RCW 90.58.030). Development does not include dismantling or removing structures if there is no other associated development or redevelopment.

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

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

Dock. A flat deck floating structure connected to the land, substrate, or a pier with pilings or anchors, used for boat landing or moorage or for non-boating recreation and public access such as fishing, swimming, and views.

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

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

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

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

Exempt developments. Pursuant to legislatively established criteria, those development activities set forth in WAC 173-27-040, which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

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

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

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- b. The action provides a reasonable likelihood of achieving its intended purpose;
- c. The action does not physically preclude achieving the project's primary intended legal use;
- d. In cases where this master program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant; and
- e. In determining an action's infeasibility, the administrator may weigh the action's relative public costs and public benefits, considering in the short and long-term time frames.

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

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

Float. A raft or platform on the water's surface anchored to the substrate and does not adjoin the shore, used for landing or moorage or for recreation and public access (such as a swimming or fishing float).

Floating home. A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Flood hazard reduction measures. May consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater/drainage management efforts, and/or structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

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

Floodway. The area that has been established in effective Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Gangway. A ramp or walkway that connects the land or a pier to a dock; often used where water levels fluctuate due to tides, seasonal variation, or other causes.

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

- a. Erosion hazard—areas identified as having severe or very severe erosion hazard by the USDA Natural Resource Conservation Service (NRCS) in the *Soil Survey of Skamania County Area*,

Washington; October, 1990.

- b. Landslide hazard—areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors and shall include ravine sidewall areas and slopes of twenty (20) percent or greater.
- c. Mine hazard areas—areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.
- d. Seismic hazard areas—areas subject to severe risk or damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.
- e. Volcanic hazard areas—areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

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

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

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

Guidelines. Those WAC standards adopted to implement the policy of the SMA for regulation of shorelines of the state, including criteria to local governments and Ecology in preparing and administering shoreline master programs.

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

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

Height. Distance measured from average grade level to the highest point of a structure, provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining the shorelines or the master program provides otherwise. Provided further, that temporary construction equipment is excluded in this calculation.

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

In-stream structure. A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purposes.

Industrial. Those uses or development primarily involved in production, manufacturing, product assembly and wholesale, and may include related business and professional services, research, business and corporate offices, and other similar or supporting enterprises.

Institutional. Those public and/or private facilities having a primarily public-serving function, including,

but not limited to, government offices, police and fire stations, libraries, activity centers, schools, health care facilities, educational and training centers, and water-oriented research facilities.

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

Liveaboard. A vessel used as a temporary or permanent residence; not a houseboat, floating home, or floating on-water residence.

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

Marina. A multi-use facility with in-water moorage for more than ten (10) boats in close proximity, and with related amenities such as fueling, pump-out, restrooms, public access, commercial or retail services such as bait, concessions, or rentals, or similar; may be owned and/operated as a public or private facility.

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

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

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

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

Modification. A physical alteration of the shoreline condition, configuration or qualities, such as a constructed dike, breakwater, bulkhead, or weir, but can include other actions such as dredging, filling, clearing, grading, or vegetation removal by application of chemicals. Shoreline modifications are typically undertaken as maintenance of or in preparation for a specific shoreline use or development. For example, a fill (shoreline modification) required for a cargo terminal (industrial use), or dredging (shoreline modification) to allow for a marina (boating facility use).

Mooring buoy. An anchoring system with an anchor and anchor line, a float marking its location, and a fitting for a vessel's mooring chain or hawser. Washington laws establish two categories for mooring buoys -- commercial and recreational (RCW 79.105.430). Commercial buoys are typically used for temporary moorage of a vessel that is awaiting transit or loading or offloading. Recreational buoys are used as semi-permanent moorage for recreational vessels.

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

Must. A mandate; the action is required.

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

No net loss. The maintenance of the combined total of the City's shoreline ecological functions. No net

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

Nonconforming use or development. A shoreline use, development, or structure that was lawfully constructed or established but which does not conform to current regulations or standards of this Program. A use or development listed in this Program as a conditional use but which:

- a. Existed prior to adoption of or applicable amendments to this Program, and for which a conditional use permit has not been obtained shall be considered a nonconforming use; or
- b. Existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

And, a structure for which a variance has been issued shall be considered a legal nonconforming structure. Uses authorized through a conditional use permit shall be considered conforming uses.

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

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

Normal protective bulkhead. Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion; not for creating dry land.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to the shoreline resources or environment.

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

Overwater structure. Any public or private structure located in or over the water, other than a boating facility, that is used for public access or recreation (for example, a non-boating dock, pier or float).

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

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

Pier. A fixed, pile-supported flat deck structure that adjoins the shore, extends over water, and is used for boat landing or moorage or for non-boating recreation and public access such as fishing, swimming, and views.

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

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

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed

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

Priority species. Plant and animal species that require protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the following criteria:

- State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered, threatened, or sensitive (per WAC 232-12). State proposed species are those fish and wildlife species that will be reviewed by WDFW for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- 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.
- Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

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

Public access. The ability of the general public to reach, touch, and travel on the shorelines of the state. It also includes the ability to view the water and shorelines from adjacent and distant locations; not intended to authorize trespass on private property.

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

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

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

assessments.

- e. A qualified professional arborist must be an ISA (International Society of Arboriculture) Certified Arborist.

Recreation. Includes commercial or public activities and facilities that are designed and used for active or passive leisure and refreshment of body and mind through forms of play, amusement or relaxation. It includes facilities for passive recreational activities such as hiking, photography, wildlife viewing, and fishing. It also includes facilities for active or more intensive uses such as campgrounds, event centers, golf courses and their support buildings including clubhouses, covered areas and other outdoor areas.

Residential. Includes one or more buildings, structures, or portions thereof which are designed for and used to provide a place of abode for human beings. Included are single-family, duplex or multi-family dwellings, apartment/condominium buildings, manufactured homes, mobile home parks, and other group housing, together with uses and structures normally common to residential uses including, but not limited to garages, sheds, or other appurtenant structures. Also includes the creation of new residential lots through land division.

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

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

Setback. A required distance separating two features such as a structure and the water or a buffer, intended to protect both the structure from any safety risk posed by the other feature, and to protect the water or buffer from any impacts caused by the structure. Setbacks may also help protect views, and may not require maintenance or enhancement of natural or vegetated conditions. Related to, but different from buffers.

Shall. A mandate; the action must be done.

Shorelands. Also referred to as “shoreland areas”, meaning those lands extending landward for a minimum of two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of RCW 90.58; the same to be designated as to location by the Department of Ecology.

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

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

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

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

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

Shoreline stabilization. Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. Stabilization actions include structural and nonstructural methods.

Structural methods range from 'hard' to 'soft'. Hard shore armoring refers to traditional designs for shoreline stabilization, including constructed steel, timber, rock, concrete, or boulder riprap, bulkheads, jetties, revetments, gabions, groins, weirs, breakwaters, and seawalls. Soft shore armoring refers to alternative bank protection methods such as bioengineering and biotechnical bank stabilization, which may include use of anchored drift logs, vegetation plantings, and import of beach sediment and/or gravel.

Non-structural methods to address erosion impacts include building setbacks, relocation of a structure, upland drainage control, groundwater management, and planning approaches to avoid the need for stabilization and allow natural processes to continue.

For the purposes of this, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

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

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

Shorelines of statewide significance. Includes streams or rivers or portions thereof with a mean annual flow of one thousand cubic feet per second or greater, and lakes that are one thousand acres in size or greater, along with their associated shorelands.

Shorelines of the state. The total of all "shorelines" and "shorelines of statewide significance", including their 'shorelands', within the state.

Should. Indicates the action is required unless there is a demonstrated, compelling reason, based on policy of the SMA, WAC 173-26 or -27, and the North Bonneville SMP, against taking the action.

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

Single-family residence. A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, stormwater runoff, septic systems, introduction of pollutants, and vegetation modification and removal.

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

Substantial development. Any development of which the total cost or fair market value, whichever is higher, exceeds eight thousand five hundred and four dollars (\$8,504) or any development which materially interferes with the normal public use of the water or shorelines of the state. The above dollar value, effective 7/1/2022, may change as fair market value is adjusted by the state every five years to reflect inflation.

Substantially degrade. To cause significant ecological impact.

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

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

Transportation. Facilities including roads, bridges, parking, and trails/paths that provide public or private circulation infrastructure for motorized and non-motorized modes.

Use. Refers to a specific common purpose and type of development, the primary use of land, whereas modifications refer to specific structures, actions, or alterations that generally support or prepare for a specific use. For example, a fill (shoreline modification) required for a cargo terminal (industrial use), or dredging (shoreline modification) to allow for a marina (boating facility use).

Utilities. Services and facilities that produce, convey, store, or process power, natural gas, water, sewage, communications, waste, and similar. On-site utility features serving a primary use, such as water, sewer, and power for a residence, are “accessory utilities” and shall be considered a part of the primary use.

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

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

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

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

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

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

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

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

Watershed restoration projects. A public or private project authorized by the sponsor of a watershed

restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- a. A project for the restoration of an eroded or unstable stream bank that employs the principals of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- b. A project designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream; or
- c. A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

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

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

CHAPTER 4 – MASTER PROGRAM GOALS AND POLICIES

4.1 Shoreline Master Program Goals Introduction

In accordance with the State Shoreline Management Act (RCW 90.58) all relevant policies and goals must be addressed in the planning policy of the SMP. Goals express the vision of the city. Policies identify more detailed steps that move towards achieving the goals. The following set of goals and policies provide the foundation and framework upon which the balance of the SMP is based and are applicable to all shoreline use, development, and modification activities regardless of whether a permit or exemption is required.

4.2 General Goals and Policies for Master Program Elements

4.2.1 Economic Development Element

(RCW 90.58.100(2)(a))

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

4.2.2 Public Access Element

(RCW 90.58.100(2)(b))

1. **Goal**
 - a. Protect and enhance both physical and visual access to public shoreline areas while protecting shoreline ecological functions, private property rights and providing for public safety. The public access element addresses the ability of the general public to reach, touch, and travel on the shorelines. It also includes the ability to view the water and shorelines from adjacent and distant locations.
2. **Policies**
 - a. Public access improvements should not result in a net loss of shoreline ecological functions.
 - b. Public access should be located, designed and operated to protect and provide public safety, the rights of navigation, and the public's use of the water, space for water-dependent uses, respect private property rights, maintain privacy of private property, be compatible with the shoreline environment, protect ecological functions and processes, and protect aesthetic values of the shoreline.
 - c. Shoreline development by public entities, including but not limited to local governments, state agencies, and public utility districts should include improvements and amenities to enhance or provide public access and/or views as part of each development project.
 - d. New subdivisions and multi-unit residential developments should include public access and view opportunities as part of each project.
 - e. When appropriate, shoreline recreational facilities and other public access points should be connected by pathways and other access links.
 - f. Appropriate signs should clearly indicate where public access points are located and/or how to reach publicly owned shorelines.
 - g. Within the shoreline environment, pedestrian and non-motorized access should be encouraged to limit adverse impacts to shoreline resources from parking or vehicular uses too close to the water.
 - h. Major public access improvements should be designed to meet Americans with Disabilities Act (ADA) standards.
 - i. Viewpoints, lookouts and vistas of shorelines and wetlands should be publicly accessible, where

possible, and when private properties are adequately protected.

- j. Along shorelines of statewide significance, such as the Columbia River, the City should identify all publicly owned shoreline parcels and evaluate their suitability for public access.

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

4.2.3 Recreation Element

(RCW 90.58.100(2)(c))

1. **Goal**

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

2. **Policies**

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

4.2.4 Circulation Element

(RCW 90.58.100(2)(d))

1. **Goal**

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

2. **Policies**

- a. Locate new or expanded road corridors for motorized vehicles outside of shoreline jurisdiction unless there is no reasonably feasible alternative or location.
- b. Encourage uses and development of non-motorized forms of access to and along shoreline areas.
- c. When necessarily located in shoreline jurisdiction, transportation facilities should follow routes with the least possible adverse effect on shoreline features, and should not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water dependent uses.
- d. Linkage to the city path system should be accomplished whenever practical.
- e. Parking facilities are not preferred and should be discouraged from locating in the shoreline areas, unless such a location is otherwise unfeasible.

4.2.5 Shoreline Use Element

(RCW 90.58.100(2)(e))

1. **Goal**

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

2. **Policies**

- a. Encourage water-oriented uses consistent with the control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline areas.
- b. Shoreline uses and development should enhance and/or increase public access to the shoreline or provide significant public benefit.
- c. Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.

- d. To prevent pollution, environmental damage, and reduce use conflicts, preference should be given first to water-dependent uses, then to water-related uses, and water-enjoyment uses, over non-water oriented uses.
- e. Consider the goals, objectives and policies in the SMP in land use and water management actions on adjacent uplands and associated wetlands or streams where such use or development may have an adverse effect on designated shorelines.
- f. Whenever possible, non-regulatory methods to protect, enhance, and restore shoreline ecological functions should be encouraged.

4.2.6 Conservation Element

(RCW 90.58.100(2)(f))

1. **Goal**

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

2. **Policies**

- a. Maintain and enhance native shoreline vegetation to protect water quality, fish and wildlife habitat, and other ecological functions and processes.
- b. Promote restoration and enhancement of areas that are biologically and/or aesthetically degraded while allowing appropriate use of the shoreline.
- c. Maintain and sustain natural shoreline formation and sustainability through effective stewardship, management, and use of shorelines.
- d. Limit the modification of intact natural shoreline areas by development of structures in areas of unstable soil or slope conditions.
- e. Encourage new development or redevelopment activities to restore impaired ecological functions and process by providing incentives, such as flexible development standards, fee reductions or waivers, or tax relief options.

4.2.7 Historic, Cultural, Scientific, and Education Element

(RCW 90.58.100(2)(g))

1. **Goal**

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

2. **Policies**

- a. All sites within shoreline jurisdiction having archeological, historic, or cultural significance, as recorded or determined by the City, the State Department of Archeology and Historic Preservation, any affected tribe, or inadvertently discovered should be preserved.
- b. Due to their limited and irreplaceable nature, these historic, cultural, scientific and educational resources are vulnerable and should be protected from damage or destruction.
- c. Work on development and construction projects within shoreline jurisdiction that encounter new archaeological, historical, scientific, or cultural discoveries should immediately stop and be suspended until such discoveries can be fully evaluated.
- d. Shoreline use regulations should encourage the protection, restoration, development and interpretation of historical, cultural, scientific, and educational shoreline areas.
- e. Encourage and support educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime history and activities, environmental conservation, natural history and cultural heritage.

4.2.8 Flood Hazard Reduction Element

(RCW 90.58.100(2)(h))

1. **Goal**

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

2. **Policies**

- a. Regulate land use and development to protect natural topographic, geologic, vegetation, and hydrological features relating to flood hazard reduction.
- b. Maintain existing flood control measures on Greenleaf Lake and Hamilton Creek.
- c. New use or development, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

- d. Development in floodplains should not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to chapter 86.12 RCW, provided the plan has been adopted after 1994 and approved by Ecology.
- e. When allowed, nonstructural flood hazard reduction measures should be preferred over structural measures, where feasible.
- f. When consistent with this Program, flood hazard reduction efforts should also be consistent with any applicable watershed management plan, comprehensive flood hazard management plan, stormwater management plan, and other comprehensive planning efforts.
- g. Flood hazard protection measures should not result in a net loss of ecological functions.
- h. Flood hazard protection measures should plan for and facilitate returning river and stream corridors to more natural hydrological conditions and recognize that seasonal flooding is an essential natural process.
- i. When evaluating alternate flood control measures, removal or relocation of structures in flood-prone areas should be considered.
- j. The city should plan for and facilitate removal of artificial restrictions to natural channel migration, restoration of off channel hydrological connections and return river processes to a more natural state where feasible and appropriate.

4.2.9 Critical Areas Element

(RCW 90.58.100(2)(i))

1. **Goal**

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

2. **Policies**

- a. Regulate development in a way that protects the public from flooding, landslides, and erosion and prevents adverse impacts to ground and surface water quality and quantity, wetlands, streams, and fish and wildlife habitat.
- b. Encourage activities in critical areas that restore degraded ecological functions and ecosystem-wide processes, especially the hydrologic connectivity of waterbodies, wetlands, and channel migration zones in lake basins and river corridors.
- c. Integrate planning and regulatory measures, including the comprehensive plan, critical area regulations, the SMP and other jurisdictional regulations and programs, as applicable.

CHAPTER 5 – SHORELINE ENVIRONMENTAL DESIGNATIONS

Shoreline environmental designations are similar to zoning overlays, but are based on Shoreline Management Act criteria and do not change the City’s underlying zoning. Each local government evaluates the local shorelines in relation to current ecological functions and how the shorelines are used or developed. RCW 90.58 criteria and WAC 173-26-211 guidance then applied to identify the specific management and development policies and regulations that apply to particular geographic portion of the city shoreline. Each environmental designation also reflects the type of development that has taken place or is anticipated to occur in a given area. The designations are also based upon existing development patterns, shoreline characteristics, potential for restoration, and the community’s vision for the future.

Under the original Shoreline Master Program the shorelines within the existing municipal boundaries of North Bonneville were completely designated as Conservancy Environment by the City of North Bonneville and Skamania County. This designation was established before the relocation of the city in the late 1970’s. Limited types of shoreline designations available at the time, as well as existing conditions and ongoing development after the city’s relocation, have made this designation obsolete. Under the Shoreline Master Program Update, the City of North Bonneville has now established five environmental designations:

- Shoreline Commercial Recreation;
- Active Waterfront;
- Shoreline Residential;
- Natural; and
- Aquatic.

Although there are other designations within the Shoreline Act, these designations most accurately reflect existing and projected shoreline conditions, uses and goals. The city also took into account how shoreline areas are regulated in the City’s Comprehensive Land Use Plan. Each designation sets out the purpose, classification criteria, and management policies associated with that designation. These environmental designations apply to shoreline areas that have similar ecological conditions and similar land uses or potential development patterns. These designations are depicted on the City’s Official Shorelines Map included at Appendix A.

As described in Section 1.4 above, the City of North Bonneville has mapped shoreline jurisdiction to indicate the approximate location. The rationale for how the designations are applied to specific geographic areas is based on the findings of the ICR and is documented separately. The boundaries of where the environmental designations are applied in shoreline jurisdiction are described in Section 5.1 below, subject to Section 1.4 above.

5.1 Environmental Designations

1. Shoreline Commercial Recreation

a. Purpose.

The Shoreline Commercial Recreation designation allows for retail and fee-based recreational, visitor, and tourism uses and facilities that focus on visual and physical access to shorelines of the state.

b. Designation Criteria

The Shoreline Commercial Recreation designation applies to shoreland areas above OHWM that meet the following criteria:

1. Areas with existing water-oriented commercial or recreational development, including, but not limited to, camping, accommodations, shops, and activities;
2. Areas where land use is zoned or designated in the comprehensive plan for commercial recreation;
3. Areas that have limited existing residential development or a zoning allowance for future low density single family residential use.

c. Management Policies

1. Promote infill and redevelopment of already developed shoreline areas with the goal of achieving full utilization of the shoreline, while encouraging shoreline environmental protection and restoration.
2. Use and development of Shoreline Commercial Recreation designated shorelines should assure no net loss of shoreline ecological functions.
3. The city encourages commercial development which relates to visitor, tourist, and recreational access to the shoreline and that generates city revenue while consistent with the provisions of this Program.
4. New developments should be designed, located, and operated in ways that enhance shoreline ecological functions.
5. New infrastructure should be designed to enhance long-term ecological functioning of shoreline areas.
6. Water-oriented uses are encouraged. Water-dependent, and associated water-related commercial attractions and services are preferred over non-water oriented use and development. Multi-family residential, group homes, and residential care facilities are not preferred in this designation
7. Visual or physical public access to shorelines should be a priority. Where possible, commercial and recreational facilities should be designed to encourage water-oriented activities.
8. Existing and planned development should be encouraged to voluntarily enhance native vegetation along the shoreline.

d. Boundary Description

The Shoreline Commercial Recreation designation applies to the following shoreland locations:

Table 5-1

Shoreline of the State	Boundary Description
Hamilton Creek	Western shore north from the Evergreen Bridge to the southern boundary of the Industrial/Business Park zoned parcel (#02071900090400); and Eastern shore north from the Evergreen Bridge to the northern City limits (including parcels #02072000030000; and #02071900110000).
Greenleaf Lake	Northern shore from southwest terminus at the Greenleaf Creek confluence, to the northeast terminus at Greenleaf Creek, including the associated wetlands, and their buffer, at the confluence of non-SMA Carpenter Creek. The northern shores of parcels zoned Commercial Recreation (#02071630050400; and #02071630050100)
Greenleaf Creek	Lower - Western shore north from the confluence with Hamilton Creek at Evergreen Bridge to the southwest terminus of Greenleaf Lake; and Upper – both shores northeast from the confluence with Greenleaf Lake to the northern City limits.

