ORDINANCE NO. D13-56


WHEREAS, the foundation for shoreline management is the Shoreline Management Act (Chapter 90.58 RCW) which was enacted by the Washington State Legislature in 1971 and ratified by a vote of the people in 1972; and

WHEREAS, Chapter 90.58 RCW requires all cities and counties with "shorelines of the state" to prepare and adopt a Shoreline Master Program that is based on state laws and rules, but tailored to the specific jurisdiction

WHEREAS, on April 23, 1975 the Bonney Lake City Council adopted the City of Bonney Lake Shoreline Master Program as required by the Shoreline Management Act.

WHEREAS, the 1975 SMP and was not integrated into the City’s Municipal Code or the Comprehensive Plan but was a standalone document, and

WHEREAS, the State Legislature adopted Substitute Senate Bill 6012 amending RCW 90.58.080 requiring Bonney Lake to complete a comprehensive update to its 1975 Shoreline Master Plan; and

WHEREAS, RCW 36.70A.480 provides that the goals and policies of the Shoreline Master Program shall be considered an element of a jurisdiction’s comprehensive plan and the regulatory provisions of the Shoreline Master Program shall be considered part of a jurisdiction’s development regulations; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of fact and conclusions. The findings of fact set forth in Attachment “A”, attached hereto and incorporated by this reference, are adopted in full by the
City Council in support of its decision to adopt the Shoreline Master Program for the City of Bonney Lake.

**Section 2. Shoreline Environmental Designation Map.** The City Council adopts the Shoreline Environmental Designation Map included as Attachment “B”, attached hereto and incorporated by this reference, establishing the shoreline environmental designation for all areas within the jurisdiction of the City of Bonney Lake Shoreline Master Program.

**Section 3. Comprehensive Plan Chapter.** The City Council hereby adopts a new chapter of the *Bonney Lake Comprehensive Plan* entitled “Shoreline Element” included as Attachment “C”, attached hereto and incorporated by this reference.

**Section 4. Restoration Plan.** The City Council hereby adopts the Bonney Lake Shoreline Restoration Plan, included as Attachment “D”, attached hereto and incorporated by this reference.

**Section 5. Shoreline Code Administration.** Chapter 16.34 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Code Administration” to read as follows:

16.34.010 Title

Chapter 16.34 BLMC through Chapter 16.58 BLMC shall be known as the “Shoreline Code.”

16.34.010 Authority

The Shoreline Code along with the Shoreline Chapter of the *City of Bonney Lake Comprehensive Plan* and the *City of Bonney Lake Shoreline Restoration Plan* are adopted as the Shoreline Master Program (SMP) for the City of Bonney Lake pursuant to the authority provided in Chapter 90.58 RCW and Chapter 173-26 WAC.

16.34.020 Purpose

The purpose of the SMP is to manage the use and development of the shorelines of the City to:

A. Ensure shoreline development and uses avoid, minimize and mitigate impacts.

B. Ensure a “no net loss” of ecological functions.

C. Enable current and future generations to utilize the Lake Tapps Reservoir for water dependent recreation.

D. Protect the quality of water and shoreline natural resources to preserve fish and wildlife habitats.
E. Protect the City’s investments as well as those of property owners along and near the shoreline.

F. Efficiently achieve the mandates of the SMA.

16.34.030 Relationship to other Codes and Ordinances

A. The regulations contained in the Shoreline Code shall apply as an overlay and in addition to zoning, land use regulations, development regulations, and other regulations established by the City.

B. In the event of any conflict between these regulations and any other regulations of the City, the regulations that provide greater protection of the shoreline ecological function and aquatic habitat shall prevail.

C. Shoreline Master Program policies, found in the Shoreline Element of the City’s Comprehensive Plan, establish intent for the shoreline regulations.

16.34.040 Shoreline Environment Designations Regulations

A. Chapter 16.38 BLMC through Chapter 16.48 BLMC establish the designation criteria and dimensional standards for each of the five (5) shoreline environment designations (SED) used in the City of Bonney Lake.

B. Chapter 16.50 BLMC through Chapter 16.54 BLMC establish the development regulations that apply in all of the SEDs.

16.34.050 Interpretation

A. The Shoreline Administrator may issue interpretations of any provisions of the SMP as necessary to administer the SMP policies and regulations based on the following:

1. The defined or common meaning of the words of the provision.

2. The general purpose of the provision as expressed in the provision.

3. The purpose and intent as expressed in Chapter 90.58 RCW, the guidelines contained in Chapter 173-26 WAC, and the Shoreline Chapter of the City of Bonney Lake Comprehensive Plan.

4. Preference shall be given in the following order to uses that:

   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; and

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

B. Any formal written interpretations of shoreline policies or regulations shall be considered a Type 1 Permit.

C. Any formal written interpretations of shoreline policies or regulations shall be submitted to the Department of Ecology for review.

D. An interpretation of the Shoreline Code shall be enforced as part of this code.

E. All interpretations of SMP shall be filed sequentially and available for public inspection and copying during regular business hours.

16.34.060 Construction

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

Section 6. Shoreline Code Definitions. Chapter 16.36 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Code Definitions” to read as follows:

16.36.010 Applicability

For the purposes of Shoreline Code the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 18.04 BLMC.

16.36.020 Abbreviation List

BLMC: Bonney Lake Municipal Code in effect on

BMP: Best Management Practice

DBH: Diameter at breast height
16.36.030 Adoption by Reference

A. The following definitions established by RCW 90.58.030 are adopted by reference as presently constituted or as may be subsequently amended:

1. Development
2. Guidelines
3. Hearings board
4. Person
5. Floodway
6. Ordinary high water mark
7. Shorelands
8. Shoreland areas
9. Shorelines
10. Shorelines of statewide significance

11. Shorelines of the state

12. Substantial development

13. Wetlands

B. The following definitions established by WAC 173-26-020 are adopted by reference as presently constituted or as may be subsequently amended:

1. Act

2. Agricultural activities

3. Amendment

4. Approval

5. Aquaculture

6. Critical areas

7. Development regulations

8. Document of record

9. Ecological functions

10. Ecological restoration

11. Ecosystem-wide processes

12. Feasible

13. Fill

14. Floodplain

15. Geotechnical report

16. Geotechnical

17. Grading
C. The following definitions established by WAC 173-27-030 are adopted by reference as presently constituted or as may be subsequently amended:

1. Average grade level

2. Conditional use
3. Development
4. Exempt
5. Fair market value
6. Height
7. Natural or existing topography
8. Public interest
9. Structure
10. Variance
11. Vessel

16.36.040 “A”

“Accessory dwelling unit” means a second dwelling unit either in or added to an existing detached dwelling, or in a separate structure on the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling. Such a dwelling is an accessory use to the main dwelling.

“Accessory use” means any structure or use incidental and subordinate to a primary use or development.

“Accessory utilities” means on-site utility features serving a primary use providing water, sewer gas, communication, telephone, cable, and electricity.

“Adverse impact” means measurable negative effects which diminish or detract from a stated objective, including human health, safety and welfare and environmental quality.

“Appurtenance” means a structure or development which is common and necessarily connected to the use and enjoyment of a detached dwelling structure including but not limited to the development or structures listed under WAC 173-27-040, sheds, greenhouses, and hot tubes landward of the OHWM and the perimeter of a wetland.

“Aquatic” means those areas waterward of the OHWM.

“Associated Wetlands” means wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management.
16.36.050 “B”

“Bioengineering” means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

“Boat lift” means lifts for motorized boats, kayaks, canoes and jet skis including floating lifts that are designed to not contact the substrate of the lake; ground-based lifts that are designed to be in contact with or supported by the substrate of the lake; and suspended lifts that are designed to be affixed to the existing overwater structure with no parts contacting the substrate.

“Boating Facilities” means a facility or structure providing access in and out of the water for vessels, such as, boat ramps, marinas, piers, docks, and boat lifts. For purposes of the SMP, boating facilities excludes docks serving four or fewer single-family residence.

“Boat House” means a structure over the water or directly landward of the OHWM designed for the storage of boats, but not including boat lift canopies.

“Boat Ramp” means graded slopes, slabs, pads, or planks used for launching boats by means of a trailer, hand, or mechanical device.

“Buffer or buffer area” means vegetative areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

“Building height” see “Height” in BLMC 16.36.030.C.

“Bulkhead” means a solid wall erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves, floods, or current action.

“Buoy” means an anchored float for the purpose of mooring vessels.

16.36.060 “C”

“City” means the City of Bonney Lake, Washington.

“Clearing” means the destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

“Commercial Use” means uses are those that sell goods and/or services directly to the consumer.
“Covered moorage” means boat moorage, with or without walls, that has a roof to protect the vessel.


16.36.070 “D”

“Date of filing” means the date of actual receipt by DOE of a local government’s final decision involving approval or denial of a substantial development permit, shoreline conditional use permit, and/or shoreline variance.

“Dike” means a manmade earthen embankment utilized for the purpose of flood control, water impoundment projects, or settling basins.

“Dock” means an overwater structure which abuts the shoreline consisting of piers and/or floats. Docks may be configured to include ells and finger piers.

“Dredging” means the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies or natural wetlands; maintenance dredging and/or support activities are included in this definition.

“Duplex” means a structure containing two-unit separate dwelling units, located on a singular lot providing permanent provisions for cooking, eating, sanitation, sleeping.

“Dry boat storage” means structures or racks located landward of the OHWM that provide dry places and easy access for removing and returning boats, kayaks, jet-skis, etc from the water via a lift or hoist.

16.36.080 “E”

“Ells” means extensions of piers, often in an ‘L’ shape, that provide additional watercraft moorage.

“Enhancement” means alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

16.36.090 “F”

“Fetch” means the perpendicular distance measure across a water body in a straight-line from the OHWM to the OWHM of the opposite shoreline.
“Finger Pier” means a narrow pier section projecting from the dock ramp, typically perpendicular to the dock and located landward of an ell in order to form the nearshore side of a boat slip.

“Float” means a structure that floats on the surface of the water that is attached to a pier or dock by is not directly to the shore. Floats may be anchored to submerged land.

“Forest Practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber subject to the requirements of Chapter 76.09 RCW and Title 222 WAC.

16.36.100 “G”

“Gabions” Structures composed of masses of rocks or rubble held tightly together by wire mesh so as to form upright blocks or walls primarily used to retain earth or to retard erosion or wave action.

“Geologically hazardous areas” means landslide, erosion and seismic hazardous areas as defined in WAC 365-190-080(4).

“Grade” means average grade level as defined in WAC 173-27-030.

“Grading” means the movement, excavation, or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that either permanently or temporarily alters the natural contour of the land.

16.36.110 “H”

“Hard Structural Shoreline Stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion caused by natural processes, such as current, flood, wind, or wave action. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces that are located at or waterward of ordinary high water.

“Habitat” means the place or type of site where a plant or animal naturally or normally lives and grows.

“Hazard Tree” means a tree that meets all the following criteria:

- A tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years,

- A residence or residential accessory structure is within a tree length of the base of the trunk.
• Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and

• The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

“High Intensity Recreational Activities” means non-water oriented recreational development such as basketball and tennis courts, baseball and soccer fields, and skate parks

“Houseboat” means a structure designed and operated substantially as a permanently based overwater residence. Houseboats are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities

“Hydrological” means the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation.

“Hydrological functions” means water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

16.36.120 “I”

“Impervious Surface” means a hard surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials.

“Industrial Uses” means uses such as manufacturing, assembly, processing, wholesaling, warehousing, distribution of products and high technology.

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

“Interpretive Sign” means a permanent sign without commercial message, located on a publicly accessible site, that provides public educational and interpretive information related to the site on which the sign is located, such as information on natural processes, habitat restoration programs, or cultural history, or that is associated with an adopt-a-stream, adopt-a-park or similar agency-sponsored program.
“Land Division” means the division of land by either a short subdivisions or subdivisions into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Levee” means a manmade earthen embankment utilized for the purpose of flood control, water impoundment projects, or settling basins.

“Low Impact Development” means a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water that allows water to soak into the ground closer to its source. The development shall meet one (1) or more of the following objectives:

- Preservation of natural hydrology.
- Reduction of impervious surfaces.
- Treatment of stormwater in numerous small, decentralized structures.
- Use of natural topography for drainage ways and storage areas.
- Preservation of portions of the site in undisturbed, natural conditions.
- Reduction of the use of piped systems. Whenever feasible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips that also help to fulfill vegetation and open space requirements.
- Use of environmentally sensitive site design and green building construction that reduces runoff from structures, such as green roofs.

“Marina” means a private or public facility with the primary purpose of storing, berthing and securing motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boats.
“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial use.

“Moorage Buoy” means a floating object, sometimes carrying a signal or signals, anchored to provide a mooring place away from the shore.

“Moorage Facility” means a pier, dock, marina, buoy or other structure providing docking or moorage space for boats.

“Moorage Pile” means a permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

“Multifamily residence” means a building containing three or more dwelling units providing permanent provisions for cooking, eating, sanitation, sleeping

16.36.170 “N”

“Native vegetation” means the plant species indigenous to the Puget Sound region.

“Nonconforming development” means a shoreline structure or modification which was lawfully constructed prior to the effective date of the current SMP, but no longer conforms to the current SMP’s bulk, dimensional, or performance standards.

“Nonconforming use” means a shoreline use which was lawfully constructed or established prior to the effective date of the SMP, and which no longer conforms to the SMP.

“Nonstructural Shoreline Stabilization Measures” mean shore erosion control practices such as placing the primary structure farther from the shoreline, planting vegetation, and low impact development measures to prevent or lessen erosion caused by natural processes, such as current, flood, wind, or wave action.

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

“Nuisance Tree” means a tree that meets either of the following criteria:

- Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or

- Has sustained damage from past maintenance practices.

The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.
16.36.180 “O”

“Over Water Structure” means structures that are built or extend over the water.