2. Active Waterfront

a. Purpose

The Active Waterfront designation accommodates limited business, commercial, industrial, utility primary uses and related open space uses while protecting, conserving, and restoring riparian, floodplain and other ecological functions where they exist in already developed settings.

b. Designation Criteria

The Active Waterfront designation applies to shoreland areas above OHWM that meet the following criteria:

1. Areas with existing industrial/business park, commercial, or utility uses, or that are zoned for such future development.
2. The areas retain important ecological functions, even though partially developed.
3. Areas suitable for water-related or water-enjoyment uses but are not generally suited for water-dependent uses due to limited navigability or high risk of conflict with existing in-stream structures.
4. Areas that have potential for development that is compatible with protection, conservation, and restoration of shoreline ecological functions.
5. Shorelines owned by and/or under the control of the U.S. Army Corps of Engineers.

c. Management Policies

1. Limited use and development that maintains or enhances existing ecological functions and promotes lower intensity business, commercial and industrial use should be allowed.
2. Ongoing operation of existing hydroelectric utility facilities, in-stream structures, and accessory open space for public access and recreation should be allowed where any expansion or enlargement of such is limited to avoid or minimize significant impacts to shoreline ecological functions.
3. Residential, primary public access and recreation, and higher-intensity business, commercial or industrial uses should not be allowed.
4. Allowed uses, development, and modifications should preserve existing natural features and open space, support riparian and floodplain functions and processes, and avoid further degradation of other shoreline values.
5. New use and development should be planned to incorporate restoration work, whenever feasible.
6. Accessory public access and recreation components should be included in project design whenever feasible and significant ecological impacts can be mitigated.
7. The shoreline stabilization, vegetation conservation, water quality and other provisions of this Program must ensure no net loss of ecological functions occurs as a result of use, development, or modification of Active Waterfront shorelines.
8. Water-oriented uses should have priority over non water-oriented uses. Where adjacent to commercially navigable waters, water-dependent uses should be given highest priority. When adjacent to non-navigable waters, water-related and accessory water-enjoyment uses should have priority.

d. Boundary Description

The Active Waterfront designation applies to the following shoreland locations:

Table 5-2

Shoreline of the State	Boundary Description
Hamilton Creek	Shores along the Industrial/Business Park zoned parcels (#02071900090400; and #02071900110000) to the northern City limits; Eastern shore of City owned open space zoned lot (#02072000110300) extending approximately 400 feet south from the State Highway 14 Bridge adjoining Commercial zoned properties (#02072013090000; and #02072013100000).
Columbia River	Portions of the northern shore from the City limit near the dam and spillway, upstream to the eastern City limits near Fort Rains, including the City portions of Cascades Island.
Greenleaf Lake	The B.P.A.'s parcel along the southern lake shore. (#02072010010000)

3. Shoreline Residential

a. Purpose

Shoreline Residential designation accommodates residential development and appurtenant structures, and provides public access and recreational use, when appropriate, as consistent with this Program.

b. Designation Criteria

The Shoreline Residential designation applies to shoreland areas above OHWM that meet the following criteria:

1. Shoreline areas primarily developed as existing residential use or planned or platted for residential use and development.
2. Privately-owned lots zoned as Mixed Use or Single Family Residential.

c. Management Policies

1. Any development shall insure no net loss of environmental functions.
2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses, including home

- occupation/business and other limited commercial development, uses, and activities.
5. Existing residential development should be encouraged to voluntarily enhance native vegetation along the shoreline and limit use of chemicals such as fertilizers, herbicides, and pesticides.

d. Boundary Description

The Shoreline Residential designation applies to the following shoreland locations:

Table 5-3

Shoreline of the State	Boundary Description
Greenleaf Lake	The southern lake shore from the Evergreen Bridge east to the western edge of the City’s open space (#02072000020700); the southern lake shore from the eastern edge of the City’s open space (#02072000020700) east to the eastern terminus the City’s open space (#02072000020200); and the northeast shore of Single Family Residential zoned lots (#02072112080000; #02072100090000; and #02072100080000).

4. Natural

a. Purpose

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

b. Designation Criteria

The Natural designation applies to shoreland areas above OHWM that meet the following criteria:

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

c. Management Policies

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

d. Boundary Description

The Natural designation applies to the following shoreland locations:

Table 5-4

Shoreline of the State	Boundary Description
Hamilton Creek	The western and eastern shores from the confluence at the Columbia River northeast to the Evergreen Bridge.
Greenleaf Lake	The City's open space along the southern lake shore. (#02072000020700; and #02072010020200)

5. Aquatic

a. Purpose

The Aquatic designation protects, restores, and manages the unique characteristics and resources of shorelines and shorelines of statewide significance waterward of the ordinary high-water mark (OHWM).

b. Designation Criteria

The Aquatic designation applies to in-water areas below OHWM that meet the following criteria:

1. All freshwater shorelines of the state.
2. Lands waterward of the ordinary high-water mark, including submerged and wetlands.

c. Management Policies

1. New overwater structures should be allowed only for water-dependent uses, public access, or ecological restoration and should be limited in number and size to the minimum necessary to support the structure's intended use. Multiple-use or shared facilities are encouraged to reduce individual and cumulative impacts and to increase effective use of resources.
2. Use and development, including structures, within the Aquatic designation should be designed and located to minimize interference with surface navigation, allow for safe and unobstructed passage for fish and wildlife - especially those dependent on migration - and consider impacts to public views.
3. Shoreline uses, developments, and modifications should be designed and managed to prevent degradation of water quality and alteration of the natural hydrographic conditions.
4. Uses that adversely impact ecological functions of critical freshwater/saltwater habitat should be limited, except where necessary and allowed per the SMA and this Program and when impacts are mitigated.

d. Boundary Description

The Aquatic designation applies to the following shorelines of the state, including their waters and underlying land, located below the ordinary high-water mark:

Table 5-5

Shoreline of the State	Boundary Description
Hamilton Creek	From the confluence with the Columbia River, north to the City limits.
Greenleaf Lake	From the confluence with Hamilton Creek near the Evergreen Bridge, northeast to the eastern terminus of the lake near SR 14.
Greenleaf Creek	Upper - From the confluence with Greenleaf Lake, north to the City limits, Lower - South from the southwest terminus of Greenleaf Lake to the confluence with Hamilton Creek at the Evergreen Bridge.
Columbia River	Portions of the northern shore located within City limits

CHAPTER 6 – USE, DEVELOPMENT and MODIFICATION REGULATIONS

All proposed uses, development and modification activities occurring within shoreline jurisdiction must conform to the SMA (RCW 90.58) and this master program regardless of whether a permit is required. The SMA promotes water dependent and water related uses, supports enhancement of public access, and protection of shoreline ecological functions. State law defines the use categories and local government assigns policies and criteria for their management consistent with all applicable State rules, including the SMP Guidelines (WAC 173-26) and administrative procedures (WAC 173-27).

The regulations of this section are intended to carry out the policies of this SMP and the SMA. Project proposals are evaluated using criteria defined in the SMP. There are general policies and regulations which apply to all new activities within shoreline jurisdiction and also more specific regulations for categorical uses and specific modifications identified in RCW 90.58 and the implementing rules.

Proposed shoreline activities shall be evaluated on a case-by-case basis prior to construction or commencement. They are required to: 1) meet the intent of the goals and objectives of this SMP; 2) comply with the SMA of 1971 as amended; 3) be consistent with management policies and character of the shoreline environment in which they propose to locate.

Unclassified Use. In general, if an activity is proposed for which no standards are included in this SMP, that activity would be considered an unclassified use. Uses that are not classified in this Program may only be authorized as conditional uses provided the applicant can demonstrate that all applicable provisions of this SMP are satisfied, as consistent with the SMA and implementing rules, and other local, state, and federal requirements.

Legal Non-conforming. Legal existing use and development in shoreline jurisdiction is generally considered 'grandfathered' or non-conforming, can continue 'as is', and is not immediately affected by provisions of this SMP. Ongoing operation of legal, existing non-conforming homes and businesses is allowed. However, provisions of this SMP will apply if a non-conforming use or development proposes a new activity, such as:

- Normal maintenance and repair of an existing structure;
- Expansion of an existing use or structure; or
- A change in the type of use.

The policies and regulations of this Program apply to all new use, development, and modifications, regardless of whether a permit is required.

Allowed Use Table. The following table is a summary of the allowed activities and setback standards; where there is conflict between the chart and the written provisions in the Master Program Goals and Policies, Shoreline Environmental Designations, or Use, Development and Modification Regulations of this master program, the written provisions shall control. The table is coded according to the following legend:

P = May be permitted as shoreline substantial development

C = May be permitted as a conditional use only

X = Prohibited; the use is not eligible for a variance or conditional use permit

* = Allowed in- or over-water only if permitted in the adjacent upland shoreline environment

NOTE: Shoreline activities are allowed only if the underlying City zoning also allows for that use.

Table 6-1 Shoreline Activity Allowances and Setbacks Summary

Shoreline Activity and Setback Distance	Shoreline Environmental Designation (SED)				
	Active Waterfront	Shoreline Commercial Recreation	Shoreline Residential	Natural	Aquatic
<i>Allowances: P = May be permitted; C = May be permitted as a conditional use; X = Use is prohibited; * = Use may be allowed only if permitted in adjacent upland SED</i>					
Agriculture	X	X	X	X	X
Aquaculture	X	X	X	X	X
Boating Facilities & Overwater Structures					
Boat Houses; Floating Homes; Lifts; Liveboards; Marinas; Mooring buoys	X	X	X	X	X
Floats, Moorage, Covered Moorage	X	X	X	X	X
Floats, Recreation	X	P	P	P	*
Launches/Ramps, Public	X	P	X	X	*
Launches/Ramps, Private joint-use	X	P	C	X	*
Launches/Ramps, Private individual	X	X	C	X	*
Piers & Docks, Public moorage	X	P	X	C	*
Piers & Docks, Public access/ recreation	X	P	X	C	*
Piers & Docks, Private moorage – individual	X	C	P	X	*
Piers & Docks, Private moorage – community or joint-use	X	P	P	X	*
Piers & Docks, Private non-boating recreation/access - community or joint-use	X	C	X	X	*
Piers & Docks, Private non-boating recreation/access - individual	X	X	X	X	X
Commercial and Industrial					
Water-dependent	P	P	X	X	*
Water-related, Water-enjoyment Setback	P 75'	P 75'	X	X	*
Non-water oriented Setback	P 100'	P 100'	X	X	X
Dredging and Dredge Disposal					
Non-maintenance	X	X	X	X	X
Maintenance	C	C	C	X	C
Restoration/enhancement	P	P	P	P	P

	Shoreline Environmental Designation (SED)				
Shoreline Activity and Setback Distance	Active Waterfront	Shoreline Commercial Recreation	Shoreline Residential	Natural	Aquatic
<i>Allowances: P = May be permitted; C = May be permitted as a conditional use; X = Use is prohibited; * = Use may be allowed only if permitted in adjacent upland SED</i>					
Fill and Grading					
Upland	P	P	P	C	C
In-water	C	C	C	C	C ¹
Flood Hazard Reduction and In-stream Structures					
Dams, Dikes, & Levees	C	C	C	C	*
Instream Structures	X	X	X	X	C
Forest Practices	X	X	X	X	X
Mining	X	X	X	X	X
Recreation					
Water-oriented Setback	P 75'	P 75'	P 100'	P 150'	P
Non water-oriented Setback	C 100'	C 100'	X	X	X
Residential					
Primary Structure Setback	X	P 75'	P 75'	X	X
Accessory structures Setback	X	P 100'	P 100'	X	X
Restoration & Enhancement	P	P	P	P	*
Shoreline Stabilization					
Structural, Hard	C	C	X	X	*
Structural, Soft / Bioengineered	P	P	P	P	*
Non Structural	P	P	P	P	*
Signs					
Interpretive/educational, safety, directional	P	P	P	P	X
Commercial/industrial Setback	P 75'	X	X	X	X
Transportation Facilities					
Roads Setback	P 75'	P 75'	P 100'	X	X
Bridges, Vehicular	P	X	X	X	*
Bridges, Pedestrian	P	P	X	P	*

	Shoreline Environmental Designation (SED)				
Shoreline Activity and Setback Distance	Active Waterfront	Shoreline Commercial Recreation	Shoreline Residential	Natural	Aquatic
Allowances: <i>P = May be permitted; C = May be permitted as a conditional use; X = Use is prohibited; * = Use may be allowed only if permitted in adjacent upland SED</i>					
Parking, Primary	X	X	X	X	X
Parking, Accessory Setback	P 100'	P 100'	X	X	X
Unclassified					
Unclassified Uses	C	C	C		
Setback for water-oriented	75'	75'	100'	X	*
Setback for non-water-oriented	100'	100'	100'		
Utilities	P	P	P	C	C
Setback	75'	75'	100'	150'	
¹ Except in-water fill for ecological restoration may be allowed with a shoreline substantial development permit, subject to this Program.					

6.1 General Shoreline Standards

The following general development and performance standards apply to all shoreline activities in all shoreline environments, even when no permit is required or those allowed as an exemption.

6.1.1 Archaeological, Historic, Cultural, Scientific and Educational Resources

1. Shoreline use and development activities shall be designed, located, and operated to protect archaeological, historical, cultural, scientific, and educational sites and resources.
2. All sites within shoreline jurisdiction having known or recorded archeological, historic, or cultural significance, per the City, the State Department of Archeology and Historic Preservation, or any affected tribe, or inadvertently discovered should be preserved and protected from damage or destruction.
3. If any archeological objects are uncovered during excavation in the shoreline, work must stop immediately and the City of North Bonneville, affected Indian Tribes, and the State Department of Archeology and Historic Preservation must be notified.
4. Permits or exemption approvals issued in areas known or highly suspected to contain archeological objects and data shall include requirements for a site inspection and evaluation and allow for monitoring of potentially disruptive activities. The site inspection and evaluation shall be conducted by an archeologist in coordination with affected Indian Tribes and the State Department of Archeology and Historic Preservation prior to initiation of disturbance. Cost for inspection and evaluation of the site will be the responsibility of the applicant. Significant archeological data or objects shall be recovered before work begins or resumes on a project.

6.1.2 Critical Areas

The North Bonneville Resource Lands and Critical Areas Protection regulations (NBMC 21.10; Ordinance No.1046, dated January 15, 2015) are incorporated herein as shoreline critical area provisions.

1. The critical area regulations shall apply to any use, modification, or development activity where designated critical areas are located within shoreline jurisdiction, provided the following exceptions apply:
 - a. 21.10.020 Definitions – These terms as defined shall only apply within shoreline jurisdiction as they are consistent with the definitions of this Program, the SMA and its rules. In the event of a conflict, the definitions of this SMP, the SMA and its rules shall prevail.
 - b. 21.10.030 Table 1. Applicability by Activity - The listed uses are subject to all applicable provisions of this SMP and may only be allowed as consistent with the standards of this Program. Should a conflict arise, the policies, standards and permitting procedures of this Program shall prevail.
 - c. 21.10.050 I. General Provisions – In addition to Comprehensive Plan, Zoning, Building or Land Division applications as stated, an application for a shoreline substantial development permit, statement of shoreline exemption, conditional use permit, or variance permit, pursuant to this SMP, shall also trigger review and determination of any critical areas present on the subject property within shoreline jurisdiction. As consistent with the provisions of this SMP, it is the applicant's responsibility to provide such information as part of the permit application. The City may require the applicant to provide additional information to demonstrate evaluation or analysis by a qualified professional. Should a conflict arise, the policies, standards and permitting procedures of this Program shall prevail.
 - d. 21.10.050 II. Allowed Uses – The listed uses are subject to all applicable provisions of this SMP and may only be allowed as consistent with the standards of this Program. Should a conflict arise, the policies, standards and permitting procedures of this Program shall prevail.
 - e. 21.10.050 III. Exemptions – Application of these provisions in shoreline jurisdiction is limited. An activity exempted from the City's critical area regulations may not necessarily be exempt from the SMA or provisions of this SMP. An activity may be exempt from critical areas regulations

but still required to meet all standards and procedures of this Program. An activity may be exempt from a shoreline substantial development permit and still require a statement of exemption that is conditioned with critical area protections and other requirements. In the event of conflict between the SMP and CAO, the policies, standards and permitting procedures of this Program shall prevail.

- f. 21.10.050 IV. Takings – These provisions do not apply in shoreline jurisdiction; instead the standards and procedures of this SMP shall be satisfied to ensure that permit requirements and enforcement are consistent with relevant constitutional limitations on the regulation of private property.
- g. 21.10.070 II A.5.a.3.a Category III and IV Wetlands – This exemption from demonstrating impact avoidance and minimization does not apply in shoreline jurisdiction where all wetlands must be protected to achieve no net loss consistent with the mitigation sequence and other applicable provisions of this SMP.
- h. 21.10.070 II. A.5.a.5 Exempted Wetlands – These provisions do not apply in shoreline jurisdiction; all wetlands within shoreline jurisdiction shall be protected to meet the no net loss standard of this Program.
- i. 21.10.070 II. A.5.b.1.c Wetland Buffer Averaging – As consistent with the provisions of this SMP, no wetland buffer may be averaged to less than seventy-five percent (75%) of the standard buffer width required by Tables 1, 2 and 3.
- j. 21.10.070 II. E.3.a Table 7 Stream Classifications is revised as follows for application within shoreline jurisdiction, as consistent with SMA definitions and the WAC 222-16-030 fish habitat water typing system:

Table 21.10.070-7 Streams Classification	
Water Type	Riparian Characteristic
Type S Water	Waters identified as shorelines of the state (i.e. Columbia River, Hamilton Creek, Greenleaf Lake, Greenleaf Creek)
Type F Water	Fish bearing waters (e.g. Carpenter Creek, Hamilton Springs, Moffett Creek, Bass Lake)
Type Np Water	Non Fish Bearing perennial streams
Type Ns Water	Non Fish Bearing seasonal streams

- k. 21.10.070 II. E.3.b Table 8 Riparian Buffer Widths – Table 8 is revised for application within shoreline jurisdiction to reflect that the Riparian Buffer Widths for Type S streams are replaced by the shoreline setback provisions established by this SMP. The Table 8 riparian buffer distances for Type F, Type Np, and Type Ns may still apply in shoreline jurisdiction, where such streams occur:

Table 21.10.070-8: Riparian Buffer Widths	
Stream Type	Base Buffer Width
Type S	150 feet (see Table 6-1)
Type F, anadromous fish bearing stream	100 feet
Type F, non-anadromous fish bearing stream	75 feet
Type Np	50 feet
Type Ns	25 feet

- l. 21.10.070 II. E.3.c. Stream Buffer Area Reduction and Averaging – These riparian buffer adjustment options shall apply to the shoreline setbacks established by this SMP, except no setback or buffer may be reduced or averaged to less than seventy-five percent (75%) of the standard width required.
- m. 21.10.090 Appeals - These provisions shall only apply in shoreline jurisdiction as they are consistent with the permit procedures of this SMP regarding final permit decisions by the City or Ecology.

6.1.3 Dimensional Standards

1. **Buffers and Setbacks** - To protect people and property from life safety risks related to locating use and development adjacent to shoreline resources, and to protect shoreline ecological features from the impacts of human activities, the following criteria apply to setbacks and buffers in all shoreline environments:
 - a. Any use, development and modification must comply with the applicable critical area buffers and shoreline setbacks established this Program, as well as the front-, rear-, side-yard and accessory building setbacks of the underlying zone (NBMC Chapter 20). In the event a conflict occurs between these standards, the most protective shall prevail.
 - b. All non-water dependent structures and activities shall be located outside of shoreline setbacks and critical area buffers. For example, water-dependent activities may locate within the shoreline setback given their inherent need to be on or near the water.
 - c. As described in this Program, CAO buffers shall apply to critical areas located in shoreline jurisdiction, except Type S Riparian Buffers are replaced by the shoreline setbacks established by this program.
 - d. The standard shoreline setback distances, shown in Table 6-1, are presented by environment designation and type of proposed activity. The shoreline setback shall extend landward from the OHWM of the waterbody. These setback distances and standards apply to all shoreline use, development, and modification activity, as described, and shall replace the CAO Riparian Buffers for Type S streams.
 - e. Shoreline setback areas shall be established and maintained as consistent with the vegetation conservation, water quality and other applicable provision of this Program.
 - f. In no event shall any shoreline setback or critical area buffer be reduced or averaged by more than twenty-five percent (25%) or result in the setback or buffer being less than seventy-five percent (75%) of the standard width required.
 - g. Averaging – Consistent with the shoreline critical area provisions (§6.1.2), the standard shoreline setback distance or riparian buffer width may be adjusted by averaging on a case-by-case basis, provided:
 - i. Applicant shall first demonstrate that all feasible site design alternatives are applied to maintain the standard setback/buffer width.
 - ii. The give-and-take reconfiguration reduces one portion of the setback/buffer so that decreased widths are located where shoreline/riparian functions are less sensitive to land use impacts, and expands another portion of the setback/buffer so that increased widths are located where functions are more sensitive to land use impacts, to achieve no net loss or a net gain in functions.
 - iii. The total area of the setback/buffer after averaging is equal to the area required without averaging and no loss of functions results.
 - h. Any buffer or setback reduction or averaging that exceeds the above limits shall require a variance permit and may only be allowed when required to provide relief from dimensional standards that prevent reasonable use of property, subject to the standards and procedures of this Program.
2. **Height** - New or expanded buildings or structures shall not extend more than thirty-five feet (35') above average grade level when the views from public property or a substantial number of nearby residences will be obstructed. The maximum building height in all shoreline environments for all uses shall not exceed the height limitation of the underlying zone (NBMC Chapter 20). Where the underlying zone allows heights greater than this Program, the increased height may be allowed only where the applicant demonstrates:
 - a. Existing public access view corridors shall be protected;
 - b. The views of surrounding residences will not be obstructed; and
 - c. The increased height serves the overriding considerations of the public interest.
3. **Density** - To limit the percentage of a parcel that may be covered by impervious surfaces, the maximum density or building lot coverage shall be consistent with that allowed by the underlying zoning classification or that which would be permitted as part of a planned unit development (NBMC Chapter 20).

6.1.4 Environmental Impact Mitigation

1. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions. The first step is to avoid impacts by project planning and design. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated, according to the provisions of this section, to ensure no net loss of shoreline ecological functions.
2. To the extent Washington State Environmental Policy Act of 1971 (SEPA), Chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (NBMC 21.04 and WAC 197-11).
3. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority:
 - a. Avoiding the impact altogether by not taking certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
4. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.
5. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.
6. When compensatory measures are appropriate in pursuit of the priority of mitigation sequencing above, it is preferable to replace the impacted functions directly, and in the immediate vicinity of the impact. However, in some cases it may prove acceptable to propose off-site mitigation. In this case watershed plans or other existing documents should be used to identify appropriate places and resources. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as determined necessary to ensure no net loss of ecological functions.

6.1.5 Non-Conforming Use and Development

A use or development that was legally established prior to the effective date of this Program may currently exist in shoreline jurisdiction but no longer meet the current standards of this Program. Such non-conformities shall be subject to the following provisions of this SMP, as consistent with the provisions of NBMC Title 20. In the event of a conflict between such provisions, this SMP shall prevail.

1. **Continuance** – Non-conforming uses and developments may:
 - a. Continue as legal nonconforming uses;
 - b. Be maintained and repaired as consistent with this Program; and
 - c. Not be expanded or enlarged.
2. **Residential Exceptions** - A non-conforming residence and appurtenant structures that were legally established and are used for a conforming use, but that do not meet the current standards for setbacks, buffers, yards, area, bulk, height, or density shall be considered a conforming structure. For such structures the following shall apply:
 - a. Expansion or enlargement of a residential structure located landward of OHWM may be allowed with a conditional use permit if:
 - i. The addition of space to the main structure or the addition of normal appurtenances is consistent with all applicable provisions of this SMP;
 - ii. It does not further encroach waterward into the setback or buffer; and

- iii. Does not otherwise increase the degree of non-conformity.
 - b. For the purposes of this section, residential “appurtenant structure” means garages, sheds, and other legally established structures, and does not include structural shoreline stabilization, other modifications, or overwater structures.
- 3. **Relocation** - A non-conforming structure which is moved any distance must be brought into greater conformance with this SMP.
- 4. **Change of Use** - A non-conforming use in a conforming structure may be changed to:
 - a. A conforming use at any time, subject to the standards of this Program.
 - b. A different non-conforming use in the same structure only with a conditional use permit and consistent with the following standards:
 - i. No reasonable alternative conforming use is practical;
 - ii. The proposed use will be at least as consistent with the policies and provisions of this Program and the Act, and as compatible with surrounding existing uses as was the pre-existing use;
 - iii. Such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this Program, and to assure that the use will not become a nuisance or a hazard.
- 5. **Rebuild After Damage** - If a non-conforming development is damaged to an extent not exceeding seventy-five percent (75%) of the replacement cost, it may be reconstructed in-kind to those configurations existing immediately prior to the time of damage, provided that:
 - a. Application is made for the permits necessary to restore the development within six months of the date the damage occurred;
 - b. All necessary permits are obtained; and
 - c. Restoration is completed within one year of permit issuance.
- 6. **Abandonment** - A non-conforming use shall forfeit its non-conforming rights by discontinuance or abandonment for a period of eighteen (18) consecutive months and may not be continued. Any subsequent future use of such land or buildings shall be in conformity with the provisions of this SMP.
- 7. **Lots and Sub-divisions** - A non-conforming undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark may be developed as consistent with the underlying zoning requirements and all applicable provisions of this SMP.

6.1.6 Public Access

- 1. New development shall be designed, located, and operated to avoid and minimize adverse impacts to existing public access facilities, views from public property, and views from a substantial number of adjacent residences, per all applicable standards of this Program.
- 2. Public access shall be required as part of all development proposals by public entities, on public lands, all public and private commercial developments, for water-related, water-enjoyment or non water-dependent uses, and for residential developments or subdivisions of greater than four (4) units/lots when the following conditions exist:
 - a. The development would generate demand for one or more forms of public shoreline access; or
 - b. The development would eliminate, restrict, or otherwise impair existing legal access opportunities or rights.
- 3. An exception to required public access may be allowed where the applicant demonstrates the following:
 - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;

- b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access is unreasonably disproportionate to the total long term cost of the proposed development;
 - d. Significant environmental impacts would result from the public access that cannot be mitigated; or
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated. When such a conflict exists between water-dependent use or physical public access and views from adjacent properties, then the water-dependent use or physical public access shall have priority over adjacent views, unless there is compelling reason to the contrary; and
 - f. Alternate methods have been considered including, but not limited to, enhancing existing or creating new offsite public access, view-only facilities, separation of uses with effective planning, design, or screening, or restricted hours of access, and demonstrated to be infeasible.
4. Public access shall consist of a dedication of land or a physical improvement in the form of a trail or path, stairway, viewing platform, tower or viewpoint, park, or other area serving as a means of view and/or physical approach to shorelines of the state and may include interpretive centers and displays.
 5. Public access improvements shall meet all applicable standards of this Program, such as height, setbacks, vegetation conservation, and water quality, and minimize impacts to view corridors, especially views from public property and views from a substantial number of residences.
 6. Public access locations shall be clearly marked with visible signage.
 7. Existing public access provided by shoreline street ends, public utility corridors, and rights-of-way, including physical and visual access, shall be protected and enhanced.
 8. Requirements or conditions for public access shall be consistent with all relevant constitutional and other legal limitations on regulation of private property.
 9. Public access improvements shall not cause a net loss of shoreline ecological functions.

6.1.7 Shorelines of Statewide Significance

1. Use and development along the Columbia River, a shoreline of statewide significance, shall be designed, located, and operated to reflect the following order of preference:
 - a. Recognize and protect the statewide interest over local interest;
 - b. Preserve the natural character of the shoreline;
 - c. Result in long term over short term benefit;
 - d. Protect the resources and ecology of the shoreline;
 - e. Increase public access to publicly owned areas of the shorelines;
 - f. Increase recreational opportunities for the public in the shoreline;
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

6.1.8 Vegetation Conservation

Vegetation clearing and management activities shall only be allowed in association with an allowed (permitted) shoreline development, subject to the provisions of this SMP, as applicable, and the following minimum standards:

- A. Shoreline Vegetation.** The following standards shall apply to all use, development, and modification activities, permitted and exempt, throughout shoreline jurisdiction. An administrative determination may be required to ensure compliance.
 1. Shoreline vegetation along streams, rivers, lakes, and wetlands shall be conserved for its contribution to shoreline ecological functions and other values, such as stabilizing soil, filtering pollution, supporting hydrology and water quality, enhancing views and aesthetics, and providing habitat and other benefits for people, fish and wildlife.

2. Vegetation conservation standards do not apply retroactively to existing legally established uses and developments. Existing vegetation associated with such use and development may continue in the same footprint as was existing upon the effective date of this Program. Maintenance, expansion or reduction of size, or other redevelopment of existing vegetation shall be allowed, consistent with these and all applicable provisions of this SMP.
3. Clearing shall be limited to the minimum necessary to accomplish the authorized use while protecting shoreline functions and values; mitigation sequencing and cumulative impacts shall be considered.
4. No Net Loss. Clearing practices in shoreline areas shall be conducted so there is no net loss of shoreline ecological functions.
5. Water Quality. Construction materials, the use of chemicals for maintaining new or existing gardens, lawns and landscaping, and stormwater management techniques shall comply with the water quality section of this Program.
6. Maintenance of Existing Landscaping – Within the footprint of existing gardens, lawns, and landscaped areas, vegetation including trees less than six (6) inches dbh may be trimmed, cleared, mowed, increased, and replaced as ongoing operation and maintenance, subject to the standards of this Program.
7. Tree Removal. Clearing of trees shall be minimized except for public safety, scenic consideration, or public access and only where such removal will not cause degradation to shoreline ecological processes or functions.
 - a. Native tree removal must be mitigated by the installation of a similar native tree at a 1:2 impact to mitigation ratio. Within priority habitat areas such as oak woodlands (FWHCAs per NBMC 21.10.070 II E.2.c), the mitigation ratio shall be at least 1:2, or greater as determined in consultation with WDFW.
 - b. Non-native tree removal in shoreline setbacks must be mitigated by installation of a native or suitable non-native tree at a 1:2 impact to mitigation ratio.
 - c. All mitigation trees shall be preferentially placed in the shoreline setback, unless the trees provide connectivity to upland habitats or other critical areas.
8. Hazard Trees. Trees that are demonstrated to be an immediate risk, as defined, may be removed as follows:
 - a. Hazard trees may be removed if the risk cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function.
 - b. Hazard tree removal may be mitigated without a mitigation plan by converting of the hazard tree to a wildlife snag, leaving the downed tree on site, or by replanting a similar tree, whenever feasible.
9. Invasive Species. Removal of invasive or noxious weeds is encouraged, may be required, and shall be restricted as follows:
 - a. Hand removal or light equipment is preferred, except where no reasonable alternative to herbicides or other mechanical equipment exists and weed control is demonstrated in the public's interest.
 - b. For vegetation that is a hazard to electrical power lines, the use of handheld and walk-beside equipment, such as mowers and weed eaters, may be allowed.
 - c. On-site revegetation with appropriate native species planted to ensure long term survival at natural densities may be required in conjunction with chemical or mechanical removal of invasive plant species.
 - d. Aquatic weed control may only occur to address adverse impacts to native plant communities, fish and wildlife habitats, or existing water-dependent uses. Aquatic weed control shall occur in compliance with applicable laws and standards. Removal using mechanical methods is preferred over chemical methods.
10. Slope. No slope of cut or fill surfaces shall be steeper than 2:1 unless approved by the Shoreline Administrator. All cut fill and side cast slopes shall be planted or seeded with appropriate ground

cover or otherwise treated to prevent erosion of the slope.

11. Erosion/Sedimentation Control. All clearing shall be accomplished in a manner that minimizes erosion.
 - a. All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion/sedimentation.
 - b. Prior to undertaking any land clearing or grading, the applicant shall submit for approval by the Shoreline Administrator, an erosion/sedimentation control (ESC) plan.
 - c. The ESC plan shall set forth the specific measures to be utilized by the proposed project during (from beginning until the end) and following construction.
 - d. All clearing shall be consistent with the approved ESC plan.
 - e. All ruts and erodible soil conditions caused by brush cutting or any clearing operations should prevent the invasion of water or planted with appropriate ground cover.
 - f. Whenever seeding, planting or other soil stabilizing measures are specified as part of a shoreline development proposal, it shall be performed as soon as practical.
 - g. Replacement of non-native vegetation with native species shall be done in a manner that will not leave soil bare or vulnerable to erosion.
12. Authorized Exceedance - The Shoreline Administrator may allow, by conditional use, removal of vegetation exceeding the standards above where the applicant documents that replacement plantings will provide greater benefit to shoreline ecological functions than would be provided by strict application of this section, as demonstrated by a qualified professional.

B. Setbacks & Buffers - Vegetation within shoreline setback areas and critical area buffers shall be protected and maintained to the maximum extent feasible.

1. Retention – Setback and buffer vegetation shall be retained as follows:
 - a. Native trees, shrubs, and ground covers are preferred and shall be preserved or enhanced to support shoreline ecological functions such as habitat, shade, hydrology, and slope stabilization.
 - b. All trees over six (6) inches dbh shall be retained, except hazard trees.
2. Clearing - The removal of setback and buffer vegetation may only be allowed as follows:
 - a. Shall be the minimum necessary as demonstrated to support an allowed water-oriented use or development;
 - b. Impacts shall be mitigated consistent with the standards of this Program, and may require replanting with native vegetation elsewhere on the site.
 - c. Hazard Trees. Trees determined to be an immediate risk may be removed, subject to the provisions of this Program. Whenever feasible, the downed tree shall be left on site for habitat.
 - d. Trimming for Views. Nondestructive selective pruning for view protection may be allowed. Limited, selective nondestructive limbing, skirting, windowing or pruning for plant health or view maintenance shall be allowed as follows:
 - i. Methods shall be in compliance with the most current ANSI A300 (Part 1) guidelines.
 - ii. Trimming for public or private view corridors does not ensure an unobstructed line of sight from or of all shoreline areas; views from different properties may vary.
 - iii. Consistent with the public access priorities of this Program regarding conflict between water-dependent shoreline uses, physical public access, and maintenance of views from adjacent properties.

6.1.9 Water Quality, Stormwater, and Nonpoint Pollution

1. Shoreline development and use shall incorporate measures to protect and maintain surface and ground water quality in accordance with all applicable laws, regulations and plans in order to prevent impacts to public health and safety, views and public access, and to ensure no net loss of shoreline ecological functions.
2. All materials that may come into contact with water shall be composed of non-toxic materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely

affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.

3. The use of herbicide, pesticide, fungicide, fertilizer and other such chemicals for lawn care, weed and pest control, and maintenance of ornamental gardens, lawns and landscaping, and other property management chemical applications are discouraged, shall be the minimum necessary, and all manufacturer's instructions must be followed. Washington Department of Ecology regulates the use of herbicides to control nuisance weeds and algae in lakes and streams. Non-toxic methods are always preferred whenever feasible.
4. Solid and liquid wastes and untreated effluents shall not be allowed to enter any groundwater or surface water or to be discharged onto shorelands. The release of oil or other petroleum products, chemicals, or hazardous materials onto shorelands or into the water is prohibited.
5. The City shall determine if surface water pollution has occurred or is occurring within the shoreline jurisdiction by:
 - a. Utilizing the federal Environmental Protection Agency quality criteria for freshwater bodies and the state Department of Ecology water quality standards for surface waters of the state listed in WAC Chapter 173- 201A; or
 - b. Requesting investigations by other agencies have regulatory authority regarding surface water pollution.
 - c. The City reserves the right to pursue other appropriate civil actions under state and federal law, including a citizen suit under the federal Clean Water Act.
6. When the City or the investigating agency determines surface water quality pollution has occurred within shoreline jurisdiction, notice shall be provided to the alleged source pollutants identifying the specific water quality problem and requesting that the problem be remedied. The City may pursue city, state and/or federal enforcement actions when any surface water pollution is verified.
7. Low Impact Development (LID) techniques for stormwater infiltration, treatment, conveyance, and dispersal and other sustainable development best management practices (BMPs) shall be considered and implemented where feasible. Property owners are encouraged to voluntarily install and retrofit stormwater facilities and landscaping features to utilize LID and other BMP techniques, consistent with the Stormwater Management Manual for Western Washington (2014 or as amended).

6.2 Shoreline Modifications

When a physical alteration of the shoreline is allowed in support of or preparation for a shoreline use or development, the following standards apply to all shoreline modification activities:

1. To avoid individual and cumulative adverse impacts and a net loss of ecological functions, shoreline modifications shall be limited in number and extent. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
2. Shoreline modifications shall be limited to those that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
3. Structural shoreline modifications shall only be allowed where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
4. If the shoreline modification is approved, all feasible measures to protect shoreline ecological functions and processes shall be incorporated.

5. The enhancement of impaired ecological functions shall be part of any modification proposal, wherever feasible and appropriate, while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
6. Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).

6.2.1 Boating Facilities and Overwater Structures

A. General

1. All The following boating facilities and overwater structures shall be prohibited in all shoreline environments:
 - a. Boat houses;
 - b. Floating home;
 - c. Covered moorage;
 - d. Lifts;
 - e. Liveboards;
 - f. Marinas; and
 - g. Mooring buoys, pilings, or piling fields.

Prohibitions on Hamilton Creek (HC), Greenleaf Lake (GL), Greenleaf Creek (GC), and Columbia River (CR) are based on safety issues and risk of environmental damage due to one or more of the following: extreme seasonal variations in flow; shallowness; lack of or limited circulation/flushing; critical habitat; lack of or limited navigability; and proximity to operational hydroelectric facilities.

2. All boating facilities and overwater structures shall be designed, located and operated to meet the following:
 - a. Only allowed in support of a water-dependent use, residential use, or public access.
 - b. Applicant has demonstrated that a specific need exists to support the intended water-dependent use.
 - c. Restricted to the minimum size necessary to meet the needs of the water-dependent use.
 - d. Demonstrate the site has suitable environmental conditions, shoreline configuration, access, and neighboring uses.
 - e. Avoid or, if that is not possible, minimize and mitigate the impacts to ecological functions, critical areas resources such as freshwater habitats, and shoreline functions and processes.
 - f. Assure no net loss of ecological functions as a result of boating facility or overwater use or development.
 - g. Comply with the most current performance and dimensional standards, and health, safety, and welfare requirements of other regulatory authorities, as applicable (such as WDFW, WDNR, WDOH, ACOE, USFWS).
 - h. Avoid, or if not possible, mitigate aesthetic impacts.
 - i. Protect normal public use of waters of the state and the rights of navigation.
 - j. No extended mooring on waters of the state, except as allowed by applicable state regulations and only if a lease or permission is obtained from the state, and impacts to navigation and public access are mitigated.
3. All boating facilities or overwater structures developed by a public entity, such as local government, port district, state agency or public utility district, shall include public access as part of each project, consistent with the standards of this Program.
4. Existing boating facilities and overwater structures shall be maintained, and repaired as needed, to ensure a safe and sound condition using non-toxic materials and methods. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner or lessee, consistent with this Program. Enlargement or expansion may not be allowed as maintenance or repair.

5. No more than one dock, pier or boat launch may be allowed for each shoreline lot or parcel.
6. When allowed, residential or public recreational dock, pier, launch/ramp, and float design shall be consistent with current state hydraulic code and other applicable agency standards, including but not limited to:
 - a. Limited width and length to minimize impacts;
 - b. Minimize shading and predator habitat;
 - c. Unobstructed grating over a minimum surface area;
 - d. Grating material's minimum functional open space;
 - e. Combination of grated surface area and grating open space may be allowed if equal to or better than the requirements;
 - f. Flotation components shall be fully enclosed and protected from damage by ultraviolet radiation and abrasion.
 - g. Tires are prohibited as part of any above or below water structures or where the tire(s) could potentially come into contact with the water (e.g. fenders, flotation, hinges).
7. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are demonstrated to be auxiliary to and in support of a water-dependent use, provided the minimum size requirement needed to meet the water-dependent use is not violated.
8. Only one, community or joint-use facility may be permitted in association with a land division of more than four lots, a multi-family residential development, or a non-residential development. The application shall demonstrate the need for and public benefit of the facility.
9. Applicants for community or joint-use piers, docks and/or launches shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties.
10. Storage of fuel, oils, and other toxic materials is prohibited on docks, piers, floats and ramps.

B. Floats

1. Public and private floats for moorage shall be prohibited in all shoreline environments.
2. Public or private recreational floats may only be allowed on Greenleaf Lake when adjacent to Shoreline Commercial Recreation, Shoreline Residential or Natural shoreline environments.

C. Launches/Ramps

1. New or expanded boat launches or ramps may be allowed on Greenleaf Lake based on shoreline environment as follows:
 - a. Shoreline Commercial Recreation - public, and private community or joint-use launches or ramps may be allowed;
 - b. Active Waterfront - launches or ramps are not allowed;
 - c. Shoreline Residential – private launches or ramps may be allowed as a conditional use;
 - d. Natural – launches or ramps are not allowed;

2. Launches or ramps shall be set back a minimum of ten (10) feet from the side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.

D. Piers and Docks – General

1. New piers and docks may be allowed on Greenleaf Lake based on the adjacent upland shoreline environment as follows:
 - a. Shoreline Commercial Recreation - public and private piers and docks may be allowed, as follows:
 - i. Public, and private community or joint-use piers and docks for moorage may be allowed;
 - ii. Private individual piers and docks for moorage may be allowed as a conditional use;
 - iii. Public piers and docks for non-boating recreation/access may be allowed;
 - iv. Private community or joint-use piers and docks for non-boating recreation/access may be allowed as a conditional use;
 - v. Private individual piers and docks for non-boating recreation/access are not allowed.
 - b. Active Waterfront - public and private piers and docks are not allowed;
 - c. Shoreline Residential – public piers and docks are not allowed; private piers and docks may be allowed, as follows:
 - i. Private individual, and community or joint-use piers and docks may be allowed for moorage;
 - ii. Private piers and docks for non-boating recreation/access are not allowed;
 - d. Natural – public piers and docks for moorage or recreation/access may be allowed as a conditional use, private piers and docks are not allowed.
2. Shared community or joint-use, and public piers and docks for boating and public access shall be preferred over private, individual structures, whenever feasible.
3. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the City and consistent with the SMA, SMP Guidelines, and this Program, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to plan and provide for existing and future water-dependent uses.
4. The maximum dimensions of a dock or pier shall be no greater than necessary, and may be adjusted to protect sensitive shoreline resources.
5. The Administrator may adjust the dimension in this section by equal to or less than ten (10) percent on a case-by-case basis if there are factors such as safety, ADA accessibility, or potential environmental damage. If the proposal requires more than a ten (10) percent deviation, then a Shoreline Variance Permit will be required.

E. Piers and Docks – Residential

1. A dock accessory to a single-family residence is considered a water-dependent use only when designed and intended for access to watercraft and otherwise complies with the provisions of this Program. The City may require the applicant to provide documentation to verify the existing watercraft.
2. Where allowed, new multi-family residential development of two or more dwelling units shall provide shared, community or joint-use pier/dock facilities, when feasible, rather than allow individual structures for each residence/lot. When more than four units, public access shall be provided, as required by the standards of this Program.