16.36.190 “P”

“Permitted Uses” means uses that are allowed by the SMP consistent with the policies, goals, and regulations found within the SMP and any other applicable regulations of the City or state.

“Pervious” means surfaces that allow water to pass through at rates similar to pre-developed conditions which include, but are not limited to: pervious asphalt, pervious concrete, pervious gravel, grass or pervious pavers

“Pier” means a structure built over the water and supported by piles for water-enjoyment and water-dependent recreation uses.

“Pile” means a fixed pole set in the substrate and extending above the water line.

“Primary Structure” means a structure containing the main or principal use on the lot.

“Public Access” means the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

16.36.200 “Q”

“Qualified Arborist” means an individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:

- International Society of Arboriculture (ISA) Certified Arborist;
- Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent);
- American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

“Qualified Professional” person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise related to ecological functions. 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 two years of related work experience.
16.36.210 “R”

“Recreational Use” means commercial, public, and semi-public facilities designed and used to provide water oriented and non-water oriented recreational opportunities.

“Residential uses” means single-family residence, accessory dwelling units, duplexes and multifamily residence.

“Revetment” means facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

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

16.36.220 “S”

“Setback” means open space unoccupied and unobstructed from the ground upward measured from an established property line.

“Shoreline Administrator” means the City of Bonney Lake Community Development Director or designee charged with the responsibility of administering the SMP.

“Shoreline Environment Designation” means the categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

“Shoreline frontage” means the width of lot measured at right angles adjacent to the OHWM.

“Shoreline functions” means ecological functions as defined in WAC173-26-020.

“Shoreline Permit” means a Shoreline Exemption, Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and/or Shoreline Variance.

“Shoreline Setback” means the distance measured in feet on a horizontal plan that a structure or improvement must be located from the OHWM.

“Sign” means a board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

“Significant tree” means any healthy tree that is at least six (6) inches in diameter measured at 4.5 feet from the ground (diameter at breast height).

“Single family residence” means a dwelling unit that is not attached or physically connected to any other dwelling unit or other use, located on a singular lot, and provides permanent provisions for cooking, eating, sanitation, sleeping.
“Skirting” means vertical boards along the edge of a pier extending downward.

“Soft Structural Shoreline Stabilization Measures” means shore erosion control that contribute to the restoration, protection or enhancement of shoreline ecological functions while preventing or lessening shoreline erosion caused by natural processes, such as current, flood, wind, or wave action. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a nonlinear, sloping arrangement.

16.36.230 “T”
RESERVED

16.36.240 “U”

“Upland” means the area landward of the OHWM.

“Utility” means services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electric power, gas, water, sewage, communications, oil, storm water, and similar services and facilities.

“Utility Production and Processing Facilities” means facilities for the making or treatment of a utility, such as power plants and sewage treatment plants or parts of those facilities.

“Utility Transmission Facilities” means infrastructure and facilities for the conveyance of services, such as power lines, cables, pipelines, conduits, cables, meters, vaults, and similar infrastructure.

16.36.250 “V”

“Visual access” means public’s opportunity to enjoy the aesthetic qualities of the shorelines of the state.

16.36.260 “W”
RESERVED

16.36.270 “X”
RESERVED

16.36.280 “Y”
RESERVED
16.36.290 “Z”

“Zoning” means the system of land use and development regulations and related provisions of codified in Title 18 BLMC.

Section 7. Shoreline Environmental Designations. Chapter 16.38 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Environmental Designations” to read as follows:

16.38.010 Shorelines Jurisdiction and Official Shoreline Map

A. The map filed in the city clerk’s office and marked Attachment “B” to Ordinance No. XXXX and adopted XXXX, constitutes the Shoreline Environment Designation (SED) Map for the City of Bonney Lake. The map referenced herein supersedes all previously adopted maps.

B. The adopted SED Map is intended to depict only the approximate location and extent of the shoreline jurisdiction. The actual extent of the shoreline jurisdiction shall be based on the following:

1. The Lake Tapps Reservoir and Fennel Creek, its underlying land and those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM.

2. Where an associated wetland boundary extends beyond the area depicted on the Shoreline Environment Designation Map, the additional wetland area shall be designated the same shoreline environment as the adjoining wetland area located on the shoreline map.

3. Buffer areas for critical areas located greater than 200 feet from the OHWM shall not be within the shoreline jurisdiction.

C. Interpretation of Shoreline Environment Designations - The following shall be used to interpret the boundary of a SED:

1. Where a shoreline environment designation boundary is indicated as approximately following a property line, the property line is the shoreline environment designation boundary.

2. Where a shoreline environment designation boundary is indicated as following a street, the midpoint of the street right-of-way is the shoreline environment designation boundary.

3. The Aquatic SED boundary extends into the Lake Tapps Reservoir to the full limit and territorial extent of the police power, jurisdiction and control of the City of Bonney Lake.
4. Where a right-of-way is vacated, the area comprising the vacated right-of-way will acquire the SED of the property to which it reverts.

5. All areas within shoreline jurisdiction that are not mapped or designated are automatically assigned a Natural SED until the shoreline is re-designated through an amendment to the SMP approved by DOE.

16.38.020 Shoreline of Statewide Significance

The Shoreline Management Act (SMA) designated certain shoreline areas as shorelines of state-wide significance. Shorelines thus designated are important to the entire state because these shorelines are major resources from which all people in the state derive benefit. Within the City of Bonney Lake's jurisdiction, Lake Tapps is a shoreline of state-wide significance and as such preference shall be given uses that:

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; and
G. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Section 8. Shoreline Residential Designation. Chapter 16.40 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Residential (SR) Designations” to read as follows:

16.40.010 Purpose

The purpose of the Shoreline Residential SED is to accommodate single-family residential development and appurtenant structures in a manner that protects and restores ecological functions.

16.40.020 Shoreline Residential Designation Criteria

The Shoreline Residential SED shall be assigned to shoreline areas that are zoned and planned for low and medium density residential development, unless these properties meet the designation criteria for the Park or Natural SEDs.
16.40.030 Development Standards

A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

B. The minimum lot size shall be 8,700 square feet.

C. The minimum shoreline frontage shall be 60 feet.

D. Shoreline Setbacks

1. The shoreline setback for all single family residence, duplexes, and accessory dwelling units shall be a minimum of 60 feet from the OHWM and 20 feet from the rear property line; provided that the minimum 60 foot shoreline setback may be reduced as provided in BLMC 16.56.040.

2. Non-residential uses shall have be setback a minimum of eighty feet from the OHWM.

3. Garages and pavements for motorized vehicles (driveways and parking areas) shall be set back at least 70 feet from the OHWM.

4. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100.

E. Maximum building height: 35 feet from grade.

F. Maximum impervious surface coverage: 40 percent.

Section 9. Shoreline Multifamily Designations. Chapter 16.42 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Multifamily (SM) Designations” to read as follows:

16.42.010 Purpose

The purpose of the Shoreline Multifamily SED is to accommodate multifamily residential development and accessory structures in a manner that protects and restores ecological functions.

16.42.020 Designation Criteria

The Shoreline Multifamily SED shall be assigned to shoreline areas that are zoned and planned for multi-family residential development, unless these properties meet the designation criteria for the Park or Natural SEDs.

16.42.030 Development Standards
A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

B. The residential density shall be a minimum of 10 and a maximum of 20 units per net acre.

C. The minimum shoreline frontage shall be 100 feet.

D. Minimum Shoreline Setback:
   1. All structures shall be setback a minimum of 75 feet from the OHWM.
   2. Garages and pavements for motorized vehicles (driveways and parking areas) shall be set back at least 100 feet from the OHWM.
   3. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100.

E. Maximum building height: 35 feet from grade.

F. Maximum impervious surface coverage: 80 percent.

Section 10. Park Designations. Chapter 16.44 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Park (P) Designations” to read as follows:

16.44.010 Purpose

The purpose of the Park SED is to provide areas suitable for water-dependent and other water-enjoyment recreational uses while protecting and, where feasible, restoring ecological functions.

16.44.020 Designation Criteria

The Park SED shall be assigned to areas that are appropriate and planned to be utilized for parks to provide access to the shoreline and suitable for water-oriented recreational uses.

16.44.030 Development Standards

A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

B. The minimum lot size shall be 8,700 square feet.
C. Minimum Shoreline Setbacks:

1. Water-dependent uses shall not be required to be setback from the OHWM.

2. Water-enjoyment uses shall be setback a minimum of twenty (20) feet from the OHWM.

3. Nonwater-oriented uses shall be setback a minimum setback of eighty (80) feet from the OHWM.

4. Accessory use facilities such as restrooms and parking areas shall be located a minimum of sixty (60) feet from the OHWM. These areas shall be linked to the shoreline by walkways.

5. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100

D. Maximum building height: 35 feet from grade.

E. Maximum impervious surface coverage: 35 percent.

Section 11. Natural Designations. Chapter 16.46 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Natural (N) Designations” to read as follows:

16.46.010 Purpose

The purpose of the Natural SED is to protect and restore those shoreline areas that are relatively free of human influence or intact or minimally degraded shoreline functions intolerant of human use. The Natural shoreline environment also protects shoreline areas possessing natural characteristics with scientific and educational interest. These systems require restrictions on the intensities and types of land uses permitted in order to maintain the integrity of the ecological functions and ecosystem-wide processes of the shoreline environment.

16.46.020 Designation Criteria

The Natural SED shall be assigned to shoreline areas if any of the following characteristics apply:

A. The shoreline is ecologically intact and, therefore, currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

B. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
C. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

16.46.030 Development Standards

A. All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

B. Maximum lot coverage by impervious surfaces: 15 percent.

C. Minimum Shoreline Setback:

1. All structures and developments shall be setback a minimum of 200 feet from the OHWM.

2. No development is allowed within the setback areas established in this section; except as provided in BLMC 16.56.100

Section 12. Aquatic Designations. Chapter 16.48 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Aquatic (A) Designations” to read as follows:

16.48.010 Purpose

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

16.48.020 Designation Criteria

The Aquatic SED shall be assigned to all areas waterward of the OHWM.

16.48.030 Development Standards Applicability

All uses, developments, and shoreline modifications allowed in this designation pursuant to BLMC 16.50.20 shall comply with the standards established by Chapter 16.52 BLMC through Chapter 16.56 BLMC.

Section 13. Shoreline Use and Modification Matrix. Chapter 16.50 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Use and Modification Matrix” to read as follows:

16.50.010 Explanation of Uses Table

A. The explanation for the symbology used in the Shoreline Use and Modification matrices in 16.50.020 is provided below:

1. “X” means that the use or development is prohibited in the identified Shoreline Environment. Shoreline uses and developments listed as prohibited shall not be
authorized through a variance, conditional use permit, shoreline substantial development permit or any other permit or approval.

2. “P” means that the use or activity may be permitted by approval of the Shoreline Administrator through a Letter of Shoreline Exemption or through a Shoreline Substantial Development Permit.

3. “C” means that the use or activity may be permitted by approval of the Hearing Examiner and Department of Ecology through a Shoreline Conditional Use Permit. Uses that are not listed and not specifically prohibited by the SMP may be authorized through a Shoreline Conditional Use Permit.

B. Shoreline Variances are intended only to grant relief from specific bulk, dimensional or performance standards established by the SMP, and are not be used authorize shoreline uses and activities. They are therefore not included in BLMC 16.50.020.

C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required

16.50.020 Shoreline Use and Modification Matrix

The following tables indicate the allowable uses and shoreline modifications, where there is a conflict between the chart and the written provisions the SMP, the written provisions shall govern.
<table>
<thead>
<tr>
<th>Shoreline Uses</th>
<th>Residential - Low Density</th>
<th>Residential - High Density</th>
<th>Park</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Resource Land Uses</strong></td>
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<td></td>
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<tr>
<td>Agriculture</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Forest Practices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mining</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Commercial Uses and Development</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Water oriented uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Non-water oriented uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Industrial Uses and Development</strong></td>
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<tr>
<td>Water oriented uses</td>
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<tr>
<td>Non-water oriented uses</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td><strong>Recreational Uses and Development:</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Docks and Piers</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Parks or Picnic Areas</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Trails or Walk-ways</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
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<tr>
<td>High intensity recreational activities</td>
<td>X</td>
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<td>P</td>
<td>X</td>
<td>X</td>
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<td><strong>Transportation and Parking Facilities</strong></td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>Causeways</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Roadways</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Railroads</td>
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<tr>
<td>Parking Facilities – primary</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking Facilities – accessory</td>
<td>Same as the primary use it supports</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Shoreline Uses

## Residential Uses and Development

<table>
<thead>
<tr>
<th>Shoreline Uses</th>
<th>Residential - Low Density</th>
<th>Residential - High Density</th>
<th>Park</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Accessory Dwelling Units</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Duplex</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Multifamily Dwelling</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
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<td>Subdivisions and Short Plats</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Live-aborde vessels</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</table>

## Boating Uses and Facilities

<table>
<thead>
<tr>
<th>Boating Uses and Facilities</th>
<th>Docks and Piers</th>
<th>Boating Ramps</th>
<th>Covered Moorages</th>
<th>Boat Houses</th>
<th>Temporary Moorage&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Marinas</th>
<th>Launching Rails</th>
<th>Utilities</th>
<th>Utility Transmission Facilities</th>
<th>Personal Wireless Facilities</th>
<th>Radio towers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
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## Utilities

<table>
<thead>
<tr>
<th>Utilities</th>
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<th>X</th>
<th>X</th>
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<tr>
<td>Water System Treatment Plants</td>
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<td>Sewage Treatment Plants</td>
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<td>Electrical Generation Plants</td>
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<tr>
<td>Electrical Substations</td>
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<tr>
<td>Solid Waste Disposal Facilities</td>
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<tr>
<td>Accessory Utilities</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory Utilities</th>
<th>Same as the primary use it supports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Transmission Facilities</td>
<td>P</td>
</tr>
<tr>
<td>Personal Wireless Facilities</td>
<td>C</td>
</tr>
<tr>
<td>Radio towers</td>
<td>X</td>
</tr>
</tbody>
</table>

<sup>1</sup> Temporary moorages are only allowed to be used for vessels supporting construction activities
<table>
<thead>
<tr>
<th>Shoreline Modifications</th>
<th>Residential - Low Density</th>
<th>Residential - High Density</th>
<th>Park</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural Shoreline Stabilization</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>See adjacent upland SED</td>
</tr>
<tr>
<td>Piers and Docks</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>In-Stream Structures</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Fills</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Clearing and Grading</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>N/A</td>
</tr>
<tr>
<td>Dredging</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Dredge Disposal</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Dikes and Levees</td>
<td>X</td>
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<td>P</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Shoreline Enhancement Projects</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

16.50.030 Prohibited Shoreline Uses and Modifications

The following uses and modifications are prohibited in all SEDs:

A. Agriculture
B. Aquaculture
C. Forest Practices
D. Mining
E. Commercial Uses
F. Industrial Uses
G. Water System Treatment Plants
H. Sewage Treatment Plants
I. Electrical Generation Plants
J. Solid Waste Disposal Facilities
K. Road Towers
L. Live-aboard vessels
M. Boat Houses
N. Marinas
O. Launching Rails
P. In-Stream Structures
Q. Parking as a principle use

Section 14. Shoreline Uses and Developments. Chapter 16.52 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Uses and Developments” to read as follows:

16.52.010 General

The following general requirements shall apply to all shoreline uses in all SEDs:

A. In addition to the requirement of this chapter, uses and developments shall also comply with the regulations established Chapter 16.54 BLMC – Shoreline Modifications.