F. Piers and Docks – Non Residential

1. Piers and docks for public or private commercial, industrial, institutional, or recreation uses shall provide public access, as required by the standards of this Program.

6.2.2 Fill and Grading

1. Fill and grading may be permitted in the Shoreline Commercial Recreation, Active Waterfront, and Shoreline Residential environments, and may be allowed as a conditional use in Natural or Aquatic environments, consistent with this Program.
2. Upland Allowance - Fill and grading may only be allowed upland of OHWM, provided it is:
 - a. Part of an allowed use or modification;
 - b. Located outside shoreline setbacks and critical area buffers, unless specifically allowed
3. In-water Allowance - Fill and grading shall only be allowed waterward of OHWM when demonstrated as necessary to support the following:
 - a. Water-dependent use;
 - b. Public access;
 - c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
 - d. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the department of natural resources;
 - e. Expansion, alteration, or repair of transportation facilities of statewide significance currently located on the shoreline, only when no feasible alternative exists;
 - f. Mitigation actions;
 - g. Environmental, ecological, or watershed restoration or enhancement projects;
 - h. Beach nourishment or enhancement projects.
4. Fill in areas of high shoreline erosion potential shall only be allowed as a conditional use.
5. Protect Ecological Functions - Fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and to ensure no net loss of ecological functions.
6. Design - All fill and grading, except when for the purpose of shoreline restoration, must be designed:
 - a. To be the minimum size necessary to implement the allowed use or modification.
 - b. To fit the topography so that minimum alterations of natural conditions will be necessary.
 - c. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
7. Erosion Control – An erosion and sediment control (ESC) plan, including best management practices (BMPs), shall be provided for all proposed fill and grading activities to meet the following:
 - a. The fill and grading is conducted in a manner to minimize erosion, consistent with the approved ESC plan.
 - b. The ESC plan shall set forth the specific measures to be utilized by the proposed project during (from beginning until the end) and following construction.
 - c. All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion/sedimentation, and shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.
 - d. No slope of cut or fill surfaces shall be steeper than 2:1 unless approved by the Shoreline Administrator.
 - e. All cut fill and side cast slopes shall be planted or seeded with appropriate ground cover or otherwise treated to prevent erosion of the slope.
 - f. All ruts and erodible soil conditions caused by grading operations should prevent the invasion of

- water or planted with appropriate ground cover.
- g. Whenever seeding, planting or other soil stabilizing measures are specified as part of a shoreline development proposal, it shall be performed as soon as practical.
8. When allowed, fill and grading activities must comply with the following standards to demonstrate that:
 - a. Alternatives to fill and grading are not feasible;
 - b. Fill and grading shall allow surface water penetration into the ground water supply, where such conditions exist prior to the modification; and
 - c. The timing of the fill and grading will minimize damage to water quality and aquatic life.
 - d. Fill materials shall be of such quality that it will not adversely affect water quality;
 - e. Fill shall be deposited so as to minimize disruption of normal surface and ground water passage. Earth material which has no more than a minor amount of organic material and has no rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used;
 - f. Fill located waterward of the ordinary high water mark shall evaluate total water surface reduction, impediment of water flow and circulation, reduction of water quality, and destruction of habitat.
 - g. Fill within the one hundred-year (100-year) flood plain requires demonstration that the fill will not reduce the flood plain water storage capacity or in any way increase flood hazard so as to endanger public safety.
 9. For allowed fill activities, the ground surface shall be prepared to receive fill by removing unsuitable materials such as refuse and construction debris, oversized rock, tree stumps, brush, or similar, as appropriate for the project. Unsuitable materials may not be buried or used as fill material.
 10. Fill and grading shall be designed to blend physically and visually with existing topography whenever possible. Perimeter banks shall be sloped no steeper than 1 foot vertical for every 3 feet horizontal unless a specific engineering or geotechnical analysis has been provided and the Shoreline Administrator determines that the fill blends with existing topography.

6.2.3 Dredging and Dredge Disposal

1. Except as part of an ecological restoration, enhancement and/or mitigation project, dredging activities, including disposal of dredge material, in any shoreline environment require a Conditional Use Permit and must comply with all federal and state regulations.
2. Dredging activities are allowed only to establish a new or maintain an existing navigation channel, where necessary to protect public safety, or as part of an ecological restoration, enhancement and/or mitigation project.
3. Dredge disposal activities in the Natural environment are only permitted as part of ecological restoration, enhancement and/or mitigation project.
4. Dredging waterward of OHWM for the single purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
5. Dredge disposal uses of suitable material that benefit shoreline resources may be allowed only if identified by an adopted regional interagency dredge material management plan or watershed management plan. Dredge material disposal in wetlands or channel migration zones is not preferred.
6. Where allowed, dredging operations must be designed, located and conducted to avoid or minimize significant ecological impacts. Impacts which cannot be avoided shall be mitigated to ensure no net loss of shoreline ecological functions or processes.
7. New development shall be sited or designed to avoid or, if not possible, to minimize the need for new and maintenance dredging.

6.2.4 Flood Hazard Reduction and In-stream Structures

A. Flood Hazard Reduction

1. Non-structural flood hazard reduction measures shall be preferred over structural measures, whenever feasible.
2. The removal of gravel for flood management purposes shall only be allowed when:
 - a. Consistent with an adopted flood hazard reduction plan as part of a comprehensive flood management solution;
 - b. A biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction;
 - a. The action does not result in a net loss of ecological functions; and
 - b. Otherwise consistent with this Program.
3. Dikes and levees, or other structural flood hazard reduction methods, shall only be authorized by conditional use permit when it can be demonstrated by a scientific and engineering analysis that:
 - a. They are necessary to protect existing development;
 - b. Nonstructural measures are not feasible;
 - c. Impacts on ecological functions and critical areas can be successfully mitigated so as to assure no net loss; and
 - d. Appropriate vegetation conservation actions are undertaken.
4. Dikes and levees shall protect the natural processes and resource values associated with the water body including but not limited to wildlife habitat.
4. Underground springs and aquifers shall be identified and protected.
5. Structural flood hazard reduction projects that are publicly funded shall meet the public access, restoration, and other applicable provisions of this Program, including but not limited to:
 - a. Project design, location, and operation must not restrict appropriate public access to the shoreline, shall dedicate and improve public access to the shoreline;
 - b. Dedicate and improve public access pathways, unless public access improvements would cause:
 - Unavoidable health or safety hazards to the public;
 - Inherent and unavoidable security problems;
 - Unacceptable and unmitigable significant ecological impacts;
 - Unavoidable conflict with the proposed use: or
 - Cost that is disproportionate and unreasonable to the total long-term cost of the development; and
 - c. Provide ecological restoration.
6. New dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan.
7. Dikes and levees shall be designed, constructed and maintained in accordance with Hydraulic Project Approval.
8. Structural flood hazard reduction measures shall be placed landward of associated wetlands, buffers and vegetation conservation areas unless:
 - a. There is no other feasible alternative to reduce flood hazard to existing development as documented by geotechnical analysis, or
 - b. An increase of ecological functions would result, such as wetland restoration.

9. The need for, and analysis of, feasible alternatives to structural improvements shall be documented through a geotechnical analysis.
10. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
11. All new or replacement flood hazard reduction measures shall be designed and constructed so that down-current banks will not be adversely affected.
12. Structural flood hazard reduction measures shall be consistent with the City's adopted comprehensive flood hazard management plan approved by the state that evaluates cumulative impacts to the watershed system.
13. New development located within a channel migration zone or floodway, shall be limited only to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i).

B. In-stream Structures

1. In-stream structures may only be allowed in the Aquatic designation with a conditional use permit.
2. In-stream structures shall be designed, located, and operated to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
3. In-stream structures shall be planned and located in consideration of a full range of public interests, including but not limited to navigation, public access and recreation, watershed functions and processes, and environmental concerns, especially the protection and restoration of priority habitats and species.
4. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City may condition the permit to achieve this objective with requirements such as building materials and methods, setbacks, buffers, or storage basins.
5. Natural in-stream features such as snags, uprooted trees, or stumps shall be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
6. In-stream structures shall provide for adequate upstream and downstream migration of fish, where applicable.
7. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.
8. In-stream structures and their support facilities shall be located and designed to avoid the necessity for structural shoreline stabilization. When allowed, shoreline stabilization structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.
9. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.
10. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline functions.
11. Mitigation plans that detail the objectives of the mitigation activities shall be prepared by the applicant, and be subject to approval by the Administrator and WDFW.

6.2.5 Restoration and Enhancement

1. Activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing shoreline ecological functions and habitat for priority species in shorelines shall be encouraged.
2. Proposals for habitat and natural system enhancement projects shall be allowed and may include shoreline modification actions such as vegetation modifications, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, only if the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
3. Proposals shall ensure that the project address legitimate restoration needs and priorities and facilitates the implementation of the Restoration Plan, prepared as a companion to this Program.
4. Restoration and enhancement projects shall conform to all other applicable standards of this Program, and other regulatory requirements, as appropriate.
5. **Incentive to restore impaired conditions.** To encourage new development or redevelopment to restore and enhance degraded ecological functions and processes, consistent with RCW 90.58.580, the Shoreline Administrator may grant relief from the standards and use regulations of this SMP for restoration actions that result in relocation of the OHWM, provided that all the following standards are met:
 - a. The shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:
 - i. Land that had not been regulated under this SMP prior to construction of the restoration project is brought under shoreline jurisdiction; or
 - ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the shoreline master program; and
 - iii. Application of shoreline master program regulations would preclude or interfere with use of the property permitted by other development regulations, thus presenting a hardship to the project proponent;
 - b. The proposed relief meets the following criteria:
 - i. The proposed relief is the minimum necessary to relieve the hardship;
 - ii. After granting the proposed relief, there is net environmental benefit from the restoration project;
 - iii. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with this SMP; and
 - iii. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and
 - c. The application for relief must be submitted to the Department of Ecology (Ecology) for written approval or disapproval. This review must occur during the Ecology's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then Ecology shall conduct its review when the City of North Bonneville provides a copy of a complete application and all supporting information necessary to conduct the review.
 - i. Except as otherwise provided in subsection (d) below, Ecology shall provide at least twenty days (20) notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on their web site.
 - ii. Ecology shall act within thirty calendar days of close of the public notice period, or within thirty days of receipt of the proposal from the city if additional public notice is not required.
 - d. The public notice requirements of subsection (c) above do not apply if the relevant shoreline restoration project is included in the city's related shoreline restoration plan as follows:
 - i. The restoration plan has been approved by Ecology under applicable shoreline master program guidelines;
 - ii. The shoreline restoration project is specifically identified in this SMP or the restoration plan or is located along a shoreline reach identified in this SMP or the restoration plan as appropriate for granting relief from shoreline regulations; and
 - iii. This SMP or the city's related restoration plan includes policies addressing the nature of

- the relief and why, when, and how it would be applied.
- e. A substantial development permit is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

6.2.6 Shoreline Stabilization

Shoreline stabilization includes a wide range of activities carried out at the water's edge to control erosion. Methods range from hard armoring (such as bulkheads, jetties, revetments, and seawalls) to alternative soft shore techniques (such as bioengineering) and non-structural approaches (such as setbacks, relocation and drainage solutions). Stabilization efforts are typically located parallel to and near the ordinary high water mark for the purpose of protecting adjacent upland structures from erosion, or may be located below OHWM (such as jetties, breakwaters, groins, and weirs). Generally, the harder the construction method the greater the impact on natural shoreline processes, including sediment transport, geomorphology and biological functions. Therefore, non-structural and soft structural approaches are preferred over hard armoring methods whenever feasible.

The Shoreline Administrator may approve shoreline stabilization only when the need has been demonstrated that shoreline erosion due to current, flood, tide, wind or waves threatens an existing structure, public improvement, unique natural resource, or the only feasible access to a property, and that the proposed stabilization complies with all applicable criteria and standards in this section and the Program. Note the distinctions below between new or replacement stabilization structures, and repair, expansion or enlargement of existing structures.

1. **New Development.** New development will be located and designed to avoid the need for future shoreline stabilization to the extent feasible based on geotechnical analysis.
 - a. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
 - b. New development on steep slopes or bluffs shall be set back to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
 - c. Subdivisions of land must assure that the lots created will not require shoreline stabilization in order for reasonable development to occur.
2. **New Stabilization Structures:** New structural stabilization measures shall not be allowed, except when necessity is demonstrated as follows:
 - a. **Primary Structure.** To protect existing primary structures when all of the following apply:
 - i. New or enlarged shoreline stabilization structures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion causes by current, flood, tide, wind or waves.
 - ii. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need.
 - iii. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering shoreline stabilization structures.
 - b. **Non Water Dependent.** 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 the loss of vegetation and drainage issues.
 - ii. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as current, flood, tide, wind or waves.

- c. **Water Dependent.** In support of water-dependent development when all of the conditions below apply:
 - i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage issues.
 - ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - d. **Ecological Restoration.** To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D when nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient. The erosion control structure will not result in a net loss of shoreline ecological functions.
3. **Replacement Stabilization Structures.** An existing shoreline stabilization structure may be replaced with a similar structure if there is demonstrated need to protect principal uses or structures from erosion caused by current, flood, tide, wind or wave actions. Approved replacement structures are subject to the following provisions:
- a. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - b. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or the existing structure unless:
 - i. The residence was occupied prior to January 1, 1992, and
 - ii. There are overriding safety or environmental concerns.
 - iii. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - c. Soft shore stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
 - d. As defined, a replacement structure does not include any additions to or increases in size of the existing shoreline stabilization structure. Any enlargement or expansion shall be considered a new structure.
4. **Geotechnical Reports.** Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter:
- a. Hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or
 - b. Where waiting until the need for armoring is so great that it would foreclose on the opportunity to utilize measures that avoid or minimize impacts to ecological functions.
 - c. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may be used to justify more immediate authorization to protect against erosion using soft shore stabilization measures.
5. **Standards.** When any shoreline stabilization measures are demonstrated to be necessary, pursuant to the above provisions, the following standards shall also apply:
- a. New, enlarged or replacement stabilization structures shall not result in a net loss of shoreline ecological function.
 - b. Limit the size of stabilization measures to the minimum necessary. Use measures designated to assure no net loss of shoreline ecological functions. Soft shore stabilization approaches to absorb and dissipate energy are preferred over hard structures and shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

- c. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shorelines except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. When feasible, incorporate ecological restoration and public access improvements to the project.
 - d. All new or replacement shoreline stabilization shall be designed and constructed so that down-current banks will not be adversely affected.
 - e. Shoreline stabilization measures, including bulkheads and riprap, shall be designed and constructed in a manner consistent with the Department of Fish and Wildlife, Corps of Engineers and/or other engineering and design specifications deemed appropriate by the Shoreline Administrator, including but not limited to WAC 220-660-130.
 - f. Bulkheads shall meet all the following standards:
 - i. Permitted only where they provide protection to upland areas or facilities.
 - ii. Not to be used for creating new land directly or indirectly.
 - iii. Adequate toe protection provided to ensure bulkhead stability.
 - iv. Designed to permit the passage of surface or ground water without causing ponding or saturation.
 - g. Mitigate new and replacement erosion control structures in sediment-producing areas to avoid and minimize adverse impacts to sediment conveyance systems.
 - i. Where sediment conveyance systems cross jurisdictional boundaries, the City shall coordinate with the County for shoreline management efforts.
 - ii. If bank erosion is threatening existing development, the City may form a management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.
5. Shoreline vegetation shall be protected and restored along or near shorelines to protect and restore the ecological functions and ecosystem-wide processes and to protect human safety and property.
 6. Cut-and-fill slopes and backfill areas shall be re-vegetated with native grasses, plants, shrubs and/or trees.
 7. Shoreline stabilization activities are prohibited in areas where their presence may necessitate new or increased erosion protection on the same or other affected properties where no previous need for protection existed.
 8. Shoreline stabilization may be allowed for environmental restoration purposes if the City determines, with objective evidence that such action will lead to a net increase in shoreline ecological functions.
 9. Jetties, breakwaters, groins and weirs located below OHWM are prohibited in the Aquatic environment designation, except for protection or restoration projects pursuant to WAC 173-26-231(3)(d). Those structures installed to protect or restore ecological functions, such as woody debris installed in streams or similar, shall be designed to protect critical areas, follow the mitigation sequence, and meet all other applicable provisions of this Program.

6.3 Shoreline Uses

When allowed, all shoreline use and development must be consistent with the environmental designation where located, the general requirements of this Program, and the provisions of this section, as applicable. Use and development activities best suited for a shoreline location are those that:

- a. Control pollution and prevent damage to the natural environment;
- b. Are unique to or dependent upon the state's shoreline areas;
- c. Protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife;
- d. Protect property rights while implementing the policies of the Shoreline Management Act.

6.3.1 Preferred and Prohibited Uses

1. Shoreline use and development activities shall be allowed according to the following required order of preference:

- a. Protection and restoration of ecological functions.
 - b. Water-dependent and associated water-related uses.
 - c. Mixed-use developments that include and support water-dependent uses.
 - d. Water-related and water-enjoyment uses.
 - e. Single-family residential uses, where appropriate.
2. In the event of conflict over the shoreline location of a use or development, special conditions apply as follows:
 - a. Water-dependent uses are preferred over non water dependent uses;
 - b. Water-related and water-enjoyment uses are preferred over non water oriented uses.
 - c. Non-water-oriented uses should be limited to locations where preferred uses are inappropriate or where non-water-oriented uses demonstrate a contribution to the objectives of the Act.
 3. All preferred and other allowed use and development shall be designed to assure no net loss of shoreline ecological functions.
 4. The following uses are prohibited in all shoreline environments as inconsistent with a shoreline location or with the City's zoning code (NBMC Title 20):
 - a. Agricultural activities;
 - b. Aquaculture
 - c. Forest management practices;
 - d. Mining;
 - e. Solid waste disposal facilities;
 - f. Primary parking facilities.

6.3.2 Commercial and Industrial

Activities and structures associated with commercial or industrial use and development that are identified separately in this Program (such as Piers, Docks, Signs, Parking, Utilities, etc.) are also subject to those use or modification regulations and the general provisions of this Program, as well as the following standards:

1. Commercial and industrial use and development is prohibited in the Natural and Shoreline Residential environments, and may be allowed in the Shoreline Commercial Recreation, Active Waterfront, and Aquatic environments, consistent with this Program.
2. Where allowed, commercial or industrial use and development must be located, designed, constructed, and operated in a manner to assure the following:
 - a. No net loss of shoreline ecological functions;
 - b. No significant adverse impacts to other shoreline resources and values, such as navigation, public access, and recreation;
 - c. Public scenic views shall not be blocked;
 - d. Proposed site is conducive for environmental clean-up and restoration/enhancement; and
 - e. If located on public land, public access features shall be required per the standards of this Program.
3. The City shall first give preference to water-dependent commercial or industrial uses over non water-dependent; and second, give preference to water-related and water-enjoyment commercial or industrial uses over non water-oriented.
4. A commercial or industrial use's specific water-oriented classification is directly affected by its design, layout and operation. Commercial or industrial use or development authorized as water-related or water-enjoyment shall incorporate appropriate design and operational elements so that they meet those definitions.
5. Water-related and water-enjoyment commercial or industrial use and development shall provide public access

and ecological restoration as potential mitigation of impacts to shoreline resources and values, unless such improvements are demonstrated to be infeasible or inappropriate, as consistent with the provisions of this Program.

6. New non-water oriented commercial or industrial use or development may be allowed in the Shoreline Commercial Recreation and Active Waterfront environments, only when the following criteria are met:
 - a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit such as public access and ecological restoration;
 - b. Navigability is severely limited at the proposed site and the commercial or industrial use provides a significant public benefit such as public access and ecological restoration;
 - c. The site is physically separated from the shoreline by another property or public right of way;
 - d. Prohibited over water, except in existing structures, or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

6.3.3 Outdoor Signs

1. To protect shoreline views and aesthetics, and to minimize structural modifications in all shoreline environments, outdoor signage shall be:
 - a. The minimum necessary for public safety, public access, recreation, and restoration purposes;
 - b. Otherwise limited for on-site and off-site commercial, industrial or private purposes.
2. Signs shall be allowed as follows:
 - a. Public safety, public access, recreation, and restoration signs, including directional, way-finding, orientation, rules, and educational/interpretive signs, may be permitted in the Shoreline Commercial Recreation environment, or as a conditional use in the Natural, Active Waterfront, Shoreline Residential, or Aquatic environments, subject to the provisions of this Program;
 - b. Signs for commercial, industrial or private purposes may be allowed as follows:
 - i. On-site: Signs relating to the specific business or activity being conducted on the same property may be allowed only as a conditional use in the Shoreline Commercial Recreation environment, subject to the provisions of this Program and all other applicable city regulations;
 - ii. Off-site: Signs located on a property separate from the location of the related commercial, industrial or private use or development are prohibited in all environment designations.
3. When allowed, all signs shall be designed, constructed, placed and maintained to meet the following:
 - a. Those for safety, access, recreation or restoration may only be installed by the City or other authorized entity, as approved by the Shoreline Administrator;
 - b. Not interfere with pedestrian or vehicular traffic, visibility, line of sight, or public safety;
 - c. Be secured and repaired as necessary to maintain public safety and value;
 - d. Not impair views of the water or shoreline from upland locations or views of the shoreline uplands from the water;
 - e. Vistas and viewpoints shall remain free of unnecessary signs;
 - f. Ensure no net loss of shoreline ecological functions and avoid other significant adverse impacts on other shoreline values.