B. All shoreline uses and developments shall comply with the applicable requirements established by Chapter 16.56 BLMC – Shoreline General Regulations.

C. All new shoreline uses and developments shall be designed and located to avoid the need for future shoreline stabilization or flood protection.

D. Uses shall be preferred which are consistent with the control of pollution, prevention of damage to shoreline ecological functions, and are unique to or dependent upon the shorelines. In establishing preferred uses, preference will be given to the following in descending order:
   1. Water-dependent Uses
   2. Water-related Uses
   3. Water-enjoyment Uses.
   4. Non-Water Oriented Use.

16.52.020 Residential Development

A. Single family residences and associated appurtenance are not water-dependent but are a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes consistent with the no net loss provisions of the Shoreline Code.

B. Other shoreline uses and modifications which are considered accessory or appurtenances to residential development that are identified as separate a shoreline
use or modifications in the SMP (such as piers and docks; bulkheads; utilities; fill; and clearing and grading) are subject to the regulations established Chapters 16.54 and 16.56 BLMC in addition to any special conditions relating to residential development established in this section.

C. Residential development is prohibited in the Park, Natural, and Aquatic SEDs.

D. Multifamily residential development is prohibited in the Shoreline Residential SED.

E. Residential development is prohibited over water, including floating homes.

F. Residential development is prohibited within the 100-year flood plain.

G. Residential development shall retain and protect the natural vegetation of the shoreline area, or restore and enhance natural vegetation according to the vegetation conservation standards in BLMC 16.56.060.

H. New residential lots may only be permitted in the Shoreline Residential and Shoreline Multifamily SEDs when the following standards are met:
   1. The lots created shall not require hard or soft structural shoreline stabilization measures or flood hazard reduction measures in order for reasonable development to occur, as documented in a geotechnical report.
   2. The residence shall be built in conformance with all applicable bulk, dimensional, and performance standards established by the Shoreline Code.
   3. Adequate water, sewer, road access, and utilities shall be provided.
   4. The intensity of development shall be consistent with the City’s comprehensive plan.
   5. The layout, configuration, and development of the lots shall be done in a manner that assures that no net loss of ecological functions.

I. Land divisions of five (5) or more waterfront lots and multifamily developments of five (5) or more units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public as required in BLMC 16.56.120.

J. Land divisions shall establish a prohibition of single owner piers and docks on the face of the plat. An area for joint use moorage may be approved if it meets all requirements in BLMC 16.54.030.
16.52.030 Recreational Development

A. Non-water oriented high intensity recreational activities are prohibited in the Shoreline Residential, Shoreline Multifamily, Natural, and Aquatic SEDs.

B. Water-enjoyment and water-related uses are prohibited in the Aquatic SED.

C. Recreational uses and development shall protect and/or restore the natural vegetation of the shoreline area in accordance with the vegetation conservation standards in BLMC 16.56.060.

D. All permanent non-water oriented recreational structures and facilities shall be located outside the one hundred year (100-year) flood plain.

E. Trail planning, construction, and maintenance shall adhere to the following criteria:
   1. Trails and related facilities shall, to the extent feasible, be placed on existing levees, road grades, utility corridors, or any other previously disturbed areas; and
   2. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags, and important wildlife habitat; and
   3. Viewing platforms, interpretive centers, picnic areas, benches, and access to them shall be designed and located to minimize disturbance; and
   4. Trails and related facilities shall minimize the use of impervious surface and provide water quality protection measures to assure that runoff from them does not directly discharge to wetlands or streams; and

F. Public over-water structures that are designated for public access may be expanded in size subject to the following:
   1. The existing structure is not large enough to support the water-dependent use.
   2. All new dock portions shall be grated.
   3. The length of the dock is the minimum necessary to accommodate the intended public usage of the dock.
   4. Designed and located so as not to constitute a hazard to navigation or other public uses of the water

16.52.040 Boating Facilities

A. Boating facilities, boating ramps, piers, and docks are prohibited in the Natural SED.
B. Boat Ramps are prohibited in the Shoreline Residential and Shoreline Multifamily SEDs.

C. Piers and docks associated with boating ramps shall comply with the design standards established in BLMC 16.54.030.E and BLMC 16.54.030.G.

D. Boat ramp facilities shall comply with the following:
   1. The length of the ramp shall be the minimum necessary to safely launch vessels; provided that in no case shall the ramp extend beyond a point where the water depth is seven feet below the OHWM.
   2. The ramp shall be constructed using segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.
   3. The ramp shall be located a minimum of twenty-five feet from existing designated swimming area.
   4. Parking areas for boat trailers serving the boat ramp facility may be maintained but shall not be enlarged to provide additional boat trailer parking.

16.52.050 Parking

A. Parking as a primary use shall be prohibited within the Shoreline Residential, Shoreline Multifamily, Park, Natural, and Aquatic SEDs.

B. Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in all shoreline environment jurisdictions

16.52.060 Transportation

A. Transportation facilities are prohibited in the Natural SED.

B. All transportation facilities in shoreline areas shall be:
   1. Constructed and maintained to cause the least possible adverse impacts on shoreline environment to the extent feasible.
   2. Located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, or substantial site grading.
   3. Related to and necessary to support permitted uses.

C. Transportation facilities shall include provisions for pedestrian and bicycle circulation.
D. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained and monitored until established.

E. Vegetation and street trees shall be selected and located so as to not impair existing visual access to the water.

F. Clearing of vegetation within transportation corridors shall be the minimum necessary for infrastructure maintenance and public safety. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control.

16.52.070 Utilities

A. The following utility uses and developments are prohibited in the Shoreline Residential, Shoreline Multifamily, Park, Natural, and Aquatic SEDs:

1. Non-water oriented utility production and processing facilities which include:
   a. Water system treatment plants;
   b. Sewage treatment plants; and
   c. Electrical energy generating plants and substations.

2. Radio towers.

3. Solid waste disposal sites and facilities.

B. Personal wireless services facilities are prohibited in the Natural and Aquatic SEDs.

C. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned shoreline uses.

D. Utility transmission facilities and lines shall comply with the following standards:

1. Placed underground consistent with the standards of the serving utility.

2. Demonstrate the infeasibility of existing routes or alternative locations outside of the shorelines jurisdiction.

3. Cross areas of shoreline jurisdiction by the shortest most direct route which cause the least harm to the shoreline.
4. Be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization, flood protection works, or filling of aquatic areas. Boring, rather than open trenching is the preferred method of utility water crossing.

5. Be located in existing rights-of-way and utility easements whenever possible.

E. Utility developments shall be located and designated so as to avoid the use of any structural or artificial shore modification works whenever feasible.

F. Utility facilities requiring withdrawal or discharge to water front streams or lakes shall be designed, operated, and maintain to preserves the shoreline environment and results in a no net loss of ecological functions.

G. Utilities that are accessory and incidental to a shoreline use shall be reviewed under the provisions of the use to which they are accessory.

H. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.

I. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.

J. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.

K. Personal wireless facilities shall use concealment strategies to minimize the appearance of antennas and other equipment from the water, public pedestrian walkways, and public use areas.

Section 15. Shoreline Modifications. Chapter 16.54 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Modifications” to read as follows:

16.54.010 General

The following general requirements shall apply to all shoreline modifications:

A. In addition to the requirement of this chapter, use(s) within the shoreline shall also comply with the regulations established Chapter 16.52 BLMC – Shoreline Uses.

B. All shoreline modifications shall comply with the applicable requirements established by Chapter 16.56 BLMC – Shoreline General Regulations.
C. Shoreline modification activities which do not support a permitted uses are considered “speculative” and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.

D. Stream realignment shall be prohibited as a means of shoreline stabilization.

E. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g., creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.

16.54.020 Shoreline Stabilization

A. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.

B. New or enlarged structural shoreline stabilization measures to protect an existing primary structure or in support of either a new water dependent or nonwater dependent development including a single family residence shall not be allowed; except in circumstance when a geotechnical report demonstrates all of the following:

1. That nonstructural shoreline stabilization measures are not sufficient or are not feasible. In determining sufficiency and feasibility, all of the following shall be addressed in the geotechnical report:
   
   a. Site conditions, including slope, beach configuration, nearshore depth, potential for flooding, and proximity of primary structure to the OHWM;
   
   b. Consideration of wind direction, velocity and frequency, fetch, probable wave height, and frequency;
   
   c. The level of risk to the primary structure presented by the rate of erosion over a three year period;
   
   d. Whether the cost of avoiding disturbance of shoreline processes and functions is disproportionate as compared to the environmental impact of proposed disturbance, including any continued impacts on functions and values over time.

2. The need to protect the existing or proposed primary structure from damage due to erosion is caused by natural processes, such as currents or waves.

3. That the erosion is not being caused by upland conditions which can be addressed landward of the OHMW through the use of vegetation enhancement and/or low impact development.
4. That the size of the structural shoreline stabilization measures is limited to the minimum necessary to prevent damage to the primary structure or to support either the new water dependent or nonwater dependent development.

5. Confirmation that there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of such structural shoreline stabilization measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

C. When structural shoreline stabilization measures are allowed pursuant to BLMC 16.54.020.B, the stabilization measures shall comply with all of the following:

1. New shoreline stabilization measures shall be located at or behind the OHWM. Where a documented area of special flood hazard exists, stabilization measures shall be located at the upland edge of the area of special flood hazard, except that soft stabilization measures may be located in the area of special flood hazard.

2. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM; provided, that the intent is not to create dry land.

3. Hard shoreline stabilization measures may only be used upon demonstration that soft shoreline stabilization measures are not to be sufficient to protect primary structures. The insufficiency and infeasibility of soft shoreline stabilization measures shall be addressed in a geotechnical report utilizing the criteria established in BLMC 16.54.020.B.1.

4. The construction of a bulkhead or other structural shoreline stabilization measure for the primary purpose of creating dry land is prohibited.

5. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.

6. Bulkheads shall be designed to permit the passage of surface water or groundwater without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.

7. Fill behind bulkheads shall be limited to the minimum level necessary to fill the terrain behind the bulkhead to match the existing grade. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.
D. The following materials are prohibited for shoreline stabilization structures:

1. Degradable plastics and other nonpermanent synthetic materials.
2. Sheet materials, including metal, plywood, fiberglass, or plastic.
3. Broken concrete, asphalt, or rubble.
4. Car bodies, tires or discarded equipment.
5. Solid waste.
6. Wood, timbers or other materials treated or coated with herbicides, fungicides, paint, pentachlorophenol arsenate compounds or creosote are prohibited.

E. Existing shoreline stabilization structures may be replaced with a similar structure if all of following are demonstrated:

1. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
2. Replacement walls or bulkheads shall not encroach further waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
3. For purposes of this section, "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 or height of existing shoreline stabilization measures shall be demonstrate compliance with BLMC 16.54.020.B.

16.54.030 Piers and Docks

A. Only one (1) pier or dock for moorage purposes shall be allowed per single family residence consisting of the elements identified in Figure 1 upon demonstrating compliance with the Shoreline Code.
B. Renting, leasing or selling moorage space associated with a single family, duplex, or multifamily residence dock or pier is prohibited.

C. In the following circumstances, a joint use pier or dock shall be required:

1. On lots subdivided to create one (1) or more additional lots with waterfront access rights.

2. New residential development of two (2) or more dwelling units located on the same lot with waterfront access rights.

3. The requirement to provide and maintain a joint use dock in perpetuity shall be provided through either an easement recorded with the Pierce County Auditor’s Office or on the face of the plat or short plat recorded with the Pierce County Auditor’s Office. The legal description of the easement will be provide by the applicant on a form approved by the Shoreline Administrator.

D. A mooring buoy may be used to provide moorage space in lieu of a pier or dock. No more than one (1) mooring buoy is permitted per single family residential.