6.3.4 Recreation

Private and public shoreline recreational use and development is given priority when its primary purpose is to provide access to, enjoyment and use of the water and shorelines of the state. When allowed, the following standards shall apply:

Water-oriented

1. Water-oriented recreation may be permitted in all shoreline environments, consistent with the requirements of this section, the SMP, and other applicable local, state, or federal standards.

2. Public and private recreational development shall be designed, located, and operated to:
 - a. Be consistent with purpose of the environment designation where allowed; and
 - b. Assure that no net loss of shoreline ecological functions or ecosystem-wide processes results.
3. State-owned and other public shoreline areas are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public and shall be given appropriate special consideration for such uses.
4. Commercial recreational development must also be consistent with the provisions for commercial development in this Program.
5. Recreational developments shall not create significant adverse effects on nearby residential uses of private property, the environmental quality or natural resources of the shoreline area.
6. Ecologically valuable shoreline resources and fragile or unique environmental areas shall only be used for passive, non-intensive and non-structural recreation activities.
7. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features, including unique and fragile areas, scenic views and aesthetic values. To this end, the City may adjust and/or prescribe project dimensions and placement, components on the site, intensity of use, screening, parking requirements as deemed appropriate to achieve the goals and policies of this Program.
8. All primary recreational use and development and supporting accessory facilities (such as restrooms, commercial services, recreation halls, access roads and parking areas) shall be evaluated separately for location and construction so that water-oriented recreation is prioritized in the shoreline area over non water-oriented recreation, as consistent with the standards of this Program.
9. Accessory parking areas shall:
 - a. Be located in compliance with the transportation and other applicable provisions of this SMP; and
 - b. Provide access to the related recreation facility by trails, walkways, or other non-motorized methods.
10. Proposals for recreational development shall include a landscape plan in which native, self-sustaining vegetation is preferred, and site planning that is consistent with the vegetation conservation, clearing and grading, and other applicable standards of this Program.
11. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of picnic areas, selected view or other permitted structures or facilities, as consistent with this Program.

Non-water oriented

1. Non water-oriented recreation as a primary use, such as golf courses and sports courts/fields, is not preferred and shall only be allowed as follows:
 - a. May be allowed as a conditional use in the Shoreline Commercial Recreation and Active Waterfront environments;
 - b. Are prohibited in the Aquatic, Natural, and Shoreline Residential environments.
2. When allowed, non water-oriented recreational uses must comply with the water-oriented recreational use standards of this section, other applicable provisions of this Program, and other requirements of the City code.

6.3.5 Residential

Residential use and development is not water-dependent but single-family residences are a priority use of the shorelines when such development is planned and carried out in a manner that controls pollution, protects shoreline functions and processes, and prevents damage to the natural environment consistent with the no net loss and other applicable provisions of this Program.

1. Residential use and development in the Active Waterfront, Natural and Aquatic environments is

prohibited.

2. Residential use and development may be allowed in the Shoreline Commercial Recreation and Shoreline Residential environments, consistent with the requirements of this Program.
3. Residential development in- or over-water, including floating homes, is prohibited.
4. New residential use and development, including appurtenant structures, plats, subdivisions and planned unit developments, shall be designed, configured, constructed, and maintained in a manner that:
 - a. Assures no net loss of ecological functions will result from the development at full build-out;
 - b. Prevents the need for new shoreline stabilization or flood hazard reduction measures; and
 - c. Is consistent with the environmental designation where located.
5. New multi-family residential development, including subdivision of land greater than four (4) units/lots, shall provide shared community access and/or public access, as consistent with the requirements of this Program.
6. Residential use and development shall retain and protect the native shoreline vegetation, or replace and enhance shoreline vegetation according to the Vegetation Conservation, Clearing, Grading, and other applicable provisions of the SMP.
7. Residential use and development shall meet all required setbacks and buffers established by this Program.
8. Residential development plans submitted for approval shall contain provisions for the protection of ground water supplies, erosion control, landscaping and maintenance of the natural shoreline integrity and ecological functions.
9. Residential development is prohibited within the 100-year flood plain except when it can be demonstrated (as determined by a qualified professional) that the storage capacity of the flood plain will not be significantly reduced, flood hazards to upstream properties will not be increased, and public safety is otherwise not endangered.

6.3.6 Transportation Facilities

Transportation facilities, such as roads, bridges, parking, and trails/paths, provide public and private circulation infrastructure for motorized and non-motorized modes.

1. Transportation use and development, except primary use parking, shall be permitted within the Shoreline Commercial Recreation, Active Waterfront and Shoreline Residential environments according to the standards of this Program, including public access, environmental protection, and other applicable provisions.
2. Transportation use and development are prohibited in the Natural and Aquatic environments, except where bridges, culverts or other in- or over-water structures are required for stream-crossings.
3. Primary use parking is prohibited in all shoreline environments.
4. Accessory use parking may be permitted in the Shoreline Commercial Recreation and Active Waterfront environments.
5. Transportation facilities shall provide safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary and otherwise consistent with this SMP.
6. Circulation system planning shall include systems for pedestrians, bicycles, and public transportation where appropriate.
7. When allowed, transportation facilities in shoreline areas shall be constructed and maintained to

cause the least possible adverse impacts on the land and water environments, shall protect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats to ensure no net loss of shoreline ecological function.

8. Transportation facilities shall not adversely impact existing or planned water-dependent use.
9. New or expanded surface transportation facilities shall be located outside the shoreline jurisdiction whenever feasible, or set back from the ordinary high water mark far enough to make protective measures such as riprap or other bank stabilization, fill, bulkheads, or substantial site re-grade unnecessary. New or expanded roads or driveways in support of water-dependent activities shall be allowed consistent with this Program.
10. Accessory parking facilities in shoreline areas shall only be allowed as necessary to support an authorized use. When allowed, parking areas shall be designed, located and operated to meet the following criteria:
 - a. Limited to the minimum size necessary to support the authorized use;
 - b. Shared parking is encouraged whenever feasible;
 - c. Avoid or minimize any environmental or visual impacts.
11. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.
12. Fill for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven unfeasible and the transportation facilities are necessary to support uses consistent with this program.
13. Transportation facilities that are allowed to cross over water bodies or associated wetlands shall utilize elevated, open pile or pier structures whenever feasible. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
14. New roads that cannot be located outside of Shoreline jurisdiction as consistent with this Program shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetation buffer to allow views of the water consistent with the standards of this Program.
15. The City shall give preference to mechanical means for roadside brush control consistent with the standards of this Program. When herbicide use is allowed, application shall ensure that chemicals do not enter water bodies. The use of herbicides shall conform to the manufacturer's directions.
16. Pedestrian transportation facilities, such as footpaths, pathways and pedestrian bridges, where permitted shall meet all standards of this section and shall be planned and developed in a way to minimize impact on the natural shoreline environment.
17. Transportation facilities shall not be located in hazardous areas, such as steep slopes, areas with soils subject to severe erosion or landslide hazards. When proposed in a location where a life – safety risk is possible, further analysis shall be the responsibility of the applicant to verify feasibility.

6.3.7 Utilities

Utility facilities, as defined, include production, processing, conveyance, transmission, and storage for electric, gas, water, sewage, communications, and similar structures and services, excluding on-site features accessory to a primary use.

1. Utilities may be permitted within the Shoreline Commercial Recreation, Active Waterfront and Shoreline Residential environments and permitted as a conditional use in the Natural and Aquatic environments, consistent with this Program.
2. **Shoreline Location** - All utility facilities shall be located outside shoreline jurisdiction, whenever feasible. Where a shoreline location is proposed, the applicant shall:

- a. Demonstrate the need and justify the shoreline location of a utility facility; and
 - b. Ensure that power lines, cables, pipelines and similar conveyance or transmission facilities are located underground, unless it can demonstrated that no other feasible option is available.
3. **Non-Water Oriented** - Non-water oriented utility production and processing facilities, such as power plants, sewage treatment plants, parts of such facilities, or similar, shall not be allowed in shoreline jurisdiction unless it can demonstrated that no other feasible option is available.
 4. **Existing Corridors** - Utilities must be located in existing right-of-ways and corridors whenever possible, unless such location would cause significant adverse impacts to shoreline conditions.
 5. **Below OHWM** - Utility transmission pipelines or cables running parallel to and below OHWM shall be discouraged. Such installations that cross the water perpendicular to shore and/or that minimize intersection with the water body/aquatic bed shall be preferred whenever feasible.
 6. When allowed, utilities shall be designed, located, installed and maintained in such a way as to:
 - a. Assure no net loss of ecological functions;
 - b. Preserve the natural landscape; and
 - c. Minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

CHAPTER 7 – ADMINISTRATIVE PROCEDURES

7.1 Shoreline Permit Requirements

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

Exceptions – Per RCW 90.58.355, WAC 173-27-044, and -045, some developments are not required to undergo local SMP review or obtain shoreline permits. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.
6. Federal dredging projects. Actions taken on the Columbia River by the US Army Corps of Engineers (USACE) to maintain and improve federal navigation channels are excluded from the requirement for local shoreline review and permitting, when consistent with RCW 90.58.355. If a navigation project is undertaken by the USACE and is addressed in a federal plan, Port authorities, in their role as non-federal sponsors, do not need to obtain shoreline permits on behalf of the USACE when the project takes place on port-owned property.

Substantial Development - Within the City of North Bonneville, all non-exempt substantial development undertaken along the designated shorelines described in this SMP must first obtain a Shoreline Substantial Development, Shoreline Conditional Use, or Variance Permit from the City. Even when a permit or variance is not required, the Shoreline Administrator may require local review and issue an administrative determination, which may be conditioned to ensure compliance with the requirements of this Program (for example, vegetation removal of invasive species or hazard trees).

SDP Exemptions - The shoreline use, development, and modification activities that are exempt from the Shoreline Substantial Development permit (SDP) requirements are established by statute, summarized below in Section 7.2 as a courtesy reference, and require a statement of exemption from the City.

Compliance and NNL Tracking - To help monitor compliance and as part of the effort to achieve the 'no net loss' (NNL) standard, the City will maintain documentation of all project review actions through a permit tracking database and/or other effective means. The City shall track site-specific, project-level approvals/denials, permit conditions, mitigation follow-up, and other factors as appropriate.

The following sections describe the process for obtaining a Shoreline Substantial Development, Shoreline Conditional Use, or Variance Permit. For each permit type, the criteria, application requirements, and decision process are presented.

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

7.2 Exemptions from Substantial Development Permit Requirements

Certain development activities are exempt from obtaining a Shoreline Substantial Development Permit when they meet the precise terms described. Applicants shall demonstrate all applicable requirements are satisfied. State law requires that exemptions be construed narrowly. Exemption from the Substantial Development Permit process does not constitute exemption from compliance with the policies and use regulations of the SMA (RCW 90.58); the provisions of this master program, or other applicable city, state or federal permit requirements. Exemptions must still comply with no net loss of ecological functions, which may require mitigation even though the development activity is exempt. A statement of exemption may be conditioned to ensure the project meets all applicable standards of the SMA and this Program.

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

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

As set forth by RCW 90.58.030(3.e), the following is a summary of activities that shall not require Substantial Development Permits, when consistent with WAC 173-27-040:

1. **Fair Market Value.** Any development in which the total cost or fair market value, whichever is higher, does not exceed eight thousand five hundred and four dollars (\$8,504) or as determined under WAC 173-27-040, if such development does not materially interfere with the normal public use of the water or shorelines of the state and does not result in a net loss of ecological functions. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. **Maintenance & Repair.** Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
3. **Single-family bulkhead.** Construction of the normal protective bulkhead common to single-family residences. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.
4. **Emergency construction** necessary to protect property from damage by the elements. An

“emergency” is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation. Upon abatement of the emergency situation, the new structure shall be removed or any permit that would have been required, absent an emergency, has been obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency.

5. **Navigation.** Construction or modification of navigational aids such as channel markers and anchor buoys.
6. **Single-family residence.** Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for his/her own use or for the use of his/her family. The residence shall not exceed a height of thirty-five (35) feet above average grade level and must meet all requirements of the City and any state agencies having jurisdiction. All construction authorized under this exemption shall be located landward of the ordinary high water mark.
7. **Residential dock.** Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single- family and multi-family residences. An exempt dock may only be allowed as a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of a dock located in freshwater does not exceed:
 - a. Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or
 - b. Eleven thousand two hundred dollars (\$11,200) for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of the completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this SMP.
8. **Boundary markers.** The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
9. **Site exploration and investigation** activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to ensure that the site is restored to preexisting conditions;
 - e. The activity is not subject to the permit requirements of RCW 90.58.550 (oil or natural gas exploration in marine waters).
10. **Aquatic noxious weeds.** The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, as allowed in 6.1.2 (2). If no reasonable alternative exists, then herbicide or other treatment methods applicable to weed control may be used that are recommended by a final environmental impact statement published by the Department of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
11. **Watershed restoration projects** as set forth in WAC 173-27-040(2)(o). The Shoreline Administrator shall review watershed restoration projects for consistency with this master program in an

expeditious manner and shall issue a decision along with any conditions within forty-five days of receiving all materials necessary to review the request from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

12. **Fish habitat enhancement.** A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
 - a. The project has been approved in writing by the Washington State Department of Fish and Wildlife (WDFW) as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
 - b. The project has received hydraulic project approval by the WDFW pursuant to RCW 77.55; and
 - c. The Shoreline Administrator has determined that the project is consistent with RCW 90.58.147, WAC 173-27-040(2)(p) and this master program.
13. **ADA Retrofit.** The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

7.2.1 Statement of Shoreline Exemption

1. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the Master Program, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this Program and the Shoreline Management Act.
2. Exempt developments are those summarized in 7.2.
3. Letters of exemption shall be issued when required by the provisions of WAC 173-27-050 for projects that also require federal Section 10 or Section 404 permits.
4. Letters of exemption may be issued for other uses or developments exempt per WAC 173-27-040, and may be conditioned to ensure compliance with the requirements of this Program.

7.3 Permit Procedures

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

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

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

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

In addition to the requirements of this Program, all shoreline use and development must also comply with any local, state, or federal permit requirements (for example, city building and zoning, state hydraulic project approval and SEPA, federal water quality certifications and NEPA, etc.)

Special procedures for WSDOT projects:

1. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
2. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

7.3.1 Substantial Development Permits

Criteria.

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

1. Goals, objectives, policies and use regulations of this Program;
2. North Bonneville Comprehensive Plan and Municipal Code; and
3. The policies, procedures, guidelines, and regulations of the SMA (RCW 90.58, WAC 173-26 and WAC 173-27); and
4. The permit may include conditions as necessary to assure consistency with the act and this SMP.

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

7.3.2 Conditional Use Permits

General Provisions.

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

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

Criteria.

Pursuant to WAC 173-27-160, the criteria below shall constitute the minimum criteria for review and approval of a Shoreline Conditional Use Permit. Uses classified as conditional uses by the regulations of this SMP may be authorized provided that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020, the policies of this SMP, the City of North Bonneville Comprehensive Plan and other applicable plans, programs and/or regulations;
2. That the proposed use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
4. That the proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environmental designation or zoning classification in which it is to be located;

5. That the public interest suffers no substantial detrimental effect; and
6. That the proposed use is in the best interest of the public's health, safety or welfare.
7. That consideration of the cumulative impact of additional requests for like actions in the area has been given and assures that the above criteria will still be satisfied. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment. Other uses which are not classified or set forth in this Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in this Program.
8. Uses which are specifically prohibited by this Program may not be authorized pursuant to this section.

7.3.3 Variances

General Provisions.

The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the denial of the permit would impose unnecessary hardships on the applicant or thwart the SMA policies stated in RCW 90.58.020. Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process.

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

Criteria.

Pursuant to WAC 173-27-170, the criteria below shall constitute the minimum criteria for review and approval of a Shoreline Variance Permit.

1. Variance Permits for development that will be located landward of the ordinary high water mark (per RCW 90.58.030(2)(b) definition) and/or landward of any wetland 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 this program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
 - e. That the variance requested will be the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
2. Variance Permits for development that will be located waterward of the ordinary high water mark or within any wetland, 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 this Program precludes all reasonable use of the property;
 - b. That the proposal is consistent with criteria 1.b–f above; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.
3. 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 in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58 and should not cause substantial adverse effects to the shoreline environment or result in a net loss of ecological functions.

4. Variances from the use regulations of this SMP are prohibited.

7.3.4 Permit Filing

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

1. The permit and documentation of the City's final decision will be mailed together with:
 - a. The complete permit application;
 - b. A findings and conclusion letter;
 - c. A permit data form cover sheet (WAC 173-27-990); and
 - d. Applicable SEPA documents.
2. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one (21) day appeal period starts with the date of filing, which is defined below:
 - a. SDP – For projects that only require a Substantial Development Permit; the date that Ecology receives the City's decision.
 - b. CUP/VAR – For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.
 - c. SDP + CUP/VAR – For SDP's simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

7.3.5 Application

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

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

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

7.3.6 Public Notice

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

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

7.3.7 Appeals

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

7.3.8 Revisions of Shoreline Permits

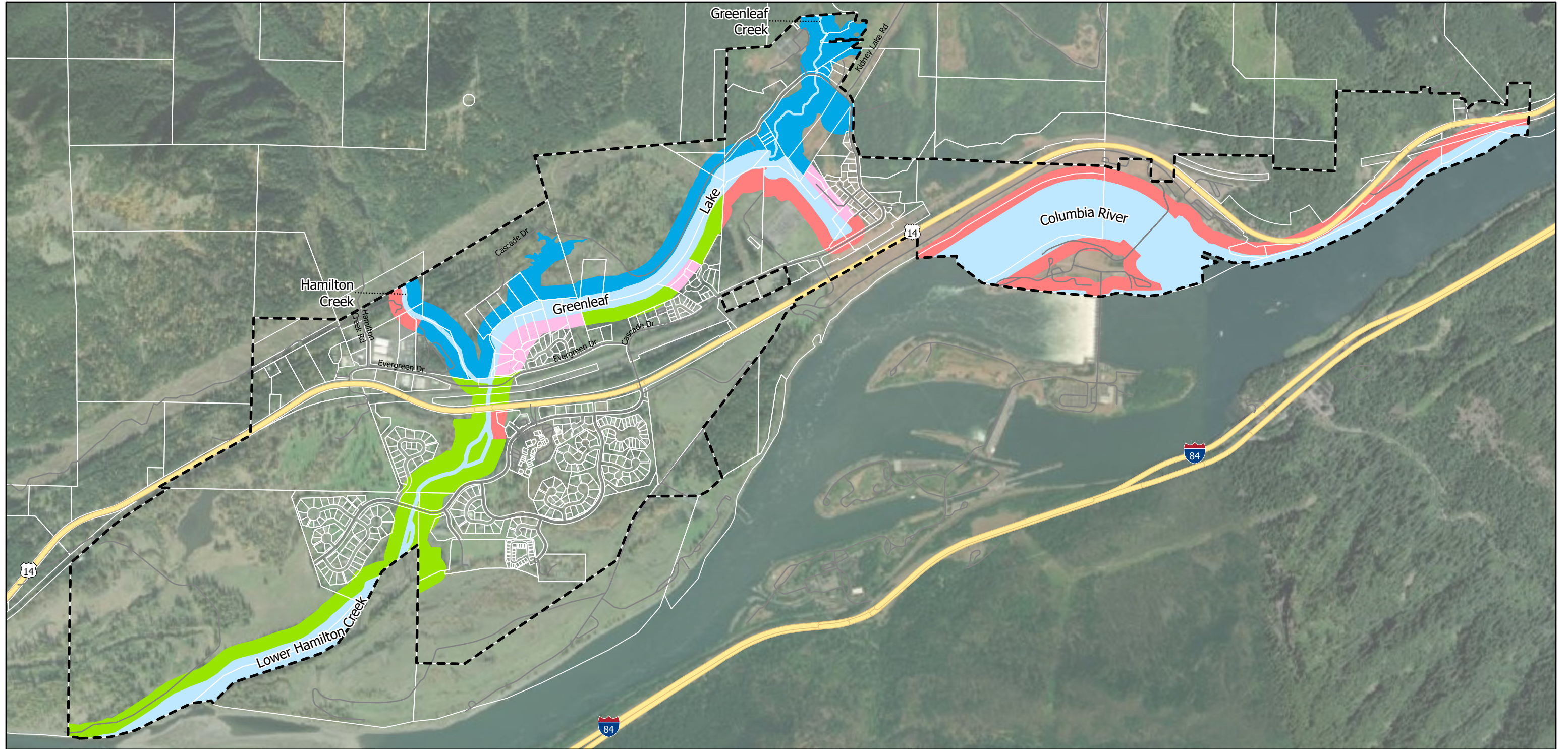
A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that which was approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance with the terms and conditions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

1. When a revision of a Shoreline Permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards pursuant to WAC 173-27-100.
2. If the changes are determined by the Shoreline Administrator to be within the scope and intent of the original permit, and are consistent with the SMA (RCW 90.58) and this SMP, the revision shall be approved. "Within the scope and intent of the original permit" means all of the following apply:
 - a. No additional over water construction will be involved, except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
 - b. Lot coverage and height may be increased a maximum of ten percent (10%) from the provisions of the original permit;
 - c. Any revisions authorized under this subsection shall not exceed the height, lot coverage, setback or any other requirements of this SMP, except as authorized under a variance granted as the original permit or a part thereof;
 - d. Additional or revised landscaping is consistent with the original permit and any conditions attached to the original permit and with this SMP;
 - e. The use authorized pursuant to the original permit is not changed.
 - f. No additional adverse environmental impact will be caused by the project revision.
3. Revisions to permits that have already expired (per RCW 90.58.143) may be allowed only if:
 - a. The changes are consistent with this section;
 - b. The changes would not otherwise require a development permit per the SMA, its rules, and this

- Program. If the changes constitute substantial development then a new permit is required; and
- c. The revision does not extend the time requirements of the original permit or authorize substantial development beyond the time limits of the original permit.
4. If the sum of the revision and any previously approved revisions (under WAC 173-14-064 or this section), violates the provisions itemized above, the applicant shall be required to apply for a new Shoreline Permit.
 5. Revision approval, including revised site plans and text necessary to clearly indicate the authorized changes, and the final consistency ruling, shall be filed with Ecology and the City shall notify parties of record of their action.
 6. Substantial Development Permit. The revised permit shall become effective upon approval. Within eight (8) days of the date of final action the revised site plan, text and the approved revision shall be submitted to Ecology and the Attorney General.
 7. Conditional Use and Variance Permit Revisions. The Shoreline Administrator shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100. The revised permit is effective upon Ecology's final action.
 8. A notice of revision approval shall be forwarded to all parties of record. Formal revisions to permits are subject to the twenty-one (21) day appeal process and criteria described at WAC 173-27-110. Appeals shall be based only on allegations of a violation of (2) above.
 9. Any construction undertaken as part of the revised permit is done at the applicant's own risk until the appeal period expires.
 10. Denial of a permit revision has no effect on the validity of the original permit.