E. Piers and docks shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.

F. Piers and docks shall be constructed and maintained in a safe and sound condition. Abandoned, obsolete, or unsafe structures shall be removed or repaired promptly by the owner.
G. Piers or docks shall comply with the following dimensional standards:

<table>
<thead>
<tr>
<th>Description</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td></td>
</tr>
<tr>
<td>Single Property Owner</td>
<td>360 Square Feet</td>
</tr>
<tr>
<td>Shared by two property owners</td>
<td>580 Square Feet</td>
</tr>
<tr>
<td>Shared by 4 or more property owners or dwelling units</td>
<td>1,000 Square Feet</td>
</tr>
<tr>
<td><strong>Maximum Length</strong></td>
<td></td>
</tr>
<tr>
<td>Fingers and Floats</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Ells</td>
<td>25 Feet</td>
</tr>
<tr>
<td><strong>Maximum Width</strong></td>
<td></td>
</tr>
<tr>
<td>Portion of the walkway within 30 feet of the OHWM</td>
<td>4 Feet</td>
</tr>
<tr>
<td>Portion of the walkway greater than 30 feet from the OHWM</td>
<td>6 Feet</td>
</tr>
<tr>
<td>Ell and Float</td>
<td>6 Feet</td>
</tr>
<tr>
<td>Finger</td>
<td>3 Feet</td>
</tr>
<tr>
<td>Ramp connecting a Pier to a Float</td>
<td>3 Feet</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier</td>
<td>1 ½ Feet</td>
</tr>
<tr>
<td>Maximum height above the OHWM measured from the OHWM to the top of the decking</td>
<td>5 Feet</td>
</tr>
<tr>
<td><strong>Location of Specific Structures</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum distance of ells, fingers, floats, buoys, moorage buoys from shore as measure waterward of OHWM</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Minimum distance from decks/piers located on adjacent properties</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Minimum distance between piers</td>
<td>12 Feet</td>
</tr>
</tbody>
</table>
H. The maximum intrusion of the elements of the pier and dock identified in 16.54.030A. shall be only as long as needed to obtain a water depth of nine (9) feet as measured from the elevation of the OHWM; provided that the maximum length of the pier or dock shall not exceed fifty (50) feet or fifteen percent (15%) of the fetch which every is less. The length of the deck shall be measure as illustrated in Figure 2.

![Figure 2: Maximum Length of Overwater Structures](image)

I. All piers and docks shall comply with all of the following design standards:

1. All utility and service lines located waterward of the OHWM must be below the pier or dock deck and above the OHWM.

2. The street address of the subject property must be displayed. The address must be oriented to the lake with letters and numbers at least four (4) inches high.

3. Piers, docks, floats, and buoys shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions during the day or night. Exterior finish of all structures shall be generally non-reflective.

4. Docks shall be fully grated within the first thirty (30) feet as measured waterward of the OHWM. Decking shall have a minimum open space of forty percent (40%).

5. Piles, floats and other overwater structures that are in direct contact with water or over water shall comply with the following standards

   a. Piles treated or coated with herbicides, fungicides, paint, pentachlorophenol arsenate compounds or creosote are prohibited.

   b. Piles shall be either steel, PVC, or untreated wood.
J. The following structures and improvements are prohibited:

1. Covered moorage, boathouses, or other walled covered moorage. Covered boat lifts in conformance with other provisions in this section may be allowed. Existing enclosed moorage structures shall be considered nonconforming uses subject to the provisions of BLMC 16.56.150.

2. Skirting on any structure.

3. Over-water residential use, including houseboats, live-aboards, or other single- or multi-family dwelling units.

4. Launching rails.

5. New recreational floats and swimming platforms for private properties.

K. Temporary inflatable recreational equipment (e.g., floating trampolines) may be permitted from May 1 through September 30.

L. Repair and replacement of existing docks and piers that is accessory to a residential use shall comply with the following standards:

1. Proposals involving replacement of the entire private dock or 50 percent or more of the pier-support piles shall conform to the provisions of the SMP; provided that the area of the new dock may be equal to area of the existing dock.

2. Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:
   
   a. If the width of the dock is wider than 6 feet in the area where the piles will be replaced, the decking that would be removed in order to replace the piles shall be replaced with grated decking as described in BLMC 16.54.040.1.4.

   b. Replacement piles must comply with the requirements of BLMC 16.54.030.1.6.

3. Repair proposals which replace 50 percent or more of the decking on any dock element (i.e., walkway, ell, etc.) greater than 6 feet wide must use grated decking for the entire portion of that element that is wider than 6 feet as described in BLMC 16.54.030.1.4.

4. Other repairs to existing legally established docks and piers where the nature of the repair is not described in BLMC 16.54.030.L.1 through 16.54.030.L.3 shall
be considered minor repairs and may be permitted upon demonstrating compliance with all other applicable codes and regulations.

5. If a single-family residence has two or more existing docks and one requires replacement or repair as described in regulations BLMC 16.54.030.L.1 through BLMC 16.54.030.L.3 then one must be removed as a condition of the repair. The remaining dock may be improved to the same dimensions as either existing dock.

6. If the cumulative repair proposed over a three-year period exceeds thresholds established in BLMC 16.54.030.L.1, then deck or pier shall be brought into conformance the SMP; provided that the area of the new deck may be equal to area of the existing dock.

M. New additions to existing docks or piers may be permitted under the following circumstances:

1. When additional length is required to reach 6 feet of water depth as measured at the OHWM; provided the dock area within 30 feet of shore is grated.

2. When a single-use dock is converted to a joint-use pier.

3. New additions to existing docks shall not exceed dimensions allowed for new docks.

4. When the addition of an ell or finger will increase safety and usability; provided the new portion of the dock is grated as described in BLMC 16.54.030.G.4.

5. When total area of the dock, piers, and floats waterward of the OHWM is reduced.

N. Boatlifts and boatlift canopies may be permitted as an accessory to a dock or pier associated serving a single family residence or duplex provided that:

1. Residential docks may have two jet ski lifts per single-family lot.

2. Residential docks may have one boatlift per single-family lot.

3. All lifts are placed as far waterward as feasible and safe, within the limits of the dimensional standards for docks in this chapter.

4. The top of the canopy must not extend more than 8 ½ feet above the adjacent pier.

5. Platform lifts shall be fully grated.
O. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.

16.54.040 Fills

A. Fills allowed pursuant to the use table in BLMC 16.50.020 shall be necessary to support:

1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan pursuant to Chapter 70.105D RCW – Model Toxics Control Act (MTCA), Chapter 173-340 WAC – MTCA Cleanup Regulation, and/or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund; or
4. Mitigation action, environmental restoration, beach nourishment or enhancement project.

B. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and shall not cause:

1. Significant damage to water quality, fish and aquatic habitat, and/or wildlife habitat; or

C. Refuse disposal sites, solid waste disposal sites, or sanitary fills are prohibited.

16.54.050 Clearing and Grading

A. Clearing and grading activities shall only be allowed in association with a permitted shoreline development.

B. All clearing and grading activities shall comply with the following:

1. Materials such as dirt and rocks used in construction must be stored a minimum of twenty-five (25) feet landward of the OHWM and shall incorporate best management practice measures;
2. Any large quantities of vegetation removal and excess earthen materials shall be collected and disposed of in a manner to prevent negative impacts to the shoreline environment;

3. No vegetation or other enhancements installed as part of a restoration plan or mitigation shall be removed, unless approved by the City as part of a modified restoration plan or mitigation.

4. Surfaces cleared of vegetation shall be limited to the minimum necessary for the intended development.

C. Clearing and grading is prohibited within the required vegetation conservation area, except for the following:

1. For the purpose of shoreline habitat and natural systems enhancement projects.

2. Associated with the development of a permitted use located within the required vegetative buffer or waterward of the OHWM as permitted by the SMP.

3. Clearing invasive non-native shoreline vegetation listed on the Pierce County Noxious Weed List is permitted in shoreline locations, provided hand held equipment is used and native vegetation is reestablished in the disturbed area within six months from the date of the clearing activity.

4. As performed in the normal course of maintaining existing vegetation on a lot provided such work:
   a. Does not modify any drainage course.
   b. Does not involve the importation of fill material, except as needed for mulch or soil amendment.
   c. Does not result in erosion of the shoreline or undermine stability of neighboring properties.
   d. Does not involve removal of native vegetation or vegetation installed as part of an approved restoration or enhancement plan.
   e. Does not result in the compaction of existing soils in a manner that significantly decreases the ability of the soil to absorb rainfall.
   f. Is the minimum extent necessary to reasonably accomplish the maintenance activity.

5. Correction of storm drainage improvements when supervised by the Public Works Department.
6. As necessary to maintain or upgrade the structural safety of a legally established structure.

D. Exploratory excavations under the direction of a professional engineer licensed in the state of Washington may be allowed; provided that, the extent of the excavations does not exceed the minimum necessary to obtain the desired information.

16.54.060 Dredging and Disposal

A. New development shall be located and designed to avoid the need for new or maintenance dredging.

B. Dredging shall be permitted only when significant ecological impacts are minimized, when mitigation is provided, and:

1. For the purpose of establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses, or navigational access and recreational access;

2. As part of an approved habitat improvement project;

3. To clean up contaminated sediments regulated under Chapter 70.105D – Model Toxics Control Act, Chapter 173-340 WAC – Model Toxics Control Act Cleanup Regulations, and/or Comprehensive Environmental Response, Compensation and Liability Act.

C. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.

D. Dredging and dredge disposal shall be carefully scheduled to protect ecological function (e.g., spawning, benthic productivity, etc.) and to minimize interference with fishing activities.

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

F. Dredging for the primary purpose of obtaining material for fill is prohibited.

G. Depositing clean dredge materials within shoreline jurisdiction shall be allowed only by conditional use permit for one or more of the following reasons:

1. For wildlife habitat improvement or shoreline restoration; or

2. To correct problems of material distribution adversely affecting fish and wildlife resources.
16.54.070 Dikes and Levees

A. Public access to shorelines should be an integral component of all levee improvement projects. Public access shall be provided in accordance with public access policies of the SMP and regulations contained in BLMC 16.56.120.

B. New dikes and levees may be allowed within the shoreline jurisdiction when all of the following are demonstrated by a scientific and engineering analysis that:
   1. The dike or levee is limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
   2. The dike or levee is located landward of wetlands and designated vegetation conservation areas consistent with BLMC 16.56.060.
   3. Nonstructural measures are not feasible.
   4. Impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.

C. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

16.54.080 Shoreline Restoration and Ecological Enhancement

A. Shoreline habitat and natural systems enhancement projects include the following activities when proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines:
   1. Establishment or enhancement of native vegetation.
   2. Removal plants that are identified on the Washington State Noxious Weed List – Chapter 16-750 WAC.
   3. Voluntary conversion of hard structural shoreline stabilization to soft shoreline stabilization, including associated clearing, dredging and filling necessary to implement the conversion.
   4. Implementation of any project or activity identified in the City’s Restoration Plan; provided that the project or activity has not been identified as mitigation for a specific development or use of the shoreline.

B. Relief from the development standards of the Shoreline Code may be granted when a restoration project has resulted in a landward shift of the OHWM subject to the following provisions:
1. The standards established by the Shoreline Code may be modified as part of any shoreline permit without the requirement to obtain a separate Shoreline Variance or meet the criteria for a Shoreline Variance subject when all of the following criteria are meet:

   a. A shoreline restoration project caused OHWM shift landward resulting in:

      i. Land that had not been regulated under Shoreline Code 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 Code.

   b. Application of Shoreline Code would preclude or interfere with use of the property permitted by local development regulations, resulting in a hardship to the property owner.

   c. The proposed relief is the minimum necessary to relieve the hardship.

   d. After granting the proposed relief, there is net environmental benefit from the restoration project.

   e. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and the SMP; and

   f. The restoration project was not created as mitigation to obtain a development permit.

2. The decision of the Shoreline Administrator to either approve or deny the request to modify the Shoreline Code standards pursuant to 16.54.080.B.1 shall be forwarded to the Department of Ecology for review and either approval or disapproval.

3. Permits that rely on the provisions of 16.54.080.B.1 shall not be issued unless the Department of Ecology approves the modification to the standards of the Shoreline Code.

**Section 16. General Shoreline Regulations.** Chapter 16.56 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “General Shoreline Regulations” to read as follows:

**16.56.010 Applicability**

The requirements of this Chapter shall apply to all uses, activities, and developments within all SEDs.
16.56.020 No Net Loss Standard and Mitigation Sequencing

A. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions, through the location and design of all allowed development and uses. Impacts to shoreline ecological functions from allowed development and uses shall be mitigated in the following sequence of steps listed in order of priority:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize 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. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reduce or eliminating the impact over time by preservation and maintenance operations;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitor the impact and the compensation projects and taking appropriate corrective measures.

B. In the following circumstances, the applicant shall provide a written analysis prepared by a qualified professional regarding the compliance with measures taken to mitigate environmental impacts established in 16.56.020.A:

1. When either a conditional use or variance application is proposed;
2. When the standards contained the Shoreline Code require an analysis of the feasibility of the need for an action, or to determine whether the design has been minimized in size; and

C. Maintenance activities shall be conducted in a manner that minimizes impacts critical areas and utilizes applicable BMPs.

D. When evaluating the feasibility of a proposed action, the applicant shall provide a report from a qualified professional demonstrating that the cost of avoiding disturbance is substantially disproportionate when compared to the environmental impact of the proposed disturbance, including any continued impacts on functions and values over time.

E. Failure to demonstrate that the mitigation sequencing standards have been met may result in permit denial.
16.56.030 Archaeological and Historic Resources

A. Development in areas documented by the Washington State Office of Archaeology and Historic Preservation or identify by affected Tribes to contain archaeological resources shall comply with the following:

1. A site inspection and a draft written report prepared by a qualified professional archaeologist. Copies of the draft report shall be provided by the applicant to the City; upon receipt of the draft report the City shall forward copies to affected tribe(s) and the State Office of Archaeology and Historic Preservation for review and comment.

2. After consultation with these agencies, the archaeologist shall provide a final report that includes any recommendations from the affected tribe(s) and the State Office of Archaeology and Historic Preservation on avoidance or mitigation of the proposed project’s impacts.

3. The Shoreline Administrator may condition project approval, based on the final report from the archaeologist in consultation with the affected Tribes, to ensure that impacts to the site are avoided or minimized consistent with federal and state law.

B. All Shoreline permits and letters of exemption shall contain provisions that require developers to immediately stop work and notify the City, the State Office of Archaeology and Historic Preservation, and affect tribes if any potential archaeological resources are uncovered during land surface modification or development activity. Failure to comply with this requirement shall be considered a violation of the shoreline permit.

16.56.040 Shoreline Vegetation Incentives

A. The following requirements shall apply to all of the incentives in this section:

1. The shoreline vegetation provided for one incentive cannot be applied to another incentive.

2. Shoreline vegetation that already exist within the Shoreline Vegetation Conservation Area or is required to be planted pursuant to BLMC 16.56.060.B shall not apply towards the incentives established in this section.

3. The vegetation shall be native vegetation planted adjacent to the shoreline.

4. The applicant shall submit a Vegetation Planting Plan consistent with the requirements BLMC 16.56.050.

5. The shoreline vegetation incentive is only available for properties located in the Shoreline Residential Designation.
B. The required minimum 60 foot shoreline setback may be reduced by 5 feet for every 300 square feet of shoreline vegetation installed along the shoreline provided:

1. The maximum amount of shoreline setback reduction is 20 feet; provided that the primary structure does not move closer to the water than established by the string-line setback determined by BLMC 16.56.040.B.3.

![Figure 3: Shoreline Setback bonus for shoreline vegetation.](image)

2. The primary maintains a minimum setback of 20 feet from the rear property line.

3. The primary structure maintains does not move closer to the water than established by the string-line as follows:
   a. A string-line is established by drawing a straight line between the two points where the residential use on each of the adjoining shoreline lots each projects the greatest towards and is the closest to the OHWM.
   b. If the string-line setback is greater than 40 feet from the OHWM, the maximum reduction of the shoreline setback is the distance between the string-line and the OWHM as illustrated on Figure 4.
   c. A string-line setback is not required if one or both of the adjoining shoreline lots do not contain a residential use.
C. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along the shoreline provided:

1. The width of the waterfront deck or patio as measured parallel to the OHWM shall be equal to or less than 25 percent of the shoreline frontage and native vegetation covers a minimum of 75 percent of the shoreline frontage.

2. The deck shall be located within the same area allowed for the pathway and view corridor to the water provided in BLMC 16.56.100.B.3.

3. For every 1 square foot of waterfront deck or patio there shall be 3 square feet of native vegetation provided adjacent to the OHWM.

4. The total area of the waterfront deck or patio along the shoreline shall not exceed 150 feet square feet.

5. The deck or patio is set back 5 feet from the OHWM.

6. The deck or patio is no more than 2 feet above grade and is not covered.

7. There are no permanent structures above the level of the deck within 20 feet of the rear property line.
D. The maximum allowed area for docks and piers allowed single property owner and shared by two property owners established by 16.54.030.F may be increased by 30 feet for every 300 square feet of shoreline vegetation provided along the shoreline. The maximum amount of additional area that can be obtain from this incentive is 120 square feet.

16.56.050 Vegetation Planting Plan Requirements

Shoreline vegetation planting plans shall meet the following minimum requirements:

A. The plan shall be prepared by a Qualified Professional.

B. The plan shall be recorded with the Pierce County Assessor’s Office as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the City.

C. The native vegetation shall consist of a mixture of trees, shrubs and groundcover and designed to improve habitat functions. The following general planting regulations shall apply:

1. Trees. A minimum of one native tree per 300 square feet of required vegetated area shall be provided or preserved. A minimum of thirty percent (30%) of the required trees shall be native coniferous trees.

   a. Deciduous trees shall be a minimum of two-and-one-half-inch caliper as measured per American Standard for Nursery Stock (ANSI Z60.1-2004).
b. Coniferous trees shall be at least 6 feet high at the time of planting.

2. Shrubs. A minimum of one shrub per 20 square feet of landscape area shall be provided. The minimum size of the shrub at the time of planting shall be at least 2 feet in height, with the plant covering the dimensions of the container.

3. Vegetative Groundcover. Living groundcover plants of a minimum one-gallon size shall be planted in the landscaped area sufficient to cover the area within three years of planting.

4. Vegetation shall be fully established within three years. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.

5. The plan shall include limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality.

D. A four year monitoring and maintenance program prepared by a qualified professional including, but not limited to the following:

1. An outline of the schedule for site monitoring;

2. Performance standards, including, but not limited to, 100 percent survival of newly planted vegetation within two years of planting, and 80 percent for years three or more

3. Contingency plans identifying courses of action and any corrective measures to be taken if monitoring indicates performance standards have not been met;

4. The period of time necessary to establish performance standards have been met; not to be less than four years; and

E. The City may require a financial security pursuant as a guarantee that the enhancements, maintenance and monitoring are completed to the satisfaction of the City.

16.56.060 Vegetation Conservation and Maintenance

A. The area twenty (20) feet landward of the OHWM shall be considered vegetation conservation area. Existing native shoreline vegetation shall be preserved within the vegetation conservation area consistent with safe construction practices, and other provisions of this section. Native trees and shrubs shall be preserved to maintain and provide shoreline ecological functions.
B. Vegetation conservation areas shall be fully replanted with native vegetation pursuant to an approved Vegetation Planting Plan consistent with the requirements of BLMC 16.56.050 and this section as part of the following development proposal:

1. Construction of a new single family residence, duplex, multi-family building either on a vacant lot or a lot on which single family residence, trailer, manufactured home, duplex, or a multi-family building was previous located.

2. An increase of at least twenty percent (25%) in gross floor area of any structure located in shorelines jurisdiction.

3. An alteration of a single family residence, duplex, multi-family building in shorelines jurisdiction, the cost of which exceeds sixty percent (60%) of the assessed value of the residential structures on the subject property as identified on the Pierce County Auditor website.

C. Twenty-five percent (25%) of the required vegetated conservation may be cleared or thinned for view maintenance and waterfront access as described in BLMC 16.56.100.B.3; provided that seventy-five percent (75%) of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees “limbed up” from the ground to provide views.

D. In the instance where there is an intervening property between the OHWM and an upland property and the portion of the intervening property abutting the upland property has an average depth of less than 20 feet, shoreline vegetation shall be provided within the shoreline setback portion of the upland property pursuant to this section, unless:

1. The required shoreline vegetation already exists on the intervening lot; or

2. The intervening property owner agrees to allow the upland property owner to install the shoreline vegetation on their property.

E. Snags and living trees over 4.5 inch DBH shall not be removed within the vegetated portion of the vegetative conservation area except under the following instances:

1. A Hazard or Nuisance Tree may be removed consistent with the following standards

   a. If the nuisance or hazard condition is not obvious to the City, Qualified Arborist retained by the property owner shall determine if the tree meets the definition of a Hazard or Nuisance Tree provided in BLMC16.36.110 and BLMC 16.36.170

   b. A “snag” or wildlife tree shall be created from the Hazard Tree. If Qualified Arborist determines that the tree cannot or should not be used
for as “snag” or wildlife tree, the tree may be removed from the vegetation conservation area.

2. The removal is part of an approved development that includes mitigation for impacts to ecological functions

F. A tree removal request shall be submitted in writing to the City prior to the removal of any tree. The request shall include the location, number, type and size of tree(s) being removed and the proposed replacement tree(s) and planting plan. The City shall inspect the tree replacement once installation is complete.

G. Nondestructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning shall comply with National Arborist Association pruning standards. No more than 25% of the limbs of any single tree may be removed and no more than 20% of the canopy cover in any single stand of trees may be removed for view preservation.

H. Aquatic weed control shall occur in compliance all other applicable laws and standards in addition to the following:

1. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, is the preferred method.

2. When large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.

3. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations. The Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of required approvals from the Department of Ecology.

4. All herbicides shall be applied by a licensed professional.

16.56.070 Water Quality and Quantity

A. All shoreline development shall comply with the applicable requirements of the Pierce County 2008 Stormwater Management and Site Development Manual and all applicable City stormwater regulations established by Chapter 15.14 BLMC – Stormwater Management.

B. Where feasible, shoreline development must implement low impact development techniques pursuant to the standards contained in the Pierce County 2008 Stormwater Management and Site Development Manual – Volume VI.

D. The direct runoff of chemical-laden waters into adjacent water bodies is prohibited.

16.56.080 Methodology for Calculating Impervious Area

The percentage of impervious surface shall be calculated according to the following formula:

A. Percentage of impervious surface = (total footprint area of impervious surfaces, including all pavement, compacted gravel areas, and buildings) / (total land area of the property).

B. In calculating impervious surface, pavers on a sand bed may be counted as fifty percent (50%) impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt may be counted as per manufacturer’s specifications. To calculate the net impervious surface of such an area, multiply the area of the pavement by the percentage of imperviousness.

C. The City may determine the percentage of imperviousness for pavements that are not specified here.

D. As an alternate to the above quantitative standards, the applicant may submit a stormwater retention plan, prepared by a licensed civil engineer or hydro-geologist. The plan may incorporate alternate means of addressing stormwater run-off impacts such as Low Impact Development techniques, rain gardens, etc. In order to be approved, the plan must conclusively demonstrate that its implementation will result in a higher level of ecological function than the standards in BLMC 16.58.080.A through 16.58.080.C.

16.56.090 Methodology for Determine Shoreline Frontage

A. Water frontage shall be measured in the following manner:

   1. The two property lines intersecting the OHMW shall be continued waterward in a straight line; and

   2. A centerline bisecting equal distances between the two property lines shall be established; and

   3. A straight line perpendicular to the centerline shall be drawn between the two property lines with at least one end of the straight line affixed to a point where the OHWM intersects one of the property lines.
4. The water frontage shall be measured as the length of the straight line created.

![Figure 6: Determining Shoreline Frontage](image)

### 16.56.100 Permitted Intrusions into Shoreline Setback

A. The following developments and modifications may be located in the portion of the required shoreline setback that is outside of the vegetation conservation area:

1. Underground utilities accessory to an approved shoreline use, provided there is no other feasible route or location.

2. Bioretention swales, rain gardens, or other similar bioretention systems that allow for filtration of water through planted grasses or other native vegetation.

3. Infiltration systems; provided, that installation occurs as far as feasible from the OHWM.

4. Bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into the shoreline setback, subject to the following limitations:
   a. Eaves on bay windows may extend an additional 18 inches beyond the bay window.
   b. Chimneys that are designed to cantilever or otherwise overhang are permitted.
   c. The total horizontal dimension of these elements that extend into the shoreline setback, excluding eaves and cornices, shall not exceed 25
percent of the length of the facade of the primary structure facing the shoreline.

5. Uncovered patios or decks may extend a maximum of 10 feet into the shoreline setback, subject to the following standards

   a. The improvement shall be constructed of a pervious surface, such as wood with gaps between boards and a pervious surface below, unit pavers, grid systems, pervious concrete, or, alternatively, equivalent material approved by the Shoreline Administrator.

   b. The improvement shall not be closer than 20 feet to the rear property line.

   c. The total horizontal dimension of the improvement that extends into the shoreline setback shall not exceed 50 percent of the length of the facade of the primary structure facing the shoreline.

   d. The improvement shall be located on the ground floor of the building and shall not be elevated more than necessary to allow for grade transition from the structure to the deck or to follow the existing topography.

6. Appurtenances, dry boat storage and other similar accessory structures subject to the following

   a. Only one structure that is 200 square feet or less is permitted within the shoreline setback.

   b. The structure shall maintain a minimum twenty (20) foot setback from the rear property line.

   c. Only water-dependent aspects of dry-boat storage, such as docks, boat hoists and boat lifts may be permitted within vegetation conservation area.

   d. Boat hoist, boat lifts, and docks associated with dry boat storage shall be consistent with applicable requirements of BLMC 16.54.030.

7. Retaining walls and similar structures that are no more than four (4) feet in height above finished grade; provided the structure is not for retaining new fill to raise the level of an existing grade, but only to retain an existing slope prior to construction and installed at the minimum height necessary.

8. Public trails subject to the requirements BLMC 16.52.030.E and BLMC 16.56.110.

B. The following developments and modifications may be located in all portions of the required shoreline setback including the vegetation conservation area:
1. Shoreline stabilization measures approved under the provisions of BLMC 16.54.020.

2. Fences to delineate property boundaries no more than six (6) feet height which run perpendicular to the shoreline shall be allowed in the Shoreline Residential SED. Fences that run parallel to the shoreline are prohibited in all SEDs.

3. Private walkways within the shoreline setback and shoreline vegetative buffer may be permitted upon demonstrating compliance with the following standards:

   a. The maximum width of the access corridor shall be no more than 25 percent of the property’s shoreline frontage, except in no case shall the corridor area be required to be less than 15 feet in width.

   b. The walkway in the corridor area shall be no more than eight (8) feet wide.

   c. The walkway corridor area may contain minor improvements, such as garden sculptures, light fixtures, trellises and similar decorative structures that are associated with the walkway; provided, that these improvements comply with the dimensional limitations required for the walkway corridor area. Light fixtures approved under this subsection shall comply with the provisions contained in BLMC 16.56.120.
C. Accessory structures, appurtenances, and other development not addressed in this section shall comply with the most stringent shoreline setback established for the underlying SED.

16.56.110 Critical Areas

A. Critical areas located in the shoreline shall be regulated under the Shoreline Code.

B. The City Bonney Lake Critical Areas Code is incorporated into the Shoreline Code, except as noted below:

1. BLMC 16.20.145 – Critical Area Variances. Within Shoreline Jurisdiction, the Shoreline Variance process provided for in BLMC 16.58.050 shall be utilize to determining if relief may be granted from the Critical Areas Code.
2. BLMC 16.20.170 – Nonconforming Uses. Within Shoreline Jurisdiction, nonconforming uses shall be regulated by BLMC 16.56.150

3. BLMC 16.26.050 – Floodplain Variances. Within Shoreline Jurisdiction, the Shoreline Variance process provided for in BLMC 16.58.050 will be utilize to determining if relief may be granted from the Floodplain Code.