7.4 Administrative Interpretation and Moratoria

1. An administrative interpretation of the SMP shall be a Type I-A process as defined under NBMC 18.01.200. Administrative interpretations of the SMP shall be made in consultation with the Washington State Department of Ecology as provided under WAC 173-26-140.
2. The city may adopt moratoria or other interim official controls as necessary and appropriate to implement this Program and the SMA, subject to the limitations of RCW 90.58.590.



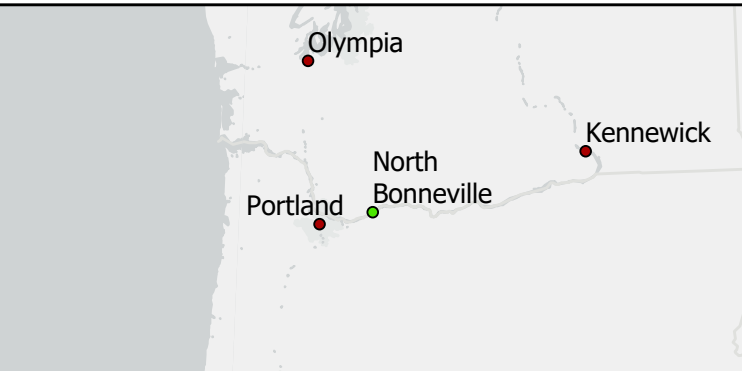
City of North Bonneville Shoreline Environment Designations

Legend

- Active Waterfront
- Aquatic
- Commercial Recreation
- Natural
- Shoreline Residential
- North Bonneville City Limits
- Parcel

Data Sources: SMA stream and lake boundaries data from Ecology and City of North Bonneville; Wetlands from NWI and TRC, Inc.; Floodway and floodplain from FEMA.

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map. Map data shown is the property of the City of North Bonneville. The City of North Bonneville implies no warranties or guarantees regarding any aspect of data depiction.



August 2020

THE WATERSHED COMPANY

City of
North Bonneville

Chapter 21.10

RESOURCE LANDS AND CRITICAL AREAS PROTECTION

Sections:

- 21.10.010** Statutory authorization, purpose and objectives.
- 21.10.020** Definitions.
- 21.10.030** Applicability; establishment of resource lands and critical area.
- 21.10.040** Data maps; interpretation of data maps; effect of data maps.
- 21.10.050** General provisions; allowed uses; exemptions; reasonable use exception.
- 21.10.060** Critical area report standards and requirements.
- 21.10.070** Resource lands and critical areas; standards for site-specific analysis; additional critical area report requirements; development standards.
- 21.10.080** Warning and disclaimer of liability.
- 21.10.090** Appeals.
- 21.10.100** Violations and penalties.
- 21.10.110** Severability.
- 21.10.120** Effective date.

* Prior ordinance history: Ords. 815, 926, 939, 942

21.10.010 Statutory authorization, purpose and objectives.

A. Statutory authorization.

The Legislature of the State of Washington has, in RCW 36.70A060, mandated local governments that plan under RCW 36.70A.040 to adopt development regulations to ensure the conservation of agricultural, forest and mineral resource lands and to adopt development regulations precluding land uses or development that are incompatible with critical areas designated under RCW 36.70A.170.

B. Statement of purpose and objectives.

It is the purpose of this chapter to promote the public health, safety and general welfare in specific areas by provisions designed to:

1. Protect human life and health;
2. further the public's interest in the conservation and wise use of our lands;
3. assure the long term conservation of resource lands;
4. preclude land uses and developments which are incompatible with identified critical areas;
5. protect unique, fragile and valuable elements of the environment, including fish and wildlife and their habitats, from incompatible development and prevent adverse environmental impacts to habitat areas;
6. protect aquifer recharge areas, water sources and water quality for the benefit of human uses, recreation and wildlife;
7. classify and designate critical areas and resource lands;
8. develop appropriate regulatory and non-regulatory actions in response; and otherwise comply with requirements imposed by the State of Washington's Growth Management Act (GMA); and
9. encourage economic development consistent with adopted regulations; protect private property rights of landowners from arbitrary and discriminatory actions; and encourage the retention of open space and development of recreational opportunities.

21.10.020 Definitions.

1. "Agricultural lands"--lands that are not already characterized by urban grow and are of long term significance for the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees are not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock.
2. "Anadromous"—means fish that migrate up rivers and streams from the ocean to breed in fresh water.
3. "Aquifer"—means a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs (Chapter 173-100 WAC).

4. "Base Flood"—means the flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

5. "Base Flood Elevation"—means the elevation that the base flood is expected to reach. Also referred to as the "100-year flood elevation."

6. "Best management practices"—means conservation practices or systems of practices and management measures that:

a. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and

b. Minimize, or where possible, avoid adverse impacts to surface water and groundwater flow, to circulation patterns, and to the chemical, physical, and biological characteristics of wetlands and water bodies.

7. "Bog"—is a type of wetland where organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or contain greater than 70% mosses. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

8. "Buffer"—is an area that is contiguous to and protects a critical area and which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

9. "City"—means the City of North Bonneville, Washington.

10. "Classification"—means defining categories to which natural resource lands and critical areas are assigned.

11. "Critical areas"—means one, or a combination, of wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

12. "Critical aquifer recharge area"—those areas that have been identified as having a critical recharging effect on aquifer use for potable water in community water systems.

13. "Data maps"—means that series of maps maintained by the city for the purpose of graphically depicting the boundaries of resource lands, and critical areas.

14. "Designation"—means formal adoption of a policy statement, and may include further legislative action. Designation establishes, for planning purposes: the classification scheme; the general distribution, location and extent of the uses of land consistent with the underlying zone and the general distribution, location and extent of critical areas.

15. "Development application"—means an application tendered under the provisions of the city land use, zoning or site development ordinances, building permit applications, surface mining permits, hydraulic approvals, shoreline permits, subdivisions or short plats, road construction or excavation and grading permits.

16. "Economically viable use"—means any use of property that enables the property owner to derive some economic benefit from ownership. This does not mean the highest and best use, but it means some economic use, however minimal, to avoid unconstitutional taking.

17. "Endangered and Threatened Species, Federally Designated"—are fish, wildlife, and plant species identified by the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) as threatened or endangered under the Endangered Species Act, 16 USC Section 1531, *et seq.*

18. "Endangered, Threatened and Sensitive Species, State Designated"—are fish, wildlife, and plant species native to the State of Washington and identified by the Washington Department of Fish and Wildlife (WDFW) as sensitive, threatened, or endangered species.

19. "Enhancement"—means actions performed to improve the condition of an existing degraded critical area or buffer so that the functions provided are of a higher quality. See also Wetland Enhancement.

20. "Erosion control"—is the design and installation of measures to control erosion and sedimentation during and after construction and to permanently stabilize soil exposed during and after construction using a combination of structural control measures, cover measure, and construction practices.

21. "Fish and wildlife habitat conservation areas"—includes habitat for endangered, threatened and sensitive species; priority habitats and species areas; riparian areas; habitats of local importance, and water bodies.

22. "Fish habitat"—is habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat. (WAC 222-16-030)

23. "Flood" or "flooding"—means a general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

24. "Flood Insurance Rate Map (FIRM)"—is the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
25. "Forest land"—as defined in the Washington State Forest Practice Act means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing.
26. "Frequently flooded areas"— means floodplains and other areas subject to a one (1.0) percent (i.e., a "100-year flood") or greater chance of flooding in any given year.
27. "Functions" or "functions and values of fish and wildlife habitat conservation areas"—are the beneficial roles served by Fish and Wildlife Habitat Conservation Areas. Fish and Wildlife Habitat Conservation Areas provide habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering. Fish and Wildlife Habitat Conservation Areas affect the quality of habitat by providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.
28. "Functions" or "functions and values of wetlands"—are the beneficial roles served by wetlands. Wetlands improve water quality, maintain watershed hydrology (for example, by providing base stream flow during dry periods and controlling flooding), and provide habitat.
29. "Geological hazard areas"—means areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. Geologic hazard areas include erosion, landslide, mine, seismic, and volcanic hazard areas.
- a. Erosion hazard—areas identified as having severe or very severe erosion hazard by the USDA Natural Resource Conservation Service (NRCS) in the *Soil Survey of Skamania County Area, Washington*; October, 1990.
 - b. Landslide hazard—areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors and shall include ravine sidewall areas and slopes of twenty (20) percent or greater.
 - c. Mine hazard areas—areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.
 - d. Seismic hazard areas—areas subject to severe risk or damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.
 - e. Volcanic hazard areas—areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.
30. "Grading"—means any excavation, filling or combination thereof.
31. "Habitats of Local Importance"—means Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the WDFW but are designated as locally significant by the city.
32. "Hydrogeomorphic (HGM) Classification" —is a system used to classify wetlands based on the position of the wetland in the landscape (geomorphic setting), the water source for the wetland, and the flow and fluctuation of the water once in the wetland.
33. "Impact"—means the effect of an activity on designated critical areas, their buffers or sensitive resources.
34. "Impervious surface"—means a hard surface area which either prevents or retards the entry of water into the soil. Examples include, but are not limited to, roofs, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam surfaces.
35. "Invasive Species"—are non-native plants which are destructive, competitive, and difficult to control as defined by the Skamania County Noxious Weed Control Board.
36. "Landslide"—means the down-slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, and earth flows.
37. "Lot of record"—means a lot shown as a part of a recorded subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey, or other appropriate document recorded in the office of the County Auditor.
38. "Mineral lands"—means lands that are not already characterized by urban growth and are of long-term commercial significance for the extraction of aggregate and mine resources, including sand, gravel, and valuable metallic substances.

39. "Mitigation"—means compensating for critical area impacts such that no overall net loss in acreage and/or functions occurs.
40. "Native"—when referring to plants or plant communities, means those species or communities which are indigenous to the watershed, including extirpated species.
41. "100-Year Flood"—is a flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "base flood."
42. "100-Year Flood Elevation"—means the elevation that the 100-year flood is expected to reach. Also referred to as the "base flood elevation."
43. "Ordinary high water mark"—is that mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. Where the ordinary high water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. [WAC 173-22-030(11)]
44. "Planning Advisor"—means the officer charged with administration of the City Comprehensive Plan and zoning ordinances.
45. "Priority Habitats and Species (PHS)"—are important fish and wildlife species and habitats as determined by the WDFW. Priority Habitats include habitats of state and federal listed species as well as other important species.
46. "Qualified professional"—"means an accredited or licensed professional with a combination of education and experience in the discipline(s) appropriate for the subject matter that is being commented on; someone who would qualify as an expert in his/her field. The following further define qualifications required for each critical area.
- a. Groundwater. A qualified professional means a hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, profession certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability.
 - b. Urban Forestry. Qualified professionals in urban forestry must have academic and field experience that makes them competent in urban forestry. This may include arborists certified by the International Society of Arboriculture or foresters certified by the Society of American Foresters. Qualified professionals in urban forestry must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.
 - c. Critical Areas. Qualified professionals in critical areas must have obtained a baccalaureate degree or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and two years of related work experience. In addition:
 - (1) A qualified professional for frequently flooded areas or a geologic hazard must be a registered professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington with experience in the analyses required for the relevant hazard(s). For frequently flooded areas, a qualified professional may also be an architect where provided by state or federal law.
 - (2) A qualified professional for wetlands must have a minimum of five years experience in wetland science including experience preparing wetland reports for review by regulatory agencies.
47. "Resource lands"—means agricultural, forest, and mineral lands which have long-term commercial significance.
48. "Restoration"—means measures taken to restore an altered or damaged natural feature including:
- a. Rehabilitation defined as active steps taken to restore damaged critical areas or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
 - b. Re-establishment defined as actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events. See also wetland creation, re-establishment, and rehabilitation.

49. “Riparian area”— means that area immediately adjacent to streams, ponds, and lakes that directly contributes to the water quality and habitat components of the water body, including but not limited to upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover or debris.

50. “State Environmental Policy Act (SEPA), as amended”—means the State Environmental Policy Act (Chapter 43.21C RCW), its implementing rules (Chapter 197-11 WAC), and NBM Chapter 21.04.

51. “Stormwater Facility”—means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

52. “Stream”—means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 222-16-031. Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. Streams also include natural watercourses modified by humans. Streams do not include drainage ditches which are not modifications of natural watercourses. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction. Those topographic features that resemble streams but have no defined channels (i.e., swales) shall be considered streams when hydrologic and hydraulic analyses done pursuant to a development proposal predict formation of a defined channel after development.

53. “Take” —as it relates to Section 9 of the Endangered Species Act (ESA) makes it illegal to take an endangered species of fish or wildlife. The definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” (16 U.S.C. 1532(19)).

54. “Urban growth area (UGA)” —means an urban growth area designated in the comprehensive plan.

55. “Urban growth boundary (UGB)” —means the boundary of an urban growth area designated in the comprehensive plan.

56. “Urban growth, characterized by” —means land having urban growth on it, or land located in relationship to an area with urban growth on it as to be appropriate for urban growth, or any and all incorporated areas.

57. “Utility” —means a provider to the public or individual recipients of such services as water supply, electric power, gas, communications, and sanitary sewers.

58. “Utility line” —means pipe, conduit, cable, other similar means or facility by which services are conveyed to the public or individual recipients.

59. “Wetlands” —means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does 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 (but not as mitigation for impacts to wetlands) from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street or highway. Wetlands shall include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

60. “Wetland creation”—means the manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

61. “Wetlands Delineation Manual”—means the approved federal wetland delineation manual and applicable regional supplements.

62. “Wetland enhancement”—means the manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations to result in open water ponds or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

63. “Wetland re-establishment”—means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities include but are not limited to removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

64. “Wetland Rehabilitation”—means the manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions, and processes of a degraded wetland. Activities include but are not limited to breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres. (Ord. 1046, 2015)

21.10.030 Applicability; establishment of resource lands and critical areas

I. Applicability.

The provisions of this chapter apply only to lands designated as critical areas within the North Bonneville corporate limits and urban growth area.

A. Properties containing critical areas are subject to this chapter.

B. When the requirements of this chapter are more stringent than those of other North Bonneville codes and regulations, the requirements of this chapter shall apply.

C. Where a property contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this chapter.

D. The city shall not approve any land use, building or site improvement permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, if the proposed activity does not comply with the requirements of this chapter.

II. List of resource lands.

If and where applicable, the incorporated areas of the city shall be designated as agricultural, forest, and mineral resource lands.

III. List of critical areas.

The incorporated area of North Bonneville is hereby divided into the following--not mutually exclusive--critical areas where appropriate:

A. Wetlands

B. Critical Aquifer Recharge Areas

C. Frequently Flooded Areas

D. Geologically Hazardous Areas

E. Fish and Wildlife Habitat Conservation Areas

IV. Applicability by Activity.

A. Table 21.10.030-1 establishes the level of review required for uses or activities under this chapter.

B. Exempt. Activities or uses that are exempt require no review and do not need to meet the standards of this chapter.

C. Review Required. Activities and uses that are categorized as “review required” must comply with the standards of the chapter but no special report is needed. Determination of compliance with this chapter shall be determined through the review process required for the underlying development permit application.

D. Critical Area Report. For activities where a critical area report is required, the applicant must submit a report consistent with this chapter and with the underlying development application and will submit additional application fees consistent with the adopted fee schedule.

E. The Planning Advisor shall have the discretion to determine whether the proposed activity may adversely impact protected critical areas and/or their buffers and shall assign the appropriate level of review, exempt, review required, or critical areas report. The decision of the Planning Advisor may be appealed to the Planning Commission.

Table 21.10.030-1 Applicability by Activity					
Use/Activity	Development located in any of the following critical areas may be exempt (E), Review Required (RR), or subject to a critical area report (CAR):				
	Wetland	Fish and Wildlife Habitat	Critical Aquifer Recharge	Geological Hazardous Areas	Frequently Flooded Area
RESIDENTIAL ACTIVITIES					
One single-family dwelling on a preexisting legal lot located in a critical areas or buffers	RR	RR	RR	RR	RR
Single-family permit located outside critical areas or buffers	E	E	E	E	E
Residential development exceeding one single family dwelling on a legal lot of record within critical area or buffer	CAR	CAR	CAR	CAR	CAR
Residential development exceeding one single family dwelling outside critical areas or buffers	E	E	E	E	E
Expansion, alteration or addition to existing construction within a critical area or buffer	RR	RR	RR	RR	RR
Expansion, alteration or addition to existing construction outside of critical areas or buffers	E	E	E	E	E
Construction and modifications to existing structures that does not change the footprint of the building or does not increase the footprint within a critical area or buffer	E	E	E	E	E
COMMERCIAL AND INDUSTRIAL ACTIVITIES					
New construction on vacant land in critical areas or buffers	CAR	CAR	CAR	CAR	CAR
New construction previously approved prior to adoption of the ordinance codified in this chapter	E	E	E	E	E
New construction on vacant land outside critical areas or buffers	E	E	E	E	E
Expansion, alteration or addition to existing construction within a critical area or buffer	RR	RR	RR	RR	RR
Expansion, alteration or addition to existing construction outside of critical areas or buffers	E	E	E	E	E
Public facilities and services identified on the CFP such as road, sewer and water infrastructure, power line, gas lines, and so forth	RR	RR	RR	RR	RR
Construction and modifications to existing structures that does not change the footprint of the building or does not increase the footprint within a critical area or buffer	E	E	E	E	E
Public facilities on a site already developed where there is no proposed impact to a critical area or buffer	E	E	E	E	E
UTILITIES					
Normal and routine maintenance or repair of existing utility structures or rights-of-way that do not expand further into the critical area or buffer	E	E	E	E	E
Relocation within improved right-of-way of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less only when required by a local government agency	E	E	E	E	E
Relocation within improved right-of-way of utility lines, equipment, or appurtenances only when required by a local governmental agency which approves the new location of the facilities	E	E	E	E	E
Installation or construction in improved city road rights-of-way, and replacement, operation,	E	E	E	E	E

Table 21.10.030-1 Applicability by Activity					
Use/Activity	Development located in any of the following critical areas may be exempt (E), Review Required (RR), or subject to a critical area report (CAR):				
	Wetland	Fish and Wildlife Habitat	Critical Aquifer Recharge	Geological Hazardous Areas	Frequently Flooded Area
or alteration of all electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less					
Installation or construction in improved city road rights-of-way and replacement, operation, repair, or alteration of all utility lines, equipment, or appurtenances	E	E	E	E	E
OTHER ACTIVITIES					
Clearing, filling, grading, and native vegetation removal activities within a critical area or buffer	CAR	CAR	CAR	CAR	CAR
Repair of existing structures, infrastructure improvements, utilities, public or private roads or drainage systems in critical areas or buffers	RR	RR	RR	RR	RR
Public facilities on a site already developed where there is no proposed impact to a critical area or buffer	RR	RR	RR	RR	RR
Public improvement projects within an existing improved right-of-way or roadway easement	E	E	E	E	E
Chemical applications subject to applicable local, state or federal handling and application requirements	E	E	E	E	E
Minor site investigative work, up to 10 cubic yards of fill or removal or removal of trees of six inches dbh or less	E	E	E	E	E
Hand removal of invasive weeds and blackberries	E	E	E	E	E
Impervious public and private pedestrian trails within a critical area or buffer	RR	RR	RR	RR	RR
Select removal of dangerous trees when approved by the Public Works Director	RR	RR	RR	RR	RR
Construction of fences in a critical area or buffer	RR	RR	RR	RR	RR
Vegetation removal and maintenance activities inside existing landscaped areas on lots that predate adoption of this chapter (other than removal of trees greater than six inches dbh)	E	E	E	E	E
New construction of a dock, expansion, alteration or addition to existing docks within a critical area or buffer	RR	RR	RR	RR	RR
Construction or modification of boundary markers or fences	E	E	E	E	E
Emergencies activities authorized by the Planning Advisor pursuant to NBMC 21.10.050(II)(A)(1).	E	E	E	E	E

21.10.040 Data maps; interpretation of data maps; effect of data maps

I. Data maps.

Resource lands and critical areas are hereby designated on a series of data maps, listed in Exhibit A or as amended, maintained at City Hall. These maps contain the best available graphic depiction of resource lands and critical areas and will be updated as reliable data become available. The maps are for information and illustrative purposes only and are not regulatory in nature. The resource lands and critical areas data maps are intended to alert the development community, appraisers, and current or prospective property owner of a potential encounter with a use of development-limiting factor based on the natural systems. The presence of a resource designation or critical area on the data maps is sufficient foundation for the city to order an analysis for the factor(s) identified prior to acceptance of a development application as being complete and ready for processing under the Comprehensive Plan and Zoning Ordinance of the city. (Note: See Exhibit A at the end of the chapter listing critical areas maps.)