C. The exemptions provided in BLMC 16.20.070 only pertain to exemptions from specific standards within the Critical Areas Code for specified activities, only shoreline use, developments, and modifications that are identified in BLMC 16.58.020.A shall be exempt from a Shoreline Substantial Development Permit and must comply with the requirements of BLMC 16.58.020.B – BLMC 16.58.020.J.

D. If provisions of the Critical Areas Code and other parts of the Shoreline Code conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.

16.56.120 Public Access

A. The dedication and improvement of public access is required for the following development unless the conditions stated in 16.54.120.B, immediately below, apply:

1. Land division into more than four lots
2. Nonwater-oriented uses
3. Multi-family Residential development
4. Water-related and water-enjoyment uses
5. Development by public entities or on public land, including the City and public utility districts
6. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.

B. Public access is not required as part of development if any of the following conditions apply:

1. The development is a single family residence not part of a development planned for more than 4 parcels.
2. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City shall evaluate alternative
means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.

3. Where the property is not adjacent to the shoreline because it is separated from the shoreline by another property direct physical access to the shoreline is not required.

C. Pedestrian walkways installed to provide public access shall comply with the following standards:

1. The walkways shall be at least six (6) feet wide, but no more than eight (8) feet wide.

2. The walkways shall be distinguishable from traffic lanes by pavement material, texture, or change in elevation.

3. The walkways shall not be included with other impervious surfaces for lot coverage calculations.

4. Permanent barriers that limit future extension of pedestrian access between the subject property and adjacent properties are not permitted.

5. Regulated public access shall be indicated by signs installed at the entrance of the public pedestrian walkway on the abutting right-of-way and along the public pedestrian pathway. The signs shall be located for maximum public visibility.

6. Walkways shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.

7. All public pedestrian walkways shall be provided through either a tract, easement or similar legal agreement, in a form acceptable to the City Attorney, and recorded with the Pierce County Auditor’s Office. The legal description of the encumbered area shall be provided by the applicant in a format approved by the Shoreline Administrator.

D. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.

16.56.130 Lighting

A. Development activities shall comply with the following lighting standards:

1. All exterior building-mounted and ground-mounted light fixtures shall be directed downward and have “fully shielded cut off” fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
2. Exterior lighting mounted on piers, docks or other water-dependent uses located at the shoreline edge shall be at ground or dock level, be directed away from adjacent properties and the water, and designed and located to prevent lighting from spilling onto the water.

3. Exterior lighting installations shall be limited to those areas where it is needed for safety, security, and operational purposes.

4. Exterior lighting fixtures shall produce a maximum luminance value of 0.75 foot candle measured 10 feet from the source in the Shoreline Residential and Shoreline Multifamily SEDs and 0.1 foot-candles as measured at three feet above grade fifteen feet from the shoreline development or modification in the Natural and Park SEDs.

5. On the building façade facing the Lake Tapps Reservoir, illumination to enhance architectural features is prohibited.

6. Where feasible, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

7. The maximum mounting height of ground-mounted light fixtures shall be 12 feet. Height of light fixtures shall be measured from ground or the parking surface below the lamp to the bottom of the light bulb.

B. The following development activities are exempt from the submittal and lighting standards established in this section:

1. Emergency lighting required for public safety;

2. Lighting for public rights-of-way;

3. Outdoor lighting for temporary or periodic events (e.g. community events at public parks);

4. Temporary seasonal decorations and lighting; and

16.56.140 Signs

Signage shall not be permitted to be constructed over water or within the required shoreline setback, except as follows:

A. Boat traffic signs, directional signs, and signs displaying a public service message.

B. Interpretative signs in coordination with public access and recreation amenities.
C. Building addresses mounted flush to the end of a pier, with letters and numbers at least four (4) inches high.

16.56.150 Non-Conforming Uses and Developments

A. Residential structures and appurtenant structures that were legally established and used for a conforming use but do not meet standards for: shoreline setbacks, height or density shall be considered conforming uses.

B. Single-family residences that were legally established and are located landward of the OHWM that do not meet the shoreline setback may be enlarged or expanded upon approval of a Shoreline Substantial Development Permit provided that the new construction complies with applicable bulk and dimensional standards of the Title 18, the applicable provisions of the Shoreline Code, and does not expanded further into the shoreline setback except as provided for in BLMC 16.56.040 and BLMC 16.56.100.

C. Nonresidential uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses and shall not be enlarged or expanded.

D. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

E. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

F. A nonconforming structure which is moved any distance must be brought into conformance with the SMP and the SMA.

G. All nonconforming use discontinued for twelve consecutive months or for twelve months during any two-year period, shall forfeit all nonconforming use rights and any subsequent uses or structures shall be conforming.

H. Nonconforming uses and structures not addressed in this section shall comply with the requirements of WAC 173-27-080.

16.56.160 Emergency Actions

A. Emergency actions are those that pose an unanticipated and imminent threat to public health, safety, or the environment and that require immediate action within a time too short to allow full compliance with the provisions of the SMP. 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. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

B. Emergency actions shall meet the following standards:

1. Use reasonable methods to address the emergency;

2. Be designed to have the least possible impacts on shoreline ecological functions and processes; and

3. Be designed to comply with the provisions of the SMP, to the extent feasible.

C. The party undertaking the emergency action shall notify the Shoreline Administrator as provided below:

1. Within two (2) working days following commencement of the emergency, the property owner shall provide notice of the existence of the emergency.

2. Within seven (7) days, the party shall provide a request for a shoreline exemption which shall include a description of the work, site plan, description of pre-emergency conditions and other information requested by the City to determine whether the action is permitted within the scope of an emergency action.

D. The Shoreline Administrator shall evaluate the action for consistency with the provisions contained in WAC 173-27-040(2) (d) and within ten (10) working days shall determine whether the proposed action, or any part of the proposed action is within the scope of the emergency actions allowed in WAC 173-27-040(2) (d).

E. Upon abatement of the emergency situation the applicant shall obtained any permits which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, Chapter 43.21C RCW, Chapter 173-27 WAC and the SMP. The applicant shall submit all of the required permit applications within 30 days of the abatement of the emergency situation.

Section 17. Shoreline Permits. Chapter 16.58 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Shoreline Permits” to read as follows:

16.58.010 General Provisions

The requirements for Shoreline Permits shall be in accordance with chapter 173-27 WAC and as administered by The City of Bonney Lake. Applicants should inquire to the Shoreline Administrator for permit application requirements.
16.58.020 Shoreline Exemptions

A. Only the developments and activities listed in RCW 90.58.147, RCW 90.58.355, RCW 90.58.515, WAC 173-27-040(2), and WAC 173-27-045 as presently constituted or as may be subsequently amended shall be exempt from the requirement to obtain a Shoreline Substantial Development Permit.

B. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted an exemption.

C. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.

D. A development activity or use that is listed as a conditional use pursuant BLMC 16.50.020 shall obtain a Conditional Use Permit even if the development is exempt from a Shoreline Substantial Development Permit.

E. Developments that do not comply with the bulk, dimensional and performance standards of the Shoreline Code must obtain Shoreline Variance, even if the development is exempt from a Shoreline Substantial Development Permit.

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

G. Developments cannot be submitted in a piece-meal fashion to avoid the requirement for a substantial development permit.

H. Applicants shall obtain a written letter of exemption from the Shoreline Administrator prior to commencing with exempted activity. The burden of proof that a development or use is exempt from the permit process is on the applicant.

I. The Shoreline Administrator shall prepare a statement of exemption which shall include the following:

1. Identification the specific exemption provision(s) that is being granted.

2. A summary of the analysis demonstrating consistency of the project with the SMP and the SMA.

3. Conditions of approval determined to be necessary by the Shoreline Administrator to assure that the project is consistent with the SMP and SMA.

J. Copies of the statement of exemption shall be provided to the Department of Ecology.
16.58.030 Shoreline Substantial Development Permits

Shoreline substantial development permits may be granted provided the applicant can demonstrate that the proposal complies with the:

A. Goals, policies and regulations established by the SMP;

B. Bonney Lake Comprehensive Plan and Municipal Code; and

C. The policies, guidelines, and regulations of the SMA (RCW 90.58, WAC 173-26 and WAC 173-27).

16.58.040 Shoreline Conditional Use Permit Criteria

A. Shoreline conditional use permits may be granted provided the applicant can satisfy the following criteria:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;

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 is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

6. Demonstration that if similar conditional use permits were granted for other developments in the area where similar circumstances exist, the total cumulative impacts of all of the similar conditional uses shall remain consistent with the policies of RCW 90.58.020 and the SMP and shall not produce substantial adverse effects to the shoreline environment.

B. Shoreline uses which are specifically prohibited by the SMP may not be authorized pursuant to a shoreline conditional use permit.

C. Shoreline uses and modifications not specifically identify in the SMP, for which policies and specific regulations have not been developed, shall be evaluated on case-by-case basis and shall be required to obtain a Shoreline Conditional Use Permit.
16.58.050 Shoreline Variance

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

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

C. Shoreline variance permits may be authorized, provided the applicant can satisfy all of the following criteria for granting shoreline variances:

1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

2. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;

3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

5. That the variance requested is the minimum necessary to afford relief; and

6. That the public interest will suffer no substantial detrimental effect.

7. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

D. Variance permits for development and/or uses will be located waterward of the ordinary high water mark (OHWM) or within any wetland may be authorized provided the applicant can demonstrate all of the following:
1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

2. That the proposal is consistent with the criteria established in BLMC 16.56.050.C.1 – 16.56.050.C.7; and

3. That the public rights of navigation and use of the shorelines will not be adversely affected.

16.58.060 Revisions to Permits

A. When an applicant seeks to revise a Shoreline Permit, the applicant shall provide detailed plans and text describing the proposed changes in the permit.

B. Revisions to an approved Shoreline Exemption or Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator.

C. Revisions to an approved Shoreline Conditional Use Permit or Shoreline Variance are reviewed by the Hearing Examiner.

D. Revisions to an approved Shoreline Permit may be approved, if the revisions are within the scope and intent of the original permit as defined below:

1. No additional over water construction is involved, except that pier, dock, or float associated with providing public access or a single-family residence may be increased by ten percent from the provisions of the original permit.

2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit; subject to the following limitations:
   a. Revisions involving new structures not shown on the original site plan shall require a new permit.
   b. The revised permit does not authorize development to exceed the lot coverage and/or height requirements established by the Shoreline Code; except as authorized under a variance granted as the original permit or a part thereof.

3. The revised permit does not authorize development to exceed any the development standards established by the Shoreline Code except as authorized under a variance granted as the original permit or a part thereof.

4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program.

5. The use authorized pursuant to the original permit is not changed.
6. No adverse environmental impact will be caused by the project revision.

7. The use authorized pursuant to the original permit is not changed.

E. If the revision, or the sum of the revision and any previously approved revisions, does not comply with the criteria of 16.58.070.B, the applicant shall apply for a new Shoreline Permit, as appropriate, in the manner provided for in the SMP.

F. If the revision to the original permit involves a Shoreline Conditional Use Permit or Shoreline Variance, the Shoreline Administrator shall submit the revision to the DOE, for DOE’s approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Local government shall notify parties of record of the department’s final decision.

G. Revisions to a Shoreline Permit are effective as provided below:

1. The Shoreline Administrator’s decision to approve or deny a revision to a Shoreline Substantial Development Permit is effective immediately. Appeals Shoreline Administers decision on the request revision must be filed with the Shoreline Hearings Board within twenty-one (21) days of the effective date of the decision.

2. The Shoreline Administrator’s decision to approve or deny a revision to a Shoreline Conditional Use Permit and/or Shoreline Variance is effective upon DOE’s decision to approval or deny the requested revision.

3. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant’s own risk until the expiration of the appeals deadline.

16.58.070 Permit Decisions

A. The decision to either or deny or approve a Shoreline Permit or a revision to a Shoreline Permit shall be based on the information provided in the application and entered into the record.

B. A written decision shall be issued either approving or denying a Shoreline Permit or a revision to a Shoreline Permit containing the following:

1. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations.

2. An analysis applicable explaining how the proposal is or is not consistent the applicable review criteria.
3. Conditions of approval determined to be necessary to assure that the project is consistent with the SMP and SMA

16.58.080 Notice of Permit Decision

A. Within eight (8) days of the decision to approve or deny a Shoreline Permit, the Shoreline Administrator shall provide copies of the written decision to applicant, all parties of record, and individuals that requested a copy of the decision.

B. All Shoreline Permit decisions which contain conditions approval shall be recorded with the Pierce County Auditor as a condition running in perpetuity with the land.

16.58.090 Filing the Permit Decisions with the State

A. Within eight (8) days of the decision to approve or deny a Shoreline Permit, the Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:

   1. A copy of the complete application.
   2. The final decision of the Shoreline Administrator or the Hearing Examiner.
   3. The permit transfer form provided in Appendix A to WAC 173-27-990.
   4. Where applicable, local government shall also file the applicable documents required by Chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW; and
   5. Affidavit of public notice.
   6. When the project has been modified in the course of the local review process, plans or text shall be provided to the department that clearly indicate the final approved plan.

16.58.100 Appeals

A. The decision to approve or deny a Shoreline Permit may be appealed as provided below:

   1. All appeals are governed by the procedures established in RCW 90.58.180.
   2. Appeals of decisions related to the revision of a Shoreline Substantial Development Permit must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filling.
3. Appeals of decisions related to a Shoreline Conditional Use Permit and/or Shoreline Variance must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of DOE’s decision to either approve or deny the Conditional Use Permit and/or Shoreline Variance.

B. The decision to approve or deny a revision to Shoreline Permit may be appealed as provided below:

1. All appeals are governed by the procedures established in RCW 90.58.180.

2. Appeals of decisions related to the revision of a Shoreline Substantial Development Permit must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filling.