II. Interpretation of data maps.

The official charged with administration of the Comprehensive Plan and Zoning Ordinance of the city is the official charged to interpret the data maps of this ordinance, subject to the same appeal procedures as apply to zoning appeals as may be set out in said Comprehensive Plan and Zoning Ordinance.

The data maps found in Exhibit A or as amended are to be used as a general guide to the location and extent of resource lands and critical areas. Resource lands and critical areas indicated on the data maps are presumed to exist in the locations shown and are protected under all the provisions of this ordinance. The exact location of resource lands and critical areas shall be indicated by the applicant as a result of field investigations performed by qualified professionals using definitions found in this ordinance. All development applications are required to show the boundaries of all resource lands and critical areas on or within three-hundred (300) feet of the subject parcel on a scaled drawing (1:2,400 or larger scale) prior to the development application being considered "complete" for processing purposes.

The conclusion by the appropriate city official that a parcel of land or a part of a parcel of land that is subject of a proposed development application is within the boundary(s) of one or more critical areas or resource lands and associated buffers, as shown on the data maps, shall serve as cause for additional investigation and analysis to be conducted by the applicant. The site-specific analysis shall be limited to those resource lands and critical areas indicated on the data maps. In the event of multiple designations, each subject matter will be addressed independently and collectively for the purpose of determining development's limitations and appropriate mitigating measures.

21.10.050 General provisions; allowed uses; exemptions reasonable use exceptions

I. General Provisions.

Prior to accepting a development application tendered pursuant to the Comprehensive Plan and Zoning Ordinance, Building or Land Divisions Ordinance of the city, the appropriate city official shall consult data maps for the purposes of determining whether or not the property subject to the applications is within any area shown as a resource land or critical area. When such areas are encountered, the applicant will immediately be notified and the type(s) of resource land or critical area disclosed. Instructions shall be provided to the applicant on the type(s) of evaluation and site-specific analysis that will be required as supplement to the application materials necessary to bring the application up to a standard that can be characterized as "complete" and eligible for processing.

From the effective date of NBMC Title 20, no development applications processed under the Comprehensive Plan and Zoning Ordinance, Building or Land Divisions Ordinance of the city shall be approved without a written finding that NBMC Title 20 has been considered, additional information has been assembled under NBMC Title 20, or was not required, and that the purpose and intent of NBMC Title 20 have been accorded substantial consideration.

II. Allowed Uses.

The city may allow the following uses on critical areas and within buffer areas subject to the review and mitigation requirements of this chapter:

A. Pervious and impervious public and private trails for nonmotorized uses provided that the following conditions are met:

1. Trails in wetlands or wetland buffers must be limited to permeable surfaces no more than five (5) feet in width, except when single multi-use pathways are used in lieu of concrete sidewalks as allowed in NBMC 12.24.200(F) and must not exceed six (6) feet in width.
2. Trails are not permitted in wetlands except for minor crossings that demonstrate that impacts have been minimized.
3. Trails must be located within the outer twenty-five (25) percent of a wetland buffer, and should be designed to avoid removal of significant trees.

B. Below, or above ground public utilities, facilities and improvements, initiated by the city, where necessary to serve development including: streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, open space, and parks and recreational facilities, anticipated in the capital facilities plan, where there is no other reasonable alternative, based on topographic and environmental conditions, as determined by the Planning Advisor;

C. Removal of dangerous trees, as determined by the city Public Works Director, or the removal of invasive or nuisance plants as defined by the Skamania County Noxious Weed Control Board;

D. Construction, replacement, or alteration of new or existing construction on a legal lot of record, created prior to the effective date of this chapter, so long as the construction conforms to the height regulations, lot coverage and dimension standards and other design provisions for the underlying zone in which the construction is located. The construction shall be used as allowed in the underlying zoning designation. The city may modify underlying zoning district dimensional standards applicable by up to a 50 percent adjustment, if necessary to protect critical areas;

E. Limited Uses. Limited uses shall avoid critical areas, and where allowed within buffer areas shall be subject to the mitigation measures and implementation of a monitoring plan as described in this chapter. All limited uses shall be consistent with the provisions of this chapter and SEPA;

F. Development Subject to Site Plan Review. Any expansion, alteration, or addition to an existing or new building or structure affecting critical areas shall be subject to site plan review, unless otherwise exempted in this chapter;

G. Development approvals shall ensure that all best management practices are employed to avoid introducing pollutants, sediments, chemicals, etc into all critical areas and buffers.

III. Exemptions.

A. Exempt Activities in All Critical Areas. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements, and a written request for exemption has been filed with and approved by the Planning Advisor. The Planning Advisor shall have the authority to negotiate memoranda of agreements with utility service providers or public agencies, and said agreements shall specify best management practices to be used in situations of emergency.

1. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter. For emergency actions that create an impact to a critical area or its buffer the applicant shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer. The person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity. Following the emergency appropriate mitigation shall be implemented and permanent activities, installations or impacts are subject to review and compliance with the applicable standards.
 - a. Authorization. Notwithstanding the provisions of this chapter, the Planning Advisor may issue a temporary emergency permit prospectively or, in the case of imminent threats to public health, safety or welfare, retroactively, where the anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by the Act and other applicable laws.
 - b. Prior to issuing an emergency permit, the Planning Advisor shall issue a finding that extraordinary circumstances exist and that the potential threat to public health, safety or welfare from the emergency situation is clearly significant and substantial.

- c. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under the Act and shall:
 - 1) Be limited in duration to the time required to complete the authorized emergency activity, not to exceed 90 days; and
 - 2) Require, within this 90-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.
 - d. Notice. Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the city not later than 10 days after issuance of such permit.
 - e. Termination. The emergency permit may be terminated at any time without process upon a determination by the city that the action is no longer necessary to protect human health or the environment.
2. Repair. Repair or replacement of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems, including operation and maintenance of existing facilities, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed maintenance or repair.
 3. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary; provided, that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency.
 4. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.
 5. Boundary Markers. Construction or modification of boundary markers or fences.
 6. Construction and modifications to existing structures that does not increase the footprint of the structure or increase the footprint within a critical area or buffer.
 7. Expansion, alteration or addition to existing construction outside of critical areas or buffers.
 8. New construction previously approved prior to adoption of the ordinance codified in this chapter.
 9. New construction on vacant land outside critical areas or buffers.
 10. Residential development exceeding one single family dwelling or single-family permit located outside critical areas or buffers.
 11. The removal of the following vegetation with hand labor and light equipment, and vegetation removal that is a hazard to electrical power lines with handheld and walk-beside equipment such as mowers and weed eaters in compliance with the provisions contained in the ANSI A300 (Part 1) guidelines, including, but not limited to:
 - a. Invasive non-native weeds;
 - b. Vegetation removal and maintenance activities inside existing landscaped areas on lots that predate adoption of this chapter (other than removal of trees greater than six (6) inches dbh).
 12. Utility exemptions.
 - a. Normal and routine maintenance or repair of existing utility structures or rights-of-way.
 - b. Relocation of electric facilities, lines, equipment, or appurtenances, not includes substations, with an associated voltage of fifty-five thousand (55,000) volts or less only when required by a local government agency.
 - c. Relocation within improved right-of-way of utility lines, equipment, or appurtenances only when required by a local governmental agency which approves the new location of the facilities.
 - d. Installation or construction in improved city road rights-of-way, and replacement, operation, or alteration of all electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less.
 - e. Installation or construction in improved city road rights-of-way and replacement, operation, repair, or alteration of all utility lines, equipment, or appurtenances.

13. Public agency exemptions.

a. Public facilities on a site already developed where there is no proposed impact to a critical area or buffer.

b. Public improvement projects located within existing improved right-of-way or roadway easements.

B. Exemption Request and Review Process. The proponent of the activity shall submit a completed exemption request form to the Planning Advisor that describes the activity and states the exemption listed in this section that applies. The Planning Advisor shall review the exemption request to verify that it complies with this chapter and approve or deny the exemption. If the exemption is approved, it shall be placed on file with the department and the requesting party notified. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this chapter.

C. Exempt Activities Shall Minimize Impacts to Critical Areas. All exempted activities shall use reasonable methods and best management practices to avoid potential adverse impacts to critical areas. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

IV. Takings exception

A. General Requirements.

1. If a property owner has owned property before the effective date of this chapter and can establish by a procedure set forth in sections B and C below, that the application of this chapter to that property would result in an unconstitutional taking of a legal lot without just compensation, development may be allowed that is consistent with the allowed uses of the underlying zone, general purposes of this chapter, and the public interest.

2. Nothing in this chapter is intended to preclude a constitutional diminution in value of property caused by application of this chapter, provided some economically viable use remains.

3. The Planning Advisor shall prepare and maintain application forms necessary to implement this section.

B. Application Requirements.

1. An applicant for a development proposal may file a request for a takings exception which shall include the following information:

(a.) A description of the areas of the site which are critical areas or within setbacks required under this chapter;

(b.) A description of the amount of the site which is within setbacks required by other standards of the City code;

(c.) A description of the proposed development, including a site plan;

(d.) An analysis of the impact that the amount of development would have on the critical area(s);

(e.) An analysis of whether any other economic use is possible that would result in less impact on the critical area(s) and associated buffer(s);

(f.) A design of an economic use of the property that will have the least impact practicable on the critical area(s);

(g.) An analysis of the variance from the standards of this chapter to accommodate the proposed development;

(h.) A description of any modifications needed to the required front, side, and rear setbacks; building height; and buffer widths to provide for an economically viable use of the site while providing greater protection to the critical area(s); and

(i.) Such other information as the city determines is reasonably necessary to evaluate the issue of economically viable use as it relates to the proposed development, including any evidence that the regulation is unduly oppressive on the landowner.

(j.) The city shall process a request for a takings exception as a Type II procedure pursuant to NBMC 18.18.01.230.

C. Takings Exception Decision Criteria.

The review authority shall approve a reasonable use exception if the authority determines the following criteria are met:

1. The proposed use is consistent with the permitted and allowed uses of the underlying zone;
2. The proposed development does not pose a threat to the public health, safety, or welfare on or off the site;
3. Any alteration of the critical area(s) shall be the minimum necessary to allow for an economically viable use of the property;
4. The proposed development will not result in a “take” of a threatened or endangered species;
5. The inability of the applicant to derive an economically viable use of the property is not the result of actions taken by the applicant or immediate predecessor in interest, after the effective date of this chapter, in subdividing the property or adjusting a boundary line, or otherwise creating the undevelopable condition;
6. Whether the application of the chapter is unduly oppressive on the landowner, and whether the regulation is narrowly applied to achieve its purpose, including an analysis of the nature of harm sought to be avoided; the availability and effectiveness of less drastic protection measures; and the economic loss suffered by the property owner. Factors for this analysis include, on the public’s side, the seriousness of the public problem; the extent to which the owner’s land contributes to it; the degree to which the regulation solves it; and the feasibility of less oppressive solutions, and on the owner’s side, the amount and percentage of value lost; the extent of remaining use; past, present and future uses; the temporary or permanent nature of the regulation; the extent to which the owner should have anticipated such regulation; and the feasibility of the owner altering present or currently planned uses; and
7. The proposal mitigates the impacts on the critical area(s) to the maximum extent possible, while still allowing an economically viable use of the site. The applicant shall prepare and implement a mitigation and monitoring plan consistent with this chapter.

21.10.060 Critical area report standards and requirements

- I. Preparation by Qualified Professional. Any required Critical Areas Report shall be prepared by a qualified professional as defined herein.
- II. General Critical Areas Report Contents. At a minimum, the Critical Areas Report shall contain the following:
 - A. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 - B. A copy of the site plan for the development proposal including:
 1. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 2. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and
 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - C. Identification and scientific characterization of all critical areas and buffers. The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
 - D. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;
 - E. Plans for adequate mitigation, as needed, to offset any impacts, in accordance this chapter. The applicant is required to demonstrate that all reasonable efforts have been made to avoid and minimize impacts to critical areas, in the following sequential order of preference:
 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

6. Monitoring the impact and taking appropriate corrective measures.

F. Any additional information required for the specific critical areas and buffers as specified in NBMC 21.740.110 Fish and Wildlife Habitat Conservation Area, NBMC 21.740.120 Frequently Flooded Areas, NBMC 21.740.130 Geologic Hazard Areas, and NBMC 21.740.140 Wetlands.

G. The applicant may consult with the Planning Advisor prior to or during preparation of the Critical Areas Report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The Planning Advisor may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.

III. Mitigation Plan Requirements.

When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:

A. Detailed Construction Plans.

B. The mitigation plan shall include descriptions of the mitigation proposed, such as:

1. The proposed construction sequence, timing, and duration;
2. Grading and excavation details;
3. Erosion and sediment control features;
4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
5. Measures to protect and maintain plants until established.

C. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For forested and scrub-shrub communities ten (10) years or more of monitoring are needed. When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City verify and certify so in writing. The City shall conduct an on-site assessment as part of the verification process. The applicant shall provide reasonable access to the property as necessary for verification and certification

These written descriptions shall be accompanied by detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

21.10.070 Resource lands and critical areas; standards for site-specific analysis; additional critical area report requirements; development standards

I. Resource Lands.

A. Agricultural lands.

(None identified)

B. Forest lands.

(None identified)

C. Mineral resource lands.

(None identified)

II. Critical Areas.

A. Wetlands.

1. Site analysis—required for the purpose of establishing an exact wetland boundary using the criteria found in the approved federal wetland delineation manual and applicable regional supplements. Field delineation of the boundary is required and a scaled map must be produced (at 1:2,400 or larger). The classifications of Section 7.2 must then be applied to the wetland area to establish the category(s) of wetlands in evidence. The applicant or proponent shall provide a wetlands report prepared by a qualified professional.

2. Wetlands rating system—The following rating system, adapted from the WDOE wetland rating system found in the Washington State Wetland Rating System for Western Washington—2014 Update (Publication #14-06-029, or as revised by WDOE) is hereby adopted for the purpose of determining Wetlands Classifications. The wetland rating system is used in part to determine buffer widths pursuant to Section 21.10.070.II.A.2. The wetland rating and buffer systems are also used for mitigation and enhancement options under Section 21.10.070.II.A.3.

a. Wetland rating categories.

(1) Category I. Category I wetlands are:

- (a) relatively undisturbed estuarine wetlands larger than 1 acre;
- (b) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
- (c) bogs;
- (d) mature and old-growth forested wetlands larger than 1 acre;
- (e) wetlands in coastal lagoons;
- (f) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and
- (g) wetlands that perform many functions well (scoring 23 points or more).

These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

(2) Category II. Category II wetlands are:

- (a) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre;
- (b) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or
- (c) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

(3) Category III. Category III wetlands are:

- (a) wetlands with a moderate level of functions (scoring between 16 and 19 points);
- (b) can often be adequately replaced with a well-planned mitigation project; and
- (c) interdunal wetlands between 0.1 and 1 acre.

Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

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

b. Date of wetland rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

3. Wetland buffers. Wetland buffer widths shall be determined by the planning official in accordance with the standards below:

a. All buffers shall be measured horizontally outward from the delineated wetland boundary.

b. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Table 21.10.070-1, 21.10.070-2, 21.10.070-3 and 21.10.070-4. For Category IV wetlands, the required water quality buffers, per Table 21.10.070-1, are adequate to protect habitat functions.

c. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:

(1) Pre-existing roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;

- (2) Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than five (5) points shall not be subject to the habitat function buffers designated in Table 21.10.070-2 and Table 21.10.070-3 if the area of reduced habitat function is at least one (1) acre in size and does not meet any WDFW priority habitat or species criteria.

Table 21.10.070-1: Buffers Required to Protect Water Quality Functions

<u>Wetland Rating</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>Category I</u>	<u>50 ft.</u>	<u>75 ft.</u>	<u>100 ft.</u>
<u>Category II</u>	<u>50 ft.</u>	<u>75 ft.</u>	<u>100 ft.</u>
<u>Category III</u>	<u>40 ft.</u>	<u>60 ft.</u>	<u>80 ft.</u>
<u>Category IV</u>	<u>25 ft.</u>	<u>40 ft.</u>	<u>50 ft.</u>

Table 21.10.070-2. Buffers Required to Protect Habitat Functions in Category I and II Wetlands

<u>Habitat Score in the Rating Form</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>3-4 points</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>
<u>5</u>	<u>70 ft.</u>	<u>105 ft.</u>	<u>140 ft.</u>
<u>6</u>	<u>90</u>	<u>135</u>	<u>180</u>
<u>7</u>	<u>110</u>	<u>165</u>	<u>220</u>
<u>8</u>	<u>130</u>	<u>195</u>	<u>260</u>
<u>9</u>	<u>150</u>	<u>225</u>	<u>300</u>

Table 21.10.070-3. Buffers Required to Protect Habitat Functions in Category III Wetlands

<u>Habitat Score in the Rating Form</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>3-4 points</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>
<u>5</u>	<u>60 ft.</u>	<u>90 ft.</u>	<u>120 ft.</u>
<u>6</u>	<u>65</u>	<u>100</u>	<u>135</u>
<u>7</u>	<u>75</u>	<u>110</u>	<u>150</u>

Table 21.10.070-4: Land Use Intensity Matrix						
Parks and Recreation		Streets and Roads	Stormwater Facilities	Utilities	Commercial /Industrial	Residential ²
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	NA
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density less than 1 unit per acre
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre
¹ The planning official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 21.10.070-4. ² Measured as density averaged over a site, not individual lot sizes.						

4. Critical Area Report-Additional Requirements for Wetlands

A critical areas report for wetlands shall be prepared by a qualified professional as defined herein. The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:

- a. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:
 - (1) Hydrogeomorphic (HGM) classification;
 - (2) Wetland category;
 - (3) Wetland delineation and required buffers including the following:
 - (a) Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the approved federal manual and applicable regional supplements. Discussion of methods and results with special emphasis on technique used from the approved federal manual and applicable regional supplements.
 - (b) Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:
 - (i) USGS quadrangle map with site clearly defined;
 - (ii) Topographic map of area (2 foot contours at a minimum scale of 1:2,400);
 - (iii) National wetland inventory map showing site;
 - (iv) Natural Resource Conservation Service (NRCS) soils map showing site;
 - (v) Site map, at a scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100', a scaling ratio of 1:1,200), if practical, showing the following information:

- (a) Wetland boundaries,
- (b) Sample sites and sample transects,
- (c) Boundaries of forested areas,
- (d) Boundaries of wetland classes if multiple classes exist;
- (vi) All completed field data sheets per the approved federal manual and applicable regional supplements, numbered to correspond to each sample site.
- (c) Existing wetland acreage;
- (d) Vegetative, faunal, and hydrologic characteristics;
- (e) Soil types and substrate conditions;
- (f) Topographic elevations, at 1' contours; and
- (g) A discussion of the water sources supplying the wetland and documentation of hydrologic regime.
- (h) Functional evaluation for the wetland and buffer using WDOE's most current approved method and including the reference of the method and all data sheets.
- (i) Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives, a written description and accompanying maps of the mitigation area, including the following information:
 - (i) A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
 - (ii) Existing and proposed wetland acreage;
 - (iii) Existing and proposed vegetative and faunal conditions;
 - (iv) Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - (v) Relationship to lakes, streams and rivers in the watershed;
 - (vi) Soil type and substrate conditions;
 - (vii) Topographic elevations, at 1' contours; and
 - (viii) Required wetland buffers including existing and proposed vegetation.
 - (ix) Identification of the wetland's contributing area.
 - (x) Required wetland buffers; and
 - (xi) Property ownership.
- (j) A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.
- (k) When deemed appropriate, the Planning Advisor may also require the critical area report to include an evaluation by WDOE or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

5. Development Standards in Wetlands and Buffers.

- a. Authorized Activities in Wetlands. Activities and uses shall be prohibited from wetlands, except as provided for in this chapter. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:
 - (1) The proposed activity shall not cause significant degradation of wetland functions;
 - (2) The proposed activity shall comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.
 - (3) The proposed activity shall demonstrate avoidance and minimization of impacts to wetlands and wetland functions.
 - (a) Category III and IV wetlands between 1,000 square feet and 4,000 square feet may be exempted from demonstrating avoidance if the applicant shows that all of the following criteria have been met:
 - (i) Wetland is not associated with a riparian corridor; and

- (ii) Wetland is not part of a wetland mosaic; and
- (iii) Wetland does not score 5 points or greater for habitat in the 2014 Western Washington Rating System; and,
- (iv) Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.

Impacts allowed under this provision to these wetlands will be fully mitigated as required in mitigation section.

- (b) All Category I and II Wetlands between 1,000 square feet and 4,000 square feet should be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.
 - (c) Wetlands larger than 4,000 square feet will be evaluated using standard procedures for wetland review.
- (4) If the proposed activity impacts wetlands or wetland functions mitigation as provided in the chapter will be required.
- (5) Exempted Wetlands. This chapter shall not apply to the following wetlands:
- (a) Wetlands less than 1,000 square feet where it has been demonstrated by the applicant that they are not associated with a riparian corridor, they are not part of a wetland mosaic and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.
 - (b) Riparian. Wetlands less than five feet wide above the ordinary high water mark along streams and lakes.
 - (c) Stormwater Facilities. Stormwater facilities are only allowed in buffers of Category III and IV wetlands with low habitat function (less than five (5) points on the habitat section of the rating system form); provided, the following conditions are demonstrated by the applicant:
 - (i) Facilities shall be built on the outer twenty-five (25) percent of the buffer
 - (ii) Facilities do not degrade the existing buffer function; and are designed to blend with the natural landscape; and
 - (iii) Stormwater facilities do not alter the hydroperiod of the wetland or adversely affect water quality; and
 - (iv) Stormwater facilities are limited to dispersion outfalls, bioswales, or other new technologies approved by WDOE.
- b. Authorized Activities in Wetland Buffers. The following additional standards apply for regulated activities in a wetland buffer:
- (1) Buffer averaging. Averaging buffers is not allowed in conjunction with any of the other provisions for reductions in buffer width. The City shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:
 - (a) The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;
 - (b) Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions; and
 - (c) The averaged buffer, at its narrowest point, shall not result in a width less than twenty-five (25) percent of the required width, provided that minimum buffer widths shall never be less than twenty-five (25) feet.
 - (d) There is no feasible alternative to the site design that could be accomplished without buffer averaging.
 - (2) Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:
 - (a) Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced and mitigated as specified in 21.10.070(II)(A)(6); and
 - (b) Impacts to the buffer and wetland are minimized.

- (3) Other Activities in a Buffer. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction are allowed in the buffer if all the following conditions are met:
 - (a) The activity is temporary and will cease or be completed within three (3) months of the date the activity begins;
 - (b) The activity will not result in a permanent structure in or under the buffer;
 - (c) The activity will not result in a reduction of buffer acreage or function;
 - (d) The activity will not result in a reduction of wetland acreage or function.
6. Wetland and wetland buffer mitigation.
 - a. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:
 - (1) Within the same watershed. Mitigation actions shall be conducted within the same watershed as the project site and preferable within the same stream reach.
 - (a) On-site mitigation is preferred and should be based on the natural capacity of the site to mitigate for impacts. If on-site mitigation is not feasible or on-site opportunities do not have a high likelihood of success then off-site mitigation within the same watershed shall be considered.
 - (b) Off-site mitigation shall demonstrate that mitigation will result in greater benefits or functions, or restore or enhance limited or important functions to the health of the watershed. Off-site mitigation shall be in the same watershed unless:
 - (i) Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or
 - (ii) Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.
 - (2) In-kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and
 - (3) Out-of-kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.
 - b. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.
 - (1) Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. Restoration results in a gain in wetland acres and/or functions. Activities could include removing fill material, plugging ditches, or breaking drain tiles. There are two types of restoration:
 - (a) Re-establishment— Re-establishment results in a gain in wetland acres and functions. Activities could include removing fill material, plugging ditches or breaking drain tiles.
 - (b) Rehabilitation— Rehabilitation results in a gain in wetland functions but not in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches.
 - (2) Creation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.
 - (3) Enhancement: The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically

consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.

- (4) Preservation: Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term, preservation. Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.
- c. Effect of mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.
- d. Standard Wetland Mitigation Ratios. The mitigation ratios in Table 21.10.070-5 apply for each of the mitigation types described in this chapter:
 - (1) Preservation. The Planning Advisor has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:
 - (a) The wetland area being preserved is a Category I or II wetland or is within a WDFW Priority Habitat or Species area;
 - (b) The preservation area is at least one (1) acre in size;
 - (c) The preservation area is not an existing or proposed wetland mitigation site; and
 - (d) The preservation/mitigation ratio's in Table 21.10.070-6 apply:
- e. Buffer Mitigation. Regulated activities in buffers shall be required to provide mitigation as follows:
 - (1) Mitigation shall be provided for buffer averaging as stipulated in 21.10.070(II)(A)(5)(b)(1).
 - (2) Direct impacts to buffers will be mitigated at a 1:1 mitigation ratio provided the applicant demonstrates that the mitigation provides buffer functions at an equal or greater level than the pre-project buffer.
- f. The Planning Advisor has the authority to reduce wetland mitigation ratios under the following circumstances:
 - (1) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;
 - (2) Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;
 - (3) The proposed actions for compensation are conducted in advance of the impact and are shown to be successful.
- g. Wetland Mitigation Banking. Wetland mitigation banking developed per WDOE requirements and approved by WDOE may be used for wetland mitigation. A wetland permit shall be obtained prior to any mitigation banking. If a wetland permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. The mitigation credits shall be determined as follows:
 - (1) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - (a) The bank is certified under Chapter 173-700 WAC;
 - (b) The Planning Advisor determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - (c) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
 - (2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - (3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

Wetland to be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I, Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I, Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I, Natural Heritage Site	Not Considered Possible	6:1 Rehabilitate a Natural Heritage Site	N/A	N/A	Case-by-Case

In Addition to Standard Mitigation		As the Only Means of Mitigation		
Habitat Function of Wetland to be Replaced	Full and Functioning Buffer	Reduced and/or Degraded Buffer	Full and Functioning Buffer	Reduced and/or Degraded Buffer
Low (3-4 points)	10:1	14:1	20:1	30:1
Moderate (5-7 points)	13:1	17:1	30:1	40:1
High (8-9 points)	16:1	20:1	40:1	50:1

B. Critical aquifer recharge areas.

1. Site analysis—required for the purpose of delineating the recharge areas on a scaled development plan and providing detailed information as developed by a qualified professional as defined herein.
 - a. Critical Area Report – Additional Requirements for Critical Aquifer Recharge Areas.
 - (1) description of the general geological and hydrological characteristics of the area under pest application consideration;
 - (2) description of local characteristics associated with site drainage and water movement;
 - (3) description of conditions prior to project development;
 - (4) description of conditions as they are likely to exist after complete development of the proposed project, and their impact on groundwater quantity and quality;
 - (5) the post development description shall include the effects of the activities likely to occur as a result of the complete development and use of the project, at final equilibrium;
 - (6) as part of subsection e. above, the effects of sewage disposal, lawn and yard activities, agriculture and animal husbandry, storm water impacts, and any other impact reasonably associated with the project type shall be described.

2. Development standards.
 - a. The site analysis developed by the qualified professional will propose as a derivative of the information described in section 21.10.070(B)(1)(a), a water quality baseline which will serve as a minimum standard that shall not be further degraded by proposed development.
 - b. The creation of additional impervious surfaces shall be limited to that amount described in the site analysis that will ensure adequate aquifer recharge and water quality protection.
 - c. Development approvals shall ensure that all best management practices are employed to avoid introducing pollutants into the aquifer. Such methods include the collection and disposal of storm water away from the aquifer recharge area or on-site detention, treatment and infiltration of storm water.
- C. Frequently flooded areas.
 1. Site analysis—required for development sites containing mapped flood hazard areas for the purpose of establishing base flood elevations of the one hundred (100) year flood event.
 - a. Critical Area Report – Additional Requirements for Frequently Flooded Areas.
 - (1) Plans drawn to scale showing the nature, location, dimensions and elevations of the area in question, and existing or proposed structures, fill, storage of materials, and drainage facilities. A topographic map of the site with two (2) foot contours at a minimum scale of 1:2,400. Elevation data shall be certified by a licensed professional land surveyor.
 - (2) Elevation in relation to mean sea level of the lowest floor (including basement) of all nonresidential structures;
 - (3) Elevation in relation to mean sea level to which any structure has been flood proofed
 - (4) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing requirements; and
 - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 2. Development standards.
 - a. All developments must satisfy the provisions of the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968.
 - b. A floodplain permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures including manufactured homes and other development, including fill and other activities.
 - c. The areas for state and local floodplain management regulations shall be those areas subject to a base (100-year) flood. Base floodplains are designated as special flood hazard areas on the most recent maps provided by the Federal Emergency Management Agency for the National Flood Insurance Program. Best available information shall be used if these maps are not available or sufficient.
 - d. Land uses in the floodplain combining district shall be subject to all relevant local, state, or federal regulations including those of the underlying zoning district. Where applicable, permit requirements under the Shoreline Management Act (Chapter 90.58 RCW), or the State Flood Control Zone Act (Chapter 86.16 RCW) may be substituted for permits required under this chapter; provided, that the standards of this chapter are applied.
- D. Geologically hazardous areas.
 1. Erosion hazard.
 - a. Site analysis—required to determine the exact location and circumstances that might be expected to precipitate a significant erosion event.
 - (1) Critical Area Report – Additional Requirements for Erosion Hazard Areas. The analysis shall be prepared by a qualified professional as defined herein, and include the following additional information:
 - (a) The type and effectiveness of mitigating measures available to safeguard the public safety and welfare shall be addressed.
 - (b) The analysis shall discuss the proposed development's influence on the erosion hazard and suggest appropriate design and development measures that might be taken to minimize such hazards.

- b. Development standards.
 - (1) Documented landslide hazard areas shall be avoided as locations for building construction, roads, or utility systems where mitigation is not feasible.
 - (2) If the degree of hazard warrants some development activity, post construction slope stabilization and appropriately upgraded road construction specifications shall be employed to eliminate as completely as practicable any public or private exposure to landslide hazards or abnormal maintenance or repair costs.
- 2. Landslide hazard
 - a. Site analysis—required to identify and quantify geologic, topographic and hydrologic factors that might contribute to slope stability.
 - (1) Critical Area Report – Additional Requirements for Landslide Hazard Areas. The analysis shall be prepared by a qualified professional as defined herein, and include the following additional information:
 - (a) The rate and extent of potential hazards to development activity must be assessed and mitigation measures, if any, evaluated.
 - (b) The proposed development must be analyzed in the light of the hazards and effects represented by the landslide exposure on proposed public and private investments.
 - (c) Development operational factors should be included in the analysis to account for the effects of storm water generation from impervious surfaces and the influence of street conveyance on slope stability.
 - b. Development standards.
 - (1) Documented landslide hazard areas shall be avoided as locations for building construction, roads, or utility systems where mitigation is not feasible.
 - (2) If the degree of hazard warrants some development activity, post construction slope stabilization and appropriately upgraded road construction specifications shall be employed to eliminate as completely as practicable any public or private exposure to landslide hazards or abnormal maintenance or repair costs.
 - (3) Buffer and Setback Distances.
 - (a) Activities at the base of ascending slopes (building at the bottom of a steep slope):
 - (i) For slopes greater than or equal to forty percent (40%) and less than one hundred percent (100%), buffers shall extend a distance away from the toe of the slope that is equal to the vertical height of the slope divided by two, but not to exceed fifteen (15) feet. For slopes less than one hundred percent (100%), the toe of the slope is defined as a distinct break in slope at the base of a steep slope.
 - (ii) For slopes greater than one hundred percent (100%), the buffer shall extend a distance back from the toe of the slope equal to the height of the slope divided by two, not to exceed fifteen (15) feet. The buffer shall be measured horizontally from a plane, drawn tangent to the top of the slope at an angle of forty-five (45) degrees to the proposed structure.
 - (iii) The setback shall be eight (8) feet beyond the buffer.
 - (b) Activities at the tops of descending slopes (building at the top of a steep slope):
 - (i) For slopes greater than or equal to forty percent (40%) and less than one hundred percent (100%), buffers shall extend a distance back from the top of the slope equal to the vertical height of the slope divided by three (3), but not to exceed forty (40) feet. The top of the slope is defined as a distinct break in slope at the top of a steep slope.
 - (ii) For slopes greater than one hundred percent (100%), the buffer shall extend a distance back from the top of the slope equal to the height of the slope divided by three (3), but not to exceed forty (40) feet. The buffer shall be measured horizontally from a plain drawn at forty-five (45) degrees (one hundred percent (100%) slope) from the toe of the slope to the proposed structure.
 - (iii) The setback shall be eight (8) feet beyond the buffer.
 - (c) For projects not required to have a landslide protection area, the setback from the steep slope shall be equal to the buffer distance set in this subsection.

- (d) The Planning Advisor may approve buffers and setbacks which differ from those required by if the applicant submits a geologic hazard area study described in Section 40.430.030(C), which technically demonstrates and illustrates that the alternative buffer provides protection which is greater than or equal to that provided by the buffer required in Section 40.430.020(D)(1).
 - (e) The Planning Advisor may increase buffers or setbacks where necessary to meet requirements of the International Building Code.
 - (4) Other than for exemptions listed in Section 21.10.050, vegetation removal is not allowed on slopes over forty percent (40%) without an approved geologic hazard area study completed by a qualified professional demonstrating that vegetation removal will not result in increased landslide or erosion hazards.
 - (5) Buffers, landslide protection areas and setbacks for steep slopes on projects having approved grading shall be based on regulated steep slopes that remain after that grading.
 - 3. Mine hazard areas.
(Section reserved: no such lands deemed to exist within the city.)
 - 4. Seismic hazard areas.
Until detailed mapping of such areas is completed, all new structures within the city shall conform to building code requirements relating to seismic hazard.
 - 5. Volcanic hazard areas.
(Section reserved: no such lands deemed to exist within the city.)
- E. Fish and wildlife habitat conservation areas.
 - 1. Site analysis—required to identify priority habitats and species, habitats, and species of local importance, and the nature and extent of such species' primary association with the habitat conservation area. The investigation shall consider relative density and species richness, breeding habitat, seasonal range dynamics, and movement corridors. The analysis shall address the relative tolerance by species of human activities. The development proposal shall be evaluated in terms of its influence on the above factors and recommend mitigative measures as appropriate. The analysis is to be prepared by a qualified professional in consultation with the WDFW and appropriate federal agencies.
 - a. Critical Area Report – Additional Requirements for Fish and Wildlife Habitat Conservation Areas.
 - (1) A critical area report for a habitat conservation area shall contain an assessment of habitats including the following site- and proposal-related information at a minimum:
 - (a) Detailed description of vegetation on and adjacent to the project area;
 - (b) Identification of any species of local importance, priority species, or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - (c) A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
 - (d) A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity; and
 - (e) A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
 - (2) The city may request third party “peer review” of an application by qualified professionals and may incorporate recommendations from such third party reports in findings approving or denying the application.
 - (3) All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at one-, three-, five- and seven-year intervals.
 - (4) The city may require replacement mitigation to be established and functional concurrent with project construction.

- (5) Mitigation efforts shall ensure that development activity does not yield a net loss of the area or function, including fish and wildlife habitat values, of the critical area.
- 2. Fish and wildlife habitat conservation areas include the following categories:
 - a. Riparian/Streams
 - b. Endangered and Threatened Species
 - c. Priority Habitat Species Areas
 - d. Local Habitat Areas
- 3. Riparian/Streams.
 - a. Stream classification. Streams will be classified using the following Water Typing System (WAC 222-16-030) described in Table 21.10.270-7.

Stream Type	Characteristic
Type S Water	Waters identified as shorelines of the state (Columbia River)
Type F Water	Perennial or fish bearing waters (Including but not limited to Hamilton Creek; Greenleaf Lake; Hamilton Springs; Greenleaf Creek; Moffet Creek; Bass Lake; Carpenter Creek)
Type Np Water	Less than 3 feet in width on average
Type Ns Water	Seasonal streams with a defined channel

- b. Riparian buffer widths. Riparian buffers are established for habitats that include aquatic systems. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian buffer area. The following base riparian buffer widths in Table 21.10.070-8 are based upon the Washington Department of Natural Resources (DNR) Water Typing System and further classification based upon fish presence (Fish bearing v. Non-fish Bearing) for Type F streams. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. Buffer areas should be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of instream fish habitat through control of temperature and sedimentation in streams; preservation of fish and wildlife habitat; and connection of riparian wildlife habitat to other habitats.

Stream Type	Base Buffer Width
Type S	150 feet
Type F, anadromous fish bearing stream	100 feet
Type F, non-anadromous fish bearing stream	75 feet
Type Np	50 feet
Type Ns	25 feet

- c. Stream buffer area reduction and averaging. The Planning Advisor may allow the base stream buffer area width to be reduced in accordance with a critical area report only if:
 - (1) The width reduction will not reduce or degrade stream or habitat functions, including anadromous fish habitat and those of nonfish habitat;
 - (2) The stream buffer area width is not reduced by more than fifty percent (50%) in any one location;

- (3) The stream buffer area width is not reduced to less than fifteen (15) feet;
 - (4) The width reduction will not be located within another critical area or associated buffer and the reduced stream buffer area width is supported by best available science;
 - d. Stream buffer mitigation. Mitigation of adverse impacts to stream buffer areas shall result in equivalent functions and values, on a per function basis, and be located in the same drainage basin as the habitat impacted.
- 4. Endangered and Threatened Species.
Species which are state or federally designated endangered, threatened, and sensitive species and the habitat with which they have a primary association. Lists, categories and definitions of species promulgated by National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and WDFW are provided to the city to be used for guidance only.
- 5. Priority Habitat Species Areas.
The WDFW has identified priority habitats and/or species considered to be priorities for conservation and management. Priority habitat types have unique or significant value to many species. Priority species are those species that require protective measures and/or management guidelines to ensure their perpetuation. Habitat types and species are listed in Exhibit A showing the location of priority species habitats and are kept on file at the city.
- 6. Local Habitat Areas.
Local habitat areas include those areas specifically identified as local habitat areas on the city's adopted critical areas map and background maps used to prepare the critical areas map.
 - a. The city or private citizens may nominate areas for consideration as local habitat areas and for inclusion on the critical areas map.
 - b. The applicant shall be responsible for preparing the nomination using city-prescribed forms. The applicant shall pay a processing fee of one percent of the assessed value of the proposed area as zoned at the time of application. The Planning Commission, through a Type II process, and in reliance upon all best available science in the hearing record, shall make a determination of whether the nominated area qualifies as a local habitat area.
- 7. Development standards.
 - a. No development approval shall be granted unless mitigation of adverse effects can be provided that will ensure continuation of base-line populations for all fish and wildlife habitat areas. Base-line populations are those population levels known or reasonably believed to have been supported by the area in question with relative stability over the decade preceding the proposed development. For streams, creeks, rivers, ponds, lakes and wetlands containing priority habitat and/or species, an undisturbed riparian buffer area shall be provided in accord with Table 21.10.070-8.
 - b. Development reviews shall include consideration of species' regional occurrence and movements, with a view to avoiding creation of isolated sub-populations of those species.
 - c. No approval shall be granted to a project for which the site analysis shows an adverse impact to any threatened or endangered species under the Endangered Species Act, without prior review and approval by appropriate federal agencies.
 - d. Applicants proposing activities subject to this chapter shall demonstrate that the activity substantially maintains the level of habitat functions and values as characterized and documented using best available science, and minimizes habitat disruption or alteration beyond the extent required to undertake the proposal. (Ord. 1046, 2015)

21.10.080 Warning and disclaimer of liability.

The degree of hazard protection required by this ordinance is considered reasonable for regulation purposes and is based on scientific and engineering considerations. Catastrophic natural disasters can, and will, occur on occasion. This does not imply that land outside critical areas, or activities permitted within such areas, will be free from exposure or damage. This chapter shall not create liability on the part of the city, and officers or employees thereof, for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

21.10.090 Appeals.

I. Administrative Appeals.

A. Any party of record aggrieved by a recommendation of the Planning Commission to approve, conditionally approve, or disapprove a plan may appeal the decision of the Planning Commission to the City Council in a closed record appeal. An appeal must be filed with the City Clerk-Treasurer within thirty (30) days of the date the recommendation is made. In the closed record appeal the council may affirm or reverse the Planning Commission's recommendation.

B. Any party of record aggrieved by a final decision of the City Council to approve, conditionally approve, or disapprove a plan may appeal the City Council's final decision to the Superior Court for Skamania County in accordance with the provisions contained in RCW Chapter 36.70c adopted by reference as if set forth in full, including any additions or amendments thereto.

21.10.100 Violations and penalties.

Violation deemed civil infraction: Any violation of the regulations as contained in this chapter or any amendment thereto shall be a civil infraction punishable by a fine in accordance within Chapter 7.01.020(E).

21.10.110 Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

21.10.120 Effective date.

This chapter is in full force and effective five (5) days after passage and publication as provided by law.

EXHIBIT A

CRITICAL AREAS: MAPS ON FILE IN CITY HALL

MAP

NUMBER

MAP NAME

1. FLOOD HAZARD AREAS, FIRM MAP, FEMA
2. STEEP SLOPES AND EROSION HAZARD AREAS; BASED ON SOIL SURVEY OF SKAMANIA COUNTY, 1990, U.S.D.A.
3. FISH AND WILDLIFE CONSERVATION AREAS - HABITAT OR SPECIES OF LOCAL IMPORTANTANCE
4. CRITICAL AQUIFER RECHARGE AREAS
5. WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES (PHS) MAP
6. CITY OF NORTH BONNEVILLE STREAM CLASSIFICATIONS MAP
7. CITY OF NORTH BONNEVILLE WETLANDS MAP
8. CITY OF NORTH BONNEVILLE GEOLOGICAL CRITICAL AREAS MAP