3. Appeals of decisions related to the revision of a Shoreline Conditional Use Permit or Shoreline Variance must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of DOE’s decision to either approve or deny the revision.

4. Appeals shall be based only upon contentions of noncompliance with the provisions of 16.58.070.B.

5. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

16.58.110 Other Approvals

A. Work at or waterward of the OHWM may require permits or approvals from one or more of the following state and federal agencies: U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, or Washington Department of Ecology. Documentation verifying necessary state and federal agency approvals must be submitted to the City prior to issuance of a building permit.

B. All developments below the 545 elevation line along Lake Tapps requires the issuance of the license from the Cascade Water Alliance. Documentation verifying that the applicant has obtain the required license must be submitted to the City prior to issuance of a building permit

16.58.120 Application Materials

A. The owner of the subject property or the authorized agent(s) of the owner is encouraged to have a pre-application meeting with the City to determine if and what type of shoreline permit(s) is required for the proposed development or use.
B. All request for substantial development permits, conditional use permits and variances, shall, at a minimum, contain the following information and diagrams:

1. Completed JARPA form.

2. Written Justification: The applicant shall submit a written justification explaining how the development and/or use complies with the criteria established for the requested permit. In preparing the justification statement, the applicant must restate the criteria and provide the corresponding answer directly below each of the criteria.

3. All shoreline substantial development permits, conditional use permits and variances require a SEPA review in conjunction with the review of the underlying application.

4. 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 OHWM of all water bodies located adjacent to or within the boundary of the project. 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. For projects adjacent to the Lake Tapps Reservoir the OHWM shall be identified.
   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. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
   d. The approximate location of trees over 4.5 DBH, their size (DBH) and their species, along with the location of existing structures, driveways, access ways and easements and the proposed improvements.

5. A report from a Qualified Arborist stating the size (DBH), species, and assessment of health of all identified trees located within the vegetative buffer. This requirement may be waived by the Planning Official if it is determined that proposed development activity will not impact Significant Trees within the Vegetation Conservation Area regulated by BLMC 16.56.060.
C. All request for a shoreline exemption shall be made using a JARPA accompanied by a letter identifying which exemption(s) is request by the applicant and a simple site plan illustrating the location of the existing structure(s) and shoreline modification(s) and the proposed structure(s) and shoreline modification(s).

Section 18. BLMC Section 16.20.030 and Ordinance No. 1325 § 6, 2009 is hereby amended to read as follows:

16.20.030 Definitions.

“100-year flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

“Alter” means to change a critical area or its buffer, including grading, filling, dredging, clearing, construction, compaction, excavation, and pollution.

“Anadromous” refers to fish that spawn and rear in freshwater and mature in saltwater.

“Applicant” means a person who applies for a development permit from the city.

“Aquifer” means a geological formation capable of yielding water to a well or spring.

“Best management practices” means those practices which provide the best available and reasonable physical, structural, managerial, or behavioral activity to reduce or eliminate pollutant loads and/or concentrations leaving the site.

“Buffer” means an area contiguous to and required for protection of a critical area.

“Channel migration zone” means the lateral extent of likely movement of a stream or river during the next 100 years as evidenced by movement over the past 100 years.

“Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land in a manner that conserves natural functions.

“Critical aquifer recharge area” means an area with a critical recharging effect on aquifers used for potable water, as discussed in WAC 365-190-080(2). Within such areas, pollutants seeping into the ground are likely to contaminate the water supply.

“Critical area” means those areas listed in BLMC 16.20.060.

“Critical areas variance” means the process through which an applicant may gain flexibility in the application of specific regulations of the critical areas code to a specific proposal, when all the criteria for a critical areas variance have been met.
“Development” means any land use or action that alters a critical area or its buffer, including city approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits.

“Fish habitat” means habitat used by fish at any life stage at any time of the year.

“Functions and values” means the benefits conferred by critical areas, including water quality protection, fish and wildlife habitat, flood storage and conveyance, groundwater recharge, erosion control, and protection from hazards.

“Hazardous substance” means a liquid, solid, or gas that exhibits any of the properties described in WAC 173-303-090 or 173-303-100.

“Historic” means existing before the area was altered by human activity.

“Impact” means to adversely affect a natural system or increase the hazard which a natural system poses to human life and property.

“Impervious” refers to a hard surface area that retards the entry of water into the soil.

“Lowest floor” excludes unfinished enclosures usable only for parking, building access, or storage.

“Minor work” means work that is exempt from review under the State Environmental Policy Act, such as planting wetland-compatible indigenous plants, the removal of invasive or noxious weeds, or pruning trees, all using hand labor or hand-held equipment.

“Mitigation” means a requirement to replace or enhance critical areas—functions and values—destroyed or impacted by proposed land disturbances.

“Monitoring” means assessing the performance of mitigation measures by collection and analysis of data on changes in natural systems.

“Ordinary high water mark” means that mark on the bed or bank below which inundation is so common in ordinary years that the soil and/or vegetation are distinct from that of the abutting upland.

“Primary association” means a relationship between a species and a habitat area whereby the species regularly uses or otherwise needs the habitat area to thrive.

“Rill” means a small, steep-sided channel caused by erosion.

“Riparian habitat” means stream-side areas that influence the aquatic ecosystem by providing shade, debris, or insects and provide habitat for riparian wildlife.
“Species” means a group of animals commonly classified by the scientific community as a species or subspecies.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the structure’s market value before the improvement, or, if the structure was damaged, before the damage occurred.

“Watercourse” means flowing waters of the state, perennial or intermittent, excluding artificial waterways such as ditches or canals not created by human alteration of a natural watercourse.

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

“Wetland mitigation bank” means a site where wetlands are restored, created, or enhanced to mitigate in advance authorized impacts to similar resources.

Section 19. BLMC Section 16.20.130 and Ordinance No. 1252 § 1, 2007 is hereby amended to read as follows:

16.20.130 Substantive requirements.

A. All treatment of critical areas shall be in accordance with best available science as defined in WAC 365-195-900 through 365-195-925, which is hereby adopted by reference, along with the Washington State Department of Community Development’s “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas.”

B. Critical areas and their buffers shall be left undisturbed except the following may be permitted if best management practices are used:

1. Authorized functional restoration;

2. In buffers: utility poles and utility lines which do not require excavation;

3. In the outer twenty-five percent (25%) of buffers or and at least 50 feet from the critical area edge: permeable-surfaced walkways, trails, and minimal wildlife viewing structures;
4. Developments **authorize by a critical area variance pursuant to BLMC 16.20.145** for which mitigation is **allowed provided per 16.20.130.E subsection E of this section**; and

5. Other uses specifically authorized by this critical areas code.

C. No development shall occur which results in a net loss of the functions or values of any critical area except reasonable use variances per BLMC 16.20.140(B). The pre- and postdevelopment functional comparison shall be on a per function basis unless otherwise authorized by this critical areas code.

D. No development shall occur in critical areas and their buffers which results in an unreasonable hazard to the public health and safety.

E. These substantive requirements shall be met via one or more of the following methods, listed in preferential sequence (commonly known as “sequencing”). The methods used shall be those which are highest on the list yet consistent with the objectives of the proposed development.

1. Avoid the impact altogether by not taking the proposed action;

2. Minimize the impact by limiting the action’s magnitude or changing the project design, location, or timing;

3. Mitigate (compensate for) the impact on natural system functions and values by enhancing or replacing other natural systems and ensuring that the mitigation serves its purpose over time. Mitigation should provide equivalent or greater functions and values than those of the critical area it replaces. The mitigation shall be near the impact site unless it is more cost-effective to mitigate lost functions at a larger scale, such as at a wetland mitigation bank within the impacted wetland’s drainage basin. The city reserves the right to disallow mitigation that would be located outside the UGA.

F. As a condition of any permit approval, the city may require that:

1. The outer edge of the critical area or buffer be marked, signed, or fenced to protect the resource. Such protection may be temporary, during construction, or permanent such as to protect the resource from livestock or people. The director(s) shall specify the design and sign message, if applicable, of such markers, signs, and fencing;

2. The applicant file a notice with the county records and elections division stating the presence of the critical area or buffer and the application of this critical areas code to the property, to inform subsequent purchasers of the property;

3. The critical area and/or buffer be placed in a critical area tract or conservation easement, the purpose of which is to set aside and protect the critical area. The critical area tract or conservation easement shall be:
a. Held by the city, a homeowner’s association, a land trust or similar conservation organization, or by each lot owner within the development in an undivided interest;

b. Recorded on all documents of title of record for the affected parcels;

c. Noted on the face of any plat or recorded drawing; and

d. Delineated on the ground with permanent markers and/or signs in accordance with local survey standards.

G. The city may allow averaging of standard wetland and stream buffer widths if a qualified professional demonstrates that:

1. Functions and values are not adversely affected;

2. The total buffer area is not reduced; and

3. At no location is the buffer width reduced more than 40 percent.

H. Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical areas and critical area buffers. The same protrusions into this setback area shall be allowed as the zoning code allows into property line setback areas.

I. Lots created through subdivisions or short plats may contain critical areas and buffers provided they contain adequate buildable area to build upon. Subdivision and short plats shall show, on their face, any applicable critical area limitations.

J. When any existing regulation, easement, covenant, or deed restriction conflicts with this critical areas code, that which provides more protection to the critical areas shall apply.

K. When critical areas of two or more types coincide, the more restrictive buffer and requirements shall apply.

L. The substantive requirements peculiar to the type of critical area shall also be complied with. See following chapters.

Section 20. BLMC Section 16.22.010 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.010 Designation.

Wetlands are those areas, designated in accordance with the “Washington State Wetland Identification and Delineation Manual (1997),” Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region – Version 2.0 prepared by the U.S. Army Corps of Engineers (2010), that are inundated
or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. The Bonney Lake planning and community development department has maps showing the approximate location and extent of wetlands. However, these maps are only a guide, and will be updated as wetlands become better known. The exact location of a wetland’s boundary shall be determined in accordance with the above-stated manual as required by RCW 36.70A.175 (Ecology Publication #96-94, 1997).

Section 21. BLMC Section 16.22.020 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.020 Rating.

Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology’s “2004 Washington State Wetland Rating System for Western Washington” (Publication #04-06-014) as presently constituted or as may be subsequently amended. (See WAC 365-190-080(1)(a)). Wetland categories shall apply to the wetland as it exists on the date the city adopts the rating system, 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.

Section 22. BLMC Section 16.22.040 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.040 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following requirements shall apply to developments (see definitions) in wetlands except as exempted above.

A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority “sequencing” methods per BLMC 16.20.130(E).

B. The following table establishes the standard buffer width that shall apply to each wetland category, depending on the intensity of the potential land use on the upland side of the buffer as determined by the director(s) and the habitat score of the wetland as determined on the Wetland Rating Form for Western Washington Version 2, as presently constituted or as may be subsequently amended, completed by a qualified professional. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.
<table>
<thead>
<tr>
<th>Overall Wetland Rating</th>
<th>Habitat Score</th>
<th>High(^1) (including commercial areas, industrial areas, residential areas at more than four units per net acre, and areas of high-intensity agriculture or recreation)</th>
<th>Moderate(^2) (including residential areas at less than four units per net acre, parks, and trails)</th>
<th>Low(^3) (including passive recreation and open space)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>29 – 36 points</td>
<td>300 feet</td>
<td>250–225 feet</td>
<td>200–150 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>20 – 28 points</td>
<td>150 feet</td>
<td>110 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Category I</td>
<td>19 points or less</td>
<td>100 feet</td>
<td>75 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>29 – 36 points</td>
<td>200–300 feet</td>
<td>150–225 feet</td>
<td>100–150 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>20 – 28 points</td>
<td>150 feet</td>
<td>110 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Category II</td>
<td>19 points or less</td>
<td>100 feet</td>
<td>75 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>≥ Category III(^4)</td>
<td>20 points or greater</td>
<td>100–150 feet</td>
<td>75–110 feet</td>
<td>50–75 feet</td>
</tr>
<tr>
<td>Category III(^4)</td>
<td>19 points or less</td>
<td>80 feet</td>
<td>60 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>≥ Category IV(^4)</td>
<td>0 points or greater</td>
<td>50 feet</td>
<td>35–40 feet</td>
<td>35–25 feet</td>
</tr>
</tbody>
</table>

\(^1\) High Intensity Land Uses include commercial, industrial, and retail developments; institutional use, residential developments at more than 1 unit per acre; high intensity recreation areas (golf course, ball fields, etc.); and hobby farms.

\(^2\) Moderate Intensity Land Uses include residential developments at less than 1 unit per acre; moderate intensity open space (parks with biking, jogging, etc.); paved trails and utility corridors with maintenance roads.

\(^3\) Low Intensity Land Uses include low intensity open space (hiking, bird-watching, preservation of natural resources, etc.); unpaved trails and utility corridors without maintenance roads.

\(^4\) For exemption of wetlands under 1,000 square feet see BLMC 16.20.070(S).

C. Buffers shall be measured from the wetland boundary as surveyed in the field. These buffer widths presume that healthy native plant communities dominate the buffer. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.
Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the category of the wetland after enhancement shall pertain.

The director(s) may increase the required buffer width and/or require buffer enhancement if a wetland professional determines that the wetland provides habitat for wildlife species that require greater protection than the standard buffer, or the buffer lacks healthy native vegetation or is otherwise handicapped in its ability to protect the wetland. Said determination shall take into account the score derived from the Wetland Rating System and such factors as topography, land use, and past disturbance.

The director(s) may reduce the standard buffer width if the function(s) served by the particular wetland need less buffer width, as indicated by a wetland functional analysis.

Except as provided elsewhere in this critical areas code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer regrowth of native vegetation. Invasive weeds shall be removed for the duration of any mitigation bond. Stormwater management facilities and bioswales are permitted in the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands provided wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices.

Section 23. BLMC Section 16.22.050 and the corresponding portion of Ordinance No. 1070 § 2, 2004 is hereby amended to read as follows:

16.22.050 Mitigation.

A. Mitigation for alterations to wetlands may be by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the "Department of Ecology Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, 2004," as revised.

B. Mitigation shall generally replace wetland functions lost from the altered wetland except that the city may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

C. Mitigation shall be in the same drainage basin as the altered wetland. Wetland mitigation shall be in the same sub-basin unless a higher level of ecological functioning would result from an alternate approach.

D. Mitigation projects shall be completed as quickly as possible consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora.
E. Mitigation projects shall be designed utilizing Washington State Department of Ecology Publication #06-06-011a: Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (2006). with reference to “Wetland Replacement Ratios: Defining Equivalency,” Washington Department of Ecology, 1992, Publication #92-08: “Freshwater Wetlands in Washington State,” Volume 2, Appendix 8 C; and similar science. Mitigation projects shall score the impact site and the mitigation site using the Wetland Rating Data Form of the “Revised Washington State Wetlands Rating System for Western Washington.” The aggregate total of wetland functions and values after mitigation, altered and mitigation sites combined, shall be at least 50 percent greater than the aggregate total before mitigation; provided, that this replacement ratio (1.5 to 1, nonacreage based) shall be increased as necessary to compensate for mitigation that:

1. Has a greater than usual risk of failure;
2. Is out of kind;
3. Is outside the sub-basin;
4. Is unlikely to produce the intended functions and values within 10 years after the alteration; or
5. Remedies unauthorized alterations.

F. Because the above Mitigation replacement ratios is shall be based on a before-and-after count of functions and values, not acreage, as determined using the methodology established in Department of Ecology Publication #10-06-01: Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington (2012). Mitigation projects shall score the impact site and the mitigation site using the scoring form provided in Publication #10-06-01 – Appendix A. Wetland Rating Data Form of the “Revised Washington State Wetlands Rating System for Western Washington.” The aggregate total of debits for impacts to wetland functions and values and credits for wetland mitigation and preservation shall be zero as determined by the worksheets provided in Publication #10-06-01 – Appendix D. It accounts, without need for further adjustment, for mitigation that would result in a lower category wetland than the wetland being impacted, and mitigation that would enhance as opposed to create or restore a wetland. In the case of enhancement, wetland acreage may decline though wetland functions and values would increase. Enhancement proposals shall be based on a sound understanding of the mitigation site’s pre-and post-mitigation functions and values.

G. Credits granted from a certified wetland mitigation bank shall be consistent with the bank’s certification and service area.

H. The applicant shall provide an as-built plan of the mitigation site and monitor the site in accordance with BLMC 16.20.110(G).
Section 24. BLMC Section 16.30.050 and the corresponding portion of Ordinance No. 1252 § 2, 2004 is hereby amended to read as follows:

16.30.050 Substantive requirements.

In addition to the substantive requirements of BLMC 16.20.130, the following shall apply to habitat conservation areas:

A. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area except with approval of a state or federal agency with expertise.

B. Preference in mitigation shall be given to contiguous wildlife habitat corridors.

C. In reviewing development proposals, the city shall seek opportunities to restore degraded riparian fish and wildlife functions such as breeding, rearing, migration, and feeding.

D. The city shall require buffers of undisturbed native vegetation adjacent to habitat conservation areas as necessary. Buffer widths shall reflect the sensitivity of the habitat and may reflect the intensity of nearby human activity.

E. When a species is more sensitive to human activity during a specific season of the year, the city may establish an extra outer buffer from which human activity is excluded during said season.

F. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association, except in exchange for restoration as approved by the director(s) or as provided in a management plan approved by a state or federal agency with appropriate expertise.

G. When a development permit is applied for on land containing or adjacent to a bald eagle nest or communal roost, the city shall notify the Washington Department of Fish and Wildlife and otherwise comply with WAC 232-12-292.

H. No development shall be permitted which degrades the functions or values of anadromous fish habitat, including structures or fills which impact migration or spawning.

I. Construction and other activities shall be seasonally restricted as necessary to protect the resource. Activities shall be timed to occur during work windows designated by the Washington Department of Fish and Wildlife for applicable fish species.

J. Shoreline erosion control adjacent to lakes or streams not regulated under the Shoreline Code shall use bioengineering methods or soft armoring in accordance with an approved critical area report.
K. The following table establishes the standard width of stream buffers (also known as riparian habitat areas) that shall apply to each stream type. The Bonney Lake planning and community development department has maps showing streams of each type. Widths shall be measured outward in each direction, 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, or from the outer edge of the channel migration zone when present.

<table>
<thead>
<tr>
<th>Stream type</th>
<th>Standard buffer width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type S (subject to Shorelines Management Act)</td>
<td>200 feet (none identified in Bonney Lake)</td>
</tr>
<tr>
<td>Type F (fish-bearing other than S)</td>
<td>150 feet except 200 feet for Fennel Creek and 100 feet for Lake Debra Jane outfall to Fennel Creek</td>
</tr>
<tr>
<td>Type Np (nonfish, perennial)</td>
<td>100 feet (only PSE Flume is identified in Bonney Lake)</td>
</tr>
<tr>
<td>Type Ns (nonfish, seasonal)</td>
<td>35 feet except 25 feet for Lake Bonney outfall to Lake Debra Jane outfall</td>
</tr>
</tbody>
</table>

L. The director(s) may increase the standard buffer width as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential.

M. The director(s) may reduce the standard buffer width in exchange for restoration of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with BLMC 16.20.130(G). The director(s) may also reduce the standard buffer width wherever the proposed adjoining upland land use is of low intensity and low impact, such as passive-use parks.

N. If the stream enters an underground culvert or pipe, and is unlikely to ever be restored above ground, the director(s) may waive the buffer along the undergrounded stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

O. The Shoreline Master Program, not this critical areas code, shall determine allowable uses along and setbacks from lakes; provided, that this critical areas code shall govern wetlands, streams, and other critical areas lying within areas of shoreline management jurisdiction.
To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:

1. Trails: See BLMC 16.20.130(B)(3).


3. Utility lines shall be accomplished by boring beneath the scour depth and hyporheic zone (the saturated zone beneath and adjacent to streams that filters nutrients and maintains water quality). Utilities shall avoid paralleling streams or changing the natural rate of shore or channel migration.

4. New and expanded public flood protection measures shall require a biological assessment approved by the agency responsible for protecting federally listed species.

5. Instream structures such as high-flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs shall be allowed only as part of an approved restoration project.

6. Stormwater conveyance structures shall incorporate fish habitat features and the sides of open channels and ponds shall be vegetated to retard erosion, filter sediments, and shade the water.


Section 25. The name of Chapter 14.40 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 2 Permits (Categorically Exempt Short Plats and Final Plats)

Section 26. The name of Chapter 14.50 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 3 Permits (Non-SEPA-Exempt Building Permits, Short Plats, Sensitive Area Permits, Shoreline Letters of Exemption, and Site Plan Approvals)

Section 27. The name of Chapter 14.60 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 4 Permits (Variances and Categorically Exempt Conditional Use Permits)
Section 28. The name of Chapter 14.70 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 5 Permits (*Shoreline Permits and Critical Areas Variances*)

Section 29. The name of Chapter 14.80 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

Type 6 Permits (*Preliminary Plats and Site-Specific Rezones*)

Section 30. BLMC 14.20.010 and Ordinance No 1466 § 1, 2013 is hereby amended to read as follows:

14.20.010 Classification.

Permits shall be classified according to which procedures apply. In the following table an “X” designates the procedure (row) that pertains to that type of permit (column):

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory reform applies; that is, per RCW 36.70B.140, the city must</td>
<td>2</td>
</tr>
<tr>
<td>issue a determination of completeness, etc.</td>
<td>3</td>
</tr>
<tr>
<td>Non-SEPA-exempt (SEPA threshold determination required)</td>
<td>4</td>
</tr>
<tr>
<td>Public hearing required</td>
<td>5</td>
</tr>
<tr>
<td>City council decision after recommendation from hearing examiner</td>
<td>6</td>
</tr>
<tr>
<td>(preliminary plats, site-specific rezones) or planning commission</td>
<td></td>
</tr>
<tr>
<td>(code or comprehensive plan amendments)</td>
<td></td>
</tr>
</tbody>
</table>

The above table, applied to permits issued pursuant to the Bonney Lake development code, results in the following list of permits by type:
<table>
<thead>
<tr>
<th>Type</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling units (ADU) permits</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative wireless communication facility (WCF) permits</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boundary line adjustments</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building permits, SEPA-exempt</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land clearing permits</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot combinations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sensitive area permits, SEPA-exempt</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign permits</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<td>Sign variances</td>
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<td>Short plats, SEPA-exempt</td>
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<td>Building permits, non-SEPA-exempt</td>
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<td>Site-specific zoning reclassification not processed concurrently with a comprehensive plan amendment</td>
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</table>
Section 31. BLMC 14.20.010 and Ordinance No 1325 § 2, 2009 is hereby amended to read as follows:

14.30.010 Procedure.

A. The director(s) shall approve completed Type 1 permit applications that meet the appropriate permit approval criteria. See the pertinent BLMC section or building code as follows:

<table>
<thead>
<tr>
<th>1. Building permits, SEPA-exempt</th>
<th>The pertinent building code</th>
</tr>
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<tbody>
<tr>
<td>2. Temporary permits</td>
<td>Chapter 14.100 BLMC</td>
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<td>3. Sign permits</td>
<td>BLMC 15.28.050 – 15.28.060</td>
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<td>4. Sign variances</td>
<td>BLMC 15.28.260</td>
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<td>5. Land clearing permits</td>
<td>BLMC 16.20.060</td>
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<td>6. Sensitive area permits</td>
<td>BLMC 16.20.060</td>
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<td>7. Boundary line adjustments</td>
<td>BLMC 17.56.010</td>
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<td>8. Lot combinations</td>
<td>BLMC 17.56.020</td>
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<tr>
<td>9. Administrative WCF permits</td>
<td>BLMC 18.50.009(B) &amp; 18.50.013</td>
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<tr>
<td>10. ADU permits</td>
<td>BLMC 18.22.090(B)</td>
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</tbody>
</table>

B. If the proposal is not exempt from design review (see Chapter 14.95 BLMC), the design commission shall review it and issue a finding of conformance (with or without conditions) or non-conformance with the community character element of the comprehensive plan.

C. The director(s) shall not approve the permit unless (1) the design commission has issued a finding of conformance with the community character element of the comprehensive plan, or (2) the director(s) has issued a finding of conformance contravening the design commission’s finding. If the director(s) contravenes the design commission’s finding, the director(s) shall promptly inform the design commission in writing of the reasons for doing so.

D. For appeals of shoreline permits see RCW 90.58.180BLMC 16.58.100. For other appeals see BLMC 14.120.020 and 14.120.030.

E. No building permit shall be issued for work requiring a Type 1 permit until the 15-day appeal period has lapsed; provided, that this prohibition shall not apply if:
1. The work requires only a building permit; or

2. The director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant’s expense should an appeal result in revocation or modification of the appealed permit.

Section 32. BLMC Section 14.70.110 and the corresponding portion of Ordinance No. 988 § 2, 2003 is hereby amended to read as follows:

14.70.110 Appeal.

For appeals of shoreline permits see RCW 90.58.180BLMC 16.58.100. For other appeals see BLMC 14.120.040.

Section 33. BLMC Section 18.14.06 and the corresponding portion of Ordinance No. 1302 § 2, 2003 is hereby amended to read as follows:

18.14.060 Setback and bulk regulations.

The following bulk regulations shall apply to the uses permitted in this district, subject to the provisions for yard projections included in BLMC 18.22.080:

A. Required density at the conclusion of any short plat or subdivision: four to five dwelling units per net acre. For example, the subdivision of a parcel of three net acres must result in between 12 and 15 dwelling units.

B. Minimum lot width: 55 feet. See also subsection H of this section.

C. Minimum front setback: 20 feet for garages, 10 feet for residences. See also subsection H of this section. In areas where existing right-of-way is insufficient, additional setback shall be required as necessary.

D. Minimum side yard: five feet (not applicable to property lines where single-family residences are attached).

E. Minimum rear setback shall be as follows. See also subsection H of this section.

   1. Residence: 20 feet, other than residences on Lake Tapps, which shall have a rear setback of 30 feet.
   2. A separate garage or accessory building: within 10 feet.
   3. A boathouse, if approved, may be constructed with no rear yard setback.

F. Maximum height: 35 feet above grade.
G. Maximum lot coverage by impervious surfaces: 60 percent. See also subsection H of this section.

H. In the case of new subdivisions that cluster residences and preserve open space, concurrent with subdivision approval the city may reduce the requirements in subsections B, C, E and G of this section by up to 50 percent if indicated by application of the conditional use permit criteria (see BLMC 18.52.020(C)). See the list of conditional uses at BLMC 18.14.040.

**Section 34. Codification.** Sections 5 – 17 of this Ordinance shall be codified as Article III in Title 16 of the Bonney Lake Municipal Code and entitled "Shoreline Code".

**Section 35. Repealer.** The previously codified provisions of Chapter 16.08 BLMC and section 1 – 5 and 11 of Ordinance No. 404, sections 5, 5A and 12 of Ordinance 404A, sections 7 and 8 of Ordinance 555, section 4 and 5 of Ordinance 639 and the corresponding portion of Section 2 of Ordinance 988 are each repealed.

**Section 36. Repealer.** BLMC Section 16.20.160 and the corresponding portion of Section 2 of Ordinance No. 1070, 2004 is hereby repealed.

**Section 37.** This Ordinance shall take effect and be in force fourteen (14) days from and after its passage, approval and publication, as required by law.

PASSED by the City Council and approved by the Mayor this ___ day of ______, 2014.

______________________________
Neil Johnson, Mayor

ATTEST:

______________________________
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

______________________________
Kathleen Haggard, City Attorney